



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 11 MARCH 2021 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest (Chairman)	Councillor Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Uttley
Councillor Hobson	Councillor Woolner
Councillor Maddern	Councillor Tindall
Councillor McDowell	

For further information, please contact member.support@dacorum.gov.uk or 01442 228209

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	5pm the day before meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: Member.support@dacorum.gov.uk

The Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

Please note: If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 20/03492/FUL - Conversion of existing public house (A4) to form three residential dwellings (C3), including a single storey extension above the existing single-storey element of the building, utilising existing access with associated hard and soft landscaping and vehicular parking. (AMENDED SCHEME) -The Crystal Palace Station Road Berkhamsted Hertfordshire HP4 2EZ (Pages 6 - 94)
- (b) 20/03732/FUL - Demolition of 18 residential garages and construction of 4 no. dwelling houses - Land Off Beechfield Kings Langley Hertfordshire WD4 8EE (Pages 95 - 119)
- (c) 20/03189/RET - Retention of Works: Balustrade to main house patio, terraced garden areas, raised lower lawn area and retaining structure. Installation of electric gate. - Lanresse Rucklers Lane Kings Langley Hertfordshire WD4 9NQ (Pages 120 - 130)

6. APPEALS

7. ADDENDUM

INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	20/03492/FUL	Conversion of existing public house (A4) to form three residential dwellings (C3), including a single storey extension above the existing single-storey element of the building, utilising existing access with associated hard and soft landscaping and vehicular parking. (AMENDED SCHEME) The Crystal Palace, Station Road, Berkhamsted, Hertfordshire	
5b.	20/03732/FUL	Demolition of 18 residential garages and construction of 4 no. dwelling houses Land Off Beechfield , Kings Langley, Hertfordshire, WD4 8EE	
5c.	20/03189/RET	Retention of Works: Balustrade to main house patio, terraced garden areas, raised lower lawn area and retaining structure. Installation of electric gate. Lanresse, Rucklers Lane, Kings Langley, Hertfordshire	

Agenda Item 5a

ITEM NUMBER: 5a

20/03492/FUL	Conversion of existing public house (A4) to form three residential dwellings (C3), including a single storey extension above the existing single-storey element of the building, utilising existing access with associated hard and soft landscaping and vehicular parking. (AMENDED SCHEME)	
Site Address:	The Crystal Palace Station Road Berkhamsted Hertfordshire HP4 2EZ	
Applicant/Agent:	Punch Partnerships (PML) Limited	Mr Jake Russell
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Due to contrary view of the Town Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The proposal is located within the town of Berkhamsted wherein residential development is acceptable in principle. The proposed dwellings would make a positive contribution to the Borough's housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed land, the proposed dwellings are therefore in accordance with Policies CS 1, CS4, and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2019).
- 2.2 Policy CS23: Social Infrastructure states "Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred." A Viability Report has been submitted and independently reviewed which proves that the existing use is not viable on a leasehold or freehold basis. The loss of the public house (social infrastructure) is therefore not objected to per se.2.3 The proposed scheme would be contrary to CS27: Quality of the historic environment, as it would result in harm to both the locally listed building and this part of the Berkhamsted conservation area. The development would result in the loss of this Canal side pub which has been clearly identified in the character area appraisal as an important characteristic of the Conservation area.
- 2.4 However in accordance with Paragraph 196 of the NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 2.5 On balance it is considered that the benefits of the proposed scheme do outweigh the heritage harm, especially as it has been adequately demonstrated that the pub use is no longer viable so is unlikely to remain in the future.
- 2.6 The development is acceptable with regard layout, amenity and its visual impact and would not result in any harm to the adjacent highway network. The proposal complies with policies CS8, CS11, and CS12 of the Core Strategy 2013 in this regard.

3. SITE DESCRIPTION

- 3.1 The site is located on the southern side of Station Road and the northern side of the Grand Union Canal within a designated residential area of Berkhamsted. The site is located to the south of Berkhamsted Castle and close to Berkhamsted Railway Station. The railway line is across Station Road and raised up on higher land than the subject site.
- 3.2 The site comprises the Crystal Palace Public House with a small parking area to the front and side.
- 3.3 The building is locally listed and the site lies within the Berkhamsted Conservation Area. The site abuts open land adjoining the Grand Union Canal.

4. PROPOSAL

- 4.1 Conversion of existing public house (A4) to form three residential dwellings (C3), including a single storey extension above the existing single-storey element of the building, utilising existing access with associated hard and soft landscaping and vehicular parking.
(AMENDED SCHEME)

5. PLANNING HISTORY

Planning Applications (If Any):

20/02234/FUL - Conversion of existing public house to form three residential dwellings, including a first floor extension above the single storey element of the building, amended access and vehicular parking arrangements, and associated hard and soft landscaping.

WDN - 13th October 2020

4/01180/79 - Historic File Check DMS for Documents and Further Details

DET - 13th September 1979

4/02588/07/TCA - Works to tree

RNO - 20th November 2007

4/00202/05/FUL - Guard rail to accessible flat roof, paved patio area, bin enclosure and enclosed yard to flat roof

GRA - 5th May 2005

4/02881/04/ENA - Appeal against enforcement notice - construction of decking, railings, bin enclosure, fence and covered yard

DET -

4/00183/04/RET - Erection of fences and decking

REF - 19th March 2004

4/00182/04/RET - Construction of bin enclosure and covered yard

REF - 25th March 2004

4/01214/00/FUL - Formation of patio area and associated landscaping/fencing

REF - 30th November 2000

4/01269/99/FUL - Single storey side extension, internal/elevational alterations

GRA - 9th September 1999

4/01479/98/TCA - Works to poplar tree

RNO - 29th September 1998

Appeals (If Any):

4/02881/04/ENA - Development Appeal
- 2nd August 2005

6. CONSTRAINTS

Area of Archaeological Significance: 21
British Waterways (25m Buffer): GU(S): 25m buffer
British Waterways (25m Buffer): GU(N): 25m buffer
Canal Buffer Zone: Minor
CIL Zone: CIL1
Conservation Area: BERKHAMSTED
EA: Flood Zone 2
EA: Flood Zone 3
Former Land Use (Risk Zone):
Listed Building, Grade: Local,
Open Land: Adjoining Grand Union Canal
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Railway (100m Buffer): Railway: 100m buffer
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
SPD Zone 3
EA Source Protection Zone: 2
EA Source Protection Zone: 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS23 – Social Infrastructure
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

DBC Parking Standards (November 2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The impact on the locally listed building and the Berkhamsted Conservation Area;
- Balancing the harm and benefits;
- The impact on residential amenity;
- The impact on the Grand Union Canal;
- Ecological considerations;
- Archaeological considerations;
- Air, Soil and Water Quality; and
- The impact on highway safety and car parking.

Principle of Development

- 9.2 The application seeks consent for the change of use (loss) of an existing public house and its conversion to three residential dwellings. With regard to the provision of new dwellings Core Strategy (2013) Policy CS4 states that in residential areas appropriate residential development is encouraged.
- 9.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed.
- 9.4 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.
- 9.5 The application site is located within an urban area in the existing town of Berkhamsted. As such the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site. The proposed dwellings are thus acceptable in principle.
- 9.6 In relation to the loss of the public house, Policy CS23: Social Infrastructure states “Existing social infrastructure will be protected unless appropriate alternative provision is made, or

satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred.”

- 9.7 The loss of the existing use would be contrary to Policy CS23 however the applicant has submitted a “Viability Report” (November, 2020) prepared by Savills who inspected the property, made further investigation and analysis, including an assessment of the business viability and concluded that the Public House was (prior to lockdown) and is commercially unviable now and in the long term.
- 9.8 Dacorum Borough Council instructed BPS Chartered Surveyors to review the above viability report and an “Independent Viability Review” (11th January, 2021) was prepared. The review scrutinised the costs and value assumptions that had been applied in the Savills’ viability study in order to determine whether their conclusions were correct. The BPS report concluded that the pub is not viable.
- 9.9 It is considered that satisfactory evidence has been provided to prove the facility is no longer viable and therefore the proposal complies with CS23. No objection is therefore raised to the principle of the loss of this social facility.
- 9.10 Taking all of the above into account, the principle of the loss of the public house is acceptable and the proposal to convert it to residential would make a contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed land, the proposal is therefore in accordance with Policies CS 1, CS4, CS17 and CS23 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2019).

The impact on the locally listed building and the Berkhamsted Conservation Area

- 9.11 Para 193 of the NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 9.12 Para 194 states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”
- 9.13 Para 196 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 9.14 Para 197 states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 9.15 Policy CS27: Quality of the Historic Environment states that “all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas.

- 9.16 There are two aspects to this consideration. One is the impact of the proposal on the appearance of the locally listed building and also the impact of the change of use on the building and the character and appearance of this part of the Berkhamsted Conservation Area.
- 9.17 The main changes to the appearance of the Locally Listed Building that can be seen when comparing the existing and proposed elevations include:
- Increase in bulk of the building as a result of the first floor extension;
 - Introduction of 4 large dormers in the north-east elevation;
 - Introduction of 2 large patio doors with terrace at ground floor and two large Juliette balconies at first floor in the south-west elevation;
 - Replacement of concrete tiles with slate; and
 - Reinstatement of chimney stack to full height.
- 9.18 The proposals to the core of the historic pub would be welcomed with regards to the replacement of the roof from concrete tile to slate and the reinstatement of the chimney stack to full height in matching brick and pots and removal of the existing porch and would improve the overall appearance of the building. The general refurbishment of the exterior, retention of the signage, removal of accretions, retention of the historic fabric of the windows and doors would also be welcomed. The internal layout would also appear to relate better to the exterior of the building.
- 9.19 The changes to the rear structure would have some detriment due to the increase in height. However this would be countered by the improvement in visual appearance with more appropriate slate roof and particularly to the gable hung tiles. Whilst of a more contemporary design this allows contrast between the old and the new. Therefore there would be an overall neutral impact on the significance of the historic building.
- 9.20 The Conservation Officer considers that the loss of this canal side pub would result in harm to both the building itself and the conservation area due to the change of use. This building has been clearly identified as an important characteristic of the conservation area in the appraisal document.
- 9.21 Paragraphs 13 and 14 of the appeal decision Queens Head Public House Tyborn St London, APP/K5600/A/12/2177513 sum up the concerns of the Conservation Officer in a concise manner.
- “Although it is proposed to retain the building, it would no longer be a publicly accessible building. The loss of activity associated with the existing use would fundamentally alter a significant aspect of the character of the building. The Historic Environment Practice Guide states that the optimum use of a building is one that causes the least harm to the significance of the asset, not just through initial changes but also through likely future changes. Although the extent of the proposed alterations to the physical fabric of the building are limited, the residential use of the building would be likely to lead to pressure for further domestication of its appearance in the future”
- 9.22 Despite the visual improvements to building, the Conservation Officer has identified that the proposed scheme would harm the character and appearance of heritage assets (locally listed building and conservation Area) and the proposals would therefore be contrary to policy CS27 and section 16 of the NPPF. The level of harm is considered to be less than

substantial and at a moderate to high level given the noted rarity of canal side pubs the loss of this which would result in only 2 surviving.

9.23 Balancing the harm and the benefits of the proposed scheme

Para 196 of the NPPF states that where less than substantial harm is caused to a heritage asset, this harm must be weighed against any public benefits the scheme may bring. A summary of the harm and benefits is set out below.

Harm	Public Benefits
Economic – losing a business and local employer.	Small benefits to local economy associated with three new dwellings.
Social – losing a Canal side pub - popular meeting place with good communal value. The closure of a pub can therefore compromise the vibrancy of an area and its associated diversity and attractiveness as a place to live.	Small social benefits associated with three additional dwellings.
Environment – adverse impact on Conservation Area	Improvements to external appearance of the building. The use of a building that is currently vacant and may otherwise continue to remain vacant. Replacement of part of car park with landscaped area.
Cultural – loss of a historic landmark in a prominent location along the canal side. As a result of its connection with a number of the towns important citizens and events the historic value of the building is considered to be good. Loss of a canal side pub which is considered a rarity in Berkhamsted. Given the repeated mentions in the appraisal it is clear that this and the associated canal side pubs are an important feature and add to the character and significance of the conservation area and therefore also the building.	No cultural gain.

9.24 The viability of the continued use of the Public House is a key part of the balancing exercise required for assessment of this planning application. Whilst the loss of the public house is unfortunate and harmful to the vibrancy and character of the conservation area, it has been demonstrated that this use is not viable and as such it is very unlikely it would remain a public house in the future. The harm caused by the loss of the pub has thus been given limited weight when compared to the benefits of the additional housing and visual improvements.

9.25 The fact that the existing use is not viable carries significant weight in the balancing exercise and as such the benefits are concluded to outweigh the harm. It is considered that the proposed scheme is acceptable and should be recommended for approval.

- 9.26 In an attempt to limit the harm the front elevation of the existing pub will remain largely unaltered and the pub sign will be retained to ensure the historic significance is not completely lost and the building would remain a focal landmark feature. This is welcomed.

Nomination for List of Assets of Community Value

- 9.27 Dacorum Borough Council received an asset of community value nomination dated 27th November 2020 from the Nominating Body for Crystal Palace, Station Road, Berkhamsted, to be included in the Council's List of Assets of Community Value. The nomination was duly considered by the Council on 18th January 2021. The application was rejected and it was decided that the property would not be included in the Property List. This was the second nomination.

Layout / amenity space for future residents

- 9.28 The layout of the proposed scheme matches the existing in terms of the built form. The main changes will be that the existing parking area will be changed into a communal garden with parking only on the frontage facing Station Road.
- 9.29 Access to the communal garden is gained by residents walking out their front door, along the public footpath, across the parking area and into a side gate. As the building is existing and it is important to keep changes to the external appearance to a minimum it is considered an acceptable means of accessing the communal garden.
- 9.30 The 3 new dwellings will have a communal garden (approx. 125 square metres) to the south-east of the building, small gardens to the front of each dwelling and plot 2 and 3 will have a terrace facing the canal.
- 9.31 Appendix 3 of the Local Plan states that "private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity to open land, public open space or other amenity land..."
- 9.32 The site is adjacent to the Grand Union Canal which has pedestrian links to several play areas and recreation grounds along the canal. Also the site is adjacent to Berkhamsted Castle and within a short drive of open land located between Berkhamsted and Potten End. The provision of cycle spaces will allow families to access a number of the local publicly-accessible open spaces (including the canal side environment) via a sustainable mode of transport.
- 9.33 It is considered that the amenity space provided would be of a functional size and shape to serve the units and whilst small, in this instance, due to the site being in close proximity to open land and public open space it is considered sufficient in size and therefore complies with Appendix 3 of the Local Plan.

Impact on Residential Amenity of surrounding properties

Sunlight and daylight

- 9.34 The proposal is well removed from any nearby residential dwellings so there will be no significant loss of sunlight and daylight or visual intrusion.

Overlooking

- 9.35 One new window is proposed at first floor level in the south-east elevation of the first floor extension. This window serves a hall and stairwell so can be obscure glazed and top hung to avoid overlooking towards the neighbouring dwellings to the south-east. Given its relationship to the adjacent property it is considered necessary and reasonable to secure this via a condition.

Noise

- 9.36 The site is located close to the railway line and Berkhamsted Railway Station so noise could be an issue for any residential development.
- 9.37 Due to concerns raised by the Environmental Health Officer a Noise Assessment Report was submitted. The vibration report submitted by Sound Planning Ltd ref J0-4324 dated 28th January 2021, indicated that for both passenger and freight train movements, vibration impacts are below magnitudes where adverse comment is expected. The results of the report were accepted by the Environmental Health Officer who did not have any in principle objections subject to conditions being attached to any consent which may be granted.

The impact on the Grand Union Canal

- 9.38 The main issues relevant to the Canal and River Trust as statutory consultee on this application are:

- a) The impact of the proposal on heritage;
- b) The impact of the proposal on the character and appearance of the Grand Union Canal;
- c) The impact on biodiversity; and
- d) The structural integrity of the Grand Union Canal.

The Canal and River Trust has no objections to the proposal subject to a range of conditions including some pre-commencement and several informatives covering the above issues.

Ecological considerations

- 9.39 The application site is next to the Grand Union Canal which provides a commuting and foraging corridor for bats.
- 9.40 A Preliminary Roost Assessment was requested by HCC – Ecology. The Assessment was prepared by Hampshire Ecological Services Ltd and found no bats or evidence of bats but did assess the building as having high potential for roosting bats due to the presence of access points and suitable roosting features.
- 9.41 HCC – Ecology consider that 3 nocturnal emergence / re-entry surveys are required to determine presence/absence, and to provide appropriate mitigation to safeguard bats if present and affected. These surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - so it can consider the impact of the proposal on bats and discharges its legal obligations under the 'Conservation of Habitats and Species Regulations' (2017) as amended.

- 9.42 Nocturnal bat activity surveys cannot currently be undertaken, to address this now, but the report also provides an Outline Mitigation Strategy, including guidance on the proposed work relating to timing and method as well as the provision of compensatory roosts and suitable enhancements.
- 9.43 With this information in place HCC - Ecology considered that the LPA has sufficient information on bats for determination. The outstanding surveys are still required and should be secured by Condition.
- 9.44 The proposal therefore complies with CS26 in terms of the conservation and restoration of habitats and species.

Archaeological considerations

- 9.45 The site lies within an area of archaeological significance as identified in the Local Plan. This notes the medieval settlement of Berkhamsted. The site lies close to the Scheduled Monument of Berkhamsted Castle. A Local Listing quoted in documents submitted with this planning application suggests that the Crystal Palace public house was constructed during the mid-nineteenth century.
- 9.46 Policy CS 27 seeks to conserve heritage assets both above and below ground. HCC – Archaeology state that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and recommend that a number of conditions be set on any planning approval. Subject to the inclusion of the conditions, the proposals comply with Policy CS27.

Air, Soil and Water Quality

- 9.47 The Contaminated Land Officer has no objection to the proposed development, but it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.
- 9.48 This is considered necessary because the proposal involves a change of use from commercial to residential, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that planning conditions addressing contamination should be included if permission is granted.

Impact on Highway Safety and Parking

Highway safety

- 9.49 The proposal includes an extension of the existing crossover arrangement to provide a new hardstanding and parking area. A swept path analysis of the proposed parking and access had been provided. HCC – Highways considered the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informatives stated in their response.

Parking

- 9.50 The Parking Standards Supplementary Parking Document (Nov 2020) for this area of Berkhamsted state that a 3 bedroom dwelling requires 2.25 spaces and with regard to electric vehicles - 50% provision of all spaces to be active provision, another remaining 50% to be passive provision. Therefore the parking required for this site would be 6.75 spaces in

total. The Highways Authority have asked that one electric vehicle space per dwelling be provided by way of a condition.

- 9.51 The proposal provides one space per dwelling – a total of 3.
- 9.52 A “Transport Statement” prepared by tpa – Transport Planning Associates, dated November, 2020 was submitted with the application. The Statement covers the existing pedestrian and cycle infrastructure, amenities and services, public transport access, vehicular access and road safety in the area. The report concludes that the site is located in a highly sustainable location with a variety of services and amenities within walking distance, including Berkhamsted Station.
- 9.53 Despite a shortfall of 3.75 parking spaces it is considered that due to the very sustainable location of this site close to the town centre, Berkhamsted Railway Station and bus routes on Lower Kings Road that the provision of one space per dwelling would be acceptable and would not have a residual impact on the adjacent local highway network. The parking demand and trip generation associated with the existing use would be significantly higher than the current proposal such that it is concluded a refusal on parking grounds could not be sustained.

Impact on Trees and Landscaping

- 9.54 An “Arboricultural Implications Assessment and Method Statement” prepared by ecurban Arboricultural and dated 5th November, 2020 was submitted with the application. This document contains a tree protection plan showing the significant trees on site and how those where works will be within the RPA will be protected during construction.
- 9.55 Three new car parking bays are indicated within the RPA of tree T1 (Poplar). This tree is not in the best condition, with structural issues associated with its multiple stems and with it having been severely pruned in the past. The subbase of the new parking bays will be a cellular confinement system built up on existing levels. This will negate the need for significant excavation and excessive disturbance within the RPA of the nearby tree.
- 9.56 It is not considered that the proposed scheme will have a negative impact on any significant trees.

Waste Management

- 9.57 Refuse bins will be located within the communal garden area, accessible to all three dwellings and with access to the road for collection days.

Network Rail

- 9.58 Network Rail raised various issues with regard to possible impacts on the adjacent railway line including flooding, drainage and contamination.
- 9.59 A Drainage Strategy and Flood Risk Statement was submitted with the application which stated that no changes to the existing drainage would be required (no soakaway or bore holes). The existing discharge to the canal will be maintained and water butts will be provided for each dwelling.
- 9.60 The contaminated land issues have been dealt with by the Environmental Health Officer.

Permitted Development

9.61 Given the scale, site coverage, density of development and the close proximity of the proposed dwellings to each other and existing dwellings it is considered necessary and reasonable to remove permitted development rights for extensions to the dwellings - Class A in order to safeguard residential amenity. In addition careful consideration has been given to the size of the dwellings and the amenity space provided such that Class B, C and E would also need to be removed.

Response to Neighbour Comments

9.62 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.63 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site lies within CIL Zone 1. The development of 3 new dwellings will be CIL liable.

10. CONCLUSION

10.1 The proposal would make a positive contribution to the Borough's housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed land, the proposal is in accordance with Policies CS 1, CS4, CS17 and CS23 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2019).

10.2 Whilst the proposed scheme would be contrary to CS27: Quality of the historic environment, as the proposal would result in harm to designated heritage assets, this harm is outweighed by the public benefits of the scheme.

10.3 An Independent Viability Review of the Viability Report submitted by the applicant found that to continue with the existing use would not be viable on a leasehold or freehold basis. The public house is therefore unlikely to remain in the future, this is an important consideration that should be afforded significant weight and as such the harm caused by its loss has been given limited weight.

10.5 On balance it is considered that the proposed scheme is acceptable.

11. RECOMMENDATION

11.1 That planning permission be granted.

Condition(s) and Reason(s):

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until a sample of slate, hanging tile, external paint colours have been submitted and approved in writing by the Local Planning Authority. Development

shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made for inspection.

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

3. All new external metal balconies, rainwater and soil pipes shall be formed in metal and painted black and thereafter maintained as such.

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

4. The facing brickwork to the rebuilt chimney stack shall match the existing stack in colour, texture, face bond, detailing and pointing except where otherwise shown on the drawings hereby approved. The pots shall match in colour, detailing, texture and scale.

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

5. Prior to the commencement of the development hereby approved full joinery details and finish at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

6. Prior to the commencement of development, a Construction Environment Management Plan and Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out strictly in accordance with the approved details. This shall include:

- The method of protecting the water environment from pollution during the building works;
- The method of protecting waterway and towpath users; and
- Details of any construction methods, storage or movement of plant and machinery which could have an adverse impact on the structural integrity of the waterway wall.

Reason: To protect the structural integrity of the adjacent waterway walls and infrastructure, ensure protection from disturbance, dust, run of, waste entering the canal and in compliance with NPPF 2019 paragraph 170. The documents and plans are required prior to protect the canal environment during demolition and construction phases of development and are therefore required prior to commencement. To comply with CS12, CS 27 and CS32.

7. Prior to the commencement of development, details of the design of the foundations supporting the section of the building upon which an additional storey will be built in

accordance with the permission hereby granted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the structural integrity of the Grand Union Canal and local land stability that may result from adverse loading being applied to canal infrastructure. The information is required prior to commencement to ensure that any necessary remedial measures can be taken prior to construction of the additional storey. To comply with CS12 and CS27.

8. Prior to occupation details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with paragraph 180 of the National planning policy framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location. To comply with CS12 and CS26 and CS32.

9. Notwithstanding the details shown on the Proposed Landscaping Plan and Street Scene Plan 10.03 Rev C prior to the occupation of the development hereby approved full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- dimensions and appearance of any minor artefacts and structures (e.g. furniture, play equipment, signs, cycle, refuse or other storage units, etc.); and
- retained historic landscape features and proposals for restoration, where relevant.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

The landscaping shall be implemented fully in accordance with the approved details and maintained thereafter.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

10. Prior to the first occupation / use of the development hereby permitted the proposed vehicular access shall be extended to the full width of the proposed on-site parking area, which shall be demarcated, levelled, surfaced and retained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

11. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 34 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

12. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access into the footway. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

13. Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policies 28 and 32 and SPD Parking Standards, 2020.

14. Prior to commencement of any works to the roof or roof space, three dusk emergence / dawn re-entry surveys should be undertaken during May to September, with at least two surveys between May and August, to determine whether bats are roosting, and should this be the case, the outline mitigation and enhancement measures (ref: Bat Survey Report by Hampshire Ecological Services Ltd, December 2020) should be modified as appropriate based on the results. The report should then be submitted to the Local Planning Authority for written approval.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation and to comply with Core Strategy Policy 12 and 26.

