

ITEM NUMBER: 5a

20/03940/FUL	Temporary Canvas tent to the rear of the public house to provide covered external space for dining and drinking customers only.	
Site Address:	The Old Mill London Road Berkhamsted Hertfordshire HP4 2NB	
Applicant/Agent:	Mr Andrew Clarke	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Due to contrary view of Town Council	

1. RECOMMENDATION

That a temporary planning permission be granted.

2. SUMMARY

- 2.1 A temporary planning permission for a temporary canvas tent to provide covered external space for dining and drinking customers only is considered acceptable in this town location in accordance with Core Strategy Policy CS4.
- 2.2 The use of this tent for a 12 month period will not have a negative impact on the amenity of neighbours or the Berkhamsted Conservation Area and the adjacent listed buildings. As such, the proposal will comply with CS12 and CS27.
- 2.3 The use of part of the existing car park for the temporary tent is considered an acceptable way of supporting this business through the COVID restrictions and will still provide adequate parking and safe access to the site. As such, the proposal will comply with CS12.

3. SITE DESCRIPTION

- 3.1 The site is located on the northern side of London Road near to the intersection with Bank Mill Lane.
- 3.2 The Old Mill building is a 2 storey brick building with pitched tiled roofs dating from the 18th and 19th century. The mill has been converted to a pub which is grade II listed. Associated with this industrial complex is the surviving Lade, Mill cottage and former wharf buildings. These have been converted into residential. The site in question is a car park area on the small island between the Lade/ river and the canal. On the opposite bank of the canal is the tow path allowing views across into the site.
- 3.3 The site is located within a designated residential area within the Berkhamsted Conservation Area and an Area of Archaeological Significance.

4. PROPOSAL

- 4.1 Temporary Canvas tent (measuring 15 metres by 8.5 metres and 4 metres high at highest point) to the rear of the public house (in the existing car park) to provide covered external space for dining and drinking customers only.
- 4.2 Due to concerns from the Environment Agency regarding the relocation of the toilets this part of the application has been removed.

- 4.3 Hours proposed in the application form include:
Monday to Friday 11am till 11pm
Saturday 11am till 11pm
Sunday and Bank Holidays 11am till 11pm

Background

- 4.4 This scheme is an amended proposal.
- 4.5 The proposal originally submitted included a larger tent (measuring 25 metres by 15 metres and 4 metres tall) for outdoor dining, drinking and entertainment on a permanent basis.
- 4.6 However it is considered in the longer term the tent would have a harmful impact on the setting of the listed building and therefore if this is required for the business in the long term pre application discussions should take place to ensure that a successful and more appropriate long term solution can be arrived at.
- 4.7 Also there are noise implications for the use of the tent for live music performances or audience seating – a noise control scheme would need to be submitted to and approved by the Local Planning Authority prior to any approval being given for such a use.
- 4.8 Therefore the proposal being assessed in this application is for a temporary permission (12 months only) of a canvas tent to provide external space for public house dining and drinking customers.

5. PLANNING HISTORY

Relevant Planning Applications (If Any):

20/01780/TCA - Works to trees.

Fell silver birches on right hand side of rear car park due to excessive shading on neighbouring property's.

RNO - 17th August 2020

4/00837/18/TCA - Works to trees

RNO - 24th May 2018

4/00640/13/LBC - Internal alterations and repairs to include: replace areas of internal flooring, relocating disabled wc, new timber and fibreglass double doors to private dining area, new decorative timber and glass fixed screens, reduce beam over front bar to improve views

GRA - 3rd June 2013

4/02229/07/RET - Smoking shelter

GRA - 16th November 2007

4/02228/07/LBC - Smoking shelter

GRA - 16th November 2007

4/02802/06/LBC - Internal refurbishment

GRA - 13th February 2007

4/00669/99/LBC - Formation of bottle store in yard

GRA - 25th June 1999

4/00668/99/FUL - Repositioning of bin store in car park, formation of bottle store in yard
GRA - 25th June 1999

4/01941/98/ADV - New 5m illuminated pole sign
REF - 5th January 1999

4/01928/98/LBC - Single storey extension and internal alterations to public house and formation of car park (revised scheme)
GRA - 16th February 1999

4/01927/98/FUL - Two cctv cameras situated on 4m high steel columns positioned in car park
REF - 5th January 1999

4/01555/98/RES - Submission of details of materials pursuant to condition 2 of permission 4/0476/98ful. (single storey extension, demolition of single storey accommodation building and formation of car parking.)
GRA - 16th September 1998

4/01345/98/RES - Submission of details of hard and soft landscaping pursuant to conditions 3 and 4 of planning permission 4/0476/98 (single storey extension demolition of single storey accommodation building and formation of car park)
GRA - 18th September 1998

4/01254/98/LBC - Single storey extension and internal alterations to public house, demolition of single storey accommodation building and formation of car park (revised scheme)
GRA - 24th September 1998

4/01241/98/LBC - Disabled access ramp
GRA - 24th September 1998

4/01240/98/FUL - Disabled access ramp
GRA - 24th September 1998

4/01210/98/RES - Submission of details of archaeological investigation pursuant to condition 14 of planning permission 4/0476/98 (single storey extension and formation of car parking)
GRA - 15th September 1998

4/00488/98/LBC - Single storey extension and internal alterations to public house, demolition of single storey accommodation building and formation of car park
GRA - 11th June 1998

4/00476/98/FUL - Single storey extension, demolition of single storey accommodation building and formation of car Parking.
GRA - 11th June 1998

6. CONSTRAINTS

Area of Archaeological Significance: 21
EA BankTop EPlanning Tool: Banktop 20m Buffer
British Waterways (25m Buffer): GU(S): 25m buffer
British Waterways (25m Buffer): GU(N): 25m buffer
Canal Buffer Zone: Minor
CIL Zone: CIL1

Berkhamsted Conservation Area
EA: Flood Zone 2
EA: Flood Zone 3
Former Land Use (Risk Zone):
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA3
Parking Standards: New 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
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS23 – Social 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 quality of design, impact on the Berkhamsted Conservation Area and adjacent listed building;
- The impact on residential amenity; and
- The impact on highway safety and car parking.

Principle of Development

- 9.2 The site lies within a designated residential area of Berkhamsted, The Berkhamsted Conservation Area and is adjacent to a listed building.
- 9.3 CS 4 – states that non-residential development for small scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings.
- 9.4 Para 196 of the NPPF 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.”
- 9.5 CS27 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.” The site is in close proximity to a listed building – a designated heritage asset.
- 9.6 The use of the car park on a temporary basis for a temporary canvas tent to provide covered external space for outside dining would be acceptable in principle subject to it being compatible with the surrounding land uses and an assessment as to its heritage impact.

Quality of Design / Impact on Visual Amenity/ Impact on Conservation Area/Impact on adjacent listed building

- 9.7 The tent is of a higher standard of design than a standard marquee, is relatively low and a neutral colour. It will not project forward in a way that dominates in the street scene due to its size and being located to the rear of the site. It will not be visually dominant when viewed from the towpath along the opposite side of the canal due to the vegetative screen between the site and the canal.
- 9.8 The Conservation Officer has advised that there would be less than substantial harm to the setting of the listed building and the Conservation Area. This harm would be outweighed by the public benefits of keeping the business viable in the current extreme circumstances. (It would not be considered that it would be outweighed were this to be a permanent feature as in the longer term it would have a harmful impact on the setting of the listed building and Conservation Area.)
- 9.9 The benefits of the proposal include:
- keeps the business viable;
 - helps the local economy;
 - provides employment;
 - provides a social meeting place;
 - mental health benefits to the community;
 - enables friends to meet in a safe outdoor, well ventilated environment; and
 - secures the optimum viable use of the building.

