



## DEVELOPMENT MANAGEMENT COMMITTEE

11th March 2021

### ADDENDUM SHEET

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#### Item 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 HP4 2EZ**

#### **Minor changes to approved plans list in condition 22**

Approved Plans in DMC report – additions/amendments in red

Site Location Plan

Site Plan - indicating amended access 0.00 Rev B

Proposed Site Plan 10.00 Rev G – showing access nearer to homes, removing the need to walk behind the parked cars and moving the bins further away from the canal as requested by the Canal and Rivers Trust. Also shows an accurate figure for garden area.

Proposed Elevations 10.02 Rev D

Proposed Floor Plans Plot 1/2/3 10.1 Rev C – without Noise Report amendments

Proposed Floor Plans Plot 1/2/3 10.1 Rev D – with Noise Report amendments

#### **Amendment to Condition 9 Hard and Soft Landscaping**

Boundary treatment between the elevation facing the canal towpath to be added to condition No. 9 hard and soft landscaping.

*Notwithstanding the details shown on the Proposed Landscaping Plan and Street Scene Plan 10.03 Rev C 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:*

- o all external hard surfaces within the site;*
- o other surfacing materials;*
- o means of enclosure including that along the elevation of the building facing the canal towpath;*

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

## **Late objections x 2:**

1. "Ladies and Gentleman,

I am writing to you to urge you not to grant permission for Punch Taverns to turn the Crystal Palace into private housing.

I am a professional writer on beer and pubs and edited 24 editions of the annual Good Beer Guide published by the Campaign for Real Ale. I have lived in St Albans since 1978, I know the county's pubs well and have been to the Crystal Palace.

Pubs play a vital community role in society and that role will be enhanced when the pandemic ends and people can once again meet together to enjoy a drink and good conversation.

Pubs such as the Crystal Palace are being sold by large pub companies such as Punch not because they are unsuccessful but to ease the financial problems of the "pubcos". They bought a large number of pubs at the start of this century and then ran in to severe problems during the economic crash of 2008. As a result, the likes of Enterprise Inns and Punch have been selling pubs to reduce their debt burden.

The Crystal Palace should not be closed as a result of Punch Taverns' financial problems but should be allowed to carry on trading for the benefit of the local community."

2. "Customer objects to the Planning Application

- General dislike of proposal

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.”

**Late representations from Berkhamsted Castle Trust, Chairman, BCA Townscape Group:**



## **BERKHAMSTED CASTLE TRUST**

A Charitable Incorporated Organisation  
Registered Charity (England & Wales) No. 1176286

5<sup>th</sup> March 2021

Development Management Committee Members  
Dacorum Borough Council

**Via e-mail only**

Dear Councillor,

**Planning Application 20/03492/FUL**

The Crystal Palace, Station Road Berkhamsted, Hertfordshire HP4 2EZ

*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)*

I write to ask you to **REFUSE** the above application for conversion to residential use for TWO principal reasons:

- 1. The scheme fails to preserve or enhance the conservation area, causing less than substantial harm with no corresponding public benefit.**

The Crystal Palace public house has operated as such in the same location for over 160 years, is a locally listed building and specifically referenced in the Berkhamsted Conservation Area character appraisal document. The applicant's Heritage Statement is woefully inadequate and fails to record either the historic significance of the building itself, or its cultural significance. Indeed, only last month the promotion of Visit Herts' latest [Tourism Economic Impact Study](#) by Hertfordshire Local Enterprise Partnership was illustrated with a photograph of the Crystal Palace as the "poster image" of the entire county's tourism sector.

Further, the public house function is itself a key anchor of the Berkhamsted Conservation Area. The Crystal Palace is one of only three remaining canal-side public houses in Berkhamsted, is the nearest pub to the Castle (immediately over the railway from the nationally significant scheduled monument site) and located only a short distance from the railway station. Conversion to residential use will obliterate its raison d'être forever, with no balancing benefits.

The applicant's proposals also fail to meet the required standard for car parking provision for residential development and would thus exacerbate the already significant parking problems experienced in Station Road and the surrounding roads in the Berkhamsted Conservation Area to the significant detriment of local residents and road users.

**2. The viability reports provided by the applicant are misleading in that they fail to consider alternative operating models to the existing wet-led pub, such as the model proposed by ourselves.**

The applicant has successfully demonstrated that its own failure to undertake maintenance and repairs has resulted in the building's condition deteriorating over the past decade or more. Likewise, it has shown that its business model, with negligible investment in marketing of the business and excessive extraction of value from annual turnover figures in excess of £183,000 (in respect of a badly run business) leaves very little in the way of profits (although remains profitable).