15. a) Prior to the first occupation of the proposed development, final details of the building specification, including facade sound insulation performance (walls, roof, glazing)and associated mechanical ventilation and heat recovery system and acoustic ventilators shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied" BS8233 2014: Table 4 - Indoor ambient noise levels for dwellings.

b) BS8233 also recommends that regular individual noise events can cause sleep disturbance.

Noise events (measured with F time-weighting should not normally exceed 45dB LAmax several times in any one hour during the night (23.00-07.00)

c) A mechanical ventilation and heat recovery system along with acoustic ventilators shall be installed for habitable and other rooms as indicated in the Airtight and Noise Check Ltd ref 18294 dated January 2021. The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1

d) Amenity Spaces - The acoustic environment of external amenity should ideally not be above the range 50 - 55dB LAeq, 16hr. It will therefore, be necessary to provide further physical mitigation such as an acoustic noise barrier to the communal garden area in order to achieve the lowest practicable noise levels.

Reason: To ensure that future occupiers are not subjected to excessive noise or vibration from the adjacent railway line and to comply with Core Strategy Policy 12 and 32.

16. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS12 and 32.

17. Any contamination, other than that reported by virtue of Condition 16 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully

implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS12 and CS32.

18. A. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:

Schedule 2 Part 1, Class A, B, C and E
Part 2 Class A, C

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

20. The window at first floor level in the south-eastern elevation of the development hereby permitted shall be top hung and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

21. Works must be carried out according to the approved details within the “Arboricultural Implications Assessment and Method Statement and Tree Protection Plan” prepared in accordance with BS5837:2012, and thereafter retained until completion of the development.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

22. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Site Location Plan
Site Plan - indicating amended access 0.00 Rev B
Proposed Elevations 10.02 Rev D
Proposed Floor Plans Plot 1/2/3 10.1 Rev C

Noise Impact Assessment Report prepared by Airtight Noisecheck dated January 2021
Rail Vibration Impact Assessment prepared by Soundplanning dated January 2021
Amended Planning Design and Access Statement
Transport Statement
Drainage Strategy and Flood Risk Statement prepared by Aqua Callidus Consultant dated 9th November, 2020
Infiltration SuDS GeoReport prepared by BGS dated July 2020
Heritage Statement prepared by Proper Prestige Heritage dated November, 2020
Arboricultural Implications Assessment and Method Statement prepared by ecurban Arboricultural dated 5th November, 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The applicant/developer is advised that any changes to Trust property or encroachment or access over Trust property requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Bernadette McNicholas, her details are Bernadette.McNicholas@canalrivertrust.org.uk.
3. The applicant /developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" and contact the Trust's Works Engineer John.pryer@canalrivertrust.org.uk, in order to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).

4. The applicant/developer is advised that any surface water drainage to the canal requires the written agreement of the Canal & River Trust and would also be subject to Third Party Works approval. The applicant/developer is advised to contact the Trust's Regional Utilities Surveyor, Chris Lee. His contact details are: Chris.Lee@canalrivertrust.org.uk.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
6. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
8. Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the 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.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
9. The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.
The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.
10. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>We note the guidance and comments in the heritage report submitted for the previous scheme.</p> <p>Section 72(1) of the Act states that "In the exercise by local authorities of planning functions within the conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".</p> <p>In relation to the local authorities assessment of the significance of the building we would follow the guidance set out by Historic England Conservation Principles Policy and Guidance. Aesthetic, Evidential, Historic and Communal values combine to give the assets significance.</p> <p>.</p> <p>Aesthetic Value</p> <p>The current Crystal Palace was constructed between 1854 and 1859. It is located at the site of an earlier beer house which can be seen in an early drawing of the station (originally adjacent to the Crystal Palace). The current public house was in fact an extension of this building in the direction of the 'new' station and added onto the to the façade. The core of the original building survived to the rear until the mid 20th century and can be seen on Aerial photographs of the period. This beer house can be seen on the 1839 tythe map and therefore raises the interesting possibility of original fabric being encapsulated within the rear wall of the current building.</p> <p>The building is of 2 storeys in brick now painted and rendered and historically had a slate now concrete tiled roof. A tall chimney stack is located to the left hand side. It gained its name from the impressive glazed façade (part of which we understand remains in the attic) based on the design of the original crystal palace. Due to its location facing down Station Road towards Castle St and Lower Kings Rd it has a landmark appearance. This is not only appreciated from the road but also the adjacent canal and mainline railway.</p> <p>The building was re-fronted by Noel Ackroyd Rew in 1919 son of CH Rew (designer of among other buildings the grade II listed chapel on Castle St). He was a locally important architect who also completed much work in Berkhamsted including both housing and a number of projects at the Berkhamsted School in Castle St for example building the sanatorium. Following service in WW1 Rew became one of the architects for the War Graves Commission designing 42 WW1 cemeteries in Belgium and France.</p>

This re-fronting reduced the glazing to two large ground floor windows and 3 12/12 sashes above. It introduced decorative painted and fretted bargeboards to overhanging front gable end, carried at each end on shaped timber brackets. The front gable is tile-hung with a central 8 pane fixed light. Decorative shutters and window heads were added to the first floor.

Again this results in a striking façade which although different from the original makes a positive contribution to the street scene and character of the area as a landmark feature.

To the rear is a modern block. This is of lesser interest and has a neutral impact on the building and the wider area.

The aesthetic value of the Crystal Palace is considered to be good on account of its materiality, legibility and overall character and appearance.

Evidential Value

The fabric of the external structure appears to be in a good condition and contains much original (1854-59) fabric and the 1909 front appears unaltered. Internally there are surviving a number of historic features of interest from this time and it is understood that the original façade may remain in part at attic level.

As a result of its age, and surviving fabric the evidential value of the building is considered to be good.

Historic Value

The Crystal Palace is an interesting historic public house located within the town of Berkhamsted between the canal and the railway.

The current building gained its name from the impressive glazed façade presumably inspired by the Crystal Palace in London. Designed by Sir Joseph Paxton it was completed in 1851. This was relocated in 1854 to form among other things winter gardens. His nephew William Paxton was the land agent of the Brownlows (Ashridge, Berkhamstead) and was presumably aware of the scheme. It is unclear if the building formed part of the original Crystal Palace but it seems unlikely although due to a redesign to form the winter gardens there were left over elements which could have been reused.

However it is known that the contractors used matching moulds to construct other similar buildings e.g Oxford old Railway Station (now

relocated). The ironwork was taken to London by train and would have passed the site similarly the glass came from the Black Country and was transported by canal. Presumably both could have been ordered from the original manufacturers. Alternatively the ironwork could have been constructed in the town at the local Woods Ironworks.

The façade appears to have been constructed by John Edward Lane. He was a major industrialist from the town. His primary business was nurseries including a substantial export business. He was a particularly successful grower for example winning gold medals at the grand Horticultural Exhibition at the Crystal Palace (London) in 1856 and in the same year gold Medal at the Royal Botanical Society Show. He had also diversified into brewing with his Swan Lane Brewery supplying beer to various locations including his pubs at the George, the High St and The Brownlow Arms in Chapel St as well as the Crystal Palace. In addition to investing in railways he was a driving force in the creation of the Great Berkhamsted gas Light and Coke Company.

It therefore appears that the mini-version of the Crystal Palace was a celebration of, and an advert for Edwards nursery and brewing business and a striking visual reminder to everyone in Berkhamsted and/ or those passing by canal and train of his national standing and those of his businesses. It was later re-fronted by a locally important Architect Noel Ackroyd Rew.

To the rear the historic alehouse (early 19thC) was demolished in the 1950s and replaced with a somewhat standard design. The architects of this are unknown.

Other important historic events have touched upon the site over the years. The navvies who took part in the Battle of Berkhamsted which lead to the metropolitan commons act were provided with drinks at the crystal palace following the battle before getting the train back to London. This was apparently paid for by local William Hazell. The building was also used to hold coroners courts and meetings of the local golf club.

As a result of its connection with a number of the towns important citizens and events the historic value of the building is considered to be good.

Communal Value

The Crystal Palace holds an important role serving the community. It features on a number of guides including local walks, in the pub crawl guide, is on the towpath which form a long distance walk/ canal journey between London and the midlands. It has a blue plaque and the

importance to the community can be seen through the application for an ACV. The impressive building is a landmark along Castle Street and contributes to the special character and appearance of the Berkhamsted Conservation Area. The communal value of the Crystal Palace is considered to be good.

The Crystal Palace can therefore be seen to be worthy of its locally listed status and makes an important contribution as a landmark feature visible from the canal, mainline railway and road at this prominent location.

The values and significance of the conservation area can be found within the conservation area appraisal and as such are not repeated here.

Impact Assessment

The building is locally listed, within the conservation area and opposite the locally listed Station Road Railway Bridge.

The proposal involves the conversion of the historic core of the Crystal Palace into one dwelling and the conversion and extension to the rear to provide 2 dwellings.

As noted in the heritage statement and its appendix the proposal has moved on from the original scheme which caused substantial harm to this heritage asset. It is now more considered in particular in relation to the works to the historic building.

The proposals to the core of the historic pub would be welcomed with regards to the replacement of the roof from concrete tile to slate and the reinstatement of the chimney stack to full height in matching brick and pots and removal of the existing porch. We would also note the general refurbishment of the exterior, removal of accretions, retention of the historic fabric of the windows and doors. The internal layout would also appear to relate better to the exterior of the building.

The changes impact on the significance of the building in that the asset appears similar to its 1909 appearance with the reinstatement of the stack and the roof enhancement. Over time one would expect general tidying of the property so would give the other elements of work proposed nominal weight as they are in effect mainly decorative. These enhancements would need to be weighed against the loss of primary fabric where new windows are inserted (although in a matching style.) Overall there would be an enhancement of the historic core however this enhancement would be less than substantial and at a low level.

In relation to the rear structure a section has been increased in height to provide 2 storey accommodation beneath pitched slate roof and has 4 proposed dormer windows added to station road. To the canal the proposal now has one gablet. Windows and hanging tiles now add to the character of the gable elevation.

The changes to the significance of this would be that there would be some detriment due to the increase in height. However this would be countered by the improvement in visual appearance with more appropriate slate roof and particularly to the gable hung tiles. Whilst of a more contemporary design this allows contrast between the old and the new. Therefore there would be an overall neutral impact on the significance of the historic building.

There are some landscape improvements to the setting of the building in terms of planting, surfacing and the low wall with railings. Hooped railings are a somewhat unfortunate choice but could presumably be controlled by condition. The position of the cycle and bin store may impact on the kitchen window of the end unit depending on the height as it is not shown in elevation form. Overall this enhancement would have a low impact on the setting of the pub and conservation area.

Neutral impact. We believe that the proposals would neither enhance nor detract from the significance of the adjacent locally listed Station Road Railway Bridge.

There would also be harms to the character of the building and that of the conservation area. The Berkhamsted conservation area appraisal notes that public houses are an important part of the character of the conservation area. They play an important community and role often associated with a longstanding presence in the community. The closure of a pub can therefore compromise the vibrancy of an area and its associated diversity and attractiveness as a place to live. The appraisal highlights this in particular to the canal where they provide a break in the predominantly residential uses next to the canal.

On page 35 the appraisal notes that an important characteristic of the conservation area is the "Surviving shops, public houses, religious buildings and civic buildings that retain their original function, along with the re-use of some older buildings to new commercial uses. Para 5.31 particularly highlights the importance of the public drinking spaces provided by the 3 canal side pubs particularly downstream from Castle Street where the area is dominated by private housing. In particular it mentions the Crystal Palace public house by name. para 6.115 also

highlight the importance of the canal side pubs. Each day, thousands of people pass through the area (mainly at high speed) on the trains and a further population spend varying amounts of time at a much slower pace on and around the canal. Among these are the occupants of narrow boats, seasonal tourists and the many Berkhamsted residents who also make much use of the canal's towpaths and of its bridges, the waterside pubs and the children's playgrounds as a leisure facility throughout the year.

Given the repeated mentions in the appraisal it is clear that this and the associated canal side pubs are an important feature and add to the character and significance of the conservation area and therefore also the building.

Paragraphs 13 and 14 of the appeal decision Queens Head Public House Tyborn St London APP/K5600/A/12/2177513 sum up our concerns in a concise manner

"Although it is proposed to retain the building, it would no longer be a publicly accessible building. The loss of activity associated with the existing use would fundamentally alter a significant aspect of the character of the building. The Historic Environment Practice Guide states that the optimum use of a building is one that causes the least harm to the significance of the asset, not just through initial changes but also through likely future changes. Although the extent of the proposed alterations to the physical fabric of the building are limited, the residential use of the building would be likely to lead to pressure for further domestication of its appearance in the future"

The existing public house makes a significant contribution to the character and appearance of the conservation area and the loss of this historic use would harm the character of the existing building.

Savills estimate that "in order to bring the building up to a tradeable standard would cost the applicant in the region of £227,625" and in addition SMD add on that the property needs "£363, 602.43 to repair the property. This would imply that the total cost is £591,227.43. We also note at the end of Savills report in para 14 " The facilities available at The Crystal Palace are inferior to those which are required by a modern discerning customer; couple with the general poor appearance of the Property, and these deficiencies cannot be easily overcome." The SMD report clarification states "In our report, we also sought to provide the reader with an estimate to cover essential repairs which have resulted from an ongoing lack of maintenance in recent years, and to supplement the existing trade fixtures and fittings in order that the business could resume operation in a similar format to that previously trading. This is the £200,000 estimate you have quoted."

	<p>We note that the para 191 of the framework states "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.". It appears difficult to understand how a heritage asset could have got into such a state that it requires nearly £600,000 of work to it to bring it up to standard and that in a later email exploring transformational investment the applicant described as being "really poor" that there has not been neglect. It was clear from the site visit that little seemed to have been spent on the building since the mid-20th century.</p> <p>Overall we would come to the conclusion that there has been a distinct lack of investment over time amounting to neglect and would therefore we shall not take into account its deteriorated condition as per the guidance in the framework.</p> <p>Overall we consider that the loss of this canal side pub would result in harm to both the building and the conservation area due to the change of use. This has been clearly identified as an important characteristic of the conservation area in the appraisal document.</p> <p>As such we would give the level of harm to be less than substantial and at a moderate to high level given the noted rarity of canal side pubs the loss of this which would result in only 2 surviving.</p> <p>Overall we believe that taking both the benefits to the appearance which would enhance the significance and the harms caused which would detract from the significance into account that there would be harm not only to the locally listed building but also the conservation area.</p> <p>This would be contrary to policy and guidance and as such we would object and recommend refusal.</p> <p>Recommendation The officer should consider the guidance given above and using the paras 196 of the framework conservation area being a designated asset and 197 harm to locally listed building weigh these harms in relation to the benefits. Taking into account the need to have special regard to protect the character of the conservation area and giving great weight to the assets conservation as per the Framework.</p>
Canal & River Trust	Thank you for your consultation, for which I am the Trust's case officer.

	<p>I am unable to locate an existing biodiversity or any ecology survey, which would be usual for such a development. This is important to the Trust as a site in such close proximity to our own property and related biodiversity.</p> <p>Rather than wait until the final formal response, please do advise if one is available and forward it directly to me if so. If not, please advise me of the Council's Ecologists comments and if the applicant /agent intends to provide an appropriate biodiversity report or survey within the scope of the current application. In any event, please do advise me of the Councils Ecologists comments, and if a bat survey has been undertaken, so I may refer them to the Trusts Ecologist.</p> <p>It would be a tremendous pity to prolong this case any further, when so many other aspects now appear to have been so improved, and I hope my email assists with speeding up the processing of the application</p>
<p>Environmental And Community Protection (DBC)</p>	<p>To support the application we would require an assessment of noise / vibration to satisfy sustainable development.</p> <p>NPPF advises local authorities should grant approval in favour of sustainable development, based on economic, social and environmental requirements.</p> <p>I'm concerned about amenity of living conditions due to noise and we'd require the development can be made acceptable in noise terms.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>Condition 1 - Vehicle Crossover Design</p> <p>Prior to the first occupation / use of the development hereby permitted the proposed access shall be extended only to the full width of the proposed on-site parking area, which shall be demarcated, levelled, surfaced and retained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately</p>

so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 2 - Visibility Splays

Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 34 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 3 - Pedestrian Visibility

Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access into the footway. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 4 - Electric Vehicle Charging Provision

Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and

requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the 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.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Description of Proposal

The full planning application is for the conversion of the existing Crystal Palace public house to three residential units, each consisting of three bedrooms. The proposals include amended access and vehicle parking arrangements.

To support the application, the applicant has submitted the following relevant documents:

- Transport Statement;
- Planning, Design and Access Statement.

Site Description

The site is located on Station Road, which is an unclassified local access road with a 20mph speed limit.

The existing property has a vehicle crossover giving access to the current car park.

An application consisting of a similar development proposal was

previously submitted in August 2020 under application ref 20/02234/FUL but was subsequently withdrawn by the applicant.

Traffic Impact

Trip Generation

The Transport Statement has not included an assessment of the predicted trip generation. It is expected, based on typical trip rates for a private dwelling, that the site will generate a total of two vehicle trips in the AM Peak hour and PM Peak hour. Whilst any increase of vehicle trips to the local highway network is a concern, the cumulative impact of the proposed development to the operation of the local highway network is unlikely to be severe.

Highway Safety

The applicant has included a review of the personal injury collisions in the vicinity of the site. It has demonstrated no collisions have occurred over a five-year period. Based on the predicted low number of trips generated by the site, it is not anticipated that a development of this scale will affect the road safety record.

Design Considerations

Vehicular Access

The proposals included the extension of the existing vehicle crossover arrangement to provide to a new area of hardstanding and parking area. The Highway Authority are satisfied with the provision of a vehicle crossover; however, the crossover must not extend beyond the width of the proposed new parking area. Unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians. The materials used for the vehicle crossover must be in-line with the Hertfordshire County Council standards.

A swept path analysis of the proposed parking and access has been shown on Drawing No. SP01.

This has suitably demonstrated a large car entering and exiting the outside spaces.

Pedestrian Access

Pedestrian access to the site is proposed via station road and also via the public footpath running along the Grand Union Canal. A review of this arrangement has shown raised no fundamental concerns and it is requested by way of condition pedestrian visibility splays are provided.

Refuse / Servicing / Emergency Access

	<p>Arrangements have been made for the storage of waste in bin stores the communal gardens, and the applicant states that collection arrangements will be the same as current (from the public highway).</p> <p>Parking</p> <p>The proposals include the provision of three car parking spaces, with a space allocated to each dwelling. No electric vehicle parking provision has been proposed. The Dacorum Parking Supplementary planning document adopted in November 2020 requires one EV space per dwelling and therefore the Highway Authority have requested this by way of condition.</p> <p>The proposals include the provision of three cycle parking spaces, with a space allocated to each dwelling. A bike store is proposed to be located in the south east of the site and accessible via a private footpath linking to the footway on Station Road.</p> <p>Public Transport Provision</p> <p>The site is located within a desirable walking distance to bus stops on Lower Kings Road and Berkhamsted Railway Station. Footways link directly between the site and the bus stops and railway station.</p> <p>Conclusion</p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The application site is next to the grand union canal providing a commuting and foraging corridor for bats. It is also close to Berkhamstead Castle Local Wildlife Site, however this is separated from the affected building by a road and raised railway and I have no reason to consider it will be affected by this proposal. The application includes a condition report of the existing building and shows it to be in a rundown site. It mentions damage to some of the soffits and missing roof tiles to the front north elevation. The proposal will require extensive repair works and the loss of the existing single storey extension. Given its location, condition and the scale of works proposed, I consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. This should be a Preliminary Roost Assessment (PRA) by an appropriately qualified and</p>

	<p>experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by the proposals. Such inspection should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016</p> <p>As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - to enable it to consider the impact of the proposal on bats and discharges its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). Consequently, in the event that evidence of bats or the potential for them is found during the PRA, further surveys (dusk emergence / dawn re-entry) are likely to be required. These can only be carried out when bats are active in the summer months (usually between May and August, or September if the weather remains warm). As we are now outside the bat activity survey season,</p> <p>an 'Outline Mitigation and Compensation Strategy' with appropriate recommendations should be included within the PRA report if the LPA is to adequately consider the impact of the proposal on bats. This strategy should assume the presence of a bat roost proportionate to the location and can be modified if necessary once the results of any recommended follow-up activity surveys are known. In this situation only, i.e. once an outline mitigation and compensation strategy has been submitted and approved, would I advise any outstanding surveys are secured by Condition.</p> <p>In addition, if the proposal goes ahead, I advise a method statement demonstrating how the canal and its associate ecology will be protected during construction process forms part of a CEMP, and that this should be secured by Condition.</p> <p>To conclude Until a PRA has been submitted to the LPA, the application should not be determined as there is currently insufficient information to enable the LPA to ensure European Protected Species are not adversely affected by the proposal</p>
Network Rail	The developer and the council need to take appropriate measures to mitigate the noise and vibration from the railway.
Canal & River Trust	Thank you for your consultation. Please note that this response supersedes all previous responses. We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local

communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the proposal on heritage
- b) The impact of the proposal on the character and appearance of the Grand Union Canal
- c) The impact on biodiversity
- d) The structural integrity of the Grand Union Canal

The Trust initially objected to this proposal to convert this waterside pub to three dwellings (our reference CRTR-PLAN-2020-30523). Subsequently we no longer objected but suggested that the applicants had not adequately considered the heritage significance of the structure, considered to be a non-designated heritage asset (our reference CRTR-PLAN-2020-30835).

We suggested that the proposed fenestration should follow more closely the pattern of the original first floor windows in this part of the building. Boundary hedgerow treatment was considered unclear and bin and cycle storage information was lacking. We suggested the addition of ecological benefits. Further details were required by condition, for a construction environmental management plan, (CEMP), and a risk assessment and method statement due to the potential for harming the structural integrity of the waterway walls of the Grand Union Canal.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

Heritage

The additional information submitted with this application includes a Heritage Statement by Roper-Pressdee Heritage Ltd, November 2020, and amended plans provide substantive changes. The Trust has no objection to the proposal on heritage grounds.

Impact on the character and appearance of the Grand Union Canal

Design

It is considered that these design amendments, including alterations to fenestration, address the Trust's previous design concerns. The Trust has no objection to the proposal on design grounds.

Landscaping

The Trust has previously noted that no details are provided of the bin and cycle store and suggested that it would be preferable if the bin store, in particular, is moved further from the towpath. We also suggested that the bin store should be designed to be rat proof.

The information available on the canal frontage area, with its associated potential to impact on the appearance of this canalside landscape is not yet considered acceptable. We have previously assumed that the Proposed Landscape Plan indicates that the existing hedge on the canal boundary to the south of the building will be retained. However, this is not confirmed by the plan which only identifies this area as 'low level landscaping'. We suggest that additional planting may be required to provide an appropriate level of screening and privacy.

However, we note that this area is outside of the 'red line' site boundary for the application and the applicant should note that this land is owned by the Canal & River Trust. Any works to this land, including the work to trees in this area proposed by the Arboricultural Impact Assessment, will require the Trust's prior agreement. The Trust would only support the planting of appropriate native species on our land.

It is also noted that a 1.8m high close board fence is identified on the associated landscaping plan key, but its location is not clear on the plan. Such a boundary treatment would not be considered an acceptable characteristic in the canalside area.

We continue to suggest that a detailed landscape plan is required by condition, to properly understand the location of any proposed planting and to ensure the impact on the appearance of the canalside landscape is acceptable and compliant with Local Plan 2013, Core Strategy CS11.

Impact on Biodiversity

The NPPF 2019 requires development proposals to contribute to and enhance the natural and local environment, and we are pleased to note that a Bat survey report has now been provided. The report indicates the need for further survey work and suggests mitigation that should be

put in place. We would welcome a condition requiring further survey work and suitable mitigation.

The report suggests that further information is required on any proposed external lighting scheme. The Trust support this view however we normally require a lux level of zero over the adjacent waterway, rather than the less than 1 suggested in the report. To allow further consideration of this matter it is suggested that a lighting scheme is required by condition.

The structural integrity of the Grand Union Canal

In our last response (CRTR-PLAN-2020-30835) we advised that construction works close to the waterway can affect its structural integrity. This waterway is a mature heritage asset and vulnerable to vibrations arising from construction works. The canal environment and users are also sensitive to the impact of construction and demolition works, including contaminated surface water drainage/run-off, wind-blown dust and debris.

Due to the proximity of the development proposal to the canal, further details should be required in a suitable condition, to require a Construction Environmental Management Plan and a Risk Assessment and Method Statement to be submitted and approved in writing prior to any works commencing on site, to ensure all risks are known and mitigated prior to any works commencing.