- 9.10 In addition to the benefits above a 12 month permission would limit the harms caused by such a proposal.
- 9.11 Based on the above it is considered on balance that the proposal is acceptable and complies with the NPPF para. 196 and CS12 and CS27.

Impact on Residential Amenity

Loss of privacy

- 9.12 There will be no loss of privacy as a result of the temporary approval of the canvas tent as there is a two metre close boarded fence between the tent and the nearest dwelling "Old Mill Cottage".
- 9.13 The land use to the west of the site is an Esso Service Station so this will not be impacted upon by the retention of the temporary tent.

Loss of sunlight and daylight

- 9.14 There will be no significant loss of sunlight and daylight as a result of the proposal as it is relatively low lying and approximately 4 metres high and at closest approximately 11 metres and furthest 14 metres away from the nearest dwelling Old Mill Cottage. The two distances are due to the unusual angle of the site boundary.

Noise

- 9.15 A condition will be placed on this temporary planning permission to ensure that the tent is used solely for the customers of the public house for the purposes of dining and drinking.
- 9.16 A condition will also be placed on the temporary planning permission restricting hours of operation.
- 9.17 Subject to these conditions Environmental Health have no objections to the proposed scheme.
- 9.18 These conditions will help to address the concerns of objectors about anti-social behaviour from customers.
- 9.19 The scheme will comply with CS12 in terms of impact on residential amenity and CS32 in terms of noise pollution.

Impact on Highway Safety and Parking

Parking

- 9.20 The Old Mill is a public house and restaurant. Part of the existing parking area (approximately 21 spaces) is to be used for a canvas tent to provide covered external space for dining and drinking customers only. There will be 21 car parking spaces remaining.
- 9.21 Based on this being a temporary solution to support the business as they move out of COVID restrictions and the area being used for dining being much smaller than

normally used inside the Pub itself it is considered that the parking provision is acceptable.

- 9.22 A previous approval conditioned that this area must be retained for parking of vehicles so when the temporary permission has expired the area will return to a car park.
- 9.23 There are no changes proposed to the existing access so there are no highways implications.

Impact on the Environment and Canal

- 9.24 The Environment Agency has no objection to the proposal now the relocation of the toilet has been removed from the application.

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.25 No significant trees have been affected by the location of the tents as it is placed within an existing car park.

Flood Risk

- 9.26 The site of the proposed tent sits between a mapped Main River, the River Bulbourne and a mapped Ordinary watercourse, the Grand Union Canal.
- 9.27 The Lead Local Flood Authority have no objections to the proposal.

Response to Neighbour Comments

- 9.28 These points have been addressed above.

Petition

- 9.29 A petition was launched in November with a positive response from 251 people.

Community Infrastructure Levy (CIL)

- 9.30 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. This proposal is not CIL liable.

10. CONCLUSION

- 10.1 It is considered that a temporary planning permission for a temporary canvas tent to provide covered external space for dining and drinking customers only and relocation of toilets to the other side of the river would be acceptable in terms of CS4.
- 10.2 The use of this tent for a 12 month period will not have a negative impact on the amenity of neighbours or the Berkhamsted Conservation Area and the adjacent listed buildings. The proposal will comply with CS12 and CS27.

- 10.3 The use of part of the existing car park for the temporary tent is considered an acceptable way of supporting this business through the COVID restrictions and will still provide adequate parking and safe access to the site. The proposal will comply with CS12.
- 10.4 The amended scheme has sought to address the Town Council's concerns with regard to impact on the setting of the listed building, parking and noise. It is considered that a temporary permission with the recommended conditions does successfully address these concerns.

11. RECOMMENDATION

11.1 That a temporary planning permission be granted.

Condition(s):

- 1. This permission is for a limited period expiring 12 months from the date on the decision notice by which time the use of the marquee - temporary canvas tent shall cease and it shall be permanently removed from the site.**

Reason: To safeguard the amenity of neighbours and to preserve and enhance the character of the Conservation Area and to comply with CS12, 27 and 32.

Reason: To safeguard and maintain the strategic policies of the local planning authority as expressed in the Core Strategy and for the avoidance of doubt. Permission would not normally be granted but regard has been paid to the particular circumstances of the applicant.

- 2. The temporary canvas tent shown on Drwg. No. 20011-101 Rev B shall be used for dining and drinking associated with The Old Mill Public House only and shall be used for no other purposes, including, but not limited to, the playing of music and live performances.**

Reason: To safeguard the amenity of neighbours and to preserve and enhance the character of the Conservation Area and to comply with CS12, 27 and 32.

- 3. Customers shall not be permitted in the temporary tent other than within the following times:**

**Monday to Friday 11am till 11pm
Saturday 11am till 11pm
Sunday and Bank Holidays 11am till 11pm**

Reason: To protect the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

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

**Site Location Plan
Proposed Tent Drwg. No. 20011-101 Rev B
Air photo image showing tent and parking area
Plan showing dimensions of proposed tent**

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

Informatives:

Environment Agency

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Canal and Rivers Trust

The applicant/developer is advised to contact Bernadette McNicholas of the CRT Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk in order to ensure that the necessary licences or agreements are obtained prior to any further works being carried out on Trust owned land.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Canal & River Trust	<p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <p>a) The impact on the historic environment of the site and its surroundings</p> <p>b) The impact on the visual amenity of the canal corridor users.</p> <p>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:</p> <p>The tent and apparent associated items (e.g. horsebox) form a level of undesirable visual clutter that would not be acceptable in the long term</p>

	<p>in this location, as they do not make a positive contribution to the character and appearance of the Conservation Area or the setting of the listed pub building, severing the visual connection between the site and the canal corridor.</p> <p>Whilst the form and colour of the tent is not as damaging as other forms of marquee might be, we could not support it as a permanent feature. We also recognise that it does not attach to any historic fabric and as such does not cause long term harm from its fixings. However, we acknowledge the current circumstances and need for such an installation on a temporary basis, and therefore suggest that if permission is granted, a condition is attached that requires its removal within a reasonable period of time 3 years from installation at most in order to assist in the economic recovery of the local area without prejudicing the long-term character, appearance and setting of the historic environment.</p> <p>We also ask that if permission is granted, any controls over opening and operating hours of the main public house be extended (or more stringent ones considered) to include the tent and external space if this is not already the case, in order to protect the amenity of those on boats and in other surrounding accommodation.</p> <p>Comments as landowner</p> <p>The land contained within both the red and blue lines is wholly within the ownership of the Trust and leased to other parties. However, we note that the Applicant has completed Certificate B but not included the Trust. We advise that no Notice appears to have been served on us by the Applicant. We also note that no agreement with the Trust has been entered into to allow the installation of the tent on the site and advise the applicant that they should make contact with the Trust separately to address this matter.</p> <p>Should planning permission be granted we request that the following informative is appended to the decision notice:</p> <p>The applicant/developer is advised to contact Bernadette McNicholas of the CRT Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk in order to ensure that the necessary licences or agreements are obtained prior to any further works being carried out on Trust owned land.</p> <p>For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and</p>
Archaeology Unit (HCC)	Unlikely to have a significant impact on heritage assets.
Parish/Town Council	<p>Objection</p> <p>While the Committee is sympathetic to the changes businesses adopt to operate while customers maintain social distancing during the Covid Pandemic, it objected to the prospect of this being a permanent location</p>