Whilst the applicant's business model is no longer viable, it is clear that the Crystal Palace pub, as a going concern, is and remains a viable proposition. Operation on an alternative, community-run basis is a thriving and sustainable basis for pub operation with an impressive 100% survival rate, as noted by the Plunkett Foundation in its annual reports on [Community Pubs – A Better Form of Business](#). No assessment of this model of operation (nor anything but wet-led pub operation) is included in the applicant's viability reports.

In addition, the recent 2021 Budget (on 3<sup>rd</sup> March) reaffirmed central Government's commitment to community operation of public houses as a means of securing post-Covid continuity and urban regeneration. It has provided for a £150m Community Ownership Fund to allow groups such as ours to bid for matched funding of up to £250,000, which would provide a firm and sustainable basis for continued operation as a public house.

I enclose a document setting out further details in relation to each of these points, and invite you to review it fully.

We are firmly of the view that the loss of the Crystal Palace as a public house would irreparably harm the Conservation Area and deprive the community of a social and community venue which, with better investment and a more appropriate management strategy, could act as a catalyst for urban regeneration in this key location in Berkhamsted.

In conjunction with other local organisations and members of the local community we would be prepared to maintain the public house function in conjunction with new visitor facilities for the Castle. However, should you agree to the change of use to residential purposes, this local heritage asset and cornerstone of the Conservation Area would be lost forever.

We therefore invite you to **REFUSE** the application for conversion to residential use.

## **Berkhamsted Castle Trust: Objection to Planning Application 20/03492/FUL**

The Crystal Palace, Station Road Berkhamsted, Hertfordshire HP4 2EZ

*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 Trust strongly **OBJECTS** to this application for conversion to residential use and urges Councillors to refuse permission, for TWO principal reasons:

1. THE SCHEME FAILS TO PRESERVE OR ENHANCE THE CONSERVATION AREA, CAUSING LESS THAN SUBSTANTIAL HARM WITH NO CORRESPONDING PUBLIC BENEFIT.
2. THE VIABILITY REPORTS ARE MISLEADING IN THAT THEY FAIL TO CONSIDER ALTERNATIVE OPERATING MODELS TO THE EXISTING WET-LED PUB, SUCH AS THAT PROPOSED BY THE TRUST.

There have been well over 100 comments from the Public objecting to the scheme, and from major stakeholders including the Victorian Society, the Chiltern Society, Berkhamsted Citizens Association, and Berkhamsted Town Council. (See summary of comments at Appendix 1).

The Pub has operated as such for 160+ years – conversion to residential will obliterate its raison d'être forever, with no balancing benefits.

The 2021 Budget (3<sup>rd</sup> March) has announced the £150m Community Ownership Fund to allow groups such as ours to bid for up to £250,000 that would provide the fundamental basis for saving this pub.



# BERKHAMSTED CASTLE TRUST

A Charitable Incorporated Organisation  
Registered Charity (England & Wales) No. 1176286

5<sup>th</sup> March 2021

The Editor  
Berkhamsted Gazette

Via e-mail only: [thegazette@jpress.co.uk](mailto:thegazette@jpress.co.uk)  
[letters@hemeltoday.co.uk](mailto:letters@hemeltoday.co.uk)

Dear Sirs,

## **Tourism in Dacorum**

Your report in this week's Gazette (page 9) on how research by Visit Herts has highlighted how vital the tourism sector was for Dacorum before the pandemic was illustrated with a large picture of Berkhamsted Castle. We note that Dacorum Borough Council indicates that it will "*work with businesses and the tourism industry to highlight how much the borough has to offer*" and has appointed two new Economic Development Officers, one of which will focus on tourism and hospitality.

It is deeply ironic, therefore, that Dacorum Borough Council has twice recently refused our nomination of the nearby Crystal Palace public house as an Asset of Community Value with a view to our combining the pub function with an expanded Castle visitors' facility and heritage centre. Instead, the Crystal Palace remains at very serious risk of permanent closure as a public house and conversion to residential use should Councillors vote to approve a change of use and planning permission at next Thursday's meeting of the Council's Development Management Committee. This is notwithstanding significant local and national objection to the proposals and the Chancellor this week reaffirming central Government's commitment to Community ownership of pubs as a viable alternative to traditional operating models with a new £150m Community Ownership Fund.

We call on Dacorum Borough Council to turn words into action, save the Crystal Palace — one of Berkhamsted Conservation Area's key heritage assets — from inappropriate conversion to residential use, and support us in acquiring the site from its current owners to use as a venue to showcase the Castle and Berkhamsted's heritage whilst preserving the pub function. If they can do that, we'll raise a glass to them!