The Trust also requires details of the foundation design for the 'modern' extension to the building, which will have an additional storey built on top of the existing single storey section, under these proposals. We will want to ensure that the additional storey will not result in adverse loading on the canal structure. Such loading could result in damage to the waterway wall and risk causing land instability, contrary to the requirements of paragraphs 170, 178 and 179 of the NPPF. We have suggested a condition in relation to this.

These conditions would therefore be a pre-commencement requirement. The applicants/developers are also advised to contact the Trust's Works Engineer John.pryer@canalrivertrust.org.uk, in order to ensure that any necessary consents are obtained through the Trust's Code of Practice (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>)

The Trust as Landowner

The proposal indicates possible changes to Trust property. The

applicant/developer is advised that any changes to Trust property or encroachment or access over Trust property requires the written consent of the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Bernadette McNicholas. An informative is provided below to this effect.

We note from the Flood Risk Assessment that the applicant proposes to drain surface water to the canal. A new licence from the Trust for such a discharge will be required if redevelopment of the site is permitted, irrespective of whether an existing licence is in place. We have requested that an informative is appended to the decision notice if planning permission is granted.

Should planning permission be granted we request that the following conditions are appended to the decision notice:

1. Pre-commencement condition

Prior to the commencement of development, a Construction Environment Management Plan and Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out strictly in accordance with the approved details. This shall include:

- o The method of protecting the water environment from pollution during the building works
- o The method of protecting waterway and towpath users
- o Details of any construction methods, storage or movement of plant and machinery which could have an adverse impact on the structural integrity of the waterway wall.

Reason: To protect the structural integrity of the adjacent waterway walls and infrastructure, ensure protection from disturbance, dust, run of, waste entering the canal and in compliance with NPPF 2019 paragraph 170. The documents and plans are required prior to protect the canal environment during demolition and construction phases of development and are therefore required prior to commencement.

2. Prior to the commencement of development, details of the design of the foundations supporting the section of the building upon which an additional storey will be built in accordance with the permission hereby granted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the structural integrity of the Grand Union Canal and local land stability that may result from adverse loading being applied to canal infrastructure. The information is required prior to commencement to ensure that any necessary remedial measures can

be taken prior to construction of the additional storey.

Other conditions

3. Details of ecological mitigation measures shall be submitted and approved in writing following the further work recommended in the applicants at report dated December 2020.

4. Details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with paragraph 180 of the National planning policy framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location.

5. Detailed landscaping plans shall be submitted to and approved in writing by the Local Planning Authority, to include hard and soft landscape specifications (including a planting specification; details of the proposed boundary treatments; and materials, dimensions and appearance of the proposed cycle and bin stores), implementation, and maintenance details. The landscaping shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide an appropriate character and appearance in this canalside location for the conservation area in compliance with Local Plan Core Strategy 2013, CS11.

Informative

We also request that the following informatives be appended to the decision notice:

1. The applicant/developer is advised that any changes to Trust property or encroachment or access over Trust property requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Bernadette McNicholas, her details are Bernadette.McNicholas@canalrivertrust.org.uk.

2. The applicant /developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" and contact the Trust's Works Engineer John.pryer@canalrivertrust.org.uk, in order to ensure that any necessary consents are obtained

	<p>(https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice).</p> <p>3. The applicant/developer is advised that any surface water drainage to the canal requires the written agreement of the Canal & River Trust and would also be subject to Third Party Works approval. The applicant/developer is advised to contact the Trust's Regional Utilities Surveyor, Chris Lee. His contact details are: Chris.Lee@canalrivertrust.org.uk.</p> <p>For us to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.</p>
Environment Agency	Thank you for consulting us on the above application. We have no objections to the proposed development.
Parish/Town Council	<p>Objection</p> <p>The Committee objected to the proposed inappropriate redevelopment of this locally listed building in the Conservation Area which neither preserves nor enhances the character or appearance of the area. The proposal also represents an overdevelopment of the site. Both the current building and its usage are important assets to the community and the Committee objected to the potential loss of this historic public house.</p> <p>CS11, CS12, P120</p>
Network Rail	<p>Network Rail has the following comments to make.</p> <p>Noise</p> <p>The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.</p> <p>The NPPF states, "182.Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."</p> <p>Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via</p>

mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- . The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.

- . Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.

- . Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.

- . Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.

- . Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.

- . The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.

- . The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.

- . Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.

- . Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.

- . Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.

- . Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.

- . Railway land which is owned by Network Rail but which may be

deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.

. Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

Drainage proposals and Network Rail land

The NPPF states:

"178. Planning policies and decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."

And

"163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere."

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

. All surface waters and foul waters must drain away from the direction of the railway boundary.

. Soakaways for the proposal must be placed at least 30m from the railway boundary.

. Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

. Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.

. Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

. Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway - any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.

. The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

. Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to

	<p>stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.</p> <p>If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.</p> <p>The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.</p> <p>The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>A Preliminary Roost Assessment by Hampshire Ecological Services Ltd (report date December 2020) of the building found no bats or evidence but did assessed the building as having high potential for roosting bats due to the presence of access points and suitable roosting features.</p> <p>Consequently, following Bat Conservation Trust best practice guidelines, 3 nocturnal emergence / re-entry surveys are required to determine presence/absence, and to provide appropriate mitigation to safeguard bats if present and affected. These surveys can only be</p>

	<p>carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm.</p> <p>As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - so it can consider the impact of the proposal on bats and discharges its legal obligations under the 'Conservation of Habitats and Species Regulations' (2017) as amended.</p> <p>As nocturnal bat activity surveys cannot currently be undertaken, to address this now, I am pleased to see the report also provides Outline Mitigation Strategy, including guidance on the proposed work relating to timing and method as well as the provision of compensatory roosts and suitable enhancements. It is acknowledged that if bats will be affected by the proposal, a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued.</p> <p>With this information in place, I consider the LPA has sufficient information on bats for determination. The outstanding surveys are still required and should be secured by Condition, and can suggest the following wording:</p> <p>"Prior to commencement of any works to the roof or roof space, three dusk emergence / dawn re-entry surveys should be undertaken during May to September, with at least two surveys between May and August, to determine whether bats are roosting, and should this be the case, the outline mitigation and enhancement measures (ref: Bat Survey Report by Hampshire Ecological Services Ltd, December 2020) should be modified as appropriate based on the results. The report should then be submitted to the Local Planning Authority for written approval.</p> <p>Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation."</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the proposal involves a change of use from commercial to residential, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the</p>

presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

	<p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Archaeology Unit (HCC)	<p>The site lies within an area of archaeological significance as identified in the Local Plan. This notes the medieval settlement of Berkhamsted. The site lies close to the Scheduled Monument of Berkhamsted Castle. A Local Listing quoted in documents submitted with this planning application suggests that the Crystal Palace public house was constructed during the mid-nineteenth century.</p> <p>We believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and we recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> 1. The archaeological historic building recording of the standing

building, prior to any development commencing;

2. the archaeological building recording of all interventions to the fabric of the building, including soft stripping, in areas where such works might reveal information relating to the development of the building, and for the purpose of recording any original historic features (etc.) that may be exposed;

3. the archaeological monitoring of all groundworks related to the scheme, including ground reduction, foundation trenches, service trenches, grubbing out of foundations/removal of slab, landscaping and all other ground impact. This should include a contingency for preservation or further excavation of any remains encountered;

4. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;

5. such other provisions as may be necessary to protect the archaeological interests of the site;

We believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. We further believe that these recommendations closely follow the policies included within Policy 16 (para. 199, etc.) of the National Planning Policy Framework. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. We suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

	<p>B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)</p> <p>C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.</p> <p>If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.</p>
Network Rail	Network Rail has no additional comments.
Thames Water	<p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>

<p>Environmental And Community Protection (DBC)</p>	<p>I understand the site is an existing Public House (A4) with existing residential development in close proximity. The site is also close to the main rail line, reference to DEFRA's strategic noise maps indicates that the development site is within 70-75dB LAeq,16hour day and 65- 70dB LAeq,8hour night- time rail noise contours and therefore, will be subject to high levels of transportation noise impact.</p> <p>It is considered that internal noise can be mitigated through design and building construction, external rear balconies will be offered building block protection from transportation noise but the communal garden area is likely to above guideline levels. The installation of an acoustic fence will offer some attenuation, however, due to the topography of the site this will be limited. BS8233 Guidance on sound insulation and noise reduction for buildings states, with regard to amenity spaces; These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited."</p> <p>The noise assessment report submitted by Airtight and Noise Check Ltd ref 18294 dated 15th & 16th January 2021 indicates marginally lower levels than the DEFRA strategic noise maps, however, maximum noise levels, which must be measured, dictate the sound reduction performance of the building and the measurements and assessment are accepted. The report details outline building construction, glazing and ventilation specification and it will therefore, be necessary for further details/report, confirming the final design specification for each element, to be submitted in order to demonstrate that internal noise limit requirements will be achieved. Further noise protection of the communal garden area is also desirable, however this will have to be balanced against the provision of other amenity spaces (balconies) which are likely to achieve the guidelines requirements and therefore is ultimately a planning decision.</p> <p>The vibration report submitted by Sound Planning Ltd ref J0-4324 dated 28th January 2021 indicated that for both passenger and freight train movements, vibration impacts are below magnitudes were adverse comment is expected. The results of the report are accepted. I therefore do not have any in principle objections subject to the following condition being attached to any consent which may be granted.</p> <p>Noise Protection Scheme a) Prior to the first occupation of the proposed development, final details</p>

	<p>of the building specification, including facade sound insulation performance (walls, roof, glazing)and associated mechanical ventilation and heat recovery systemand acoustic ventilators shall be submitted to and approved in writing by the local planning authority.</p> <p>The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied"</p> <p>BS8233 2014: Table 4 - Indoor ambient noise levels for dwellings</p> <p>b) BS8233 also recommends that regular individual noise events can cause sleep disturbance..</p> <p>Noise events (measured with F time-weighting should not normally exceed 45dB L_{Amax} several times in any one hour during the night (23.00-07.00)</p> <p>c) A mechanical ventilation and heat recovery system along with acoustic ventilatorsshall be installed for habitable and other rooms as indicated in the Airtight and Noise Check Ltd ref 18294 dated January 2021. The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1</p> <p>d) Amenity Spaces - The acoustic environment of external amenity should ideally not be above the range 50 - 55dB L_{Aeq},16hr. It will therefore, be necessary to provide further physicalmitigation such as an acoustic noise barrier to the communal garden area in order to achieve the lowest practicable noise levels.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour	Contributors	Neutral	Objections	Support
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Consultations				
33	114	1	106	3

Neighbour Responses

Address	Comments
39 Durrants Road Berkhamsted Hertfordshire HP4 3PG	This property is a beautiful public house, with significant historic interest for locals and visitors. The actual building is lovely, old architecture and any new properties would not be able to develop such a gorgeous facade. The building /public house had not undergone any change since the smoking ban came into place and a fresh look may be all it needs to become a thriving place to eat and drink once more.
38 Ellesmere Road Berkhamsted Hertfordshire HP4 2EU	This is a historical community hub in Berkhamsted which should not have been neglected. There is an opportunity to put this building to better use than just more flats so please can we save it for the town. It's history is also significant and should be respected.
10 Ravens Lane Berkhamsted Hertfordshire HP4 2DX	I consider that The Crystal Palace should be registered by The Berkhamsted Castle Trust as an Asset of Community Value.
85 High Street Northchurch Berkhamsted Hertfordshire HP4 3QL	Loss of historical property and building of key local interest and use.
41 Bridgewater Road Berkhamsted Hertfordshire HP4 1HP	I recognise the need for new housing stock but don't believe that a piece of local history with huge potential to develop into a community-led building should be adapted.
26 Victoria Road Berkhamsted Hertfordshire HP4 2JT	Object
Shootersway Farm Shootersway Berkhamsted Hertfordshire HP4 3TY	The Crystal Palace has been on this site for over 200 years and during that time has become a local landmark. Too many historic buildings are being converted to housing, thus overcrowding the area and imposing additional strain on the local infrastructure. Better the property is either once again used as a public house or some form of restaurant.
27 Greystoke Close Berkhamsted Hertfordshire HP4 3JJ	This proposal must be rejected and the property retained for public hospitality. In this respect the Berkhamsted Castle Trust's proposals for it to be considered an asset of community value and developed into a visitor support centre for the Castle has significant merit and should be pursued. Allowing additional dwellings to be constructed at this location will add unwanted pressure on local infrastructure and community facilities which must not be permitted.
7 Bulbourne Close Berkhamsted	I wish to object to the proposal as articulated. There are plenty of stretches of the canal where there are flats, it seems a shame to

<p>Hertfordshire HP4 3QA</p>	<p>remove something a bit different and historic and to replace it with something bland. Community is really important, easy to erode and hard to rebuild.</p>
<p>40 Greenway Berkhamsted Hertfordshire HP4 3JE</p>	<p>The Crystal Palace is a building of significant historic and cultural importance to the town of Berkhamsted and I feel it should stay that way.</p> <p>It's in a prime location, and as a locally listed building in the conservation area, it deserves to be restored to its former glory, not sold off for a quick buck.</p> <p>The Berkhamsted Castle Trust have expressed their desire for the site to be registered as an asset of community value, and this is something I wholeheartedly agree with.</p> <p>The Crystal Palace adds considerable character and appeal to this town. I object to the proposed development in the strongest possible terms.</p>
<p>7 Costins Walk Berkhamsted Hertfordshire HP4 2WG</p>	<p>I would like to object to this development on the grounds of the history of this property and its importance to the community of Berkhamsted.</p> <p>Too many buildings of historic importance are cast aside in the pursuit of housing and profit and occasionally some things are more important, namely the window and history of the building in its entirety.</p>
<p>19 Castle Hill Berkhamsted Hertfordshire HP4 1HE</p>	<p>I oppose the planning application (ref: 20/03492/FUL) for the conversion of the historic Crystal Palace pub into three new houses.</p> <p>If planning permission is granted, the community will lose this locally-listed, canal-side pub.</p> <p>The property is currently the subject of a new Asset of Community Value application by the Berkhamsted Castle Trust.</p> <p>The Castle Trust proposal will conserve the pub, and it will also create a cafe, a shop, a history centre, and public conveniences. All of these elements are much needed in order to give Berkhamsted Castle the facilities that a historic site of its importance and stature requires.</p> <p>This is a uniquely suitable site for the proposed Asset of Community Value, whereas housing could be provided elsewhere.</p>
<p>Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p>I write on behalf of the Berkhamsted Citizens Association Townscape Group, of which I am Chairman. The Group wishes to OBJECT strongly to this application for conversion to residential use.</p> <p>The Crystal Palace is a locally listed canal-side public house, one of only 3 left being used for its original purpose. Its status as a building of historical significance, being inspired by Joseph Paxton's Crystal Palace and built in 1851 by John Lane (of Lane's Nurseries) and under</p>

	<p>the watchful eye of Joseph's nephew William Paxton (the land Agent at Ashridge), makes it worthy of protection for its original purpose. The applicant's Heritage Report is woefully (and wilfully) inadequate in order, we would contend, to mislead. Conversion to 3 housing units is purported to be an 'overall improvement' to the conservation area, a statement with which we strongly disagree. The Berkhamsted Castle Trust has now submitted a revised Asset of Community Value application which sets out in great detail the pub's history; and what it means to the modern community around it, particularly the walking and boating fraternity.</p> <p>Apart from the inadequate coverage of the pub's history and the admission that 10 years of neglect by Punch Taverns has brought the building to its current state, the application has several other flaws. The Planning, Design and Access Statement and the Transport Statement both admit to an inadequate provision of car parking spaces. The number of bedrooms require 5 spaces; the plans only provide 3. In view of the restrictive space in Station Road, the inadequate number of spaces will exacerbate the parking situation there. Additionally, the design of the houses is undistinguished and neither enhances nor conserves the conservation area.</p> <p>The Updated Viability Report does not admit to any business model other than a 'wet-led' pub. Its future is seen otherwise by more than one interest group, but specifically by the Berkhamsted Castle Trust, which has submitted an alternative in its recent ACV application to DBC. Its model could produce a community (and castle) asset which could offer so much more than 3 residential units. We urge the planning Department to reference this model.</p> <p>The BCA Townscape Group is a strong advocate for refusal of this application for all of the above reasons; and for the good of this part of Berkhamsted's conservation area..</p>
<p>Lismere House Bullbeggars Lane Berkhamsted Hertfordshire HP4 2RS</p>	<ol style="list-style-type: none"> 1. Punch Taverns have allowed the Crystal Palace to decline over the last 10 years at least, with no refurbishment or business boost. Its not as though they don't have the money to keep this listed locally building from falling into disrepair - in the year to August 2019 they posted a net profit of £112m. Once again we see a corporate body deliberately allowing a building to decline in order to help a housing development go through planning. This is not unusual for Punch Taverns, in 2016 their profits were boosted by £83m through property sales. Our councils should not allow corporate greed to cover up the rich heritage of our town. 2. Planning legislation makes it clear that local authorities should give "special attention" to Conservation Areas and their enhancement. The heritage of this building is exceptional on its own, as has been detailed fully in this portal, on local social media groups, and by The Berkhamsted History Society and the Berkhamsted Castle Trust. 3. The Crystal Palace pub is iconic for train passengers, townsfolk and as a unique part of the town's canalscape and Berkhamsted Wharf. The onus is on us all to make sure it not only stays as it is, but is preserved for the future. In this respect I fully back the Community Asset idea of

	<p>the Berkhamsted Castle Trust, and would hope that our Town Council will actively assist in the Trust's endeavours.</p> <p>4. I have to question the need for three more dwellings in the centre of town on the canal bank. Are they needed when there is the prospect of many dwellings on various sites already designated in the Local Plan? As with Heron Court, Robertson Road and other developments in this town these dwellings will most likely be bought to let. How does that help the people of Berkhamsted?</p>
<p>Ballinger Graemesdyke Road Berkhamsted Hertfordshire HP4 3LX</p>	<p>The Crystal Palace is an important part of Berkhamsted's heritage, sited as the first canalside building, exiting left from the station. It deserves to be retained and refurbished into an impressive landmark in the town, has clearly suffered in recent years from under-investment by the current owners and, as a revitalised pub/ community resource, has every prospect of being a valuable asset to the town's residents and visitors.</p> <p>Pubs are recognised across the board as important gathering places for people. To slap three indifferent residential units in the location on the Crystal Palace would be a travesty. Please don't!</p>
<p>Evergreen Hill Spaniard Road London NW3 7JJ</p>	<p>We like the property as it is and we definitely would not consider any change under any circumstances.</p>
<p>9 Upper Hall Park Berkhamsted Hertfordshire HP4 2NW</p>	<p>It would be a shame not to see this historic building. It is part of the town and in the heart of the conservation area. I also understand there is an application for this to become a new Asset of Community Value. This would seem to be a much better proposal as not only would it conserve the pub, but also create a history hub and public conveniences. We want people to visit the town, particularly on foot or by bicycle. The Crystal Palace is well placed, alongside the canal and very near to the station, to meet needs of both walkers and cyclists who can then visit the castle, learn more about the history of the town and (very importantly) contribute to local economy. The same cannot really be said for 3 dwellings.</p>
<p>35 Lombardy Drive Berkhamsted Hertfordshire HP4 2LQ</p>	<p>Preserve historical buildings</p>
<p>14 Pheasant Close Berkhamsted Hertfordshire HP4 2HQ</p>	<p>Loss of local history</p>
<p>5 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB</p>	<p>Yet another piece of Berkhamsteds history being destroyed.</p>
<p>1 Cooper House Ravens Lane Berkhamsted Hertfordshire</p>	<p>The Berkhamsted Conservation Area Character Appraisal & Management Proposals commissioned by Dacorum Borough Council in 2010, with its chapter on "Negative Features and Issues" is a strong argument against the development of the Crystal Palace into another</p>

HP4 2DX	<p>featureless block of apartments.</p> <p>When I publish photos of our wonderful old town on the Berkhamsted History Facebook page, there are often comments about the shame of old buildings being replaced by less attractive ones, e.g. https://www.facebook.com/BLHMS/posts/1323702650991124</p> <p>I favour Berkhamsted Castle Trust's plans for a community heritage facility.</p>
4 Isenburg Way Hemel Hempstead Hertfordshire HP2 6NQ	<p>It's quite shameful that this proposal hasn't been thrown out from the very start. Everyone KNOWS that the building should stay as it is.</p>
41 Granville Road Northchurch Berkhamsted Hertfordshire HP4 3RN	<p>Not only could this easily be the best pub in Berkhamsted under the right management, but traffic in the area is also very poor already, and the road network is inadequate to handle more housing.</p> <p>This building should remain as a Public House, and become an asset to the area and community.</p> <p>Not more housing that will cause contention with those already living in the area.</p>
14 Priory Court Berkhamsted Hertfordshire HP4 2DP	<p>This is a historical, iconic Berkhamsted building, modeled on the original Crystal Palace, and it will lose its character if sold off for commercial development. Berkhamsted Castle Trust, on behalf of Berkhamsted's heritage community, want to save it by registering it as an Asset of Community Value, and are developing a vision for its future use. I support this application by Castle Trust and think the building merits care and attention.</p>
Chiltern Society White Hill Centre White Hill Chesham HP5 1AG	<p>The Chiltern Society Planning team objected to the earlier recent planning application in september, and strongly objects again to this application for the same reasons. This fresh application has changed little and does not in any way deal with the reasons for the earlier objection.</p> <p>This is a historic locally listed building in the conservation area and arguably at the gateway to this historic town, being across the railway from Berkhamsted Castle, on the canalside and close to the station. It is a unique part of the view of the town from the railway, which normally carries many thousands of passengers via the West Coast Mainline, many of whom alight at the station as commuters. In addition, there are an increasing number of visitors to the Castle as a tourist attraction.</p> <p>This is a unique structure inspired as the name suggests by the Crystal Palace.</p> <p>The construction of 3 dwellings and cramped and inadequate parking and amenity land on the site is clearly over development of the site. It would completely change the character and impact of the site.</p> <p>The traffic flow along Station Road is heavy as well as the awkward turn over the nearby canal bridge to/from Castle Street.</p> <p>It remains our view that this could be a thriving public house with a little investment and publicity. Indeed, the Berkhamsted Castle Trust have submitted an application for the pub to become an Asset of Community Value as not only is it in a desirable area for a pub, it could provide facilities such as food, seating and toilets etc. which visitors to the Castle do not have currently in the vicinity.</p>

	We urge rejection of this application.
Candlemakers Cottage Church Lane Berkhamsted Hertfordshire HP4 2AX	<p>The proposed three dwellings in this application offer no benefits to the conservation area or the community.</p> <p>The recently submitted Asset of Community Value application by Berkhamsted Castle Trust is a much better proposal which will enhance the Conservation Area by retaining a Locally Listed Building and link it to Berkhamsted Castle. Their proposal will conserve the public house, create a cafe, a shop, a history centre as well as public conveniences. Berkhamsted Castle deserves these facilities which will be appreciated locally and by visitors to Berkhamsted.</p> <p>The pub has not had any investment for some time and as a result is run down and unattractive. Other pubs in Berkhamsted have benefitted from investment and there is no doubt the Crystal Palace could do the same.</p>
22 Hall Park Gate Berkhamsted Hertfordshire HP4 2NJ	<p>I object to converting the Crystal Palace Public House to housing. The Crystal Palace is in a prime location for a public house, in the centre of Berkhamsted, in the conservation area and bordering the canal. It has been neglected by its owners and been allowed to get rundown. With TLC and imaginative management, it would have been a different story. The yard is an eyesore, and one conjectures that this has also been on purpose - to obtain permission for lucrative housing. Previous extensions have been out of character, and an extension for housing would be even more so.</p> <p>I would support an application from the Castle Trust to have the property listed as an Asset of Community Value as a first step to retaining the Crystal Palace as a public house, or for another community use. A link with Berkhamsted Castle would seem very appropriate.</p>
29A Montague Road Berkhamsted Hertfordshire HP4 3DZ	<p>In it's present guise this building has provided a public benefit throughout it's history and additionally contributes to the canal side scene in a positive way.</p> <p>Though retaining some architectural aspects, in my view the proposed development will provide no public benefit.</p> <p>Social housing can be a public benefit but this development is merely a business proposal to consolidate an investment.</p> <p>I understand that there is a proposal from the Castle Trust for an alternative viable use, which would enhance castle visitor facilities provide a history hub and certainly be of public benefit.</p> <p>This sounds to me a much better objective and so I object to the application.</p>
10 South Park Gardens Berkhamsted Hertfordshire HP4 1JA	<p>I understand a planning application for the demolition of The Crystal Palace Pub Berkhamsted (ref:20/03492) and its replacement with 3 houses has recently been placed.</p> <p>I wish to object strongly to this application as a long standing resident, having lived in the town for over 40 years and experienced the enhancing of the town, not only as a lovely environment in which to</p>

