

<u>Location:</u>	<b>The Anchor 84 Cambridge Road Hitchin Hertfordshire SG4 0JH</b>
<u>Applicant:</u>	<b>Mrs H Binns</b>
<u>Proposal:</u>	<b>Erection of new convenience retail unit (Class E); alterations to means of access and reorganisation and extension of car park, including the change of use of land from residential gardens and the installation of EV charging points; demolition of outbuildings to pub and external alterations including the erection of garden pergola and structures, new patio and external lighting and installation of new cold store and covered walkway to back of house and replacement of part of kitchen extraction system.</b>
<u>Ref. No:</u>	<b>23/01947/FP</b>
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 02/11/2023

**Extension of statutory period:** 31/08/2024

**Reason for Delay:** Awaiting consultee responses and in order to present the application to an available committee meeting.

**Reason for Referral to Committee:** The application has been called in by Cllr James Denselow if minded to approve and for the following reasons:

*“The proposed retail unit poses a risk for significant increase in traffic in the already congested location, which could cause a danger for all users of the highway, whether by foot or vehicle. This would be especially dangerous at peak times in the mornings and evenings, with high levels of congestion being caused by cars trying to manoeuvre around each other as they enter, exit, or wait to park their vehicles.*

*The area around and along Cambridge Road also experiences frequent surface water flooding, which could be further exacerbated by this proposed retail unit and its associated development on and around the site.*

*The proposed retail unit would likely adversely impact upon the ecology and biodiversity of the adjacent nature reserve of Purwell Meadows, due to its size and close proximity.*

*Finally, the local area around the proposed retail unit is already very well served by convenience stores located in close proximity to the site. This includes a number of local-run and well-established businesses that provide a range of produce, which would be negatively affected by this proposal during already precarious economic conditions for small businesses. This proposal does therefore not provide enough added benefit to the area to justify the identified elements of harm.”*

## 1.0 **Site History**

- 1.1 12/01418/1 - Erection of three, 3-bedroom dwellings (one detached and two as semi-detached pair) together with associated car barn; creation of access to Cambridge Road; change of use of residential gardens to rear of 86, 88 and 90 Cambridge Road to facilitate creation of 24 space car park. (Amended and additional plans received 17/09/12 and tracking plan received 26/09/12)) – Allowed at appeal.
- 1.2 08/00862/1 - Erection of timber framed shelter and 1800mm high trellis fence panels – Refused on 10/06/2008.
- 1.3 07/00774/1 - Erection of 3m x 3m timber framed lean to shelter with canvas canopy roof on rear elevation – Granted Conditional Permission on 18/09/2007.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan 2011 – 2031**

#### Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

#### Development Management Policies

Policy ETC3: New retail, leisure and other main town centre uses

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE1: Strategic green infrastructure

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

### 2.2 **Supplementary Planning Documents**

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

### 2.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

### 3.0 **Representations**

#### 3.1 **Site Notice:**

Start Date: 18/09/2023

Expiry Date: 11/10/2023

#### 3.2 **Press Notice:**

N/A

#### 3.3 **Neighbouring Notifications:**

40 representations have been received following public consultation. 38 representations are objections to the proposed development.

A petition objecting to the proposal with 828 signatures has also been received.

The comments can be viewed in full on the NHC website and have been summarised below:

##### Objections:

- Increase in traffic on public highway.
- Increased traffic would risk highways safety.
- Other shops in the area will lose business.
- Loss of a traditional pub.
- Harm to the pub which is of significant historical value.
- Harm to wildlife and the ecosystem within the Purwell Meadows Nature Reserve.
- Increase in pollution, noise, and disturbance to local residents.
- Support for local independent businesses.
- Increase in foot traffic on pathways and crossing points resulting in increased risk to pedestrian safety.
- Risk to the security of nearby neighbours.
- The building is of poor design and relates poorly to the surrounding area. The development would fail to achieve the requirements set out within the NPPF and North Herts Local Plan.
- Increase in light pollution would harm wildlife in the area.
- Concerns relating to problems with surface water flooding. An increase in impermeable surfacing would increase surface water risk.
- Insufficient car parking proposed on site.
- Risk of increase in littering in the area.
- Loss of property value.
- Previously approved residential development has expired and should carry little to no weight in the determination of this application.
- Development would block views due to siting resulting in harm to sites context.
- Overdevelopment of the site.

##### Neutral Comments:

- The Anchor is an eye sore.
- Increase in traffic.
- Pub needs money to improve.
- Sainsburys would serve local residents well.
- Would be supportive if site included dedicated space for delivery or a turning zone.

#### 3.4 **Parish Council / Statutory Consultees:**

Hertfordshire Ecology – No objection subject to conditions.

The Highways Authority – No objection subject to conditions and informatives.

Herts & Middlesex Wildlife Trust – No comments received.

Lead Local Flood Authority – No objection subject to conditions.

Waste and Recycling – No objection.

Environmental Health (Air Quality) – No objection subject to conditions and informatives.

Environmental Health (Noise) – No objection subject to conditions and informatives.

Environmental Health (Contaminated Land) – No objection.

Affinity Water – No comments.

Anglian Water – No objection.

Hertfordshire Constabulary Architectural Design Liaison Officer – No objection.

Strategic Planning Officer – No comments received.

Herts Fire & Rescue – No comments received.

Hitchin Forum – Objection. Comments available in full on NHC website.

North Herts Council Ecologist – No comments received.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.1.1 The Anchor is a public house that fronts Cambridge Road, Hitchin. The application site within the defined settlement boundary for Hitchin. It is therefore not situated within the Green Belt, whereas open land to the south east and south west of the site is within the Green Belt. The site is not within a Conservation Area and there are no listed buildings on or adjacent to the site.