	<p>for a temporary structure as it compromises the setting of a Listed Building and impacts negatively on car parking and in the adjacent streets. If permission for a temporary structure is granted the Committee request this be for a time-limited period to end on the 31 October 2021. A licence to play music in the Temporary Tent must have due regard for the amenity of residents in George St and Cedar Road and to finish at a suitable time, e.g., 9pm, to minimise disturbance to neighbours. The Committee also objected to the proposed use of amplification and requested that the Environment Officer institute suitable conditions if the application is to be granted.</p> <p>CS12</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>As this is a minor application, we are not statutory consultee, however we are happy to provide advice to the LPA.</p> <p>The site of the proposed tent sits between a mapped Main River, the River Bulbourne and a mapped Ordinary watercourse, the Grand Union Canal.</p> <p>From a review of the Environment Agency's national Risk of Flooding from Surface Water mapping, the site is not at a high risk of surface water flooding, that is an event with a 3.33% chance of occurring in any given year. Due to the position of the site, the site becomes more surrounded at a medium risk of surface water flooding during a 1% event. However, the site itself is shown to be at low risk of surface water flooding (0.1% chance of occurring in any given year event).</p> <p>As the site is bounded by the Grand Union Canal on its northern boundary, which is also designated an Ordinary watercourse, the LPA may wish to consult the Canal and River Trust. The owner of the site also has riparian responsibilities.</p> <p>As the site is bounded by a mapped Main River on its southern boundary, the LPA may wish to consult the Environment Agency. The site does not look to be at risk of Flood Zone 3 or Flood Zone 2.</p> <p>From a review of the Proposed Tent Plan, 20011-101, dated Dec 20, prepared by Rebecca Morgan Associates, the proposed tent is sited on an existing use of Canal Side Parking.</p> <p>We can advise that we would have no objection to the above application.</p> <p>Informative to the LPA</p> <p>Please note, if the LPA decides to grant planning permission, we wish</p>

	<p>to be notified for our records.</p> <p>Thank you for re-consulting us on the above application for the Retention of temporary canvas tent to rear of public house, to provide covered external space for public house customers at The Old Mill, London Road, Berkhamsted, Hertfordshire, HP4 2NB.</p> <p>As this is a minor application, we are not statutory consultee, however we are happy to provide advice to the LPA.</p> <p>We previously provided comments on this application in our letter dated 22 January 2021. The applicant has submitted updated/amended plans and drawings. Whilst the position of the tent has changed slightly, this does not change our previous position, included again below for clarity.</p> <p>The site of the proposed tent sits between a mapped Main River, the River Bulbourne and a mapped Ordinary watercourse, the Grand Union Canal.</p> <p>From a review of the Environment Agency's national Risk of Flooding from Surface Water mapping, the site is not at a high risk of surface water flooding, that is an event with a 3.33% chance of occurring in any given year. Due to the position of the site, the site becomes more surrounded at a medium risk of surface water flooding during a 1% event. However, the site itself is shown to be at low risk of surface water flooding (0.1% chance of occurring in any given year event).</p> <p>As the site is bounded by the Grand Union Canal on its northern boundary, which is also designated an Ordinary watercourse, the LPA may wish to consult the Canal and River Trust. The owner of the site also has riparian responsibilities.</p> <p>As the site is bounded by a mapped Main River on its southern boundary, the LPA may wish to consult the Environment Agency. The site does not look to be at risk of Flood Zone 3 or Flood Zone 2.</p> <p>From a review of the Proposed Tent Plan, 20011-101, dated Dec 20, prepared by Rebecca Morgan Associates, the proposed tent is sited on an existing use of Canal Side Parking.</p> <p>We can advise that we would have no objection to the above application.</p> <p>Informative to the LPA</p> <p>Please note, if the LPA decides to grant planning permission, we wish to be notified for our records.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>30.12.20</p> <p>I have read the supporting statement submitted by the applicant regarding proposed use.</p> <p>Following the installation of the tent at the Old Mill ECP received 12 complaints alleging noise nuisance from outdoor music events. Although the licensee has strongly denied there ever being a problem,</p>

	<p>12 complaints is considered as substantial.</p> <p>I have been subject to part of the pre-application process where it was outlined to the applicant that a noise report would be required to support the application, and for the continued use of the tent to provide entertainment. Due to impact of COIVD-19 and various restrictions imposed on licensed premises the applicant has been unable to commission an assessment. However there is a risk of enforcement action to remove the structure if not regularised by an application to retain the use, and why I understand the application has been made absent a supporting noise report.</p> <p>Therefore I am objecting to the retention of the tent on noise grounds, but only on the basis of the tent being retained to include the provision of entertainment / functions. However I would not maintain an objection on the basis that the tent is approved subject to a condition which prohibits entertainment taking place within the tent, or used for seating of an audience (for example where the entertainer operates from outside the tent, but the audience are placed inside the tent).</p> <p>I have also noted the suggestion (in the supporting statement) of using a Grampian condition that would preclude entertainment from taking place unless the LPA is satisfied that such events can take place without loss of amenity to existing residential neighbours. This would be a practical alternative as it's likely that some form of performance could take place, either due to the nature of performance (which excludes electrical amplification of instrument / voice) and / or limiting restricting outdoor performance in time, duration and frequency each month so as to limit effect. Possibly this could be caught up within a noise management plan?</p> <p>Subject to your consideration of the above, I can work up some conditions in respect of both eventualities.</p>
Environment Agency	<p>Thank you for consulting us on the above application. We have no objections to the proposed development.</p> <p>Informative - Flood Risk Activity Permit</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood

	<p>defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.</p> <p>The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.</p> <p>Final comments Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p>
Hertfordshire Highways (HCC)	<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>Planning Application The planning application for retention of temporary tent for external covers land rear of the Old Mill Public House.</p> <p>Site and surrounding The application site is Old Mill Public House, London Road, Berkhamsted. The tent, which measures approximately 25 x 15 metres, erected in direct response to the current pandemic, which has required the public house to significantly adapt to the way that it operates. Applicant's intention is to keep it in position for the coming months.</p> <p>Access and Parking There is no proposal to alter the existing access or parking arrangement.</p> <p>Conclusion The Highway Authority does not wish to restrict the grant of consent.</p>
Canal & River Trust	<p>From the information available on your website it does not appear that any detail has been submitted in relation to the elevation of the proposed toilet block. The proposals for foul discharge are also not</p>

	<p>indicated. Prior to our formal response on this consultation please would you be able to provide further detail on these matters? In addition, could you confirm if the intention is for the toilet block to also be temporary?</p>
<p>Environment Agency</p>	<p>22.3.21</p> <p>Thank you for consulting us on the above application. We have no objections to the application based on temporary permission being granted. Informative - Flood Risk Activity Permit The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Final comments Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p> <p>17.3.21</p> <p>Our Flood risk team require some further info regarding the toilets.</p> <p>Please can the applicant confirm where the toilets were previously? We need to ensure that the flood risk is at least the same and does not increase. And we also require detailed information about the sewage pipe like the size etc?</p> <p>We need this and depending on the information a Flood Risk Activity Permit may not be granted and the change of location of the toilets may not go ahead. The feeling I get from our Flood Risk specialists is that the pipe over the river is a main concern.</p>

	<p>12.3.21</p> <p>We have been re-consulted on this application following the change of plan to place toilets on the other side of the river.</p> <p>We are unable to tell from the plans but are the toilets permanent? If so how is their drainage connected, or are they portaloos?</p> <p>Any information you have would be most useful as these details will affect how we respond to this application.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>8.3.21</p> <p>The application has not included an assessment of the likely noise impact due to entertainment. The current system of tiering (COVID) restrictions has, for the most part, prevented the Old Mill from hosting events and so understandable why this was not possible.</p> <p>The tent structure itself is not the cause for concern, but the manner in how it will. Complaints have arisen because it has been used for entertainment for pub customers. These were received when the pub started hosting outdoor entertainment. Mostly this has been loud music but some suggested associated PA noise arising from quizzes.</p> <p>Absent a noise assessment the applicant isn't able demonstrate the impact from entertainment. This does not preclude the tent from being retained for other uses, e.g. outdoor dining or additional drinking space, especially non-household groups.</p> <p>There are 2 possible conditions applied as a subject to permission.</p> <p>Option 1: No entertainment is permitted.</p> <p>What do you want the condition to achieve? To prohibit the use of the tent for entertainment or being used to house an audience which could spectate on an event outside the structure, i.e. where a performer sets up on a stage in the garden but the audience remains under the tent, e.g. for shelter.</p> <p>A subsequent application could be made to vary this condition. This needs to be made clear to the applicant that the scope to vary will be an option.</p> <p>Suggested wording:</p> <p>The tent shall not be used for, or for housing an audience for, the performance / provision of any entertainment</p>