	<p>live, but as a town that welcomes visitors from far and wide.</p> <p>Over the years much has been done to improve canal pathways and bridges, access to the Castle , restore the cemetery, plant new gardens , make play areas more attractive, provide informative historical walks and make Berkhamsted an even more vibrant market town.</p> <p>The Crystal Palace has a long history within the town and although it has fallen on hard times lately, (as have many public houses) it would a travesty to demolish it and build houses on a corner of Station Rd opposite Brownlow Hill that is narrow and already difficult to navigate because of car parking.</p> <p>How much better to create something really special that the local community and visitors would benefit from. The pub is locally listed in the conservation area and is the subject of a new Asset of Community Value application by the Berkhamsted Castle Trust. This application would provide a cafe, shop and history centre as well as public conveniences (visitors at the moment have to use the Station toilets or find them in the town) . It would be an excellent start for a day in the town as it is so near the station, as well as the new car park. It would point folk in the right direction for everything there is to enjoy in this historic town and beautiful surrounding countryside.</p>
<p>7 Castle Hill Berkhamsted Hertfordshire HP4 1HE</p>	<p>I would like to lodge my objection to the demolition of the Crystal Palace Public House, to make way for new housing.</p> <p>The Crystal Palace Pub is a historic pub, embedded in the Berkhamsted community, situated in a conservation area. New housing located here would be obstructive with no parking and would congest that area, right by the canal where many families enjoy the area; walking along the canal.</p> <p>I understand it is being considered for a new Asset of Community Value application by Berkhamsted Castle Trust, whereby it will enhance the area for local residents and create a history hub - something we locals would all be proud of.</p> <p>I would ask that you consider disrupting this beautiful part of Berkhamsted for the sake of just 3 houses; to benefit the very few and not the many.</p>
<p>Garden House Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>I understand that you are considering the above application.Unfortunately I have been unable to access the Council's planning website to consider the proposed physical details of the application,so I cannot comment on the proposals.</p> <p>I am ,however,aware that Berkhamsted Castle Trust is seeking an application to confer "Asset of Community Value" status on the former Crystal Palace public house. Given the building's location in a designated Conservation Area,its prime site by the Grand Union Canal,its architectural and cultural significance to both townscape and town residents such an application appears justifiable.</p> <p>What is however even more tenable is their plan to convert the existing building into facilities to complement the adjacent ancient historic site of Berkhamsted Castle.The importance of the</p>

	<p>Castle,both historically and environmentally,means that extensive public facilities are totally inappropriate on site.What more sensible way of providing the required facilities for the benefit of future tourists than utilising the Crystal Palace?</p> <p>I draw your attention to the new Draft Plan for Dacorum currently in consultation: p.26 announces the aim "to protect and enhance Dacorum's distinctive historic environment".Berkhamsted Castle is specifically mentioned at 15.18 and at 15.20 the re-use of existing buildings is stated to limit harm to the environment.</p> <p>Moreover proposed Policy DM18(pp.90/91) states(at 1.)"Extensions to existing tourist enterprises will be supported in principle where the facility meets identified needs which are not met by existing facilities....is appropriately located"</p> <p>In rejecting the present application at least pending resolution of the status of the Crystal Palace you are being given an early opportunity to demonstrate that the content of the proposed New Plan does not consist of mere words.I hope you see fit to take that opportunity to demonstrate the credibility of the Plan.</p>
<p>150 George Street Berkhamsted Hertfordshire HP4 2EJ</p>	<p>I am writing to object to the Crystal Palace PH, Planning app. 20/03492/FUL.</p> <p>The application proposes the substantial demolition of the canalside, Crystal Palace public house in Station Road, Berkhamsted replacing it with three houses and inadequate parking.</p> <p>The Crystal Palace public house is located in the heart of the Conservation Area and is also the subject of a new Asset of Community Value application by the Berkhamsted Castle Trust. This proposal would preserve the building as well as creating a cafe, shop, a local history hub and public conveniences. All of which would be an asset located so close to Berkhamsted Castle. For visitors with younger children, as well as many people walking along the Canal's towpath, a cafe is a preferable refreshment stop to a public house.</p> <p>I hope that the Town Council's Town Planning Committee will vote in favour of preserving a historic canalside public house located in the heart of the Berkhamsted's Conservation Area..</p>
<p>Hazel Ridge Shootersway Berkhamsted Hertfordshire HP4 3TU</p>	<p>Dear Ms Palmer , I am writing to you and the council to request that you reject the above application . It does not fit in any way with such a beautiful and historic site . The canal and the conservation area are major assets to Berkhamsted and need all the help and protection they can get . This application starts to tear away at the fabric of this area . There are alternatives , such as the ACV application which are far more in keeping with what is required .</p> <p>I do hope that you and our elected representatives will protect our historic town . Our high street bears witness to the planning follies of the past as well its successes .</p> <p>I thank you for your consideration</p>
<p>Haynes Mead Berkhamsted</p>	<p>I wish to object most strongly to the proposal to demolish the Crystal Palace pub and replace it with 3 houses. The pub used to be well</p>

	<p>used on the canal side and is in the heart of the conservation area. I understand that B'sted Castle Trust has lodged an application for an Asset of Community Value which would create a hub of great community value and use.</p> <p>The proposal for houses would be of no value to the town, there is little satisfactory provision for parking and it is likely to have an adverse impact on the adjacent mature trees. I hope it will be rejected.</p>
<p>123 George Street Berkhamsted Hertfordshire HP4 2EJ</p>	<p>The business in its location would sell drink to local customers but would not generally attract those from outside the immediate area." is stated in the viability report.</p> <p>This statement sums up the very limited and unwarranted assumptions in the report about the potential future for this asset of community value. The Castle Trust proposal for one outlines a future which adapts the format to serve both outside visitors and locals by coupling the amenity to the Castle and not constraining activities to the serving of alcoholic drinks. With the Castle, the Railway Station and the canal with both canal leisure traffic and canalside attraction, there is more potential to attract outside visitors than almost all of the other venues mentioned in the report for comparison. If we continue to erode and undermine the character and amenities of this area there will be less reason for visitors to come.</p> <p>The report does a nice job of demonstrating the process of decline in business if the format of the offering is not adapted to changes in consumer behaviour and if the asset is not properly cared for and maintained.</p> <p>The community value derives not only from the history associated with the building but also from its potential to serve many practical needs as a serviceable canalside amenity that could be made attractive once again in a sustainable way.</p>
<p>7 Hall Park Berkhamsted Hertfordshire HP4 2NU</p>	<p>With great dismay I heard about the planning application to replace the Crystal Palace public house with three house units.</p> <p>I have family connections with Berkhamsted - in the 1870s my 2 x great grandfather was gardener at what is now the Film Institute, my great grandparents lived in Moor Street, just round the corner from the Crystal Palace and I have lived in the town for over forty years. I also have a special interest in this building as a direct ancestor was Johanna 'Anne' Paxton and as a boy living in Surrey before the last war I was woken up by my father one night to be shown the original Crystal Palace burning down, something I have never forgotten.</p> <p>Leaving the sentimental side, the proposal by the Castle Trust that retains the building is far more practical than cramming in more housing. Berkhamsted is very much in need of more public lavatories and the various facilities for visitors to the castle is an ideal proposal. As someone with long connections with the town I do feel strongly against this proposal.</p> <p>I therefore urge your Council to reject the planning application for three</p>

	<p>house units and support the proposal by the Castle Trust.</p> <p>Further to my letter re the Crystal Palace planning application I apologise for an error therein. It should be Mill Street, not Moor Street.</p>
<p>62 Gossoms End Berkhamsted Hertfordshire HP4 1DJ</p>	<p>The architectural and historical value of the Crystal Palace to Berkhamsted cannot be overestimated. Surely it's exactly buildings such as these that make Berkhamsted the place we all want to live in?</p> <p>The current owners historic policy of zero investment coupled with a hugely unreasonable selling price is scandalous; no wonder it hasn't been bought.</p>
<p>14 Coram Close Berkhamsted Hertfordshire HP4 2JG</p>	<p>The history of this important building should be preserved in the form of the community space proposed by the Berkhamsted Castle Trust. There are far more appropriate locations that can satisfy any need for more residential dwellings. As such I strongly object to the proposed plan.</p>
<p>4 Rosehill Berkhamsted Hertfordshire HP4 3EW</p>	<p>This beautiful old building needs a chance to make it as a pub to serve locals. Lovely location that just needs the right people to run it. Please do not lose this to more housing</p>
<p>32 The Rex High Street Berkhamsted Hertfordshire HP4 2BT</p>	<p>I would like to OBJECT to the plans to turn the Crystal Palace into private flats for the following reasons:</p> <p>Public amenity and location</p> <p>Although run down and neglected, the Crystal Palace pub is one of the last public buildings left along the canal towpath in Berkhamsted. This accessible path is vital for the public to enjoy fresh air and exercise, enhancing physical and mental wellbeing. Yet there is next to nothing for the public to enjoy all along this towpath - now only 2 canalside pubs left within about a 10-mile stretch. Everything else is fenced-off private property - even Berkhamsted's famous totem pole is barred from public access by a "Private - keep out!" sign. And now Dacorum want to hand over 33% of remaining public amenities to privateers, for the personal profit of the few.</p> <p>History</p> <p>The CP has so much associated local history - its first owner knew Sir Joseph Paxton, architect of London's famous 1851 Crystal Palace Great Exhibition. He also owned several historic pubs around Berkhamsted - all of which have now been sold off a private dwellings, lost to the community forever behind locked doors.</p> <p>Potential for the community</p> <p>The Crystal Palace building could offer so much with its canalside setting - it has potential as a venue for education about local history, the canal, railway and castle heritage, alongside a possible open-air food and drink offering (vital in these pandemic times). Put this application</p>

	<p>on hold and let the community try to come up with something more creative than just more dreary property acquisition. Past success stories like the Rex Cinema have really put Dacorum on the map - let's not let this one slip away. Once it's gone, it's gone.</p>
Unknown	<p>Hello, I understand there are plans to demolish the Crystal Palace pub in Berkhamsted and replace it with some houses. There is an alternative plan to turn it into a visitor centre for the castle, complete with shop, history hub, café and toilets. This seems to be a much better idea and far preferable to more houses. So I would like to urge you to back this idea, it would be a huge benefit for Berkhamsted. People would be able to visit the castle, enjoy the many facilities provided by the cafe etc and not have to worry about where to go to the toilet. It would also bring much-needed visitors to the town. So please could you back this idea, thank you</p>
14 Murray Road Berkhamsted HP4 1JD	<p>I write to object in the strongest possible terms to the proposed destruction of The Crystal Palace Public House to be replaced by 3 dwellings. It has been said that those who fail to learn from history are bound to repeat it and I think that this applies to this proposed project. Surely the decimation of the centre of Berkhamsted in the 1960s/70s serves as a reminder of how to ruin and denature a town by knocking down historic buildings and replacing them with brick and concrete monoliths which do not have any architectural appeal whatsoever.....viz. destroying the White Hart Public House with the awful building that houses Boots the Chemist amongst other featureless and uninteresting structures in the same parade. Compare images of the High Street in the 1950s to now, how much more character and appeal the buildings had then. If this project were to go ahead it would rob Berkhamsted of some more of its character and be totally out of place in this very pleasant canalside environment.</p> <p>The Crystal Palace known locally as the CP is a building with a tremendous amount of history being a watering hole for bargees when the Grand Union Canal was a major trade artery indeed it was built in 1866. Do you think it would be a good idea to demolish our lovely Town Hall and replace with a motel? To me the principle would be the same.</p> <p>Please will you turn down the application for the sake of the character of Berkhamsted for now and for the future?</p>
Berkhamsted	<p>I would like to object to the planning application to substantially demolish the Crustal Palace Public House in Berkhamsted. The Castle Trust proposal will not only conserve the pub but also create a cafe, shop, and history hub, not to say public conveniences! It's all the castle, and the public, could wish for rather than three houses with inadequate parking.</p> <p>I would encourage you to consider the ACV application as an alternative.</p>
15B Middle Road Berkhamsted HP4 3EQ	<p>I have no objections to this application.</p> <ul style="list-style-type: none"> - It preserves the original exterior. - It improves the low quality modern extension in a sympathetic

	<p>manner.</p> <p>I do have observations on the co-ordinated objections and their suggestions.</p> <p>My view is that it is not appropriate to try to link the castle with the site as pedestrian journeys between the two are particularly hazardous.</p> <p>The closest way to cross the railway is under the New Road bridge. The footway here is minuscule alongside a narrow single width road. From there, there is no footway to the castle entrance on White Hill.</p> <p>The next alternative is the Brownlow Road. This is also narrow, both road and footway, it has much traffic and poor sight. Pedestrians then face traffic from multiple directions on the Brownlow Road, White Hill and accessing the station car park.</p> <p>Furthermore, it would seem imprudent to turn away a viable project which respects the building for the vague possibility of a community initiative which has yet to formalise its status or begin to raise any funds. The prospect of the building remaining closed and neglected is unattractive.</p>
<p>88B High Street Berkhamsted Hertfordshire HP4 2BW</p>	<p>I support the planning application for residential use as there is such a great need in the area. Housing is essential. During the 16 years I have lived in Berkhamsted the site has either had a problem reputation or more recently has been an eyesore.</p> <p>I would NOT be in favour of restoring it to use as a Public House as there is plenty of provision in the town and some popular venues are facing closure as a result of the extraordinary pandemic restrictions. Even those currently open are clearly struggling to maintain their businesses</p> <p>As a community venue it would seem to duplicate provision elsewhere in the form of the Town Hall, Civic Centre, Court House and the Open Door Project.</p>
<p>25 Hobbs Hill Road Hemel Hempstead Hertfordshire HP3 9QA</p>	<p>A unique Building and part of Berkhamsted's great heritage should be protected. Clearly a community heritage Asset. Too many pubs lost in the area. Other pubs along the canal have proved successful. If it is said to no longer be viable that is more a reflection of the failure of the owners rather than the building use and location. I support the attempts by Heritage groups to preserve the Building as a community asset.</p>
<p>9 Gilpins Ride Berkhamsted Hertfordshire HP4 2PD</p>	<p>This is a loss to the community of Berkhamsted. The public house has been there for many many years and now more development in the town.</p> <p>There are not enough services for the number of houses.</p> <p>What happens to the rest of the free parking available along the canal?</p>
<p>12 Manor Street Berkhamsted</p>	<p>I object to the application to convert the historic Crystal Palace PH to 3 houses (20/03492/FUL). This area of the town with close proximity to</p>

<p>Hertfordshire HP4 2BN</p>	<p>the station, castle and canal should encourage visitors to the town and benefit the local community.</p> <p>Planning legislation makes it clear that local authorities should give "special attention" to Conservation Areas and their enhancement. The heritage of this building is exceptional and within the heart of the Conservation Area of Berkhamsted. The building has considerable community/ illustrative value as a historic pub, reflecting the typical canal architecture, as well as the importance and development of the Grand Union Canal.</p> <p>The Conservation Officer emphasises the importance of this Heritage Asset in the Conservation Area and his reasons for rejecting the proposal are sound and should be supported.</p> <p>The Crystal Palace pub is iconic for train passengers, townsfolk and as a unique part of the town's canal scape and Berkhamsted Wharf. The onus is on us all to make sure it not only stays as it is, but more importantly ensure it is preserved for the future. It would be a travesty for the pub to be lost to a residential conversion when the community so clearly values it.</p> <p>I strongly support the application by Berkhamsted Castle Trust for the pub to become an Asset of Community Value. The Crystal Palace could become a thriving pub and in addition house a Castle Visitor Centre with cafe, shop, toilets and a historic hub. This is a uniquely suitable site for the proposed Asset of Community Value, whereas housing could be provided elsewhere. I would hope that Berkhamsted Town Council and Dacorum Borough Council will actively support and encourage the Trust's endeavours.</p> <p>In conclusion the Planning consent for this residential conversion project by Punch Taverns should be refused. The Borough Council should support the application by the Berkhamsted Castle Trust to make the Crystal Palace an Asset of Community Value.</p> <p>I object to the application to convert the historic Crystal Palace PH to 3 houses (20/03492/FUL). This area of the town with close proximity to the station, castle and canal should encourage visitors to the town and benefit the local community.</p> <p>Planning legislation makes it clear that local authorities should give "special attention" to Conservation Areas and their enhancement. The heritage of this building is exceptional and within the heart of the Conservation Area of Berkhamsted. The building has considerable community/ illustative value as a historic pub, reflecting the typical canal architecture, as well as the importance and development of the Grand Union Canal.</p> <p>The Conservation Officer emphasises the importance of this Heritage Asset in the Conservation Area and his reasons for rejecting the proposal are sound and should be supported.</p> <p>The Crystal Palace pub is iconic for train passengers, townsfolk and as a unique part of the town's canal scape and Berkhamsted Wharf. The onus is on us all to make sure it not only stays as it is, but more</p>
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<p>4 Jubilee Gardens Tring Hertfordshire HP23 4JG</p>	<p>Surely this building should be restored to its former glory, not demolished!</p>
<p>15 Highfield House Queensway Hemel Hempstead Hertfordshire HP2 5GZ</p>	<p>I wish to object to this application due to the age and history of this building. It is very important to safeguard its heritage for all future generations.</p>
<p>4 Castle Gateway Berkhamsted Hertfordshire HP4 1LH</p>	<p>This is a local landmark. We don't need more flats.</p>
<p>8 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I write to object to the loss of this historic canal side pub.</p> <p>The viability report comes to the conclusion that it is not sustainable as a business. The pub itself has had no investment for many years and the building has certainly not been maintained properly by the owner (Punch Partnerships Ltd). This pub has the best location of any in Berkhamsted - right on the canal and by the station and the castle. Investment is required to make this location a destination in order for this to be a highly profitable business. The town fortunately supports a number of independent owned pubs The riser, the Bull, the goat, the George, the Lamb and a the Gatsby - all in LESS central locations.</p> <p>None of these pubs are competing with each other and are all independently owned - without brewery ties.</p> <p>The economic case on viability isn't realistic due to the fact that the lease has been for sale for a number of years.</p> <p>Conversion of this historic site into flats is simply an unimaginative and lazy option. I understand Berkhamsted Castle is interested taking the site and using it as a community space. No doubt putting back some love into the historic site that has - over the years - been neglected.</p>

	<p>I really would ask BTC and DBC to think outside the box and not take the lazy route with this historic site.</p> <p>FYI The Crystal Palace Pub stands forlorn & neglected. The owners, Punch Partnerships Ltd, have failed to recognise the heritage significance of the building, which has only recently been discovered.</p> <p>The Crystal Palace was added onto a pre-existing, much older beerhouse (which survived behind the current range until well into the C20th). The new Pub was built by John Edward Lane in the 1850s. J.E. Lane F.R.H.S. (1808-1889) was born in Berkhamsted and lived in the town for 81 years. He ran the nationally-known Lane Nurseries in the town, established by his grandfather in c. 1777, won many medals at the 'real' Crystal Palace (and other) exhibitions, and knew Joseph Paxton personally. He also ran a successful brewing business and owned several pubs in Berkhamsted, including the Crystal Palace.</p> <p>The original design and name therefore connect the pub to the iconic national structure of the Crystal Palace itself. Lane celebrated his triumphs and status in the town by building his own miniature version (the original frontage was quite different, as seen below) - a clever piece of branding for his nursery and brewing empire.</p>
<p>The Bothy Berkhamsted Place Berkhamsted Hertfordshire HP4 1HQ</p>	<p>The proposed closure of a historic canal-side public (The Crystal Palace) on commercial grounds by the owner can be contested in that within half a mile there is The Rising Sun and The Bull both of which are thriving and which have a small internal floor areas. Local pubs should be maintained to provide local employment at a time of retail contraction, to promote personal contact and in this location tourism.</p> <p>The heritage use of this building would be maintained as an Asset of Community Value as proposed by the Berkhamsted Castle Trust to provide a community facility to provide services for visitors to the nationally important Castle which is in close proximity.</p>
<p>Ballinger Graemesdyke Road Berkhamsted Hertfordshire HP4 3LX</p>	<p>This pub is in a fantastic location, much more suited to public amenity than flats. The town is becoming a go to location for better quality shopping eating out etc, this location in the right hands will be a further asset, as opposed to simple residential development for short term gain by Punch Taverns. The original facade which emulated The Crystal Palace has also a wonderful story behind it, once lost never regained! Our planners remit should be to deliver quality over quantity in a location like this. Do the right thing planners... Fail this application</p>
<p>Hilltop House Gravel Path Berkhamsted Hertfordshire HP4 2PJ</p>	<p>I write on behalf of Berkhamsted Castle Trust, of which I am Chairman, to OBJECT strongly to this application for conversion to residential use.</p> <p>The Trust objects for five main reasons:</p>

1. The Pub has operated as such for 160+ years - conversion to residential will obliterate its raison d'etre forever, with no balancing benefits.
2. The applicant's heritage statement has entirely failed to grasp the Pub's heritage significance.
3. The application fails to understand the key role the Crystal Palace plays as an anchor building in the Conservation Area. Its loss as a pub cannot be justified, as conversion to residential will neither enhance nor preserve the Conservation Area.
4. There are clearly other models to ensure the viability of the Pub. The Viability Report fails to examine any of these.
5. The Trust, in its nomination of the Pub as an Asset of Community Value has laid out one such alternative vision, which would considerably diversify the current offering and celebrate its heritage significance which has been entirely ignored.

1. Loss of pub

The Pub has operated as such for 160+ years.

The owner's own Heritage Statement refers to the Crystal Palace as "a pub serving the local community". The Crystal Palace is one of only 3 canal-side pubs left in Berkhamsted being used for its original purpose. From 23rd May 2017 all proposals for the loss of a pub to demolition or a non-pub use must have full planning permission. The only Permitted Development for a pub (Class A4) is for mixed use as a pub/restaurant (A4/A3, now in its own Class AA) and from Class AA back to A4. We would simply ask why was the decision taken at national level to end permitted development rights except precisely and solely to stem the conversion of countless pubs into flats or houses? This legislation in itself demonstrates that all pubs are nationally recognised as playing a vital role in the community.

2. Heritage significance

The "Heritage Response to Consultations" submitted with the second application is a strangely reactive response which adds nothing to our knowledge of the pub or its heritage significance. The first heritage statement included one historic photo of the building and nothing about the origins of the pub, and using no original sources to trace its subsequent history.

Research undertaken by the Trust in fact shows the Crystal Palace was added onto a pre-existing, much older beerhouse, which survived behind the current range until well into the C20th. The new Pub was built by John Edward Lane in the 1850s. J. E. Lane F.R.H.S. (1808-1889) was born in Berkhamsted and lived in the town for 81 years. He ran the nationally-known Lane Nurseries in the town, established by his grandfather in c.1777, won many medals at the 'real' Crystal Palace (and other) exhibitions, and knew Joseph Paxton personally. He also ran a successful brewing business and owned several pubs in Berkhamsted, including the Crystal Palace. The original design and name therefore connect the pub to the iconic national structure of the Crystal Palace itself. Lane celebrated his triumphs and status in the town by building his own miniature version, a clever piece of branding for his nursery and brewing empire. As his obituary stated:

"His life from quite a youth had been spent in building up a business which now, thanks to his energetic efforts, enjoys a world-wide reputation. Living as he has all his days in what may be termed the centre of English horticulture, no man is better acquainted than Mr Lane with its history during the past fifty years."

The town's appreciation of the Pub's historical significance is self-evident, having been chosen for Blue Plaque Status (only 32 buildings in the town have one); and its communal value and historical significance recognised by being selected for Local Listing.

The criteria for selecting these buildings are clearly stated in the Berkhamsted Conservation Area Appraisal. English Heritage's national selection criteria for local listing were adapted for local use. Criterion included: age, rarity, aesthetic value, group value, evidential value, historic association, archaeological interest, designed landscape, landmark status, and social and communal value (English Heritage's 'Good Practice Guide for Local Listing', Draft Feb 2011).

The Berkhamsted Conservation Appraisal at 1.12 states locally listed buildings make a positive contribution to the special interest of the conservation area. Such buildings and structures of local importance are known as "Un-designated Heritage Assets".

The Punch Heritage Statement summary misses the national significance of the pub in terms of its relationship with Lane's international business, and the association with the Crystal Palace. It also ignores the fact that the Pub, remarkably, also features in Graham Greene's last novel (Greene, probably the greatest author of the twentieth century, grew up a few hundred metres away from the pub).

However, the statement does acknowledge that the significance of the locally listed Crystal Palace PH arises from its aesthetic value, and in particular through its architectural design and materials reflecting its historic use. The building has also some illustrative value as an historic pub, reflecting the typical canal architecture, as well as the importance and development of the Grand Union Canal.