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**Reasons why The Crystal Palace nomination for Asset of Community Value was unsuccessful.**

11	The Crystal Palace	Station Road, Berkhamsted, HP4 2EZ	27/11/2020	18/01/2021	<p>The Council is also satisfied that the nomination is valid and that the Property is within the Local Authority's area. However, for a nomination to be of Community Value there has to be either a current use of the Property or one that occurred in the recent past which furthered the social wellbeing or social interests of the local community which can be cultural, recreational or sporting interests. The Council noted that the Property had not been operated as a pub since March 2020 and therefore section 88(1) of the Localism Act is not satisfied as there is no actual or current use as a pub. The Council then considered if there had been a use which furthered the wellbeing of the local community in the recent past to satisfy section 88(2)(a). When determining what is the 'recent past' the Council determined that for this nomination this is to be in the last five years, due to the long standing history as a pub. The Panel considered the 20 facts put forward by the Nominator. The Council determined that the TripAdvisor reviews did not evidence any use in the recent past which furthered the social well-being or interests of the local community. It could not be established if all of the reviews were submitted by residents of the local community. Furthermore, many of the reviews pre-date November 2015 and are therefore not in the 'recent past'. Added to this, the majority of the reviews focused on the standard of the food and décor and did not evidence any events which took place regularly enough or were just as important as the main use as a pub to be considered as non-ancillary uses. The Council viewed these events as additional features of the pub. The Council also took the view that the long standing history, location (including proximity to the canal and station), visual amenity and objections to the current planning application are not relevant factors when considering the use of the Property within section 88(2). Notwithstanding the nomination failing to meet section 88(2) (a), the Council did consider if section 88(2) (b) would be satisfied. The Council took into consideration</p>
					<p>that a planning application was pending and that further to an expert's report, it would not be financially viable to continue to use the Property as a pub owing to the state of repair, amount of capital investment required and general decline in alcohol consumption. Any alternative use would require substantial investment to bring the Property up to a decent standard. The Council considered the Nominator's proposals to repair the Property at a lower cost to be less reliable as these were not substantiated by an alternative expert. The Nominator's proposals included buying the freehold using donations but did not include proposals of how the leasehold interest would be dealt with. The Nominator did not confirm the level of funding that would be available to purchase the Property. The Council was mindful of the recent First Tier Tribunal decision in Carsberg and M &amp; A Knightsbridge Properties Limited -v- East Northamptonshire Council CR.2020.0004 and CR.2020.0005, in which it was stated that in order to determine what is a realistic future use, a detailed business case is not required but a sensible and practical idea of how and what can be achieved needs to be demonstrated. The Council noted that there was no evidence to suggest that there was sufficient demand for the ten income streams proposed by the Nominator (including bar, restaurant and café) or that these uses would further the well-being of the local community which would make this proposal a realistic prospect or a financially viable one and therefore it is fanciful and speculative. Furthermore the commercial letting of the Upper Floor does not further the social well being of the local community. Accordingly, the application to register the Property is rejected.</p>

Recommendation

As per the published report.

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## Item 5b

**20/03732/FUL Demolition of 18 residential garages and construction of 4 no. dwelling houses**

**Land Off Beechfield Kings Langley Hertfordshire WD4 8EE**

1. Amendment to Condition 10 (Approved Plans) to include Electric Vehicle charging points on site plan and minor alterations to elevation design (brick inset and 'step down'). Condition now reads as:

**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 (Revision P1)**

**DBC-IW-BEE-XX-DR-A-2202 (Revision P1)**

**DBC-IW-BEE-XX-DR-A-2201 (Revision P1)**

**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.

2. Amendment to Condition 6 (EV Charging Points). As these are now provided on the proposed site plan, the condition has been amended to require provision of the proposed charging points. The condition now reads as follows:

**The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing DBC-IW-BEE-00-DR-A-0100 (Revision P1). The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained 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).

3. Removal of Condition 9 (Tree Works). Although some concerns were raised by the Trees and Woodlands Officer regarding nuisance to Plot 1, we have not yet had agreement from Hertfordshire County Council (the owner of the trees) to the proposed works. As such, Condition 9 is removed and the application should be determined based on the retention of the trees at their current height. The trees overhanging the site are still proposed to be pruned as per the submitted Arboricultural Report. A meeting is being set up with HCC to determine the scope and acceptability of further tree works and the future maintenance of the trees. As Condition 9 is being removed, Condition 10 (Approved Plans) is now Condition 9.

Recommendation



As per the published report.

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**Item 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 WD4 9NQ**

Recommendation

As per the published report.

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