	<p>Option 2: Entertainment is precluded until demonstrated it will not have an adverse impact</p> <p>What do you want the condition to achieve? To prevent the tent being from used for entertainment until such time as it can be demonstrated it will be acceptable in the locality and that suitable controls can be implemented throughout the life of the development.</p> <p>Entertainment could be considered acceptable, for example because it is of such limited frequency and duration (e.g. once month, ends before 21:30, lasts no greater than 2 hours, unamplified single performer, does not occur on consecutive days / weekends), or the nature of entertainment simply does not intrude and there is no impact, e.g. background music, a small play.</p> <p>Controls might include:</p> <ul style="list-style-type: none"> o Frequency o Duration o Time of day o Only allowing certain types of act and / or mixing with other less intrusive forms of entertainment o No electronically amplified performances o Use of limiting equipment (unlikely to succeed as limiters operate at volumes likely to be audible off-site) <p>We will not know the impact until the assessment is completed, and a degree of what amounts to reasonable use.</p> <p>Suggested wording:</p> <p>The tent shall not be used for, or for housing an audience for, the performance / provision of any entertainment until a noise control scheme has been submitted to and approved in writing by the Local Planning Authority. The noise control scheme shall include an assessment of the likely noise impact from entertainment and specify measures to be made for its control, and to be implemented against the development in perpetuity. The noise control scheme shall be compiled by appropriately experienced and competent persons.</p>
Hertfordshire Highways (HCC)	The Highway Authority does not wish to restrict the grant of consent
Environmental And Community Protection (DBC)	<p>8.2.21 Absent a noise assessment we cannot consent to the proposal of entertainment once a month until further information is submitted.</p> <p>Even with an acoustic guitar set, performers will require microphones for singing resulting in some level of amplification. Similarly a jazz set</p>

	<p>will involve instruments which are naturally amplified and can reach quite high sound levels, e.g. trumpet, saxophone, percussion. Keeping levels below 80 dBA for live music at source would be very difficult to achieve. 80 dBA would be regarded a background level such that it would not intrude with conversation.</p> <p>A measured sound level is distance dependant. At source is vague and whether this means 1m, 2m or 5m from the band or performer. The further away this distance is stated from source the less attenuation (reduction) with distance. At 5m, a level of 80 dBA would reduce to 64 dBA at 35m. This proximity of a residential receptor across the canal and so realistic indication of distance from site. Without measuring other elements of the sound environment this would be an audible sound source and with increasing frequency and duration a potentially intrusive source of sound. I would not want to agree to a sound level which then becomes overly restrictive to the premises.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>25.1.21 I've drafted some conditions below and expanded upon reasoning for both.</p> <p>The application has not included an assessment of the likely noise impact due to entertainment. The current system of tiering (COVID) restrictions has, for the most part, prevented the Old Mill from hosting events and so understandable why this was not possible.</p> <p>The tent structure itself is not the cause for concern, but the manner in how it will. Complaints have arisen because it has been used for entertainment for pub customers. These were received when the pub started hosting outdoor entertainment. Mostly this has been loud music but some suggested associated PA noise arising from quizzes.</p> <p>Absent a noise assessment the applicant isn't able demonstrate the impact from entertainment. This does not preclude the tent from being retained for other uses, e.g. outdoor dining or additional drinking space, especially non-household groups.</p> <p>There are 2 possible conditions applied as a subject to permission.</p> <p>Option 1: No entertainment is permitted.</p> <p>What do you want the condition to achieve? To prohibit the use of the tent for entertainment or being used to house an audience which could spectate on an event outside the structure, i.e. where a performer sets up on a stage in the garden but the audience remains under the tent, e.g. for shelter.</p>

A subsequent application could be made to vary this condition. This needs to be made clear to the applicant that the scope to vary will be an option.

Suggested wording:

The tent shall not be used for, or for housing an audience for, the performance / provision of any entertainment

Option 2: Entertainment is precluded until demonstrated it will not have an adverse impact

What do you want the condition to achieve? To prevent the tent being from used for entertainment until such time as it can be demonstrated it will be acceptable in the locality and that suitable controls can be implemented throughout the life of the development.

Entertainment could be considered acceptable, for example because it is of such limited frequency and duration (e.g. once month, ends before 21:30, lasts no greater than 2 hours, unamplified single performer, does not occur on consecutive days / weekends), or the nature of entertainment simply does not intrude and there is no impact, e.g. background music, a small play.

Controls might include:

- o Frequency
- o Duration
- o Time of day
- o Only allowing certain types of act and / or mixing with other less intrusive forms of entertainment
- o No electronically amplified performances
- o Use of limiting equipment (unlikely to succeed as limiters operate at volumes likely to be audible off-site)

We will not know the impact until the assessment is completed, and a degree of what amounts to reasonable use.

Suggested wording:

The tent shall not be used for, or for housing an audience for, the performance / provision of any entertainment until a noise control scheme has been submitted to and approved in writing by the Local Planning Authority. The noise control scheme shall include an assessment of the likely noise impact from entertainment and specify measures to be made for its control, and to be implemented against the development in perpetuity. The noise control scheme shall be compiled

	<p>by appropriately experienced and competent persons.</p>
<p>Conservation & Design (DBC)</p>	<p>The old mill building is a pleasant 2 storey brick building with pitched tiled roofs dating from the 18th and 19th century. The mill has been converted to a pub. It is grade II listed. Associated with this industrial complex is the surviving lade, mill cottage and former wharf buildings. These have also now been converted. Together they make a pleasant group. The site in question is a car park area on the small island between the lade/ river and the canal. On the opposite bank of the canal is the tow path allowing views across into the site. Beyond this are modern houses of lesser interest.</p> <p>Historic maps indicate that it seems to have been an orchard/ open space although it has been a car park for some time.</p> <p>We would hope that the current use of the building including public access can be maintained in the long term allowing both local residents and visitors to appreciate this important historic building and its setting. We would therefore support the use as a public house. Given the unusual circumstances, the Covid restrictions and the need for social distancing we would not object to the tent for a short period of time. It is of a higher standard of design than a standard marquee, relatively low and of a neutral colour. As such we would not object to this being in place during the current period to allow the business to continue to survive and operate.</p> <p>However we would have concerns about the structure remaining in position permanently.</p> <p>Were this to come forward as a permanent application this would have an impact on the setting and significance of the listed buildings. The area in question would appear to be in the curtilage and in the main seems always to have been an open area which allowed views through from the canal. The proposal would permanently disrupt these views. This would cause harm to the setting of the listed building. The design would also be somewhat out of keeping with the context. Whilst there may have been some storage on the site it is unlikely to have been permanent and in any event there were other purpose built stores adjacent to the mill.</p> <p>Therefore we believe that there would be less than substantial harm to the setting of the listed building. This harm would be outweighed by the benefit of keeping the business viable in the current extreme circumstances but we do not believe that it would be outweighed were this to be a permanent feature. Therefore it would be recommended that following latest government estimates that say a 9 month temporary permission is granted.</p>