However in the body of the text it is stated more explicitly that: "The significance of the Crystal Palace PH lies predominantly in its aesthetic and historic illustrative values, together with a degree of historic associative value.

There is some illustrative value in the pub, not least as one of the remaining canal-side inns along this stretch of the Grand Union canal. There is also a degree of communal value, although this is at a more local level, through the use of the building as a pub serving the local community."

The fact that it is locally listed requires the Council to consider this as a material consideration in any planning application. Being locally listed, the Pub therefore has, irrefutably, special value to local heritage, which

should be protected.

3. Conservation Area

More fundamentally, The Crystal Palace is identified in the Berkhamsted Conservation Area Appraisal as a pub, fully acknowledging it as a key contributor to the Conservation Area's significance and setting. Conversion to residential will obliterate its ability to function as a community anchor forever.

The Crystal Palace is situated in the Berkhamsted Conservation Area. Area 2: Grand Union Canal. (Note that being within the Conservation Area means that its significance as a locally listed building is further enhanced).

It is stated that the canal provides the dominant feature of this part of Berkhamsted Conservation Area. The Appraisal also notes that this is the "least uninhabited part of the town", a reflection of the area's former industrial importance. Another important characteristic is that Area 2 consists almost totally of buildings of nineteenth century origin; we know now that the Crystal Palace originated well before the front range was constructed, so it formed a nucleus to the development of the area, servicing its industrial growth throughout the entire nineteenth century and beyond.

The Appraisal refers to the canal-side pubs:

6.159

The third pub is the Crystal Palace and it carries a blue plaque on which it is stated to be mid-1800s, due to the obvious reference in its name to the Great Exhibition of 1851. Its end elevation once contained a small-scale version of Joseph Paxton's famous iron and glass structure, but this was later walled-up. (Note: It is on record by the publican however, that parts of this structure survive in the roof). The position directly adjoins the canal towpath and it is close to the site of the "New Brick Bridge" of 1819 and it was also extremely near to the first Berkhamsted railway station. Its construction site was at the junction of three former field boundaries and considerably pre-dates the layout of nearby Station Road which did not take place until after 1877.

The pub is therefore individually referenced as making a key contribution to the Conservation Area.

The Heritage Statement again reluctantly recognises that 'in terms of setting, this is primarily that of Station Road and the canal-side, together with its curtilage formed by the car-park to the south-east, where the building can be readily experienced. Taking these in turn, the experience of the pub from Station Road varies according to where the viewer is, with the most significant element of setting lying to the north, around the junction with New Road, where the front elevation of the building is clearly evident.' (3.29)

In addition to this, the view along the canal towpath, in particular from

the bridge to the north and adjacent to the pub, provides further clear views and experience of the pub. As such, both of these can be considered as making a significant contribution to the aesthetic value of the building. (3.30)

The Site, lying within the Conservation Area and within the Castle and Canal Conservation Area, provides a small (viz.) degree of contribution to the overall significance of this designated heritage asset (as attested by its identification within the Conservation Area Appraisal), in particular to the aesthetic values of this part of the Conservation Area, and to the representation and illustration of the importance of the canal from the eighteenth century. (3.46)

It also notes that "Its original design, with extensive glazing would have made a further contribution to the overall aesthetic value of this localised area of the Conservation Area."

Given this high degree of significance and being sited prominently within the Conservation Area, consideration has to be given to the impact of converting the pub into residential.

In appeal decisions, planning inspectors have judged that the use of a pub within a conservation area makes a significant contribution to the character of that conservation area. That is, it is not just the appearance of the pub as an historic building; its very use as a pub contributes to the character of the conservation area in such a way that a change of use (if allowed) would have a detrimental impact on the character of the conservation area. This judgement has been used to refuse change of use of a pub. In the case of the Swan and Edgar pub, on 28 May 2014, a planning inspector ruled that:

The existing site contributes positively to the character and appearance of the Conservation Area not only through the physical presence and features of the building but through its long-established use as a traditional back-street public house. Both aspects reflect the historical development of the site and of the wider Conservation Area and both contribute to the visual and functional distinctiveness of the setting.

Other appeal decisions uphold this:—

The Britannia Tap

The Britannia Tap, London was found to enhance the character of the conservation area and contribute to its significance as a heritage asset. The change of use would remove a community facility that contributes to the social, recreational and cultural facilities of the area. Paragraph 70 of the National Planning Policy Framework (NPPF) of March 2012 is also a material consideration; it advises that planning policies and decisions should plan positively for the provision and use of various community facilities including public houses, to enhance the sustainability of communities and residential environments. Accordingly I consider that in policy, the change of use of pubs to residential is resisted in principle. There can be many reasons why an enterprise fails to provide a good return. It has not been shown that in

the current situation, given a fresh start, the premises would attract no interest.

Appeal Ref: APP/K5600/A/12/2180954

The Phene Arms, London

The loss of The Phene Arms would not only result in a fairly substantial loss of public houses in this area in percentage terms but would also leave in its vicinity a significant area of largely unrelieved residential development. This would seriously detract from the character of the Conservation Area... it is the use of the appeal building as a public house with the attendant comings and goings, the activity associated with it, the view in through the windows of the bar and those within and the internal and external lighting that makes the presence of the pub most noticed. Remove that by the proposed changes of use and, even with the fabric of the building retained, its contribution to the character and appearance of the area would be greatly reduced. In any event even if I am wrong in the above I am still required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It seems to me self evident that in applying this test regard should be had where appropriate to the impact a change of use, as opposed to solely physical changes, would have on Conservation Areas. This stance is supported by Archer and Thomson v Secretary of State 1991. Moreover, the Framework says that proposed development that would lead to substantial harm to designated heritage assets should, subject to caveats, be refused. There is no indication whatsoever that matters to be taken into account should disregard change of use.

Appeal A: APP/K5600/A/12/2172028

Appeal B: APP/K5600/A/12/2175522

The Queens Head, London

The inspector refers to the fact that 'residential use of the building would be likely to lead to pressure for further domestication of its appearance in the future.'

The existing public house makes a significant contribution to the character and appearance of the conservation area and the loss of this historic use would harm the character of the existing building. I accept that there are other non- residential uses, including public houses, within the conservation area and these also contribute to its character. However, the existence of these other uses does not justify the harm to the conservation area that would arise from the appeal proposal.

I therefore conclude that the change of use of the existing public house would result in the loss of a valued social and community resource and would significantly harm the surrounding community.

Appeal Ref: APP/K5600/A/12/2172342

The Cross Keys, London

It is clear that it is valued by local people for its heritage associations, not simply as a structure but in relation to its use.

The appellant does not dispute that the physical fabric of the building has (local) architectural and historic interest. That interest in itself gives the building a degree of significance as a non-designated heritage asset. However, its heritage value to the local community goes beyond matters of physical form. In the case of the Cross Keys, use of the building for its original purpose (i.e. continued use as a public house) contributes to the community's view of the historic value of the asset as well as to its social value. The Cross Keys itself contributes positively to the character and appearance of the CA not only because of the building itself but also because of its use. The exterior and its original architectural detailing add variety and visual interest to this part of the CA. The building also illustrates the historical development of the site and the wider area. The use of the building as a public house (until its recent closure) also contributes significantly to the character of a part of the CA in which domestic use predominates by bringing activity and vitality to the neighbourhood.

The Inspector also refers to: Reminder of former public house use through retention of features such as "The Cross Keys" sign at parapet level would not overcome this (harm). Although the building is currently vacant, I am not persuaded that its use as a public house is not viable, on the basis considered previously. I do not therefore consider that this proposal would enable the building to remain in active and viable use, or ensure long-term conservation of the heritage asset, in comparison with public house use.

Appeal Ref: APP/K5600/A/12/2177513

These cases demonstrate unequivocally that preventing the loss of or conversion of a pub to residential has frequently been upheld on the grounds that it would neither preserve or enhance the character of a conservation area - therefore proving also that particular buildings can and do have real impacts on the significance of a conservation area.

The two questions are therefore whether or not the building contributes to the character and appearance of the conservation area and whether the loss or substantial alteration of it would be harmful to the intrinsic special interest of the conservation area. (p.172) The Conservation comments on the (withdrawn) application are unequivocal in this respect:

it is difficult to see how the very limited public benefit of the scheme could outweigh the harm caused. It would be detrimental to lose a public house in the core of the area and turn it to residential development. The interest of the building with activity and visits of residents and those from further afield make the building noticed within the general residential 18th/ 19th century area. The character of an area is in part formed by the uses and the change in function would

change the character of this part of the conservation area. It is currently a positive contributor to the conservation area and its loss would cause harm to the area as it would lose its surviving public building.

We concur that the proposed scheme, in destroying its ability to function as a pub, would substantially harm the heritage asset of the Crystal Palace. The loss of the pub would also cause less than substantial harm to the conservation area at a moderate level. This is also due to the building being particularly prominent within views from both the road, canal and bridge over the canal.

The new Draft Dacorum Borough Council Emerging Plan (2020-2038) makes it explicit that policies entirely support this approach.

9.9 The loss of existing facilities should be resisted, if it would reduce choice in a sector with long-term demand.

With regards to heritage assets:

20.51 Where there is evidence of deliberate damage to, or neglect of, a heritage asset in the hope of making consent or permission easier to gain, we will disregard the deteriorated state of the asset in any decision.

20.52 Putting heritage assets to a viable use is likely to lead to investment in the maintenance needed for their long-term conservation. Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, provided that the harm and resulting loss of significance is minimised. Where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account when the public benefits of a proposed development are assessed.

20.53 Marketing is required to demonstrate that an a heritage asset has no viable use. The aim of such marketing is to reach potential buyers who may be willing to find a viable use that also provides for its conservation to some degree.

The heritage significance of the Crystal Palace lies at the heart of why this attempt to turn the building into residential use must fail, if the Local Authority applies the correct policies relating to its a) Local listing and b) Conservation Area status.

4. Other Models

It is quite clear from the Viability Report, with the evidence provided from the pub's own trading accounts that the property has operated as a pub in the very recent past, and that sales are of a substantial scale (£183, 343 in 2018 - higher than both in 2017 and 2016). We also consider that conflicting information has been submitted on the condition of the Pub (c.f. the Condition Report and Viability Report) which is designed to confuse on the potential costs of refurbishment.

We would also raise the issue that the sale, disposal or leasing of the pub does not appear to have been effectively marketed. There is a

banner draped on one side of the pub referring to the Lease, but it says "Enquire within" - which presumably implies one can walk in and make an enquiry - yet that is not possible when the pub is evidently closed. On the Punch website we couldn't find any mention of the Crystal Palace or its lease being available. Indeed, as our second nomination for ACV demonstrates, Punch appear to be pursuing a deliberate strategy to allow certain pubs in their portfolio to decline with a view to either demolishing them or converting them to housing.

5. Berkhamsted Castle Trust: A new Vision

We, the Berkhamsted Castle Trust, have now submitted a revised Asset of Community Value nomination (the first having been turned down for reasons that have been challenged). The planning applications to change the use of the Crystal Pub in Berkhamsted have triggered this nomination. Our concern is that a public house which has been open to enjoy by the community for over 160 years will be lost forever through conversion to residential, and a key opportunity to create an innovative community initiative for the town extinguished.

The Berkhamsted Castle Trust has placed particular emphasis on the building's heritage significance because it provides a sound basis for taking the Pub forward as a viable community asset.

The Crystal Palace is, unequivocally, the closest pub to Berkhamsted Castle, described as having the finest earthworks in England, and the location where William the Conqueror received the submission of the English after the Battle of Hastings in 1066.

The Trust has therefore laid out a vision for an alternative, community and heritage-driven solution, taking advantage of the pub's uniquely accessible position (demonstrated in the applicants own Transport Report) and recognising its potential to attract residents, canal-users and rail and other visitors alike.

It is acknowledged the pub in its currently tired state cannot be made to work. But this is simply because the 'existing' model itself is outdated, compounded by years of underinvestment. By imaginatively re-purposing the Pub, by exploiting its historical significance and heritage potential, by re-connecting the Pub with the Castle, maximising its magical locational advantages, making a key feature of it on the proposed Heritage Hub Trail, the Crystal Palace can:

- o operate successfully and sustainably as an experiential heritage hub
- o welcome and support a diverse clientele of residents and visitors alike
- o host a diverse and innovative outreach program

Underlying this planning application is an abject and fundamental poverty in the thinking as to whether there is scope to re-purpose the pub. The Application has failed to explain how conversion into three residential units could in any way constitute the 'optimum viable use' for this key heritage asset, when the public benefits would be virtually

	<p>non-existent, and the changes proposed (carving the building into three units) cannot be said to be in any way 'sympathetic'.</p> <p>And in the post Covid-19 recovery, a heritage-driven project like the Crystal Palace Pub, would offer opportunities to reconnect families, friends and communities to build a new and better future. Compare this to the stagnant prospect of three awkwardly contrived dwellings obliterating 160 + years servicing the community. We therefore urge Dacorum Borough Council to reject this damaging application.</p>
<p>2 Moore Road Berkhamsted Hertfordshire HP4 3PX</p>	<p>The Crystal Palace is an important location on what is otherwise a canal emptying of locations to each and drink.</p> <p>The canal is an appealing location in Berkhamsted, not just for members of the community, but for attracting business, and I would hate to see it slowly die as it is turned into private housing.</p>
<p>Little Corner Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>I am the co-owner of the property that shares a boundary with the proposed development. I read in the Tree Survey that there is no need to remove the tree a Poplar T1 on the plan. However this tree is causing damage to our property which I have shared with Punch Taverns. to no effect. After consulting a local tree surgeon, the advice we received is that the tree should be removed as being 'the wrong tree for its environment. Please consider this as a requirement for this development to proceed.</p>
<p>14 Upper Hall Park Berkhamsted Hertfordshire HP4 2NW</p>	<p>I am concerned that the site owner has not considered all interest from potential tenants interested in maintaining the property as licensed premises. Further, I am concerned that there is not sufficient space for parking for the proposed residential use.</p>
<p>Trevelyan House 2 Trevelyan Way Berkhamsted Hertfordshire HP4 1JG</p>	
<p>291 High Street Berkhamsted Hertfordshire HP4 1AJ</p>	<p>I love the heritage of the Crystal Palace and the building. I believe it could be made into a viable business as the location is fantastic. The town is already heavily populated, we need diversity in our buildings not more housing to maintain character and interest. The trees along the fence line need to be pruned to lighten and tidy up the area which unfortunately looks very scruffy. It's a lovely part of Berkhamsted which needs good investment for public use.</p>
	<p>Dear Sir or Madam,</p> <p>I am writing to object to the application to convert the historic Crystal Palace PH to 3 houses (20/03492/FUL). This area of the town with close proximity to the station, castle and canal should encourage visitors to the town and benefit the local community and not be a residential area.</p> <p>I am aware that Planning Legislation makes it clear that local authorities should give "special attention" to Conservation Areas and</p>

	<p>their enhancement. The heritage of this building is exceptional and within the heart of the Conservation Area of Berkhamsted. The building has considerable community/ illustrative value as a historic pub, reflecting the typical canal architecture, as well as the importance and development of the Grand Union Canal.</p> <p>The Conservation Officer emphasises the importance of this Heritage Asset in the Conservation Area and his reasons for rejecting the proposal are sound and should be supported.</p> <p>The Crystal Palace pub is iconic for train passengers, townsfolk and as a unique part of the town's canal scape and Berkhamsted Wharf. The onus is on us all to make sure it not only stays as it is, but more importantly ensure it is preserved for the future. It would be a travesty for the pub to be lost to a residential conversion when the community so clearly values it.</p> <p>I strongly support the application by Berkhamsted Castle Trust for the pub to become an Asset of Community Value. The Crystal Palace could become a thriving pub and in addition house a Castle Visitor Centre with cafe, shop, toilets and a historic hub. This is a uniquely suitable site for the proposed Asset of Community Value, whereas housing could be provided elsewhere. I would hope that Berkhamsted Town Council and Dacorum Borough Council will actively support and encourage the Trust's endeavours.</p> <p>In conclusion, I consider the Planning consent for this residential conversion project by Punch Taverns should be refused. The Borough Council should support the application by the Berkhamsted Castle Trust to make the Crystal Palace an Asset of Community Value.</p> <p>I hope you will take my comments into consideration</p> <p>Dr Helen Smithers</p>
<p>11 Bridge Court Bridge Street Berkhamsted Hertfordshire HP4 2JE</p>	<p>I wish to object to this application since the Crystal Palace pub is of great historical significance and I would prefer it to be registered as an asset of community value, as suggested by berkhamsted Castle Trust. I believe this very strongly.</p>
<p>2 Cowper Road Berkhamsted Hertfordshire HP4 3DA</p>	<p>There are a large number of residential properties being built in Berkhamsted already. The Crystal Palace pub is a place of architectural interest that deserves to be retained for both the people who live in Berkhamsted and those who pass along via the canal and towpath.</p> <p>Any place that attracts people to visit Berkhamsted is good for the local business. It is a very easy and simple solution to convert The Crystal Palace Pub to accommodation but that is not helping to build up the town as a place of interest for people to visit. I think it would be a shortsighted decision if the council were to allow it to be converted to flats</p>

<p>31 Cedar Road Berkhamsted Hertfordshire HP4 2LB</p>	<p>I wish to object to Application Reference 20/03492/FUL to turn this historic public house into three private residences on the grounds that by letting this happen, the community will be deprived of yet another public amenity for the sake of private gain. This at a time when the need for people to come together for their own wellbeing and sanity has been starkly demonstrated by our inability to do so while the pandemic continues.</p> <p>This is not just a formerly popular pub that has been left devoid of investment by Punch so that it now appears run down and neglected. It also represents a local heritage site of some significance, having been built by one of the foremost Victorian employers of the town, the Lane family, who were considerable and nationally renowned nurserymen. The original design of the pub was modelled on the London Crystal Palace in homage to the prize-winning submissions made by the Lanes. The Lanes are all buried in Rectory Lane Cemetery, another heritage site which was considered important enough to receive nearly £1million from the National Lottery Heritage Fund.</p> <p>What is the point of receiving recognition and funding in this way for one community asset, if another with such strong ties to the past and to personalities who made the town what it is today, is wiped off the town map?</p> <p>What message would it send to the community about what is valued by the people that make decisions on their behalf if the Punch application was granted?</p> <p>The Crystal Palace has the potential to be a key link in the social history of the town, with its links to former nurseries, the Cemetery, the Norman Castle and to the important canal by which it stands.</p> <p>As a member of the community of Berkhamsted for nearly 30 years I want to see it flourishing, with places where people can meet, can eat and drink, can learn about their community and their history and work together. I believe there is a much more imaginative and valuable future possible for the Crystal Palace than being downgraded to housing - through the counter proposal put forward by the Castle Trust. These are serious people, with proven experience and expertise, who can mobilise others to join in with a community venture.</p> <p>Berkhamsted people have shown again and again that they appreciate their town and its history and that they are prepared to back initiatives that enhance the town, like the restoration and flourishing of the Rex cinema and the restoration of Rectory Lane Cemetery.</p> <p>How much better would it be - to see in a few years' time, a revitalised space used by all members of the community and by visitors to the Castle and other heritage spaces, than an anonymous trio of residences which have made a few people rich in the short term, but left the community poorer in the long term?</p> <p>We live, work and play here, and teach our school children about the importance of understanding their local history - that can't be done effectively just through books or the internet. Children need to visit</p>
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	<p>these places, learn about the people who built them, be inspired by their stories.</p> <p>This application by Punch delivers no social benefit, no environmental benefit or economic benefit apart from adding three new dwellings to the housing stock while making them a tidy profit with which they move on.</p>
<p>22 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I would like to object to Planning Application 20/0349/FUL</p> <p>The Crystal Palace is in need of refurbishment but not the Toytown tarding up with loss of pub or cafe facilities . This area will die without more social interaction.</p>
<p>11 Cowslip Meadow Berkhamsted Hertfordshire HP4 1FN</p>	<p>It is surprising that on the checklist of reasons to object that there isn't an option that includes 'Destruction of historic building' or 'Detrimental to local culture' or similar.</p> <p>The Crystal Palace pub has been deliberately wound down as business and the current owners have cynically priced the existing lease to discourage any potential new owners as it makes it completely unviable as a business proposition. And now planning permission for lucrative dwellings, 3 of them - what a surprise! Not.</p> <p>Are Dacorum council going to be complicit in this calculated move by big business, with no interest in the wellbeing of locals, to destroy a community asset and building of significant historic interest?</p> <p>In the current climate it would seem extraordinary that a planning application would go in favour of ba cynical and financially driven non-local business and against a group of committed locals who want to create something to benefit everyone. I can see the headlines now.</p>
<p>2 Belsize Park London London NW3 4ET</p>	<p>I don't live in Berkhamsted, but I am a frequent visitor and I love walking in the surrounding countryside and then having a drink in one of the wonderful pubs along the canal. The Crystal Palace pub has been one of my favourites over the years, it is rich in history, character and its position is perfect for a pub, whether you're walking along the canal, or have just visited the Bridgewater monument, or been in town for a meal, and it is also close to the railway station. Having this pub will help the overall economy of Berkhamsted and bring in visitors as well as being important for the community and those living there, as other comments have suggested.</p>
<p>Pouchen End Hall Pouchen End Lane Hemel Hempstead Hertfordshire HP1 2SA</p>	<p>I strongly oppose this development on the grounds that Berkhamsted is losing an important historical asset which should remain a public building which should be utilised for the benefit of the community. We have lost many historic buildings to housing in our town and we should retain Crystal Palace as a community space which can be accessed by members of our community. Converting this building to flats is a loss to our community, will cause further road congestion and put a strain on parking facilities. Further mass housing development is also putting a strain on local amenities and causing over development in our historic town.</p>

<p>22 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I have lived on Station Road since. 1975. This area has become more and more congested . The Chrystal Palace is a unique building in this area . There is every opportunity to make use of it as a facility for the many families that enjoy walking down the towpath and for boat users.</p>
<p>6 Clarence Road Berkhamsted Hertfordshire HP4 3BQ</p>	<p>The Council and community in Dacorum district should be grasping with both hands this never-to-be-repeated opportunity to develop something of great value to the Berkhamsted community and to visitors, in such a unique and central site that's seen so much history since 1066.</p> <p>It's difficult to imagine a more deadening development in the heart of the conservation area than just nondescript housing when so much of the wonderful canal corridor has already lost its public access and vitality.</p> <p>Designation as an Asset of Community Value is thus a priority of the Council if they truly want to boost the District as a visitor destination, and bring back a strong sense of place and heritage for locals. The proposals by the Berkhamsted Castle Trust, including for designation as an Asset of Community Value, are thus fully supported.</p> <p>Dacorum Council is to be applauded for the high standards it has helped achieve in various locations on the High St, notably the Library and Swing Gate Lane corners. Now is not the time to drop the ball in an equally important place.</p> <p>More important in fact. The Crystal Palace site has seen much British history pass before it, linking the unique Castle lands with the medieval heart of the old town. It overlooked the main gatehouse entrance to the Castle, which welcomed Royalty of England and many famous names from history. It is a central and unique place, really asking to be made valuable for ever for residents of the district and visitors, both young and old.</p> <p>The Government's drive is for much more housing and the proposed Dacorum Local Plan to 2038 delivers this with many hundreds of new homes in the town on many new large sites. Berkhamsted will be a significantly bigger place. New residents will need new leisure resources, and places their children can be immersed in history and educated about the rich heritage in the Berkhamsted valley.</p> <p>Visitors also must be served well, by enhancing the District's increasing role as an enjoyable and interesting place to spend time, especially by train, now Berkhamsted has hidden its traditional industrial and other roles. Visitors will need improved central attractions, and this will be one key to growing local jobs.</p> <p>The idea that a pub in such a wonderful position can never have a business plan that makes it successful, brings to mind the comment "they would say that, wouldn't they?" Examples abound where enthusiastic, enterprising and imaginative managers have made roaring successes from premises with far less going for them. The population is there, it just needs entrepreneurs with flair.</p> <p>Particularly in its shopping centre in the 1950-60s, Berkhamsted has suffered grievously from unthinking demolition and rebuilding of the atmospheric and historic. Now is the time to be farsighted and not give people the chance to say in the future "why oh why did they allow that?". We should give them a chance to say "that was a great place to visit, and I learnt a lot."</p>

