

Reference No: 5/25/0252

Valid Date: 02/04/2025

End of Stat Period Date: 27/05/2025

Case Officer: Peter Morgan

Report Written Date: 23/07/2025

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**Applicant:** Mitchells & Butlers Retail Ltd

**Proposal:** Internal and external refurbishment of the Public House. No extensions or structural alterations are proposed. New shed, walk in freezer, condenser unit and new section of higher timber fencing.

**Site Address:** The Three Hammers Ph 210 Watford Road Chiswell Green St Albans Hertfordshire

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**Ward:** St Stephen

**Parish:** ST STEPHEN

**Constraints:**

Parish

Listed Building

Area of Special Control for Ad

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**BACKGROUND**

**Site / Surroundings:**

**Proposal:**

External refurbishment of the Public House including New shed, walk in freezer, condenser unit and new section of higher timber fencing. No extensions or structural alterations are proposed.

**Relevant History:**

There is an extensive planning history for the application site. The following are considered the most relevant to this current planning application:

**5/2025/0614** – Listed Building consent -Refurbish and installation of signs to include 2 x sets of refurbished house name letters, 1 x new hanging welcome sign and existing post mounted corex sign to rotate 90 degrees - Listed Building Conditional Consent 06/06/2025

**5/2025/0611** – Advertisement Consent - Refurbish and installation of signs to include 2x sets of refurbished house name letters, 1x new hanging welcome sign and existing post mounted corex sign to be rotated 90 degrees – Approve 06/06/2025

**5/2025/0394** – Listed Building consent - Internal and external refurbishment of the Public House. No extensions or structural alterations are proposed - Listed Building Conditional Consent 09/05/2025

**5/2015/3125** Advertisement consent - Display of one free standing externally illuminated sign, one externally illuminated fascia sign, one non-illuminated fascia sign, two non-illuminated plaques, entrance signage to front elevation. Granted 2.2.2016

**5/2015/3128** Listed Building consent - Replacement signage and lantern, new signage and lantern to external elevations. Granted 2.2.2016

**5/2002/1219** Display of illuminated adverts on building and proposed beacon structure (resubmission following withdrawal of 5/01/2206A). Refused on 20.11.2002 for the following reasons: The proposed signage would be detrimental to the setting and historic character of the Grade II Listed Building by virtue of its design and materials of construction, contrary to Policies 69, 78 and 86 i) of the St Albans District Local Plan Review 1994.

**5/2001/2206:** Display of illuminated adverts on building and proposed beacon structure. Withdrawn

**5/2001/2208:** Display of illuminated signage. Withdrawn

**5/2000/1909:** Display of externally illuminated signs and entrance lantern. Refused on 28.2.2001 for the following reasons: In the absence of plans that accurately relate to the application site, the Local Planning Authority is unable to assess the impact upon amenity and the integrity of the Listed Building, contrary to Policies 78 and 86 of the St. Albans District Local Plan Review 1994.

**5/2000/1980:** Display of externally illuminated signs and entrance lantern. Refused on 28.2.2001 for the following reasons: In the absence of plans that accurately relate to the application site, the Local Planning Authority is unable to assess the impact upon amenity and the historic character and integrity of the Listed Building, contrary to Policies 78 and 86 of the St. Albans District Local Plan Review 1994.

**5/1980/0048:** Internally illuminated sign. Refused on 17.11.1980

## **PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994

The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan generally has limited weight in decision making at this time. The emerging policies have been considered but have limited weight in relation to the assessment of this application.

The National Planning Policy Framework is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 231 and 232 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

## **National Planning Policy Framework**

### **St. Albans District Local Plan Review 1994:**

Policy 47	Food and drinking Establishment Parking Standards
Policy 69	General Design and Layout
Policy 86	Buildings and Special Architectural or Historical Interest

### **St Stephen Parish Neighbourhood Plan March 2022 (SSPNP)**

Policy S1	Location of development
Policy S3	Character of development
Policy S5	Design of Development
Policy S18	Protection of Public Houses

### **Supplementary planning Guidance/Documents**

Revised Parking Policies and Standards - January 2002

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## **REPRESENTATIONS**

**Publicity:** 15/05/2025

**Expiry Date:** 07/06/2025

### **Notifications:**

Adjoining Occupiers

Neighbour letters were sent to 20 addresses in accordance with the Council's published Statement of Community Involvement.

At the time of writing this report, 0 objections and 0 representations in support have been received.

**St Stephen Parish Council:** no response received

### **Consultations:**

#### **HCC Highways:-**

- Concludes that it [the proposal] would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion highway informatives / advisory notes.

#### **SADC Design and Conservation Officer:-**

The proposal is supported in heritage terms.