	<p>If there is a need in the longer term to have either this or a more permeant development it would be advisable to have a pre application meeting on site to consider location design and detailing. This would also require a heritage impact assessment to be drawn up which is missing from the current submission.</p> <p>Recommendation We would not object to a temporary permission to allow the business to survive in the short term. However in the longer term it would have a harmful impact on the setting of the listed building and therefore if this is required for the business in the long term pre application discussions should take place to ensure that a successful and more appropriate long term solution can be arrived at.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
47	32	0	15	17

Neighbour Responses

Address	Comments
44 Bridgewater Road Berkhamsted Hertfordshire HP4 1JB	<p>The owner of the Old Mill has gone over and above to support the community during the pandemic. He has provided much needed supplies to the town, provided free food to vulnerable families and offered refuge for clinically vulnerable people by way of the tent which enables us to meet with friends in a safe outdoor, well ventilated, sterile environment.</p> <p>Despite temporary concerns from local households, the mental health benefits to the community are second to none. This tent should be allowed to remain until the worst of the pandemic is over to (when permitted) enable residents of Berkhamsted to meet socially and have some semblance of normality AND to allow one of our local businesses to survive!!!</p> <p>To remove this tent Will have a really detrimental effect on a community that has limited options to socialise safely. Would the objectors prefer people to cram inside another local pub and spread the virus some more I wonder????</p>
38 Old Mill Gardens Berkhamsted Hertfordshire HP4 2NZ	<p>Brings revenue to the area. Employs many more in the 'food chain' creating more job opportunities.</p> <p>Becomes a hub of the immediate local community while bringing those outside in to the area. Show cases new talent and opportunities.</p>

	<p>Allows access to able and less able people. Show cased live music brings hope and inspiration. Allows vulnerable members of the community to enjoy the space while still feeling safe. Has a positive affect on those with mental health issues. Has the potential to be a great venue for charitable events further helping the wider community. Allows those not wanting to have the smell of alcohol shoved up their noses to enjoy the outdoor space in poor weather. A safe place to be keeping social distancing even after this pandemic. Particularly beneficial to those who do have low immune systems through poor health. Have they not been locked up and confined enough? And the bottom line is this...people don't like change when it happens on their door step. What those people need to realise is that their house was once a field....so I'm pretty sure the wildlife living there before they moved in are a bit pissed about having a concrete fortress dumped on their natural habitat. Move on, enjoy life, help others to enjoy their life to. Live and let live and pop to the tent and have some fun. You're a long time dead.</p>
<p>30 Lombardy Drive Berkhamsted Hertfordshire HP4 2LG</p>	<p>Converting part of the public houses car park to an outside venue has resulted in a great increase in noise. Particularly at the weekend when live music events are held. These take place Saturday night and Sunday afternoon. We live 80 meters away and can hear the microphoned music over our tv, even with the windows closed. During the summer and autumn when using our garden the noise drowned out our own conversation. Calls to the pub to request the volume be turned down, were greeted with 'we're allowed to play it this loud' Even without the music events, the noise affects the enjoyment of our own property due to the extra noise emitting from the tent.</p>
<p>9 Castle Hill Avenue Berkhamsted Hertfordshire HP4 1HJ</p>	<p>I support this proposal. Local businesses, musicians, entertainers, and pubs / hospitality especially, need to be given every assistance possible to withstand the economic consequences of the Covid lockdowns and associated restrictions.</p> <p>The event covering is a temporary structure and so the permission can be reviewed in the longer term, but for the time being, with social distancing going to be a requirement probably for the rest of 2021 at least, hospitality businesses need to be allowed to expand their floor space as much as they can.</p> <p>I understand parking is cited as one issue, however the landlord has retained I believe sufficient spaces to the side of the tent and also in the parking area nearest the road. The landlord is aware of residents concerns on this and I know asks his customers not to park in side roads. The pub is walkable from town in any case and there are very good taxi services locally which we should also be supporting.</p>
<p>88B High Street Berkhamsted</p>	<p>I support this initiative from the Old Mill because it offers something for the Community at a very difficult time. I understand that the owner has</p>

<p>Hertfordshire HP4 2BW</p>	<p>made provision to further limit any sound impact and is only asking for permission for early evening music events at the weekend.</p> <p>In addition it is essentially a temporary structure - so why not grant them permission for a limited time so that everyone can see how it works?</p> <p>All those working in hospitality have suffered dreadfully in this pandemic and so the prospect of saving 25 jobs must surely be considered seriously in relation to this application.</p> <p>As for the comments about its suitability in the Conservation area, perhaps people should look at former photos of Berkhamsted where awnings and canvas structures can be seen. Or they could go and look at the marquee at Berkhamsted School which is also in the Conservation area.</p>
<p>Lorelei George Street Berkhamsted Hertfordshire HP4 2EW</p>	<p>This application, if granted, will inevitably lead to severe noise pollution, which we have already found unacceptable from the Old Mill over the years.</p>
<p>21 Howard Agne Close Bovingdon Hemel Hempstead Hertfordshire HP3 0EQ</p>	<p>I fully support this application, it will bring much needed joy to the local community I fully support this I support this application. It will bring much to the area</p>
<p>15 Verney Close Tring Hertfordshire HP23 5LB</p>	<p>I fully support this application to retain the tented area. This man has gone to a great deal of expense to erect covering in inclement weather so that people who are desperate for some respite from these Covid restrictions can take part in a well supervised and authorised Covid secure location outdoors to enjoy some music, entertainment and drinks. People have been deprived for so long of these comforting habits that I think the limited times he is proposing should be acceptable to those neighbours who may be affected by this tent. If they buy properties near pubs they must expect a little bit of noise during opening hours. Lots of people are being denied this chance to resume some sense of normality because of the actions of a very few.</p>
<p>34 Valley Road Northchurch Berkhamsted Hertfordshire HP4 3PZ</p>	<p>The Old Mill as a business have supported 2 local charities at the beginning of the pandemic. They are always supporting the community and bring something unique to the town.</p>
<p>35 Holly Drive Berkhamsted Hertfordshire HP4 2JR</p>	<p>I believe it is good for local. Business and a benefit to the community</p>
<p>5 Cedar Way Berkhamsted Hertfordshire HP4 2LD</p>	<p>Good afternoon</p> <p>I would like to oppose this planning application in the strongest terms for the reasons which are detailed below.</p>

Noise nuisance

I have lived approximately 200m from the pub for several years and have never heard any noise whatsoever. Since the tent was erected I can hear the music quite clearly within my garden and house. I cannot sit outside and enjoy my garden when the outdoor music is playing and must keep the windows closed regardless of the temperature.

Whilst the live outdoor music stopped at 9pm during the Autumn, which may have been due to government guidelines, it regularly continued until 10.30pm or later prior to this. Music was also played during the afternoons over the weekend.

I contacted the landlord to explain that I could hear the music 200m away and asked him to turn it down or off. The landlord suggested I either come down and support a local business or contact Environmental Health if I wanted to complain. He went on to advise that he knows his rights and that he was operating within them with music at 90 decibels - he was not going to turn the music down or off. This response does not suggest a responsible or reasonable landlord.

The landlord suggests that he fears for the future of the pub. However, previous landlords have not held live music and events outdoors, yet the pub has been incredibly popular and busy and employed a full complement of staff.

Live music and events outdoors in a residential area are completely inappropriate. The effect of the noise and disturbance to local residents is incalculable in terms of their mental health and well-being. If I can clearly hear the music 200m away, it must be awful for those living closer to the pub.

If this noise disturbance continues it will ultimately have an adverse effect on the town and also on property prices in the area. Who wants to live in a neighbourhood where they have to listen to loud music and events every weekend and possibly during the week?