<p>2 Boxwell Road Berkhamsted Hertfordshire HP4 3EX</p>	<p>I object to this change in use to residential as the Crystal Palace should be seen as an Asset of Community Value and either kept as a pub or developed into an asset for the local community. It is an historically interesting pub in an excellent location by the side of the canal, near the castle and near the train station.</p> <p>It should be able to thrive as a pub if given a reasonable structure to work within outside the Pubco stranglehold. The Riser and the Boat are very successful pubs nearby.</p> <p>If it did not continue as a pub, its location would be excellent for development as a museum, canal side information point, and/or castle information area complete with toilet facilities. Many of these ideas have been suggested by local Heritage organisations and these ideas should be further explored before this asset to the community is lost.</p> <p>This is a unique opportunity for the community to keep an asset of value for public use in a wonderful location.</p>
<p>9 Castle Hill Avenue Berkhamsted Hertfordshire HP4 1HJ</p>	<p>I strongly object to the proposed development to residential.</p> <ul style="list-style-type: none"> - The pub has a very decent chance to operate successfully given good management. The nearby canal pubs of The Boat and The Rising Sun manage very well under normal (non-Covid) circumstances. It is also in a prime location being close to the station. - Its architecture and history is a valuable asset to the town. I find it very sad that it has not been granted listed building status. - Its loss would be detrimental to the town, not just for residents but also from loss of tourism. Tourism is something not much talked about, but living near the station and castle I am always struck by the numbers of visitors I see, especially at weekends, coming into the town to enjoy the castle, canal, eateries, and shopping. - Berkhamsted is a market town in its own right and not just another commuter / conglomeration. It deserves to be able to keep hold of its heritage and local amenities for residents and visitors. <p>Regards, Maggie Procopi</p>
<p>25 Wood Crescent Hemel Hempstead Hertfordshire HP3 9HA</p>	<p>I should like to object to the above planning application as the Crystal Palace Public House lies in the town Conservation Area and is currently part of an Asset of Community Value application by the Berkhamsted Castle Trust. I am a frequent visitor to Berkhamstead and have always enjoyed the walks and pubs along the canal.</p> <p>Although the pub is in need of investment, it has the potential to add a lot to the appealing canalside character for which the town is well known and so may people get enjoyment from.</p>
<p>35 Hillside Gardens</p>	<p>The Crystal Palace pub has a significant local history and this has been</p>

<p>Berkhamsted Hertfordshire HP4 2LF</p>	<p>totally ignored by the current owners. The current building dates from the 1850s, built by J. E. Lane of Lane Nurseries fame. The original design reflects the connection to the Crystal Palace itself. The pub should be registered as an Asset of Community Value. It can then be used to benefit the entire community via the Berkhamsted Castle Trust. Demolition to cram 3 houses would be a travesty and a complete disregard of local history. I object strongly to the current proposal.</p>
<p>15 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I object strongly to the proposed change of use of the Crystal Palace public house to housing. The pub has been neglected and badly run for a long time now, but given its location and potential clientele it should be perfectly viable if run capably. This is an important building, a centrepiece of a critical part of the canalside conservation area, and its loss to housing would be out of keeping in the area, the aspect from Station Road in particular would be depressingly out of keeping with the main part of the existing building. Losing a building of such local importance by building a couple of out of character low grade houses at the back is not a prospect that should be welcomed. I am pleased to hear that there is a potential alternative community use. This unique building deserves a future, so I hope the present application will be firmly rejected.</p>
<p>Ashton House Kitsbury Road Berkhamsted Hertfordshire HP4 3EA</p>	<p>With regard to the Crystal Palace, a Community Asset interest has been manifested by the Berkhamsted Castle Trust for the use of the building as a visitor centre. We believe that the residential conversion application should be refused to allow for this community use to take preference. In addition post Covid 19, community facilities such as the Crystal Palace if well looked after and run will thrive - removing this historic asset will be a loss</p>
<p>27 Montague Road Berkhamsted Hertfordshire HP4 3DS</p>	<p>I oppose the planning application (ref: 20/03492/FUL) for the substantial demolition of the Crystal Palace public house and its replacement by 3 houses. If successful, the community will lose a well-loved, historic canal-side pub. It is locally listed in the heart of the conservation area, and is the subject of a new Asset of Community Value application by the Berkhamsted Castle Trust. Research has recently revealed significant local historic connections with the Lane family and its nursery garden and brewing interests. Covid has caused an acceleration of loss of businesses such as shops, pubs and restaurants in our town. The Castle Trust proposal will not only conserve the pub but also create a cafe, shop, and history hub, not to say public conveniences, which will add to the tourist attraction of Berkhamsted Castle all adding to vitality of this part of Berkhamsted and the community as a whole. This is a unique site for the ACV while</p>

	there are other plots where housing could be provided.
Longmead Kitsbury Terrace Berkhamsted Hertfordshire HP4 3EE	I object to this application as this is an historic public house used by the community and has never been housing. Berkhamsted Castle Trust have put forward proposals for retaining it as an Asset for the Community so it can be used as a history hub, a cafe, shop and public conveniences. I strongly support the Berkhamsted Castle Trust's proposal because the Crystal Palace is within a short walk of so many of the historic places in Berkhamsted: the station, canal, castle, Castle Street and St Peter's Church and would be a great asset to visitors to the town.
132 Bridgewater Road Berkhamsted Hertfordshire HP4 1EE	<p>Allowing this development gives absolutely no benefit to the local community and is just a cynical bid by the owners of the pub to make a tidy profit after years of neglect. Berkhamsted has had more than its fair share of development over recent years both from housing developers and white elephants by the council.</p> <p>This property should retain its use as a public house or if that is not viable, turned over to the community for local projects. I understand that the Berkhamsted Castle trust is interested in developing it as a visitor centre. This could be of benefit to the community and visitors to the town and could be developed as a licensed premises/ café in tandem.</p> <p>Please, Dacorum planners, do something interesting for a change!</p>
11 Wigginton Bottom Wigginton Tring Hertfordshire HP23 6HN	The Crystal Palace public house could be renovated and made into a real asset for the town. The nearby Berkhamsted Castle could be linked with it. There could be an information centre, toilets, a shop, better parking, all sorts of interesting Castle-related tourist attractions. This would bring money and jobs to the town. What good would a few more unaffordable houses do ? Why not use what's already there and make it something worthwhile ? Time you planning people thought 'out-of-the-box' for a change.
98 Kings Road Berkhamsted Hertfordshire HP4 3BP	This building is perfectly viable as a public house if it is efficiently run. It is in a perfect position for such. If Punch would sell the freehold for a sensible price there would be many parties willing to purchase it. A lease is too tying.
9 Highfield Road Berkhamsted Hertfordshire HP4 2DA	<p>The proposal does not take into account the heritage of the property. Despite the original facade being changed the building remains a significantly important building to the history of the town.</p> <p>The proposal would take away an important community space that could be used not just for leisure but also as part of the historical life of the town.</p> <p>I strongly object to the destruction of this building as it would be removing yet another community space that with sympathetic renovation would return an historically important building to the community.</p>
Lismere House Bullbeggars Lane	I object strongly to the proposed use of this building. Too many beautiful public buildings have been destroyed here and replaced with

<p>Berkhamsted Hertfordshire HP4 2RS</p>	<p>cheap, ugly modern red brick buildings and our town is now beyond looking ugly compared with other Charming Chiltern towns. The Crystal Palace is an important historical building within the town of Berkhamsted. Its also very attractive next to the canal, although its been run down over the last few years. I work as a tour guide in Berkhamsted, and the Palace is somewhere tourists love to see and hear the story of. These tourists come to Berkhamsted because of its history, its beauty and for its countryside. There are many sites currently being considered for homes across the town, why is it so important that we build here?</p>
<p>Chiltern Society, White Hill Centre White Hill Chesham HP5 1AG</p>	<p>I wish to strongly object, on behalf of the Chiltern Society Heritage Group, to the above planning application for the Change of Use of the Crystal Palace from a public house to residential dwellings.</p> <p>Berkhamsted is a lovely market town with many historic buildings, including a Motte-and-Bailey castle dating from the 11th century, and is surrounded by beautiful countryside and the Ashridge estate which makes it an ideal tourist destination.</p> <p>The Crystal Palace, which is locally listed in the conservation area, was built in 1854 and is in an ideal setting on the Grand Union canal near Berkhamsted castle and the station. The building was inspired by Joseph Paxton's Crystal Palace. The pub was regularly used by canal boatmen until 1970s.</p> <p>The pub has potential to attract locals and tourists alike. Currently the pub has no marketing presence as it has neither a website nor a Facebook page to attract customers and draw in tourists.</p> <p>The two contrasting bars offer a good choice, the public bar shows sporting events and hosts pub games while the quieter saloon offers views of the canal along with outdoor seating. The Crystal Palace offers a popular alternative for locals to the upmarket restaurants in the town.</p> <p>The Heritage Statement refers to the Crystal Palace as 'a pub serving the local community'. The pub has enabled local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is clearly in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being. The pub is robustly featured as No. 1 on a town route for a pub crawl.</p> <p>Viability report Section 7.0 "...barrelage at the public house has been declining for the last three years, with a significant drop in trade in 2019. Data for 2020 is not available." The figures do not show that the trade has been declining for last 3 years? There was a large increase in 2017 and it was only in 2019 that there was a significant change. This drop in sales could be due to a variety of factors but it does not show a continuing decline.</p>

The trading accounts only show a small loss of £3798 in 2017 but a profit of £9789 was made in 2018. There are no figures for 2019 so the claim that there was drop in trade in 2019 cannot be validated

In our experience the major factor resulting in a decline in a pub's trade is lack of investment by the owners in such basics as routine maintenance. Here the report makes it clear that the building is in a very poor state of repair, blame for which can only be placed squarely on the shoulders of the current owners. Given this lack of interest by these owners, recent tenants have clearly done well to keep trading levels as high as they have.

"...because of the customer base frequenting the pub and the demand received, limited food was being sold prior to its closure. "

The pub served food which was very popular with the local clientele, evidenced in the past by reviews on a variety of websites, there is no evidence that there is 'limited demand' for food or that there will be no demand for it in the future. If the landlord actually marketed the pub as a place for tourists to visit, this would generate demand.

It is indicative of the selective nature of the report that the photograph used to illustrate the pub is taken from its least attractive aspect. This is not the view that the public see from the road. In contrast its competitors have all been presented in 'apple-pie' order.

It is possible to quote numerous examples where an enthusiastic new owner has revitalised a pub which was failing under its previous owners.

COVID 19 and the Dacorum Area

It is too early to say what the impact of the absence of the hospitality sector due to COVID will mean but far from reducing visitors to pubs in the Dacorum area, it is probable that footfall will actually increase long term. Most commentators agree that the trend towards homeworking is now irreversible, thus limiting the social interactions of people at their place of work. These people will therefore be looking for human contact away from their working environment. As an area with a high percentage of people working in London or its many satellite towns, this area within the Chilterns will be affected more than most by this change.

As a result, these erstwhile commuters will need to make social contacts locally and will need locations in which to meet. Hence the potential clientele going forward will undoubtedly increase substantially.

Berkhamsted in particular has many attractions for the visitor, including its castle and canal and once restrictions have been lifted, is very well placed to benefit from an up-surge in demand from a public weary of relative confinement. Even countenancing the closure of pubs at this time would at best be immensely short-sighted and at worst an act of sheer vandalism.

	<p>Planning permission should be refused as there is no clear evidence that this pub could not succeed with a change of ownership. Therefore, the Chiltern Society strongly urges the council to reject this application.</p>
<p>Tutors Flat St Johns House Chesham Road Berkhamsted Hertfordshire HP4 3AF</p>	<p>This is a building of historic interest and - along with the totem pole - is one of the first quirky delights that greet the visitor who arrives by train. Berkhamsted would not be best served by turning this lovely building into three unaffordable homes. The other pubs further along the canal (the Rising Sun and the Boat) are successful, well loved and thriving, and in the hands of someone who does not want to let it deliberately deteriorate so that they can sell it for quazillions to developers it could be a community center, another pub, a visitor centre for the castle, or any number of more imaginative uses. We need to keep buildings which make our town special in order to attract residents and visitors. Turning the Crystal Palace into housing will make a few people very rich indeed, but have a deleterious effect on the town as a whole.</p>
<p>51 St Marys Avenue Northchurch Berkhamsted Hertfordshire HP4 3RP</p>	<p>Destroying local heritage and historical connections with the town. Also it is quite a unique design and landmark in the town.</p>
<p>46 Gossoms End Berkhamsted Hertfordshire HP4 1DF</p>	<p>Old building which should be saved and put to better use.</p>
<p>Fairfield House Gravel Path Berkhamsted Hertfordshire HP4 2PH</p>	<p>I am sure that you are aware that the subject of the above planning application , The Crystal Palace Pub Berkhamsted is the subject of a new Asset of Community Value Application by the Berkhamsted Castle Trust . I understand that this proposal includes a cafe , shop , public toilets and the creation of a history hub , the latter being the most exciting proposal as far as I am concerned . It would indeed be a wonderful asset for Berkhamsted, serving the town's population and attracting more visitors to Berkhamsted .</p> <p>It would be a huge shame to grant a planning application for three houses when alternative plans by the Berkhamsted Castle Trust would seem to offer greater benefit for the town .</p>
<p>Pilgrims Shenstone Hill Berkhamsted HP4 2PA</p>	<p>I write to object to the above application on the grounds that the proposal is out of keeping with the surrounds in the conversation area of the town and would only add to parking problems in Station road.</p> <p>A far better option is the proposal by the Berkhamsted Castle Trust for an Asset of Community Value.</p>
<p>Conservation Adviser The Victorian Society 1 Priory Gardens</p>	<p>We are notified of numerous applications for the demolition or conversion of Victorian pubs, with economic unviability often cited as justification. However, whilst we understand that businesses such as</p>

<p>London W4 1TT</p>	<p>these, especially out of cities, are facing increasing difficulty, we aim to advocate retention as public houses where possible. Pubs are community assets, and historical pubs in particular often have both architectural and historical interest which positively contribute to the significance of the local area.</p> <p>This is certainly the case with the Crystal Palace Pub, an attractive building designed by John Edward Lane. Placed on the banks of the Grand Union Canal, the pub plays a key role in highlighting the historical significance of the canal to Berkhamsted. The pub provided refreshment for those operating on the canal for travel and trade, and with the decline of canal trade, features such as this continue to be important for stressing the canal's past status in the area. A public house, as the name suggests, is a public building. The conversion of the pub to a dwelling would therefore deter public access and community interest, limiting the ability to understand this important relationship with the canal.</p> <p>Furthermore, stripped of public house use, the legibility of the importance of the brewing trade to Berkhamsted would also be impacted. The pub is a direct result of the growth of the brewing trade in the 19th century, which made a strong contribution to the local economy. It should moreover be noted that J.E. Lane himself ran a successful brewing business.</p> <p>The building is noted as making a contribution to the Berkhamsted Conservation Area. Given the historical significance of the pub to Berkhamsted in terms of its relationship with the canal and brewing trades, the loss of public house use would cause harm. Under paragraph 194 of the NPPF, "any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification". We are not convinced that this has been provided and it is our view that further options need to be considered which would allow at least part of the building to be retained as a public house, therefore benefiting the community.</p> <p>We understand the impact that 2020 has had on businesses such as this, but the middle of a global pandemic is not the time to judge the future viability of pubs. Furthermore, we understand that local groups are beginning to explore acquiring the building to run as a community pub. It would be a shame if the historical significance of the building was lost as a consequence of granting permission for change of use before these options are fully explored. In general, once planning permission for change of use is granted, pub buildings become too expensive to be purchased for viable community or other pub use.</p>
<p>Brunswick House Shootersway Berkhamsted Hertfordshire HP4 3NJ</p>	<p>We write to object most strongly to the proposal to demolish this historic building, which is an important part of the town's heritage, and replace it with three houses.</p> <p>Berkhamsted Castle Trust have exciting plans to conserve this pub, at the same time creating a much-needed cafe, shop and history hub, conveniently situated near to the Castle, one of the most important historic sites in the country.</p>

	We owe this to the people and future generations of the town.
Filkins Barn Peggs Lane Buckland Nr Aston Clinton HP22 5HX	, I wish to make known my objection to the proposal to pull down the pub and build three houses. I support making it into a Community Asset and support the Castle Trust application.
13 Hall Park Gate Berkhamsted Hertfordshire HP4 2NL	<p>I wish to object to this proposal and my grounds are as follows:</p> <p>The loss of a waterside public house. It is in a prime position relative to the canal and town centre. The fact that it has been allowed to run down as a trading entity and has experienced serious under-investment in recent years compared to other hospitality venues, is not an excuse to abandon its existing use.</p> <p>The Borough is under pressure to meet housing targets, in particular affordable or social housing. This application is for 'market housing' and does not contribute to the Borough's real housing need.</p> <p>The Conservation Officer emphasises the importance of this Heritage Asset in the Conservation Area and his reasons for rejecting the proposal are sound and should be supported</p> <p>If the owners claim it is no longer viable then the Berkhamsted Castle Trust offer a viable and worthy alternative for the property. The proposal to classify the property as an Asset of Community Value and provide facilities which will put the Historic significance of the Castle and the history of Berkhamsted as a very long established market town in context should be welcomed. Such a use will enhance the Heritage contribution the property makes to the Town. Somewhat ironically the background in the full and interesting Heritage statement provided by the applicant emphasises this potential. The Borough Council should support the Trust's proposal.</p> <p>Planning consent for this residential conversion project by Punch Taverns should be refused. The Borough Council should support the application by the Berkhamsted Castle Trust to make the Crystal Palace an Asset of Community Value</p>
24 Coppins Close Berkhamsted Hertfordshire HP4 3NZ	I should like to object to the above planning application as the Crystal Palace Public House lies in the town Conservation Area and is currently part of an Asset of Community Value application by the Berkhamsted Castle Trust. Although the pub is currently in need of investment , it has the potential to add greatly to the attractive canalside character. Building three new houses in it,s place will not do that and will not add to the vision of the Berkhamsted Castle Trust ACV application. I am a Berkhamsted citizen.
23 Shrublands Road Berkhamsted Hertfordshire HP4 3HX	<p>I am a local Berkhamsted resident and also a Berkhamsted Town Councillor and I write to lend my full support to the application by Berkhamsted Castle Trust to designate the Crystal Palace Public House an Asset of Community Value.</p> <p>This building and this site have a long history going back decades and centuries as a communal meeting place for local people by the canal</p>

	<p>and the castle. It is an iconic location, opposite the Totem Pole and a very visible symbol of the town. The building itself is an attractive and distinctive construction.</p> <p>Whilst it is true that in recent years this place has not been well managed and it has become somewhat drab and dilapidated (I use these terms in a layman's, rather than technical, sense) there is no disguising the beauty of the site and premises and so there is every reason to think that with the right investment this place can be updated and can be revived to its former glory.</p> <p>Dacorum have published several planning guidance documents recently including the current consultation on the new local plan. These papers quite rightly emphasise the need for development to accentuate the positive aspects of our heritage whilst incorporating the modern. I can think of few places in Berkhamsted more deserving of the first part of that intention.</p> <p>I urge you to give the ACV nomination your fullest consideration and very much hope that you will agree to this proposal.</p>
<p>12 South Park Gardens</p> <p>Berkhamsted Hertfordshire HP4 1JA</p>	<p>I write to object to the proposal to build three houses, excessively cramped and with little garden space, on the site of the historic Crystal Palace public house. This proposal erodes even more of the history of Berkhamsted, which could, instead, be greatly enhanced by the provision of a visitor centre for the castle. Visitors who come to the town expressly to see the castle are disappointed by the lack of facilities, including having to go to the station to use the lavatories.</p> <p>Please reject this inappropriate proposal for a valuable site.</p>
<p>15 Deans Lawn Chesham Road Berkhamsted Hertfordshire HP4 3AZ</p>	<p>As archivist of the Berkhamsted Local History & Museum Society and Berkhamsted resident of more than fifty years I wish to raise my objection to the revised planning application which involves the substantial destruction of this locally listed building which is an important feature on heritage tours of Berkhamsted's historic town centre.</p> <p>Due consideration should also be given to the Berkhamsted Castle Trust's new Asset Of Community Value application, the benefit that would provide. The alternative is loss of community value, with the closing of one of the few remaining Berkhamsted PHs and the provision of three houses. To approve this planning application as it stands would be another missed opportunity to bring benefit to the community,</p>
<p>53 Cross Oak Road Berkhamstead</p>	<p>We would like to record our objection to the planned demolition of the Crystal Palace public house and its replacement by three houses. It would be very sad and inappropriate for Berkhamsted to lose this historic and locally listed building in a conservation area.</p> <p>We strongly support the Berkhamsted Castle Trust in their Asset of Community Value application for the site.</p>
<p>5 Mandelyns Northchurch Berkhamsted Hertfordshire HP4 3XH</p>	<p>Berkhamstead deserves a Museum. Too much of its history is being lost. This building would be ideal so close to the canal it would attract so many visitors & bring an income for the town.</p>

<p>6 Doctors Commons Road Berkhamsted Hertfordshire HP4 3DW</p>	<p>There is so much local history associated with this building and the area close around it, the canal, the railway our castle and to develop it just for residential purposes would be such a waste. Please let's keep it's character, it would make an ideal base for a local history museum right at the very heart of our amazing town.</p> <p>The feeling you get in that area, our Norman castle, the canal with its wharfs and timber yards, the railway coming through in the early 1800's, the old Railway Tavern just over the water and the Castle Hotel opposite.</p> <p>We have such a rich history and we've lost so much of it. Please let's save whatever we can as, once gone we'll never get it back. Thank you for listening!</p>
<p>1 Elm Grove Berkhamsted Hertfordshire HP4 1AE</p>	<p>The Crystal Palace public house has been an important symbol of entry to Berkhamsted...three houses could not & should not usurp the sense of comfort & coming home it has given over the years. Please reject this application.</p>
<p>51 St Marys Avenue Northchurch Berkhamsted Hertfordshire HP4 3RP</p>	<p>The planning application and the council have failed to recognise the heritage significance of The Crystal Palace pub building. The pub building needs to be registered as an asset of community value and there are many ways this can serve the community.</p> <p>The number of development applications around berkhamsted (200 houses and a school on fields by Darrs Lane) is frankly odd and you have question the council motivations and rationale, hugely.</p>
<p>Bulbourne, Bank Mill Lane Berkhamsted HP4 2NT</p>	<p>We note the above application to convert the Crystal Palace public house into residential accommodation and object on the grounds that this would be an irreversible loss of a longstanding community asset at a time when many other public houses and restaurants are very likely to become financially unviable.</p> <p>After the current Covid-19 pandemic has passed, there will inevitably be many vacant hospitality premises due to the bankruptcy of the former businesses. if the permanent loss of these essential community facilities is to be avoided it will be necessary for the planning process to protect such premises from changes of use to non-community purposes until such time as new businesses can develop to take them over.</p> <p>With regard to the Crystal Palace, a Community Asset interest has been manifested by the Berkhamsted Castle Trust for the use of the building as a visitor centre. We believe that the residential conversion application should be refused to allow for this community use to take preference.</p>
<p>29 Meadow Road Berkhamsted Hertfordshire HP4 1EB</p>	<p>Inappropriate to allow change of use of such a historic part of the community</p>
<p>Wickets</p>	<p>I object to the application to convert the historic Crystal Palace PH to 3</p>

<p>1 Gresham Court Berkhamsted Hertfordshire HP4 3BB</p>	<p>houses (20/03492/FUL). This area of the town with close proximity to the station, castle and canal should encourage visitors to the town and benefit the local community. I strongly support the application by Berkhamsted Castle Trust for the pub to become an Asset of Community Value. Like many other projects within the town there is no reason why the Crystal Palace could not become a thriving pub and in addition house a Castle Visitor Centre with cafe, shop, toilets and a historic hub. I strongly recommend this application is rejected and I support the pub becoming an Asset of Community Value.</p> <p>I object to the application to convert the historic Crystal Palace PH to 3 houses (20/03492/FUL). This area of the town with close proximity to the station, castle and canal should encourage visitors to the town and benefit the local community. I strongly support the application by Berkhamsted Castle Trust for the pub to become an Asset of Community Value. Like many other projects within the town there is no reason why the Crystal Palace could not become a thriving pub and in addition house a Castle Visitor Centre with cafe, shop, toilets and a historic hub. I strongly recommend this application is rejected and I support the pub becoming an Asset of Community Value.</p>
<p>9 Haynes Mead Berkhamsted Hertfordshire HP4 1BU</p>	<p>I write to object to the loss of this historic canal-side pub. The application contains a viability report which inevitably comes to the conclusion that it is not sustainable as a business. It perhaps would be unfair to say that the pub has been badly run in the last few years but the building has certainly not been maintained properly and is very run down which is hardly likely to attract customers. This pub has the best location of any in Berkhamsted - right on the canal and by the station and the castle. With a bit of imagination and investment this could easily be a highly profitable business. For example the Bull, which is in a far less advantageous location, was almost overnight transformed from a run down pub into a successful business. The canal side pubs are not actually in competition with one another as there is enough business for all of them and I have no doubt that with some investment this could be very successful indeed. The economic case on viability has been skewed by the fact this pub was a leasehold. When I last went there the landlord was trying to sell the lease which only had a few years to run. Under these circumstances nobody is going to put in the necessary investment to make it a successful pub when they don't have any guarantee what will happen when the lease expires. So it is not the fact that that this is not a viable business but the leasehold circumstances and it has to be said the rather unimaginative management have made it so.</p> <p>I accept that many pubs throughout Britain are being lost but this should not be one of them as it is in the best location in a prosperous town and there is absolutely no reason why this could not be made into a success. Conversion into flats is the lazy option and if we lose this historic pub the only thing we can be certain of is that we won't get it back again.</p>
<p>3 St Johns Well Lane Berkhamsted Hertfordshire</p>	<p>This beautiful old pub is a heritage property of value to the town and conservation area. Turning it into residential houses would destroy a local iconic view. The property should be locally controlled and used to</p>

HP4 1HA	serve the community, preferably as a pub!
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ITEM NUMBER: 5b

20/03732/FUL	Demolition of 18 residential garages and construction of 4 no. dwelling houses	
Site Address:	Land Off Beechfield Kings Langley Hertfordshire WD4 8EE	
Applicant/Agent:	Mr Ian Johnson	Mr Ian Morrison
Case Officer:	Martin Stickle	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	The application is referred for the consideration of the Development Control Committee as the site is owned by the Borough Council.	