The proposal would safeguard the special historic and architectural interest of the host building, subject to suitable conditions.

#### **SADC Environmental Compliance:-**

No comments received

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## **DISCUSSION**

### **Main Issues:**

The Council has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to have "special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic

interest which it possesses". Policy 86 of the Local Plan reaffirms this statutory duty and provides that the Council will have special regard to the desirability of preserving the setting of listed buildings.

Policy S3 of the St Stephen Neighbourhood Plan seeks to ensure development conserve and where practicable enhance the character area in which it is located, reflect the character and vernacular of the area, to avoid building design that is inappropriate to the Plan area. Policy S5 of the St Stephen Neighbourhood Plan seeks to ensure development incorporate a high quality of design which responds and integrates well with its surroundings. The policy lists various matter development proposals should address that include, amongst other things, high quality boundary treatment, concealed storage for waste and recycling, ensuring there is no unacceptable loss of amenity for neighbouring properties. Policy 18 seeks the protection of public houses.

Chapter 16 of the National Planning Policy Framework (NPPF) guides development as it relates to conserving and enhancing the historic environment. It provides that local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight.

The building is listed at Grade II (LEN: 1102870) with the following description:

Public house, incorporating at N end a C15-16 house; remainder is C20. Timber frame. Red brick. Plain tile roof. Mostly 1 storey and attics. In centre is a 2-storey gable end. To right of the gable the brickwork is C17-18 and encases the timber frame part. Segmental-headed ground floor windows and doors. 3-bay interior, the N bay a C16 cross wing. Central bay formerly an open hall, with late C17 chimney stack inserted next to front wall and C17 chamfer-stopped beam. Long C20 rear extension to N bay. Large C20 rear extensions to whole building.

The building was listed on 27/09/1984

The submitted information indicate the scope of works to be undertaken for the refurbishment of the Three Hammers Public House. These scope of works will require various consents, including Listed Building Consent, Advertisement Consent and Full Planning Permission.

For the avoidance of doubt, this application is seeking Full Planning Permission for a new shed, walk in freezer, condenser unit and new sections of higher timber fencing.

Paragraph 210 of the NPPF states that *'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

The premises is a historic public house that has been extended and altered over time, and it continues to operate successfully as a public house business. The current application proposal is part of a general refurbishment that includes repairs, improvements, and upgrades to the existing facilities.

The application proposal includes the construction of a new shed, a walk-in freezer, a condenser unit, and a section of higher timber fencing. The premises comprises a bin store located in the south-western corner, which contains several bins and a small shed. A second shed is positioned in the north-western corner, adjacent to the rear elevation of the building. The back of the premises borders a public car park that serves a small parade of shops, a supermarket, and a public house. The perimeter is enclosed with 2-meter-high timber lap fencing.

The development proposes the replacement of the shed within the bin store with one similar in scale and type to the existing shed. The shed within the north-western corner will be removed and replaced by a walking freezer unit measuring 2m<sup>2</sup> and 2.2m in height, and an associated condenser unit, to be wall mounted using Gallows Brackets on an adjacent wall. Two new sections of 2.3m high timber lap fencing is proposed to replace existing fencing that bounds the site along Chiswell Green Lane and the public car park.

The application proposes to replace the existing shed located within the fenced bin store adjacent to the west side of the public house. The visual impact on the premises and its surroundings will remain unaffected. The new walk-in freezer will be concealed by the existing wooden fencing and is sited in the same location as the current shed structure.

The proposed freezer unit is necessary for the operation of the public house. Although the unit may be visible from Chiswell Green Lane and the adjacent car park, the proposed fencing will effectively screen it, limiting visibility to just the upper edge of the unit. Furthermore, since this view will include the public house as a backdrop, along with the public car park and nearby shops and supermarket, the limited visibility would not detract from the appearance of the public house or its settings.

Likewise, the proposed condenser unit is essential for the operation of the freezer unit. It will be located within the service yard area which is not open to the public and would not be visible to the street.

It is considered that the proposed development would contribute to the continued economic viability of The Three Hammers public house and its conservation. As such, the proposal supports the positive contribution of the public house to sustainable communities. Taken together, it is considered that the proposed development would achieve good quality design which responds and integrates well with its surroundings, and would conserve the character area and that of Three Hammers Public House. The replacement fencing would improve the quality and effectiveness of the existing boundary treatment, and the development incorporates concealed storage for waste and recycling as required by the SSNP. The modest of scale, its design and appearance would form an acceptable and appropriate additions to the application premises. In view of the limited visual impact the proposed development would not detract from the appearance of the heritage asset or its positive contribution to local character and distinctiveness. The proposed development would comply with policies 47, 69 and 86 of the local plan and policies S3 and S5 of the St Stephens Parish Neighbourhood Plan, and the NPPF.