Parking

The landlord has suggested the tent is located in a 'large unused space to the rear of the public house'. This is not true. The tent is located in part of the pub car park. Historically there was plenty of parking, now there is just a small car park to the front. If the tent receives planning permission customers will have to park in the surrounding residential streets which are already congested at times.

Customers would likely use Bank Mill Lane which is unsuitable for parked cars and will become dangerous for motorists, walkers and cyclists.

The application shows cars parked in the rear car park by the tent. This is inaccurate. The rear car park is accessed via a bridge which has a mobile coffee/drinks bar on it so cars cannot get across. Also, tables and chairs are often located in this area since the tent was erected.

The pub already has plenty of outside space for eating and drinking within its grounds under normal circumstances. The tent needs to be removed and the car park should be reinstated as soon as the current Covid restrictions are removed. In the interim, no live outdoor music or events should be permitted at any time.

Conservation Area / Wildlife

The Old Mill is located in the conservation area of Berkhamsted. The

	<p>stretch tent does not enhance the character or appearance of the pub or the local area as required within a conservation area. The canal provides a wonderful habitat for all kinds of wildlife. Outdoor live music and events would likely have a very negative impact on this.</p> <p>Many local residents and those from further afield enjoy walking along the canal in Berkhamsted and value the peace and quiet. There is much evidence to suggest that being near water and walking brings a range of health and well-being benefits. It also benefits local businesses as walkers often stop at the local pubs, restaurants and so forth.</p> <p>Permanent / Temporary Application</p> <p>It is unclear whether the landlord is making a permanent or temporary application for the stretch tent. Once the Covid restrictions are lifted there is absolutely no reason to retain the tent.</p> <p>Flood Risk Assessment</p> <p>The landlord suggests that the site does not flood and that the tent will not affect the flow of water should a flood occur. Presumably all appropriate Flood Risk Assessments will take place as required?</p> <p>Environmental and Community Protection (DBC) Comments</p> <p>I note that the Environmental and Community Protection (E&CP) have added comments advising that 12 complaints as at Monday, 11 January 2021 was '...considered as substantial'. The author focuses on the noise issues and proposes drafting conditions limiting the noise through time, duration and frequency each month so as to limit effect.</p> <p>Clearly many local residents are upset and angered by the noise and other issues. Why are the E&CP looking at ways to limit the effect of the noise rather than stopping it completely?</p> <p>Also, is there a reason why the E&CP have focused on the noise nuisance when there are clearly many other issues at play, including protecting a Conservation Area, Health and Safety and ultimately what sort of place we want Berkhamsted to be amongst others. Are these not also the remit of the E&CP?</p>
<p>27 Tresco Road Berkhamsted Hertfordshire HP4 3LA</p>	<p>The landlord at the Old Mill has been instrumental in the help that has been provided to multiple residents of Berkhamsted since COVID began. He has had many issues due the rules changing yet he is always up beat and always looking out for his community, staff and patrons.</p> <p>This tent in the garden area is a lifeline for him. It helps to keep his business afloat and keep 30 plus people in work.</p>

	<p>It would be a shame if he was not allowed to have this structure in his pub.</p>
<p>18 Admiral Way Berkhamsted Hertfordshire HP4 1TE</p>	<p>I am supporting Andy's planning for the canopy as I feel this is a great addition to the venue. There are very few substantial outside eating/drinking venues in Berkhamsted and Andy has worked really hard to improve the reputation and look of the Old Mill. We were incredibly fortunate last year to have our wedding reception under the canopy and have seen first hand what a beautiful space it is. The canopy will provide shelter outside during the cooler months and shade during the hotter times, ultimately meaning they can serve the community more efficiently. During this past year the Old Mill has supported our community with their shop, food and service, I feel they deserve something back from us, and realistically us customers are the ones to really benefit....</p>
<p>Berrystead Cottage George Street Berkhamsted Hertfordshire HP4 2EW</p>	<p>Re: 20/03940/FUL Old Mill, Berkhamsted. HP4 2NB</p> <p>NOISE This very large, circus type tent is nearer to neighbours than to the Old Mill and takes up most of a large car park. Its main use is music and events and has been positioned with no consideration to any neighbours quality of life. Live music has been played every weekend - and sometimes during the week - including quizzes by microphone and karaoke, and the sound is amplified as the Old Mill area is at the bottom of a valley. This noise from music AND customers means that use of our outdoor space to pursue normal, peaceful activities with family has been impossible. The noise can still be heard indoors with windows and doors shut.</p> <p>ANTI-SOCIAL BEHAVIOUR A live music event on 12 Dec 2020 was accompanied by social behaviour unacceptable at anytime, in or outside licensed premises. Men were urinating into the canal, clearly visible from the towpath. Their reaction was 'F--- Off' when seen. Young girls have also been seen vomiting into the canal. It is only a matter of time before someone falls into the canal after dark and the police etc possibly having to search for a body.</p> <p>CAR PARKING This is NOT an unused space as stated in the Planning Application. Approximately 30 car parking spaces have been lost causing the surrounding lanes to be congested and obstructed. The lanes are narrow, especially Bank Mill Lane, which has no footpath and a blind bend - accidents waiting to happen.</p> <p>CONSERVATION/HISTORICAL AREA How does a 21st Century circus type tent compliment and have a positive impact adjoining a Grade 2 listed building? The Old Mill and Wharf are part of Berkhamsted's history - an area mentioned in the Domesday Book. The Grand Union Canal is a Wildlife Corridor welcoming visitors to the town and the towpath is well used by residents. At the main entrance to the tent at the Old Mill, is a large</p>

	<p>toilet block and refreshment van, which now dominate a listed building in a Conservation area. Both of these are temporary but have been permanent since June 2020. Is this another Planning Issue when Covid restrictions are lifted?</p> <p>COMMENT Personal outdoor space should be a place of peace and enjoyment. These are being denied us by the noise of the events and the behaviour of those attending.</p>
<p>Frerdos George Street Berkhamsted Hertfordshire HP4 2EW</p>	<p>My family's house backs on to the Grand Union Canal, not far from the Old Mill pub garden.</p> <p>Since erecting the tent, over the summer, the Old Mill pub has held very loud outdoor events with loud music as well as a live compere using a microphone. The quiz nights are so loud that we can answer the questions from inside our home with the windows closed! The tent appeared to be packed with people on the weekends, despite the need for social distancing, which also created a roar of loud conversation that travels to all surrounding homes. The impact on us is as follows: 1) The sound levels are so loud that our children (one aged 9) struggle to get to sleep at their 8:30pm bedtime. 2) The noise continues late into the night sometimes affecting adult sleep also. 3) We have tried to have limited guests over to socialise safely in our garden but we struggle to hold a conversation owing to the loud music and compere. 4) The new outdoor layout/tent has taken over most of the pub car park. The old car park always used to be full so since the new layout, especially over the summer, Bank Mill Lane can become packed with the parked cars of pub customers. This is a narrow road with a blind corner and no pavement. Pedestrians (some with pushchairs/prams) must walk in the middle of the road and take their chances with oncoming cars. It is just not safe - the pub needs to provide more parking for its customers. 5) The structures that they have erected next to the canal are unattractive and a blight on the beautiful Berkhamsted canal-side as they are completely visible to those living or walking along the canal towpath. The tent is also out of character with the attractive pub buildings.</p>
<p>Birchwood George Street Berkhamsted Hertfordshire HP4 2EW</p>	<p>We OBJECT to the application for the retention of the tent for following reasons:</p> <p>Noise Nuisance The application states "prior to the recent second lockdown, live music was provided on Saturday night, on a strict time-limited basis, 6pm - 9.30pm only". This is not true. During the summer the Old Mill had amplified live music events, quizzes and karaoke every Saturday and Sunday, often from midday until 11pm and on regular weekday evenings. The sound and atmosphere was not that of the chatter of a local beer garden but more</p>

like a large party; drunken voices shouting to be heard above loud music, swearing and shrieking.

