

## Item No. 11

**APPLICATION NUMBER** CB/14/01924/FULL  
**LOCATION** Former Norman King PH , Church Street,  
Dunstable, LU5 4HN  
**PROPOSAL** Demolition of remains of existing former Norman  
King PH and removal of plant equipment adjacent  
to the Old Palace Lodge, Erection of two storey  
building to accommodate 12 No. aparthotel rooms,  
thatched covered parking structure, alterations to  
hotel entrance, introduction of revised access, and  
associated works.  
**PARISH** Dunstable  
**WARD** Dunstable Icknield  
**WARD COUNCILLORS** Cllrs McVicar & Young  
**CASE OFFICER** Abel Bunu  
**DATE REGISTERED** 19 May 2014  
**EXPIRY DATE** 18 August 2014  
**APPLICANT** MGM Hotels Ltd  
**AGENT** David Lock Associates  
**REASON FOR  
COMMITTEE TO  
DETERMINE** Brought to Committee by the Interim Assistant  
Director for Planning due to the degree of public  
interest and member interest.

**RECOMMENDED  
DECISION** Full Application - Recommended for Approval

### Recommendation

That Planning Permission be **GRANTED** subject to the following:

### RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The aparthotel building hereby approved shall only be used in association with the Old Palace Lodge Hotel and for no other independent residential use (including any other purpose falling within Classes C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To exclude the provisions of the said Use Classes Order and thereby ensure the Local Planning Authority retains full control of the future use of the land and building in view of the combined parking provision with the hotel and in recognition of no requirement for planning obligations. (Policies 43 & 45, DSCB)

- 3 The carport building and parking spaces hereby approved shall only be used for the parking of vehicles in connection with the occupation of the aparthotel rooms and the Old Palace Lodge Hotel.

Reason: To ensure that adequate off street parking provision is made for the approved development.  
(Policies 27 & 43, DSCB)

- 4 The carport shall be erected in accordance with the details hereby approved and completed to the Local Planning Authority's satisfaction prior to the first occupation of the aparthotel rooms and thereafter permanently retained as such.

Reason : To ensure that the development reflects some of the characteristic features of the former Norman King Public House in the interests of preserving and enhancing the appearance of the Conservation Area.

(Policies BE8 S.B.L.P.R and 43 & 45 DSCB)

- 5 **Notwithstanding the details submitted with the application no development shall take place until samples of external materials comprising wall brick, chimney brick, stone detailing, roof tile, carport framing and weatherboard cladding, RWG (gutter, down pipe and hopperhead) proposed to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 6 **Notwithstanding the details submitted with the application no development shall take place until an external materials and finishes schedule comprising a written schedule of external materials and finishes proposed to be used in the development hereby approved, including colour schemes expressed as RAL Nos. or demonstrated by clearly labelled swatches, have been submitted to and approved in writing by the Local Planning Authority and the approved development shall thereafter be undertaken strictly in accordance with the approved details**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 7 **Notwithstanding the details submitted with the application, the face brickwork of the development hereby approved shall be constructed in English Bond in a lime-based mortar, written details of the mix constituents and proportions of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved development shall**

thereafter be undertaken strictly in accordance with the approved details.

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 8 Notwithstanding the details submitted with the application, no development shall take place until a sample panel of face brickwork, demonstrating brick type, brick bond, mortar mix and mortar jointwork finish have been constructed and retained on site for the inspection and agreement in writing by the Local Planning Authority and the approved development shall thereafter be undertaken strictly in accordance with the approved details

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 9 Notwithstanding the details submitted with the application no works of demolition and development shall take place until drawn details in elevation and section, 'as existing' and 'as proposed', and at an appropriate scale between 1:10 and 1:20, as appropriate, which show in detail the proposed integration *in situ* of existing clunch stone walling in the front elevation of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority and the required wall protection together with the approved development shall thereafter be undertaken strictly in accordance with the approved details

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 10 Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site the thatched roof cover proposed to be installed as part of the development hereby approved shall be constructed using long straw and shall be given a plain flush ridge and hips in accordance with conservation good practice and as set out in the specifications of The East Anglian Master Thatchers Association, June 2009, and the roof cover so formed shall be maintained as such thereafter in perpetuity.

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 11 **Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site the windows proposed to be installed in the development hereby approved shall be of painted timber and expressly exclude trickle venting, unless otherwise agreed in writing by the Local Planning Authority and shall incorporate structural glazing bar elements and not applied or planted 'decorative' glazing bar elements, and shall be maintained as such thereafter in perpetuity.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 12 **Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site details in elevation and section of the external doors and windows proposed to be installed in the development hereby approved, drawn at an appropriate scale between 1:10 and 1:20, as appropriate and including glazing bar profiles at a scale of 1:1, shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall thereafter be undertaken strictly in accordance with the approved details.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 13 **Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site rainwater goods (including gutter sections, downpipes and hopperheads) to be installed as part of the development hereby approved shall be of black-painted cast aluminium 'heritage range' type, samples and details of which shall be submitted to and approved in writing by the Local Planning Authority, and shall be maintained on the property as such thereafter in perpetuity.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 14 **Notwithstanding the details submitted with the application following the dismantling of the remains of the former Public House, no part of the extant structural timber framing shall be removed from site or destroyed until inspected by an appropriate Officer of the Local Planning Authority, and appropriate disposal of the framing sections confirmed by the Local Planning Authority thereafter in writing. Full provision for the appropriate and safe storage of such structural items, and notification arrangements inviting Local Planning Authority inspection shall be confirmed in writing to, and approved by, the Local Planning Authority prior to the commencement of works of demolition on site, and the approved works of demolition shall thereafter be implemented strictly in accordance with the approved details.**