The level of harm is considered to be net neutral, with public benefit derived from its ongoing operation as an economically viable public house.

The Council Design and Conservation officer has considered the application scheme and considered that the proposal would safeguard the special historic and architectural interest of the host building, subject to suitable conditions.

### **Residential amenity**

Paragraph 135 of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for

existing and future users. Policy 70 (Design and Layout of New Housing) of the St Albans District Local Plan Review 1994 seeks that residential development does not cause harm to the amenities of neighbouring properties principally with regards to loss of daylight / sunlight, outlook or privacy. Policy S5 of the SSPNP seeks to ensure there is no unacceptable loss of amenity for neighbouring properties.

The nearest residential property, located at No. 2 Chiswell Green Lane, is approximately 23 metres away on the northern side of the road. During daytime and evening hours, the ambient background noise is likely to be comprised of sounds from the nearby public house, car traffic, and activity from the local shopping parade. This background noise is expected to prevent any significant disturbance to local residents from the proposed units.

Furthermore, given the significant distance of separation it is unlikely that the proposed freezer unit will negatively impact residential amenity by virtue of emanating noise.

### **Parking**

The proposed development does not would give rise to further car parking need.

### **Any other matters**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

**Comment on Town / Parish Council / District Councillor / Concern(s): No comment**

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## **REASONS FOR GRANT**

### **To include justification for recommendation and relevant development plan policies**

The proposed development would contribute to the continued economic viability of The Three Hammers public house and its conservation. As such, the proposal supports the positive contribution of the public house to sustainable communities. The proposed development is considered to be modest in scale, design and appearance and would form an acceptable and appropriate addition to the application premises. In view of the limited visual impact the proposed development would not detract from the appearance of the heritage asset or its positive contribution to local character and distinctiveness. The development is therefore compliant with Policies 69 and 86 of the Local Plan, policies S3 and S5 of the St Stephens Parish Neighbourhood Plan, and the NPPF.

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## **EQUALITY AND HUMAN RIGHTS CONSIDERATIONS**

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person’s rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

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**RECOMMENDATION:** Conditional Permission      **Decision Code:** A1

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### **Conditions/Reasons**

**1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

**To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Planning Portal); Site Location Plan 2579-206 Rev A; Dry Store and Refrigerator Plans - 2579-210; Planning, Heritage, Design and Access Statement (February 2025), by JTS Partnership received 14.02.2025; Storers - Dry Store Drawing; Details - Condenser for Walk-in - 2579-211 received 20.03.2025; Proposed Ground Floor Layout - 2579-201 Rev D; Proposed Site Layout - 2579-203 Rev B; Proposed Site Elevations - 2579-205 Rev C received 01.04.2025**

**For the avoidance of doubt and in the interests of proper planning.**

**3. The works hereby approved are only those specifically indicated on the drawings referred to above.**

**For the avoidance of doubt. To ensure that Policy 86 of the St. Albans District Local Plan Review 1994 is complied with.**

**4. All new external works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the approved drawings hereby approved or as required by any condition(s) attached to this consent to the written satisfaction of the Local Planning Authority.**

**In order that the special architectural or historic interest of this Listed Building is safeguarded. To comply with Policy 86 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2024.**

## 5. BNG condition

### Informative(s):

1. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.
2. This determination was based on the following drawings and information: Location Plan (Planning Portal); Site Location Plan 2579-206 Rev A; Dry Store and Refrigerator Plans - 2579-210; Existing Ground Floor Layout - 2579-200 Rev A; Existing Site Layout - 2579-202; Existing Site Elevations - 2579-204 Rev A; Fixed Seating Details - 2579-207; Screen Details - 2579-208; Bar Backfitting Elevation Details - 2579-209 Rev A; Planning, Heritage, Design and Access Statement (February 2025), by JTS Partnership received 14.02.2025; Storers - Dry Store Drawing; Details - Condenser for Walk-in - 2579-211 received 20.03.2025; Proposed Ground Floor Layout - 2579-201 Rev D; Proposed Site Layout - 2579-203 Rev B; Proposed Site Elevations - 2579-205 Rev C received 01.04.2025
3. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.  
  
AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.  
  
AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.  
  
AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

### BNG Informative.

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PLAN NO'S:

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ) ACT 1985**

**Officer** Peter Morgan

**Section 65 Parties**

**Plans on website** [http://planning.stalbans.gov.uk/Planning/lg/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lg.Planning](http://planning.stalbans.gov.uk/Planning/lg/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning)

**Author:** Peter Morgan

**Date:** 23/07/2025

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