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The application site is located within the residential area of Kings Langley. It is not an allocated housing site and is therefore a 'windfall site'. The Dacorum Borough Core Strategy (2013), Policy CS4, directs residential development to large villages and established residential areas.

2.2 This application proposes four new dwellings on land currently occupied by two rows of terraced garages. These Council-owned garages originally served the local residents, however, over time the garages have become either disused or underused. The garages have limited widths and are unsuitable for most modern vehicles. This application offers the opportunity to create high quality affordable housing in their place, improving the local environment and security through new landscaping and increased natural surveillance.

2.3 The redevelopment of this site provides Dacorum Borough Council (DBC), as a provider of housing, with the opportunity to complement the existing housing stock in the area and to meet its own objective of providing affordable housing. DBC's affordable housing studies have identified a strong need for new, family-sized homes for local people. As such, and given that the development would be located in a sustainable location (being near to local facilities and public transport linkages), the proposal is found to be in accordance with Policies CS1, CS4, CS17 and saved Policy 10 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site relates to a block of 18 garages within the residential area of Kings Langley, situated on a bend on Beechfield Road, between Nos. 39 and 41. The garage block is on the edge of the settlement and bound by the Metropolitan Green Belt on the western and southern boundaries.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of the garage blocks and the construction of four residential units (2 x 2-bedroom and 2 x 3-bedroom) with associated parking areas and gardens. This application forms part of a Planning Performance Agreement (PPA) that encompasses seven garage sites.

5. PLANNING HISTORY

None.

6. CONSTRAINTS

Special Control for Advertisements

CIL Zone: CIL2

Former Land Use (Risk Zone)

Adj. to Green Belt

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Kings Langley

Parish: Kings Langley CP

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (King Langley)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1- Supporting Development

CS1 - Distribution of Development

CS2 - Selection of Development Sites

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17- New Housing

CS18 - Mix of Housing

CS19 - Affordable Housing

CS26 - Green Infrastructure

CS29- Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Soil and Water Quality

CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies) (1999-2011)

Policy 10 - Optimising the Use of Urban Land

Policy 18 - The Size of New Dwellings

Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 57 - Provision and Management of Parking
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 111 - Height of Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Manual for Streets (2010)
Planning Obligations (April 2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Affordable Housing (January 2013)
Parking Standards (November 2020)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The principle of development;
The quality of residential development and living conditions of existing and future residents;
Highway safety and car parking; and
Any other material planning considerations.

Principle of Development

9.2 Policy CS4 of the Core Strategy directs residential development to the large villages and established residential areas e.g. Kings Langley. Saved Policy 10 of the Local Plan encourages the effective and efficient use of urban land. The proposal would contribute to the Borough's affordable housing stock (in accordance with Policy CS17). Given that the development would be located in a sustainable location, the proposal would comply with Policies CS1, CS4 and CS17. Therefore, the principle of the proposed development is acceptable.

Quality of Residential Development / Living Conditions

9.3 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether a development is appropriate. Policy CS12 states that development should avoid visual intrusion, loss of light and loss of privacy to neighbours. Paragraph 127 (f) of the National Planning Policy Framework (henceforth referred to as the 'Framework') requires development to create safe, inclusive and accessible places that promote health and well-being and a high standard of amenity for existing and future users.

Layout / Residential Amenity / Living Conditions

9.4 The proposed layout would maintain the open aspect of the eastern portion of the site, allowing views from Beechfield to the open countryside to the south. There is a green amenity area to the front of the properties, which would benefit the visual amenity of the area. It is noted that a number of new trees would be planted in this area to further enhance the aesthetics of the site. These trees

should also discourage drivers from parking on this grassed area. The scheme proposes two benches along the footpath, which is welcomed.

9.5 The proposed gardens are adequately sized, averaging at around 12m x 6m (depth x width), complying with saved Appendix 3 of the Local Plan. The proposed spatial layout has regard for the existing units on Beechfield in terms of avoiding amenity issues such as adverse privacy, sunlight and daylight implications. There is one first-floor flank window on 41 Beechfield that faces towards the site. This window is approximately 8.5m from the flank wall of Plot 4. This issue was raised at pre-application stage and the properties were sited further back in the site (moving west) to reduce the impact on this window. It should also be noted that this window serves a dual-aspect room, of which the primary (largest) window is situated on the front elevation, facing away from the site.

9.6 In terms of scale, the proposed buildings are not excessively tall or bulky. As such, there would be limited visual intrusion on these neighbouring properties. The roof form, height and siting of the new buildings would ensure that the development would not adversely affect daylight and sunlight from reaching neighbouring properties. The scheme appears to comply with the Building Research Establishments 'Site layout planning for daylight and sunlight: a guide to good practice'. 41 Beechfield is sited due north of the proposed dwellings. It is unlikely that there would be significant issues with light. There may be some slight overshadowing of the flank of the property and garden area. However, this would be fairly minimal and it is not felt that the application would warrant a refusal on these grounds alone.

9.7 Plot 4 would include a first-floor flank window that would face 41 Beechfield. The proposed window serves a bathroom and is likely to be obscure glazed. However, for the avoidance of doubt, an obscure glazing condition would be imposed (if this application is approved) to counter any privacy issues. No other windows would result in significant overlooking issues to neighbours. The proposed rear facing windows would result in a similar relationship to the other terraced properties on the street.

9.8 Plot 4 would also be adjacent to 39 Beechfield (to the east). There are a number of flank windows on this property, some of which are clear-glazed. The new buildings would be visible from this neighbour's property, however, there would be a significant separation distance of 34.8m (approx.) thereby avoiding adverse impacts on light or privacy. The proposed new dwellings would not infringe upon the 25-degree line taken from ground-floor windows on neighbouring properties.

9.9 In terms of demolition and construction, if this application were approved, these aspects would be controlled by Dacorum's Environmental Protection Team. Various informatives would be added regarding construction hours, etc. if the application is approved. The proposal would provide a high quality living environment for future occupiers and would not result in significant adverse impacts on the neighbouring properties. The quality of residential development and the impact on the living conditions is considered acceptable in accordance with the aforementioned policies.

Quality of Design / Impact on Character and Appearance of Area

9.10 The immediate area primarily consists of terraced housing with modest architectural detailing. The site is not located within an area of any special planning control in terms of design. Amendments to the architectural detailing have been introduced during the planning process such as façade treatment along the party walls. Additional elements, such as chimneys, have been included to add visual interest to the elevations and help the development assimilate with existing design features in the area. Overall, it is considered that the design approach respects the appropriate vernacular scale and design of the area.

9.11 The proposed external materials comprise red brick, roof tiles, grey windows, timber doors and timber effect cladding. The drawings highlight that some of the materials are still to be confirmed e.g. the roof tiles. Therefore, it is necessary to condition details of materials if the application is approved.

9.12 In summary, the proposed scheme would have a high quality of design that would preserve the attractive streetscape and contribute to local character in accordance with Policies CS12 and CS13.

Impact on Trees

9.13 There are a number of trees within close proximity to the site that must be considered. The submitted Arboricultural Report (ref: S230-J1-IA-1) identifies that no trees of significant landscape value or amenity would be detrimentally affected by the development. Dacorum's Trees and Woodlands Department (T&W) have reviewed this document and raised no objections to the application.

9.14 The drawings found in the Appendices of the Arboricultural Report illustrate the root protection areas of the trees and measures to protect them during the preparation, demolition, construction and landscaping phases (see S230-J1-P1 Rev 1, S230-J1-P2 Rev 2 and S230-J1-P3 Rev 2). These details would be conditioned if the application were approved.

9.15 The large trees to the south of the site (T1-T5) may result in some loss of light to the proposed units and their gardens. In particular, the garden of Plot 1 would appear to be overshadowed. The Report highlights that two of the larger trees (T4 and T5) would be pruned to a spread radius of 4.5m on the northern sides to reduce the impact. However, the relationship between this group of sizable trees and Plot 1 is likely to result in pressures to heavily prune or remove some of these trees in the future. Appendix 8 in the Report identifies that these trees are either etiolated or distorted by neighbouring trees and therefore they are classified as Category C1 (having little visual merit). As such, it is unlikely that the Local Planning Authority would raise no objection to their removal in the future. For further clarification Trees & Woodlands were re-consulted on this matter. Their response highlighted that Plot 1 *"will experience some nuisance issues owing to lack of sunlight in the garden and leaf drop"* but the removal of these trees does not *"merit an objection."* However, to mitigate the nuisance issues, they suggested that a condition is included, stating trees 1-5 shall be reduced by at least 3m. T&W have confirmed that these works would satisfactorily resolve the issue.

9.16 Several trees with smaller diameters (identified in G6) would be removed. The Report identifies these as Category B2 trees, having a higher collective rating rather than as individuals making little visual contribution to the wider locality. An elder shrub and an ash sapling would also be removed. As compensation, the proposed site plan includes four new semi-mature trees to the front of the proposed properties. As the site is limited in scale, it is not felt that any further tree planting is required. If approved, details of the tree sizes and species will be conditioned. T&W would be consulted at discharge of condition stage to ensure that the proposed trees are suitable for the location.

9.17 Taking all of the above into account, it is concluded that there would be a limited impact on existing vegetation in accordance with saved Policy 99 and new trees would be provided in as per Policy CS29.

Parking and Highway Safety

9.18 Policy CS12 seeks to ensure developments have sufficient parking provision. The Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. The Parking Standards Supplementary Planning Document (SPD) provides policy guidance for the amount of parking provision required for new developments. It highlights the following (per residential unit) in this area:

2 bedroom dwellings – 1.5 allocated spaces or 1.2 unallocated spaces

3 bedroom dwellings – 2.25 allocated spaces or 1.8 unallocated spaces

9.19 The proposed layout provides eight allocated spaces (two per unit) and two visitor spaces (total of ten). This meets the parking standards for allocated spaces and provides additional spaces for visitor parking. The proposal is therefore acceptable in this regard.

9.20 The SPD requires the provision of electric vehicle charging points. As these are not illustrated on the drawings, details will be conditioned if the application is approved.

9.21 Policies CS8 and CS9 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 109 of the Framework states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.22 Concerning highway safety, the access and turning area is acceptable, as sufficient space for emergency and refuse vehicles has been provided. The Highway Authority (Hertfordshire County Council) have assessed the highway impacts and raised no objection to the proposals.

9.23 In summary, the proposed parking and access arrangements are deemed acceptable and policy compliant.

Other Considerations

Loss of Garages

9.24 The redevelopment of garage blocks may result in the displacement of some vehicles and therefore alternative provision should be considered. The widths of the existing garages are generally unsuitable for modern vehicles except motorcycles. It appears that some residents park on the access road but not within the garage court. This area would not be affected by the development proposals but existing residents may be discouraged from parking here, as it would serve the new properties. Many of the properties on Beechfield benefit from driveways and there are no parking restrictions on the road. This area of the road does not appear to suffer from parking stress. Therefore, if any vehicles are displaced by the proposals, there would be a limited number and there would be sufficient space to site them elsewhere.

9.25 Dacorum's Verge Hardening Team have been contacted to discover whether there would be scope to enhance or provide new parking areas on the road. After liaison with T&W they concluded that due to the number of mature trees, the limited number of amenity/grassed areas, and the lack of parking pressures on the road, providing further parking areas would be counterproductive. Beechfield has an attractive street scene, aided by the grass verges and mature trees. Removing trees would have a negative impact on the appearance and character of the area. In summary, it is not felt that the loss of the garages would result in any significant impacts caused by displaced vehicles and further parking areas are not deemed necessary.

Landscaping

9.26 The proposed site plan details planting at the fronts of the properties, which should help to soften the visual impact of the development and create an attractive development. The boundary treatment (1.8m timber fencing) and surfacing materials (block paving and bound gravel) are considered acceptable. Full details of landscaping would be requested by condition if the application is approved.

Ecology

9.27 An Ecological Survey and Bat Report have been submitted to the Local Planning Authority as part of the application submission. The survey evaluated the habitats onsite within the site boundary as having negligible to low ecological value, with the exception of the onsite mature trees and trees immediately adjacent to the site. No significant concerns are raised by the conclusions of the reports. A dusk emergence survey of the garages was conducted to determine presence/reasonable absence of roosting bats. No emergence was observed during the survey, and as such, it can be determined that the proposed work will have no impact upon roosting bats. No further surveys are required but it is recommended that the late discovery protocol be followed should bats be discovered. This would be added as an informative if the application is approved. An informative relating to nesting birds would also be added.

9.28 The woodland and mature silver birch on site are to be retained in their entirety and protected during works. Root Protection Areas are to be implemented in line with the tree in relation to design, demolition and construction (BS 5837:2012). All trees scheduled for removal are to be replaced at a ratio of 2:1. This is to compensate for the amount of time it takes for trees to grow and mature.

9.29 The report also highlights that any lighting as part of the development does not increase and negatively affect local wildlife. Details of any external lighting would therefore be secured as part of the landscaping condition.

Refuse

9.30 Developers are expected to provide adequate space and facilities for the separation; storage, collection and recycling of waste (see Dacorum's 'Refuse Storage Guidance Note').

9.31 The site plan indicates where bin storage for the properties is located. These areas are proposed to the sides/rear of the properties and would be visually obscured from the surrounding area. The refuse collection point is located by the access road in the northeastern quadrant. No concerns are raised regarding this.

Community Infrastructure Levy

9.32 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Charging Schedule clarifies that the site is in Zone 2 within which a current charge of £197.24 per square metre is applicable to this development.

9.33 Depending on the tenure of any affordable housing units, these may be exempt from the payment of CIL. It is recommended that any exemption requirements are discussed with the CIL team prior to the submission of the proposals and that relevant paperwork is completed expediently upon any issue of planning permission.

Contamination

9.34 The Environmental and Community Protection Team have confirmed that they have no objection to the proposed development. However, it is judged that the recommendation for an intrusive land contamination investigation is made. It is recommended that two conditions be included in the event that permission is granted.

Drainage

9.35 The drainage strategy comprises of unlined permeable paving for car parking areas with an outflow into the proposed network. It is noted that surface water drainage calculations have been provided to support to scheme and ensure sufficient storage has been provided for the 1 in 100 year plus climate change event. Based on the information, no concerns are raised with drainage. A condition requiring details of the final drainage scheme would be added, if the application is

approved, to secure certain details e.g. management and maintenance of sustainable drainage systems (SuDs).

Crime Prevention and Security

9.36 Herfordshire County Council's Crime Prevention Design Advisor was consulted and suggested a number of recommendations to improve crime prevention and security on the site. These include: doors and windows in-line with Secured by Design standards; robust fencing at a minimum of 1.8m in height; entrance gates to be secured with locks and security lighting. These details can be secured through the attached materials and landscaping conditions.

9.37 The Design Advisor also highlighted that *"It's great to see that adequate car parking has been provided for this development and that the spaces are in front of the dwellings providing good surveillance and security."* Overall, the removal of the unlit garage blocks and the construction of the dwellings, which would increase natural surveillance, is likely to discourage crime in this area. Taking all of the above into account, no concerns are raised with crime prevention and security.

Response to Neighbour Comments

9.38 The majority of the concerns raised have been discussed previously in this report. However, there are several other points raised that will be discussed in turn below.

Pedestrian Access / Right of Way

9.39 A resident raised concerns over loss of the public footpath that leads through the site to the fields beyond. The pathway would be slightly altered in shape (as seen when comparing the existing and proposed site plans); however, the right of way would be retained.

Noise and Disruption

9.40 The Council would need to adhere to national legislation regarding noise and construction hours. An informative has been added to the application reinforce this.

Application for Planning Permission

9.41 The resident at No. 39 queried why the supporting documentation states that planning permission was applied for in April 2019. It is believed that the documentation refers to the pre-application, which was submitted to the Council in 2019.

Type of Housing

9.50 No. 39 has sought clarification on the type of affordable housing. The Applicant intends on providing social rent properties.

Consultation with Garage Owners

9.51 The resident at 39 asked, *"Have the council contacted all current users of the garages, as again a user of one of the garages who lives on the road did not know about this "potential" development until November."* The Housing Development Team have confirmed that all garage owners have been contacted regarding the proposals. They will be contacted again if planning permission is approved.

10. CONCLUSION

10.1 The principle of redeveloping the garage blocks into affordable housing is deemed acceptable and in accordance with local and national policies. The proposals would satisfactorily integrate with the surrounding area. No concerns are raised with the scale and design of the proposed dwellings. No significant adverse impacts are identified concerning residential amenity. The impact on trees and the effect on the living conditions of future occupiers is acceptable. The provision of affordable housing on this site is welcomed and would make a valuable contribution to the Borough's housing stock.

10.2 The redevelopment of this garage site would provide the Council, as a provider of housing, with the opportunity to complement the existing housing stock in the area and to meet its own objective of providing affordable housing. The scheme would provide other benefits such as improved landscaping and visual benefits. The application is therefore recommended for approval.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flood Risk Assessment and Drainage Strategy reference M03001-04_DG01 dated November 2020 prepared by McCloy Consulting. The scheme shall also include:**

- 1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames surface Water sewer.**

- 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**

- 3. Implement drainage strategy to include permeable paving and attenuation tank.**

- 4. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event, with a supporting contributing area plan.**

- 5. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.**

- 6. Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event.**

- 7. Maintenance and management plan for the SuDS features.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraphs 163 and 165 of the National Planning Policy Framework (2019).

3. **No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

(i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

(ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

(iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

4. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

5. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

6. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

7. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and**
- **minor artefacts and structures (e.g. bike stores, street furniture, play equipment, signs, refuse or other storage units, etc.).**

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of three years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

8. **The flank window at first-floor level in the northern elevation of Plot 4 hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

9. **Prior to the occupation of development hereby approved, the trees identified as T1-T5 in the Arboricultural Report by John Cromar's Arboricultural Company Limited**

(referenced S230-J1-IA-1 and dated 2nd September 2020) shall be reduced by three metres in height. The other tree works identified in the Schedule (Appendix 9) shall be carried out concurrently. All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".

Reason: In order to mitigate nuisance issues owing to lack of sunlight in the garden and leaf drop for future residents, preserving residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

10. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

DBC-IW-BEE-00-DR-A-0010
DBC-IW-BEE-00-DR-A-0100
DBC-IW-BEE-XX-DR-A-2202
DBC-IW-BEE-XX-DR-A-2201
S230-J1-IA-1
S230-J1-P1 v1
S230-J1-P2 v2
S230-J1-P3 v2

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. 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 lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no

objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

3. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
4. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
7. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047

for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>

8. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
9. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	No objection.
Crime Prevention Design Advisor	<p>In relation to crime prevention and security I would ask that the dwellings are built to the police security standard Secured by Design.</p> <p>Physical Security (SBD)</p> <p>Individual front entrance doors:</p> <p>Certificated to BS PAS 24:2016</p> <p>Windows:</p> <p>Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 SR2 including French doors.</p> <p>Dwelling security lighting:</p> <p>(Dusk to dawn lighting above or to the side front doors). Bollard lighting does not meet the requirement of the Secured by Design standard.</p> <p>Boundary</p> <p>Exposed side and rear gardens with robust fencing, minimum 1.8m height, gates to be secure with lock.</p>

	<p>Car Parking:</p> <p>It's great to see that adequate car parking has been provided for this development and that the spaces are in front of the dwellings providing good surveillance and security.</p>
Parish/Town Council	No objection.
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is on land which has been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted. Please note condition 1 acknowledges existence of an adequate phase 1 report.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) The Local Planning Authority is of the opinion that the Preliminary Investigation Report submitted at the planning application stage (Document Reference: RSK Preliminary Risk Assessment 1921152-07(00) May 2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(c) This site shall not be occupied, or brought into use, until:</p>

	<p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Civil Aviation Authority	No comment.
Thames Water	Waste Comments

	<p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Affinity Water - Three Valleys Water PLC	No comment.
Trees & Woodlands	<p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. I have examined the information and have no objections to the application being approved in full.</p> <p><i>Further comments received 02-03-21</i></p> <p>There does not appear to be any direct detrimental effect on this group</p>

	<p>of trees (T1-T5). However, I take your point with Plot 1 and they will experience some nuisance issues owing to lack of sunlight in the garden and leaf drop. These are C1 trees and according to the report have some structural issues. I do not believe they merit an objection but if you could include a condition stating trees 1-5 shall be reduced by at least 3m by the applicant to reduce expected conflict between trees and residents of Plot 1 that would be suitable.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party</p>

responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN 4) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>

Comments

The application is for the demolition of 18 residential garages and construction of 4 no. dwelling houses on land adjacent Beechfield, Kings Langley. Beechfield is a 30 mph unclassified local access road that is maintained at public expense.

Vehicle Access and Parking

The garages are currently accessed via a large private drive joining the highway network via a large bellmouth onto Beechfield. The proposed 4 dwellings will use this existing access which is deemed adequate both in size and visibility for the dwellings. I would like to note the concerns people may have on the loss of garages and therefore perceived loss of parking. However, each garage entrance and length (lost to dwellings)

measures 2m x 4.8m. Garages beneath 2.4m x 4.8m are considered within national guidance to now be insufficient in size to accommodate a parked vehicle. Research presented within Manual for Streets suggest that upto 50% of garages are used for purposes other than the parking of a private vehicle. The loss of garage is therefore not considered to necessarily represent loss of parking.

Please note that the rights of way route on site must not be affected at any point during construction or use of the dwellings, please see informative 4 above.

Drainage

The proposed new hardstanding would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new hardstanding would need be collected and disposed of on site in order for the proposals to be acceptable.

Sustainability

The site is located 160 metres from the nearest bus stop and 1.6 km from Kings Langley Station. Both these locations are within easy walking and or cycling distance from the proposed dwellings and therefore are in line with policies within Hertfordshire's Local Transport Plan (adopted 2018).

Refuge / Waste Collection

Provision has been made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBCwaste management.

Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document BVol 1 - Dwellinghouses'.

Conclusion

HCC has no further objections or comments on highway grounds to the application, subject to the inclusion of the above planning informatives.