**Reason: To ensure the adequate recording and appropriate disposal of particular architectural details surviving in the extant building in accordance with paragraph 141 of the NPPF.**

- 15 **Notwithstanding the details submitted with the application, no works of demolition shall take place until a written method statement has been submitted to and approved in writing by the Local Planning Authority confirming arrangements for the complete protection, during and after the works of demolition hereby approved, of the extant stone frontage walling to be retained and incorporated in situ within any new building on the site. The approved works of demolition shall thereafter be implemented strictly in accordance with the approved details.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Conservation Area.**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 16 **No demolition or development shall take place until a method statement for a laser buildings survey has been submitted to and approved in writing by the Local Planning Authority. The results of the laser building survey shall also be submitted to and approved in writing by the Local Planning Authority before any demolition or development takes place.**

**Reason: To record and advance the understanding of the significance of the former designated heritage asset before it is lost in accordance paragraph 141 of the NPPF;**

**(Policies 43 & 45 DSCB)**

- 17 **No demolition or development shall take place until a written scheme of archaeological investigation, which reflects the final foundation design, has been submitted to and approved in writing by the Local Planning Authority.**

**The written scheme shall include details of the following components:**

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A method statement for the preservation in situ of any significant archaeological remains present at the site;**
- **An outline strategy for post-excavation assessment, analysis and publication;**
- **A programme of community engagement**

**The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:**

- **The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;**
- **The implementation of a programme of preservation in situ of**

- any significant archaeological remains present at the site.
- The submission within six months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.
- The completion within two years of the conclusion of the archaeological investigation (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report;
- The implementation within one year of the approval of the publication report (unless otherwise agreed in writing by the Local Planning Authority) of the programme of community engagement.

**Reason:** To record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the National Planning Policy Framework and to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.  
(Policies 43 & 45 DSCB)

- 18 **Development shall not begin until details of the junction of the proposed vehicular access with Kingsway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

**Reason**

**In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Policy 43 DSCB).**

- 19 **Development shall not begin until the improvements to the junction of the vehicular access with Church Street have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

**Reason**

**In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Policy 43 DSCB).**

- 20 **Visibility splays shall be provided from both accesses to the site. This vision splay shall be provided on each side of the access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the**

footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

To provide adequate visibility and make the accesses safe and convenient for the traffic which is likely to use them.  
(Policy 43 DSCB).

- 21 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.  
(Policy 43 DSCB).

- 22 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason

In the interests of the safety of persons using the access and users of the highway.  
(Policy 43 DSCB).

- 23 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.  
(Policy 43 DSCB).

- 24 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.  
(Policy 43 DSCB).

- 25 **Development shall not begin until details of a refuse storage area and collection point have been approved by the Local Planning Authority and the aparthotel rooms shall not be occupied until the said storage and collection points have been constructed in accordance with the**

approved details.

**Reason**

To ensure the refuse collection bins do not cause a hazard or obstruction to the highway or parking area.  
(Policy 43 DSCB).

- 26 Development shall not begin until details of secure cycle storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and the apartment rooms shall not be occupied until the said storage and parking have been constructed in accordance with the approved details.

**Reason**

In order to promote sustainable modes of transport.  
(Policies 24 and 43 DSCB).

- 27 No development shall commence until details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

**Reason**

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.  
(Policies BE8 S.B.L.P.R and 43 DSCB).

- 28 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

**Reason**

To ensure adequate off street parking during construction in the interests of road safety.  
(Policy 43 DSCB).

- 29 No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
  - Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

- 30 No occupation of the permitted apartment rooms shall take place until



**the following has been submitted to and approved in writing by the Local Planning Authority:**

- **Where shown to be necessary by any Phase 2 Desk Study found to be necessary, a Phase 3 detailed remediation scheme and measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any permitted building is occupied.**

**The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

- 31 **Prior to the commencement of the development and thereafter, all tree protection measures for all trees marked for retention shall be implemented in strict accordance with the Arboricultural Method Statement, produced by RGS Arboricultural Consultants (Ref CB/14/01924/FULL) dated July 2014 and any subsequent amendments.**

**REASON**

**To ensure satisfactory tree protection measures so as to secure the health and anchorage of all retained trees in order to maintain the visual amenity of the area.**

**(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 32 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers DRW SK10, DRW REF SK11, DRW REF SK12 Rev. B, DRW REF SK13 REV.A, DRW REF SK14 REV.A, DRW REF SK15 REV.A, DRW REF SK16, DRW REF SK20 REV.B, DRW REF WD1, DRW REF WD2, DRW REF WD3, DRW REF WD4, DRW REF WD5, DRW REF WD6, DRW REF WD7, DRW REF WD8, DRW REF WD10 & DRW REF WD11 Rev A.

Reason: To identify the approved plans and to avoid doubt.

**Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. **The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**
7. **There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.**
8. **Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission in order to protect human health and the environment.**
9. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))

Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of an amendment to the report and amendments to two conditions as follows:
  - a. Page 92 – South Bedfordshire Local Plan Review Policies – delete Policy TCS1 (Sustaining and Enhancing the District’s Town Centres);
  - b. Amended condition 2 under Reason: third line remove the word ‘having’;
  - c. Amended condition 32 revised drawing references should now read: DRW REFSK14 Rev. A and SK20 Rev. B.]