The landlord feels the impact of the noise is "negligible". We totally dispute this and during one music event in July 2020, I could hear the music clearly standing by the Boat pub which is a considerable distance away. This total disregard of neighbours rendered the use and enjoyment of our garden impossible.

Account needs to be taken of the topography of the site. The already loud, amplified noise is further amplified by the water and the natural bowl of the valley.

If this is to go ahead, it must be done with a strict maximum decibel rating. The Old Mill is a pub not a concert venue.

Temporary or permanent?

It is unclear whether permission is being sought for this tent to remain indefinitely or until the end of COVID restrictions.

Therefore, when Covid restrictions cease, there is no basis for this tent to remain.

If any permission is contemplated it should be strictly temporary and directly linked to Covid restrictions being in force that affect the normal use of the pub. Amplified music and other events need to be limited.

Vehicle Parking

Question 9 on the application asks "Does the site remove any parking spaces?"

The applicant has responded 'NO'. It is described as an 'unused space'.

The truth is the Tented music venue has been erected in the main car park of the Old Mill.

In another planning application (Ref. No: 20/01780/TCA) seeking permission to fell trees on the same site, the applicant has described this area as the 'car park'.

This Tent removes the majority of the Old Mill's parking spaces with the knock-on effect of vehicles being parked in Bank Mill Lane. On busy evenings at the Old Mill parked vehicles were bumper to bumper in Bank Mill Lane. This is a narrow lane with no footpath and minimal lighting; large number of parked cars are a danger to pedestrians and other road users. We feel unsafe walking on the lane in that situation.

Conservation Area

The applicant states that the tent "has a positive impact on the setting of the grade 2 listed public house, complementing its setting." In a Conservation Area proposed developments "must preserve or enhance the special architectural or historic character of the conservation area". This tent may be functional under Covid restrictions but long term, but is clearly unacceptable in normal circumstances.

Flood Risk Assessment

All recent planning proposals on neighbouring sites to the Old Mill e.g. loft conversions, Garden studios etc. have required a Flood Risk Assessment due to the area being in Flood Zone 2 and 3. The Old Mill Application suggests that this is not required. Why not?

We OBJECT to the application for the retention of the tent for following reasons:

Noise Nuisance

The application states "prior to the recent second lockdown, live music was provided on Saturday night, on a strict time-limited basis, 6pm - 9.30pm only". This is not true.

During the summer the Old Mill had amplified live music events, quizzes and karaoke every Saturday and Sunday, often from midday until 11pm and on regular weekday evenings. The sound and atmosphere was not that of the chatter of a local beer garden but more like a large party; drunken voices shouting to be heard above loud music, swearing and shrieking.

The landlord feels the impact of the noise is "negligible". We totally dispute this and during one music event in July 2020, I could hear the music clearly standing by the Boat pub which is a considerable distance away. This total disregard of neighbours rendered the use and enjoyment of our garden impossible.

Account needs to be taken of the topography of the site. The already loud, amplified noise is further amplified by the water and the natural bowl of the valley.

If this is to go ahead, it must be done with a strict maximum decibel rating. The Old Mill is a pub not a concert venue.

Temporary or permanent?

It is unclear whether permission is being sought for this tent to remain indefinitely or until the end of COVID restrictions.

Therefore, when Covid restrictions cease, there is no basis for this tent to remain.

If any permission is contemplated it should be strictly temporary and directly linked to Covid restrictions being in force that affect the normal use of the pub. Amplified music and other events need to be limited.

Vehicle Parking

Question 9 on the application asks "Does the site remove any parking spaces?"

The applicant has responded 'NO'. It is described as an 'unused space'.

The truth is the Tented music venue has been erected in the main car park of the Old Mill.

In another planning application (Ref. No: 20/01780/TCA) seeking permission to fell trees on the same site, the applicant has described this area as the 'car park'.

This Tent removes the majority of the Old Mill's parking spaces with the knock-on effect of vehicles being parked in Bank Mill Lane. On busy

	<p>evenings at the Old Mill parked vehicles were bumper to bumper in Bank Mill Lane. This is a narrow lane with no footpath and minimal lighting; large number of parked cars are a danger to pedestrians and other road users. We feel unsafe walking on the lane in that situation.</p> <p>Conservation Area The applicant states that the tent "has a positive impact on the setting of the grade 2 listed public house, complementing its setting." In a Conservation Area proposed developments "must preserve or enhance the special architectural or historic character of the conservation area". This tent may be functional under Covid restrictions but long term, but is clearly unacceptable in normal circumstances.</p> <p>Flood Risk Assessment All recent planning proposals on neighbouring sites to the Old Mill e.g. loft conversions, Garden studios etc. have required a Flood Risk Assessment due to the area being in Flood Zone 2 and 3. The Old Mill Application suggests that this is not required. Why not?</p>
<p>Old Mill Cottage Bank Mill Lane Berkhamsted Hertfordshire HP4 2NT</p>	<p>We are objecting to the permanent nature of this planning application.</p> <p>Our house is located directly next door to the Old Mill pub, with our garden boundary neighbouring the entire width of the carpark with only a timber fence for separation. Being in such close proximity to the Old Mill pub, this application raises significant concerns. Our objections to this application are:</p> <p>The structure is not in keeping or sympathetic with the historic Old Mill site: The character and history of the entire Old Mill development is utterly compromised by this structure, which bears no resemblance to its surroundings. We disagree that the structure 'complements its grade 2 setting'.</p> <p>The structure damages the natural beauty and wildlife of this conservation area: The north west views from our property no longer look upriver and over the canal, instead, these areas of natural beauty are obscured by the sheer height and scale of the tent structure. We would normally expect to see ducks, swans, moorhens and geese within the carpark, particularly during mating season, all of which will be displaced should this structure become more of a permanent fixture on the site.</p> <p>An increase in noise: Whilst efforts may have been taken to dampen the sound, we have still experienced a considerable increase in noise during the live events. As the permanent structure is intended for 'live music and other functions', we have major concerns about the associated increase in noise and disagree that the increased noise levels are 'negligible'. Whilst we appreciate that we live next door to a public house, there is already provision internally for live music within the building-which outside of government COVID-19 restrictions comfortably facilitate the pub's requirements, without the need for an additional permanent structure. We have 2 young children, and this is a residential area, therefore it is unreasonable that loud music and other functions would be permitted 7</p>