Herfordshire Building Control	No comment.
Hertfordshire Property Services (HCC)	<p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Environment Agency	No comment.
Conservation & Design (DBC)	<p>Architectural Design:</p> <ul style="list-style-type: none"> - Well designed terraces in the local area typically have a form of vertical facade articulation between dwellinghouses e.g recessed bricks / shadow gaps / brick pillars which assist in breaking the mass of the housing block into a finer urban grain. Perhaps the proposal elevations could benefit from a similar facade treatment along the party walls to distinguish between houses within a terrace and break down the blocks mass. - Subtle articulation added to the gable roof between units could also assist in the breaking down the massing of blocks where there is a long terrace of multiple houses or a highly visible roof. <p>Comments received 03.02.21</p> <p>No objection in principal - can the dwellings adjacent to the N. site boundary adjacent to no.41 be brought forward to align with the neighbouring property. This may help with overshadowing concerns raised at consultation. As it is not habitable space, the roof of the row of</p>

	the 4 dwelling houses could also be lowered to address some of the concerns of the local residents regarding the massing and scale of proposal and reducing the impact on the Greenbelt.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	5	0	5	0

Neighbour Responses

Address	Comments
41 Beechfield Kings Langley Hertfordshire WD4 8EE	<p>I have lived at 41 Beechfield King's Langley WD4 8EE for 21 years.</p> <p>My concerns are as follows. Pulling down the 18 garages to put 4 properties in place of them, I am concerned about the parking problem, that exist already, where people have to park on the grass verge. a lot of people usually have 2 cars to each property, and will there be any room for gardens? At these proposed properties?</p> <p>We also have a drainage problem, twice last year we had the drains overflowing, and water pressure problems. A few times last year the water was turned of without warning, also a threat to wild life. The disruption as well.</p> <p>Will great park garages , plus garages behind number, 1, 3, 5, 7, Beechfield, and the land where there is a little park at the side of these garages, under threat? And the bigger worry our farmland. These are my cocernes.</p> <p>Regards Mrs Janet Farmer Demolition of 18 residential garages, to be replaced with four properties.</p> <p>My concerns are as follows, we have a parking problem already, so this will be made even worse.</p> <p>Last year on two occasions we had a problem with drainage and water pressure problems.</p> <p>Will these proposed properties have gardens, the site doesn't look big enough.</p> <p>And also what about Great Park garages and the other site at the beginning of Beechfield are they under threat too. And the bigger threat our farms, this is so worrying,</p>

	<p>I am a pensioner I have lived here at 41 Beechfield King's Langley WD4 8EE for 21 years.</p> <p>I live right next to the proposed build. And also the disruption and noise, so this is why am sending my concerns .</p> <p>I have lived at 41 Beechfield King's Langley WD4 8EE for 21 years.</p> <p>My concerns are as follows. Pulling down the 18 garages to put 4 properties in place of them, I am concerned about the parking problem, that exist already, where people have to park on the grass verge. a lot of people usually have 2 cars to each property, and will there be any room for gardens? At these proposed properties?</p> <p>We also have a drainage problem, twice last year we had the drains overflowing, and water pressure problems. A few times last year the water was turned of without warning, also a threat to wild life. The disruption as well.</p> <p>Will great park garages , plus garages behind number, 1, 3, 5, 7, Beechfield, and the land where there is a little park at the side of these garages, under threat? And the bigger worry our farmland. These are my cocernes.</p>
<p>39 Beechfield Kings Langley Hertfordshire WD4 8EE</p>	<p>I accept that "objecting" is highly unlikely to prevent the demolishing and building of the new properties, but I have concerns of how this progressed so far.</p> <p>Firstly in the documentation it says planning permission was applied for in April 2019, we purchased 39 Beechfield in at end of June 2019. Nothing in regards to this location was provided in the searches about potential building. If it should have come up why wasn't it disclosed in the searches then? Other areas came up where there was potential to build or develop.</p> <p>In all the documentation I've read online here it doesn't make it clear what type of housing it is going to be, there is a small tick box on the initial application form that implies it is going to be "social/subsidised rent" but why would it not be made clearer in the documents or "brochures"? Are they going to be private houses or council owned, why can this not be made clearer?</p> <p>Despite our address being mentioned by number at least twice in the accompanying documents it was only in November by chance when a neighbour told us about the development we became aware. We had to email in to ask about this and be included on any letters sent. This links to the first point about the searches, whereby these could be administration errors, but equally then makes me think why are we not being told, is there a reason and "they" might think we will object if we find out. Will we be missed out of future news or developments?</p> <p>Currently people who live nearby use the entrance to be able to park</p>

	<p>close to their homes it's not clear if this will still be allowed or provisions made for those people and others who use the garages? Have the council contacted all current users of the garages, as again a user of one of the garages who lives on the road did not know about this "potential" development until November. The H19 bus route that goes through Beechfield some times struggles due to parked vehicles, removing the garages and parking will surely lead to more vehicles parked on the road. Will this lead to the bus route being pulled from Beechfield?</p> <p>In some of reports on here it mentions the poor state of some of the garages and footpath nearby, presumably to enhance the case to redevelop. Now if the footpath and garages are council owned, have they been allowed to get that way? If the houses are going to be council owned as I think they are by the one tick box, what's to prevent them from becoming the same over time? Will the other garage block in the opposite corner of Beechfield and Great Park be developed too (or has it already been applied for) as I'd say both garage blocks look in a similar condition?</p> <p>I may well have missed it in some of the less clear documents but what provisions if any for "green" considerations? I couldn't see any info about solar panels or electric car charging points for the properties.</p>
<p>41A Beechfield Kings Langley Hertfordshire WD4 8EE</p>	<p>Overlooked - loss of privacy limited parking noise and congestion</p>
<p>5 Missden Drive Hemel Hempstead Hertfordshire HP3 8QR</p>	<p>Hi, My Father (75yrs old) lives at 41a Beechfield, Directly next to the Garages in question. I have grave concerns for this development.</p> <p>-The Plans clearly show a Shadow that would go across my father rear garden and affect his light into his Garden. He is retired and spends a lot of time in the garden and is not particularly mobile, so any effect on his garden and effect of his enjoyment of his garden and his property needs to be considered. This also includes the MENTAL impact this will have on a single retired person and the person in 41 Beechfield is in a similar situation. This will also be a loss of privacy to my father and neighbour below.</p> <p>- My father was sent a letter (FROM DACORUM COUNCIL) about his driveway which was built by the previous owner more that 7 years ago and was told NOT to park on his driveway (the main road into the garages) so he is now parking along with many other residents on the road / verge outside his property. Please note he is 75 and now being asked to walk further to his property from his car and park with more difficulty as opposed to his drive way which is simple stone shingle. - PLEASE INFORM MY FATHER AT 41A IF HE WILL / CAN STILL PARK ON HIS DRIVEWAY AFTER THE DEVELOPMENT IS BUILT, SHOULD IT BE BUILT, AND FROM NOW ON (14/01/2021) THIS WILL REDUCE THE PARKING TRAFFIC ON SURROUNDING ROADS OBVIOUSLY.</p> <p>- The properties in question are not anywhere near the same design as</p>

	<p>the current properties in Great Park.</p> <ul style="list-style-type: none">- The Development will increase traffic outside my fathers property in an already congested area of Great Park due to parking (ANOTHER REASON TO ALLOW MY FATHER TO PARK ON HIS DRIVEWAY AGAIN - PLEASE SEND HIM A LETTER A CONFIRM - HE IS NOT ON EMAIL)- The development will create a lot more noise than is currently found as he is next to open fields, one of the reasons he purchased the property to start with.- The area for the development is a pathway to the fields where may many people walk and in a time of pandemic this should not be affected at all.- My father is 75 and retired to this property from another property in Great Park - Friars way, you run the risk of making current residents (including my father), a lot of whom are of similar age, want to leave this area (my fathers has been there for 40 years). This development should NOT impact his life detrimentally, both during the build process and after. If the build goes ahead and I find his well being affected by the:-<ul style="list-style-type: none">- NOISE from the development build- The disruption to his life- ACCESS to his home during and after the development build- The effects of the properties and their occupants <p>Then I hold the DACORUM COUNTY COUNCIL FULLY RESPONSIBLE and will act accordingly.</p>
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Agenda Item 5c

ITEM NUMBER: 5c

20/03189/RET	Retention of Works: Balustrade to main house patio, terraced garden areas, raised lower lawn area and retaining structure. Installation of electric gate.	
Site Address:	Lanresse Rucklers Lane Kings Langley Hertfordshire WD4 9NQ	
Applicant/Agent:	Mr Jatinder	Mr Jon Tankard
Case Officer:	James Gardner	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Contrary to the view of Kings Langley Parish Council	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The changes in land levels and the construction of retaining walls are engineering operations, which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. The erection of the balustrade and gates to the frontage can be justified on the basis of very special circumstances.

2.1.1 In visual terms, the retaining walls, gates and balustrade would be innocuous and not prominent from public vantage points.

2.1.2 The impact of the land level changes on the residential amenity of Leaside would not be so severe as to warrant a refusal of planning permission.

2.1.3 The location of the electronic gates (6m back from the highway) would ensure that there would be no adverse impacts on highway safety.

3. SITE DESCRIPTION

3.1 The application site is located on the northern side of Rucklers Lane, Kings Langley, and comprises of a detached bungalow which is set back from the highway by approximately 40 metres and occupies an elevated position. To the front there is a substantial area of block paving and a detached brick-built carport

3.1.1 The bungalow has been subject to extensive extension and remodelling as part of planning application 4/00624/18/FHA. The design represents a modern and sympathetic interpretation of the brick and flint bungalows prevalent in this part of Rucklers Lane. The front elevation is characterised by a large gable feature with a Juliet balcony at first floor level. To either side are clay tiled hipped roofs which include pitched roof dormers. Areas of flint are interspersed with bands of brick and brick quoin detailing.

4. PROPOSAL

4.1 Retrospective planning permission is sought for the retention of landscaping works (i.e changes to garden levels and construction of retaining walls) and the 1.1 metre balustrade around the raised patio area. Planning permission is sought prospectively for the erection of electronic gates at the entrance to the site.

5. PLANNING HISTORY

Planning Applications (If Any):

4/00624/18/FHA - Front extension infilling existing area, raised central area and creation of a crown Roof.

GRA - 21st August 2018

4/01467/90/FUL - Single storey front extension (resubmission)

GRA - 15th November 1990

4/00844/90/FUL - Single storey side extension

REF - 6th September 1990

Appeals (If Any):

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Kings Langley CP

SPD Zone 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 - The Green Belt

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards Supplementary Planning Document (2020)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.2.1 Paragraph 146 of the NPPF (2019) states that engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. For the avoidance of doubt, changes in land levels and the construction of retaining structures are considered to be engineering operations.

9.2.2 Fencing and gates do not fall within the list of acceptable development in the Green Belt as outlined in paragraphs 145 and 146 of the NPPF.

9.2.3 Policy CS5 of the Dacorum Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Policy CS5 is silent in terms of whether engineering operations within the Green Belt are appropriate development.

9.2.4 Consideration needs to be given to paragraph 213 of the NPPF, which states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to the policies according to their consistency (the closer the policies of the plan to the policies of the Framework, the greater the weight that may be given). On this basis, it is considered that greater weight should be given to the NPPF (paragraph 146).

Green Belt Impact Assessment: Preservation of Openness

9.2.5 Paragraph 146 of the NPPF is supportive of engineering operations in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

9.2.6 It is accepted that 'openness of the Green Belt' comprises both a visual and spatial element (*Turner v Secretary of State for Communities and Local Government [2016]*). Case law (*Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018]*) has established that "whether the development would 'preserve' the openness of the Green Belt" does not mean that a proposal can only be regarded as 'not inappropriate in the Green Belt' if the openness of the Green Belt would be left entirely unchanged; rather, the verb 'preserve' should be understood in the sense of "keep safe from harm" – rather than "maintain (a state of things)".

9.2.7 The National Planning Practice Guidance (NPPG) also acknowledges that openness has both visual and spatial dimensions.

9.2.8 Drawing no. 1172 SK500E demonstrates the change in levels across the site. In particular, the ground level has been increased by a maximum of 0.70 metres, with a 1.1 metre brick and flint retaining wall being constructed on the north-eastern side of the garden.

9.2.9 Rucklers Lane is located at a lower level than the application site, which itself is heavily screened by mature landscaping and trees. As a result, the retaining wall would only be visible from a very narrow viewpoint within the street scene, where it would be seen in the context of the substantial carport.

9.2.10 Whilst land levels have been increased, these works are considered to be modest in scale; and, importantly, retain the sloping nature of the front garden – i.e. they do not raise it up in an excessively unnatural manner.

9.2.11 The terraced flowerbeds referred to in the application description are also shown on drawing no. 1172 SK500E. The crosswise stone retaining walls are extremely limited in scale and have a height of no more than 30cm. The lengthwise brick retaining wall is similarly modest.

Green Belt Impact Assessment: Purposes of Green Belt

9.2.12 Another requirement of the NPPF is that engineering operations do not conflict with the purposes of including land within the Green Belt.

9.2.13 Paragraph 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.2.14 Of the above list, it is only considered that (c) is of relevance. The re-contouring of the land would not, however, result in a material change of use; rather, it would remain as a residential garden. A retaining wall (considered to be part-and-parcel of the engineering operation) has been constructed, but it is of modest height (1.1 metres) and limited extent (10.35 metres long). It is submitted, therefore, that the proposal would not result in encroachment into the countryside. By extension, the proposal would not conflict with the purposes of including land within the Green Belt.

Electronic Gates and Balustrade - Very Special Circumstances

9.2.15 The erection of the balustrade around the patio area adjacent to the house, and electronic gates at the entrance to the application site, would constitute inappropriate development in the Green Belt, which, by definition, is harmful and should not be approved except in very special circumstances

9.2.16 Paragraph 144 of the NPPF provides further guidance in terms of when development that would otherwise be considered inappropriate should nonetheless be approved. It states that:

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.2.17 It is understood that the gates to the frontage are to ensure a safe and secure environment for the applicant's children: given the steep gradient between the dwelling and the highway, there is a

risk that children playing on bicycles, skate boards, roller skates etc could inadvertently careen onto Rucklers Lane, which has a 60mph speed limit in this location.

9.2.18 It is worth noting that a means of enclosure generally falls within permitted development. However, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) limits the height of a gate or means of enclosure to 1 metre where it would be adjacent to a highway used by vehicular traffic.

9.2.19 The word “adjacent” is not defined in the GPDO and therefore each case needs to be judged on its own individual circumstances. This has inevitably resulted in a broad range of decisions by both Planning Officers and Planning Inspectors. The distance from the highway, a change in levels, and the presence of intervening features are all capable of affecting whether a gate or means of enclosure is adjacent to a highway. In this instance, the proximity is such (6 metres) that the gate is considered to be adjacent to the highway and not permitted development. However, were the gates to be moved back further from the highway, they would constitute permitted development. This is a relevant material consideration.

9.2.20 The purpose of the balustrade is to protect residents from the drop to either side of the raised patio. This does not benefit from permitted development rights, as the height of the balustrade when measured from the natural ground level (i.e. not the patio itself) would exceed 2 metres.

Planning Balance

9.2.21 The Government attaches great importance to Green Belts. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. In this case it is considered that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by other considerations:

- The gate is required to provide a safe environment for the applicant’s children.
- In visual terms, there would be a limited impact on the openness of the Green Belt owing to its limited height and limited visibility within the street scene. The use of stained timber infill panels would also help the gate to blend in with the rural context.
- In spatial terms, the erection of the gates would not result in any further areas of land being developed.
- A gate of identical dimensions could be erected under permitted development if it were set back slightly further from the highway.
- The balustrade is required for the safety of the applicant, his family and any visitors to the property.
- It would be more visually prominent than the gate; however, it is important to note that it would be seen against the silhouette of the main dwelling, which rises to 1.5 storeys in height.
- In spatial terms, the erection of the balustrade would not result in any further areas of land being developed.

9.2.22 The above considerations would, in my view, outweigh the extremely limited harm to the Green Belt and therefore represent very special circumstances.

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Dacorum Core Strategy seek to ensure that, amongst other things, development protects or enhance significant views within character areas and integrates with the streetscape character.

9.3.1 The height of the electronic gates would be approximately 1.8 metres and therefore are considered to be of a suitable scale for a domestic setting. The inclusion of natural features (timber infill panels) will assist in integration with the surrounding streetscape.

9.3.2 The brick and flint retaining wall references the main dwelling and appears to have been finished to a high standard, though will not in any case be prominent from public vantage points.

9.3.3 The balustrade is proposed to be 1.1 metres high and constructed from metal with gaps between the respective bars.

9.3.4 The garden terracing walls are primarily constructed from flint and are thus congruent with the external finish of the main dwelling.

9.3.5 Accordingly, the development is considered to comply with Policies CS11 and CS12 of the Dacorum Core Strategy.

Impact on Residential Amenity

9.4 Policy CS12 of the Dacorum Core Strategy seeks to ensure that, amongst other things, development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.4.1 With perhaps the exception of isolated houses in the middle of the countryside, there will inevitably be a certain level of mutual overlooking between most dwellings. This will sometimes relate to windows facing each other across a street or gardens; in other instances, first floor windows will afford views of neighbouring gardens to varying degrees.

9.4.2 The pertinent question in this instance is whether the raising of the land to the front of the Lanresse has resulted in an unacceptable loss of privacy to the front garden area of Leaside, the occupants of which have raised concerns in this regard.

9.4.3 A comparison between the level of overlooking pre-development and post-development is a logical starting point. In other words, what can now be seen which could not previously be seen and from where?

9.4.4 The section shown on drawing no. 1172 SK500E indicates that the greatest change in levels has occurred on the north-eastern side of the garden; that is to say, on the side farthest away from the Lanresse / Leaside boundary. This is evidenced by the construction of the retaining wall on the north-eastern side. No such retaining structure exists on the south-western side of the garden, indicating that, comparatively speaking, there has been a relatively limited change in levels.

9.4.5 The effect is that the increase in height on the north-eastern side of the garden is unlikely to result in a materially greater level of overlooking overall. Leaside's garden would always have been visible when standing adjacent to the boundary with the substation. It would have also been visible, and indeed still is, from the first floor windows of Lanresse.

9.4.6 Consideration also needs to be given to the fact that these gardens are located to the front of the respective dwellings. It is generally accepted that front gardens are less private, largely due to the fact that dwellings more often than not front highways or other public spaces. It is acknowledged

that these particular front gardens benefit from greater levels of privacy than is ordinarily the case thanks to the provision of substantial landscaping between the highway and the front gardens.

9.4.7 Whilst it is acknowledged that raising of the garden level on the north-eastern side of the site may have resulted in slighter higher levels of overlooking, these views would, in any case, almost certainly have been possible from the area immediately adjacent to the boundary. It is also important to note that these new views would be from a greater distance – i.e. on the opposite side of the garden. There is no evidence to suggest that there has been a substantial increase in land levels immediately adjacent to the Lanresse / Leaside boundary. And as already mentioned above, overlooking of Leaside's front garden is also already possible from the first floor windows of Lanresse, as well as its raised patio area. In general, it is not possible to protect every area of a residential garden from overlooking; nor is this necessarily desirable, as it would then preclude the benefits of natural surveillance.

Conclusion

9.4.8 In light of the above, it is submitted that the levels of overlooking are not so severe as to weigh in favour of a refusal of planning permission. The development would comply with Policy CS12 of the Dacorum Core Strategy.

Impact on Highway Safety and Parking

9.5 Policy CS12 of the Dacorum Core Strategy states that development should, inter alia, provide a safe and satisfactory means of access for all users.

Highway Safety

9.5.1 The Roads in Hertfordshire: Highway Design Guide states that: *If security, garage or gate facilities are provided on residential premises, they shall be sited at least 6 metres from the highway boundary or back of footway as appropriate.* It then goes on to state that the 6 metre distance may be reduced to 5.5 metres if the gates open inwards or are in the form of a roller.

9.5.2 The plans indicate that the proposed gates would be set back from the highway by approximately 6 metres and have a sideways sliding mechanism. This would allow sufficient space for a vehicle to wait for the gates to open without obstructing the highway. No alterations are proposed to the existing access.

Parking

9.5.3 Parking provision within the site would remain unchanged.

Conclusion

9.5.4 The gates would not result in any adverse impacts on highway safety and parking provision would remain acceptable. Accordingly, the proposal complies with Policy CS12 of the Dacorum Core Strategy and the Parking Standards Supplementary Planning Document.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.6 No implications.

Response to Neighbour Comments

9.7 These points have been addressed above other than the following point:

“Finally, according to the relevant title plan at the land registry, the applicants do not own the land at the bottom of their garden, and appear not to have declared this on the planning application form, or contacted the owner, we believe Herts County Council/Highways, for permission.”

9.7.1 Response: The applicant has been asked to comment on the above and has confirmed that, so far as he is aware, the land outlined in red on the location plan is within his ownership.

Community Infrastructure Levy (CIL)

9.8 This application is not CIL liable.

10. CONCLUSION

10.1.1 The changes in land levels and the construction of retaining walls are engineering operations, which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

10.1.2 Preservation of the openness of the Green Belt has been interpreted by the courts as meaning “keep safe from harm” as opposed to “maintain (a state of things)”. The relatively limited increase in land levels across the site and the manner in which this has been achieved is such that it is considered that the openness of the Green Belt would be preserved. Furthermore, the change in levels is not considered to conflict with the purposes of including land within the Green Belt.

10.1.3 Given their limited height, as well as other material considerations, the erection of the electronic gates and the balustrade surrounding the raised patio are considered to be acceptable on the basis of very special circumstances.

10.1.4 It is submitted that in visual terms the proposed development is acceptable and would not be injurious to the character and appearance of the area.

10.1.5 Consideration has been given to the concerns raised by the residents of Leaside in terms of overlooking and loss of privacy. In summary, whilst it is acknowledged that additional views of the front garden area may now be possible, an acceptable degree of separation exists to ensure that overlooking over and above that reasonably expected in a residential context is unlikely to occur, the greatest areas of land level changes being set away from the Lancrease / Leaside boundary.

10.1.6 The electronic gates are located a sufficient distance away from the highway (6 metres) in order to ensure that there would be no adverse impacts on highway safety.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**1172 SK500E Existing and Proposed Landscape Works
002 Rev A Plan & 3D Views**

Reason: For the avoidance of doubt and in the interests of proper planning.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Objection.</p> <p>All Members present declared a Personal Interest in this application as one the Council's Members is an immediate neighbour and had raised an objection. The Council supported this objection. This was on the grounds that the terrace and structures have a severe impact on the privacy the residents of "Leaside".</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	3	0	3	0

Neighbour Responses

Address	Comments
Four Winds Lady Meadow Kings Langley Hertfordshire WD4 9NF	<p>I am very concerned with the application of electric gates so close to Rucklers Lane. Rucklers Lane has no speed restrictions and the property in question is very close to a blind bend where traffic quite often travels at great speed especially in the rush hour. There are often accidents in that area. I have no objection with electric gates to the property but I feel strongly that they should be far enough off the road for a car or a large delivery van to wait without causing obstruction.</p> <p>S. T. Judd</p>
Sans Souci Rucklers Lane Kings Langley Hertfordshire WD4 9NQ	<p>Concerning application number 20/03189/RET</p> <p>There is no detail on the plans concerning how far back from the road edge the electric gates will be positioned.</p> <p>The gates are not yet in position.</p> <p>Rucklers Lane is a single track rural lane and the section between</p>

	<p>Roundwood and Lady Meadow, in which this property is positioned, is notorious for the numerous accidents that occur. These range from minor to very serious.</p> <p>The gates therefore need to be positioned so that vehicles , including delivery vehicles, entering the property can pull clear of the road while waiting for the gates to be operated and opened.</p> <p>Furthermore the development should not include any features that would obscure the view for vehicles leaving the property and joining the lane, hence avoiding further accidents..</p>
<p>Leaside Rucklers Lane Kings Langley Hertfordshire WD4 9NQ</p>	<p>We object strongly to this planning application, as it has a highly detrimental impact on the privacy we had at our property, and is in contravention of the relevant policy that prevents the loss of privacy.</p> <p>By substantially raising the ground level in the mid garden and at the bottom, the residents at Lanresse have allowed themselves to look over the electrical substation between the two properties and at the whole of the front of our property at Leaside.</p> <p>And unfortunately this Summer they did so - they disrupted private, family bubble events by sitting or standing on the mid decking and lower lawn and watching us.</p> <p>This is why we requested the Enforcement action that followed.</p> <p>Two of our late parents and we have tried on quite a few occasions over the last sixty years to plant hedges along this boundary to screen out the view of the substation, but the ground is so poor nothing other than what is there now has ever grown in it, and it would not be possible to resolve this problem with planting on our side of the substation.</p> <p>The bottom of our property is open to Rucklers Lane, as one of our late fathers was a village doctor and wanted to be accessible, but some years ago we planted a birch hedge to screen the view partially, and in the lane people are passing by and minding their own business, rather than sitting or standing and watching us.</p> <p>One can get an idea of the scale of the problem from the attached photographs.</p> <p>The first two photos show that the ground level is visible from our property, so anybody standing on that land can clearly see our property, whereas before they couldn't because of the substation.</p> <p>The second pair of photos compare the relief on the two sides of the substation fence bordering Lanresse - the first of these shows the true height of the fence, i.e. the original relief of the slope, and the second shows, as much as I could gain access, the considerably reduced height on the Lanresse side due to how much the land has been raised.</p>

We also object as the application raises the ground so much that it technically represents development of the Green Belt, involves material changing/building up of the landscape, and, as in recent decisions elsewhere on the development where we live, it effects the openness of the Green Belt.

The building at Lanresse was granted planning permission about two years ago for development way over that permitted in the Green Belt due to permitted development rights being claimed as worse, when in fact the latter didn't exist because they involved our land, not theirs. Either way, this application would therefore involve even more development of the Green Belt.

Finally, according to the relevant title plan at the land registry, the applicants do not own the land at the bottom of their garden, and appear not to have declared this on the planning application form, or contacted the owner, we believe Herts County Council/Highways, for permission.

We therefore object strongly to this planning application and appeal to Dacorum Borough Council to refuse planning permission.

We understand that Kings Langley Parish Council has supported this objection, so if you are minded to recommend that permission is granted, we would be grateful if one of us could be contacted as early as possible, so we can prepare/register to speak at the relevant Development Management Committee.

In kind, we would be available to assist with any further photographs of the problem from Leaside's point of view.