	<p>days a week in a festival type structure.</p> <p>Problems with parking on Bank Mill Lane: The tent both increases the Old Mill's seated capacity, whilst reducing its ability to accommodate adequate parking for customers. As we are already seeing, there is considerable overflow onto Bank Mill Lane. This will be exacerbated in future when COVID-19 related government measures are relaxed/removed and the capacity at the Old Mill increases. We are already directly affected by this with the only access to our property being regularly blocked by cars from customers visiting the Old Mill pub. As no additional provision or plans for parking are being considered, approving this application will make Bank Mill Lane more congested and as a result, more dangerous.</p> <p>Anti-social behaviour concerns: Prior to the current management's occupancy, we have witnessed a number of anti-social events from drunken customers at the Old Mill pub. People being loud and aggressive, trespassing, glasses being thrown into our garden and smashing and multiple customers urinating against our fence from within the carpark. Whilst we haven't witnessed such events under the current management, the permanent nature of this application raises the possibility of more events such as these in future and significant concerns regarding our security.</p> <p>Concerns regarding the perpetuity of this application: The permanent nature of this application raises concerns as to how future landlords may choose to utilise this asset. We have chosen to live next door to a public house, not a festival style music venue.</p> <p>In summary, we appreciate that the last 12 months have been extremely difficult for everyone along with many businesses, not least those operating within the hospitality sector. We have supported the management of the Old Mill pub during this period and commend their efforts and ingenuity to remain open whenever possible as they fight to keep their business alive.</p> <p>Therefore, we have no objection to this temporary structure being used whilst significant government restrictions make it impossible for the Old Mill pub to run their business using the indoor resources available to them-in the way they operated pre-pandemic. Therefore, we have no objection to the structure being present for the remainder of 2021. Prior to the pandemic, patrons had always used the carpark and picnic benches within this beautiful setting-we have no objection to this continued use once the structure has been removed.</p> <p>However, we categorically object to this structure becoming a permanent fixture available at the management's disposal for the reasons stated herein. When the normal operation of the Old Mill can be restored, the tent structure should be removed.</p>
<p>The Old Cottage Bank Mill Lane Berkhamsted Hertfordshire HP4 2NS</p>	<p>I have lived on Bank Mill Lane for over 38 years so I know the Old Mill very well. For several years my husband and I would walk up to the Old Mill at least once a week for an excellent lunch, dinner or just for a coffee. It was a thriving, bustling and well-loved gastro pub. We felt lucky to have</p>

	<p>the Old Mill on our doorstep - it was a welcome and welcoming asset to the community. It was also a great place to meet friends who lived further afield as the Old Mill has, or rather had, plenty of parking.</p> <p>The Old Mill no longer has sufficient parking because the large tent has taken over the Car Park. Subsequently the customers now park in the surrounding streets - on some weekends last summer Bank Mill Lane was absolutely choked with parked cars. It is already a narrow lane with a dangerous corner and since the increase of parking caused by the loss of parking in the grounds of The Old Mill, pedestrians cannot walk in the lane safely. This is dangerous and a public nuisance especially for the elderly like myself or people with dogs or pushchairs who frequently have to take refuge between the parked cars.</p> <p>The 'circus' tent needs to be removed and the car park reinstated. The Old Mill already has plenty of attractive outside space (beer garden) that it can use for quiet dining and drinking and once the pandemic is over it will hopefully be able to return to the welcoming venue it was before the present chaotic events took place.</p>
<p>3 Chalet Close Berkhamsted Hertfordshire HP4 3NR</p>	<p>I'd like to support this application. I have not experience the music, but it's only on 2 days, and I hope some compromise can be found to limit its impact on neighbours' amenity. The tent was a godsend when we were allowed to eat outside during the summer - either to get out of the sun or shelter from the rain. Businesses have had to think on their feet during the pandemic to stay afloat, and we should not be putting obstacles in the way of that in these difficult times, even if that means a measure of compromise. The tent is about as far away as possible from the listed building, and, is in any case not unattractive. Although it does reduce on site parking, The Old Mill is walkable from almost any part of Berkhamsted (I manage it from the top of the valley at the other end of town !), and on street parking exists throughout the town.</p> <p>Can I add that the Old Mill did much for the community during the first lock down, when supermarket shelves were empty and delivery slots unavailable buy buying in from their wholesalers and delivering across the town.</p>
<p>Bulbourne, Bank Mill Lane Berkhamsted HP4 2NT</p>	<p>You will note from our address above that we are very close to the Old Mill and therefore thank you for your letter dated 21st December 2020 informing us of the application to temporarily retain the tent to the rear of the restaurant and pub.</p> <p>This matter is of great interest to us as we have been suffering from late night disruption caused by customers of the Old Mill parking in front of our house. This is because the tent occupies the majority of the former parking area.</p> <p>These customers typically generate noise and disturbance and since our bedrooms face Bank Mill Lane, we are often awoken around midnight.</p> <p>In addition, the tent is hardly an appropriate feature in this prominent canal side location within the Conservation Area.</p> <p>Having said the above, we understand that the current circumstances</p>

	<p>with regard to the Covid-19 pandemic are forcing those in the hospitality industry to consider every possible solution to allow them to financially survive the ever changing Government restrictions. Given this unique situation we feel that the choice between a temporary inconvenience and the permanent loss of yet another hospitality facility in the town demands a degree of flexibility in the planning constraints to allow the continued use of the tent, along with the loss of off street parking, for so long as the trading restrictions are imposed. The application does seem to be for a temporary period, possibly for one year or perhaps 6 months. In any case, it would be required for the duration of the current restrictions if it were to provide the essential business survival benefits.</p> <p>In view of this we would support the application, despite our preference for refusing it based on the short term inconveniences.</p> <p>If not already covered by licencing requirements, it would be good to impose some conditions with any prospective approval with regard to the usage hours and noise levels, along with the fixed term to be determined.</p>
<p>great moat barn buckland aylesbury HP22 5hy</p>	<p>This should be allowed to go ahead. At a time when many pubs within the country are struggling we should be doing all we can to support local business. This individual has supported local residents through lockdown by providing delivery of essential goods. By erecting this tent he is following government guidelines in trying to get users to sit outside and follow government guidelines. Removal of this may mean an inability to run a business and then leave a building empty. At a time when this country is on its knees we should be supporting locals who support our community not stopping them</p>
<p>The Base 15B Middle Road Berkhamsted Hertfordshire HP4 3EQ</p>	<p>I support this application.</p> <p>If I understand things correctly, there are two key considerations, the tent and the music. These can be dealt with separately.</p> <p>The tent is small, low and discreet. Noticably more so than the vast frame tent Berkhamsted School have erected within their Castle Site behind their Sixth Form Centre. If one is permitted in clear view of St Peters I can see no objection to this much smaller structure on the edge of the town.</p> <p>As far as music is concerned the applicant is proposing a curfew at a fairly early hour and I can see hay bales providing sound deadening around the periphery where the stretch tent comes close to the ground.</p>
<p>Marchbank Shenstone Hill Berkhamsted Hertfordshire HP4 2PA</p>	<p>Given the extended lockdown affecting businesses in the town, it is vital that efforts being made to operate be given every possible support. Pubs were already under stress before the pandemic, but The Old Mill has gone above and beyond in its efforts to support the local community. Allowing this application will help protect jobs, enable an important business to get back on its feet and generate income to pay local rates and other taxes. A reasonable compromise has been offered to minimize the number of nights of live music and possible disturbance to neighbours. Anyone who buys or moves into a home near a pub that has been there for years, should expect some level of</p>

	<p>business activity that can cause extra noise. This planning application is a valid request for for a licensed premises, and should be approved.</p> <p>Given the extended lockdown affecting businesses in the town, it is vital that efforts being made to operate be given every possible support. Pubs were already under stress before the pandemic, but The Old Mill has gone above and beyond in its efforts to support the local community. Allowing this application will help protect jobs, enable an important business to get back on its feet and generate income to pay local rates and other taxes. A reasonable compromise has been offered to minimize the number of nights of live music and possible disturbance to neighbours. Anyone who buys or moves into a home near a pub that has been there for years, should expect some level of business activity that can cause extra noise.</p> <p>This planning application is a valid request for for a licensed premises, and should be approved.</p>
<p>8 Long View Berkhamsted Hertfordshire HP4 1BY</p>	<p>Great asset to the local community where locals can meet in a safe area.</p> <p>I strongly support this application.</p>
<p>3 Curlew Close Berkhamsted Hertfordshire HP4 2HZ</p>	<p>It's the only pub in the area that I feel safe in to sit and eat in at the moment its been a life line during the pandemic. The tent has brought fantastic uplifting and feel good contribution to my mental health. I was able to sit outside feel safe warm fed and entertained. The owners has been on top of everything with covid and community support. Please please don't take tent down</p>