4.1.2 The site backs on to Purwell Meadows, which is a Local Nature Reserve and Local Wildlife Site and wraps around the southern and eastern boundaries of the site. To the north and west of the site are predominately residential dwellings. Further to the north east of the site are groups of three storey apartments.

4.1.3 The existing site contains the public house, a pub garden, and a large parking area.

##### 4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of new convenience retail unit (Class E); alterations to means of access and reorganisation and extension of car park, including the change of use of land from residential gardens and the installation of EV charging points; demolition of outbuildings to pub and external alterations including the erection of garden pergola and structures, new patio and external lighting and installation of new cold store and covered walkway to back of house and replacement of part of kitchen extraction system.
- 4.2.2 The new retail unit would be single storey in height and feature a gabled roof form. The retail unit would measure approximately 14m in depth, 35m wide, and 7.4m in height with 2.7m to the eaves.
- 4.2.3 Therefore the proposal would deliver improvements to and investment in the existing public house and a new convenience store.

### 4.3 Key Issues

4.3.1 The key issues for consideration include:

- The principle of development.
- The design and appearance of the proposal and the impact on the character and appearance of the area.
- The impact of the development on the amenity of adjoining properties.
- The impact of the development upon local highways, access, and parking.
- Flood risk and drainage.
- Ecological, landscape and greenspace considerations.
- Environmental health considerations.

#### Principle of the Proposed Development:

- 4.3.2 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022
- 4.3.3 NHLP Policy SP1 on sustainable development in the district is the backbone for considering proposals. It requires the main role of key settlements, such as Hitchin, to be the main focus for new development. Proposals should 'deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan', 'provide the necessary infrastructure...', 'protect [the] environment', and 'secure any necessary mitigation measures that reduce the impact of development...'
- 4.3.4 The proposal is considered consistent with Policy SP1. The development is appropriately located within Hitchin and will help maintain the role of Hitchin as a key settlement.
- 4.3.5 Policy ETC2 of the North Herts Local Plan states that "*planning permission for employment outside of allocated Employment Areas... will be granted provided that... the proposal is... within a defined settlement boundary... small scale employment development, and... is appropriate to the location in terms of size, scale, function, catchment area and / or historic and architectural character; and there would be no significant adverse impacts on living conditions*".
- 4.3.6 Local Plan Policy ETC7 supports the provision of local community shops and services to meet the day-to-day needs of the local community within defined settlement and confirms that 280 sq. m. will generally be used as a guide to determine small scale. Whilst the overall size of the proposed retail unit is over this threshold, the sales area of the

proposed retail unit would measure 279 sq. m. It is accepted that the proposed store is small in scale and would be aimed to meet the day-to-day needs of the local community, along with the improved and refurbished public house.

- 4.3.7 Part of the scheme includes the change of use of land to the reason of Nos. 86 to 92 Cambridge Road from former domestic gardens to car park. This area has not been used as garden land for several years and planning permission was granted on appeal in 2013 for the change of use of this area to create a 24-space car park for the pub/restaurant as a part of a residential scheme for three houses. Therefore, the principle of the change of use of the overgrown rear garden space to car parking has been accepted previously.
- 4.3.8 The proposed works to The Anchor Inn involve the reconfiguration and upgrading of internal and outdoor space. The applicant indicates that the proposed changes are necessary to ensure that the premises remain attractive to potential customers and thereby retain the Anchor Inn as a viable and sustainable business operation. This accords with Local Plan Policy ETC7 which seeks to protect local and community facilities.
- 4.3.9 The proposed development and associated works would be situated within the town of Hitchin. Furthermore, the application site is appropriately located with the site being accessible to local residents via a range of transport methods including foot, bike, and public transport. The proposal would comply with the aims of Local Plan Policies ETC2 and ETC7.

Sequential Assessment:

- 4.3.10 Policy ETC3 of the Local Plan sets out the requirements for new retail development. Given that the development would be for a main town centre use outside of an existing centre, a sequential assessment has been submitted alongside the application in accordance with both Policy ETC3 and Paragraph 91 of the NPPF.
- 4.3.11 The proposed retail unit would be situated within a site of approximately 0.32 hectares. Within the site exists the Anchor Inn pub and its associated car park.
- 4.3.12 The proposed retail unit would feature a footprint of 395sqm and therefore falls below the threshold requiring the submission of a retail impact assessment.
- 4.3.13 The sequential test is designed to identify a suitable location for a main town centre use starting with identifying locations within an existing town centre or allocated site within a town centre, then potential locations on the edge of a centre if a site cannot be identified within an existing town centre. If a site cannot be identified on the edge of a centre, then the sequential test moves on to identifying sites in out of centre locations that are well connected and accessible.
- 4.3.14 For an alternative site to be suitable for the proposed development, the alternative site must meet the requirements of the proposed development.
- 4.3.15 The sequential assessment submitted alongside the application failed to identify any suitable alternative out of centre sites when compared to the application site proposed.
- 4.3.16 One potential alternative in-centre site had been identified within the submitted assessment. This was the B&M store car park on Nightingale Road, Hitchin. The assessment considered the site to not be suitable as set out below:

*“The proposal on the site would place a considerable strain on the retained parking spaces for the B&M store, which would likely give rise to highway safety issues. A store*

*on the site would also have very limited roadside visibility, if any, and it would be contrary to the Council's aspiration to see it redeveloped into housing"*

4.3.17 In consideration of the above and the submitted sequential assessment, the chosen site is in an acceptable location for the purposes of applying Policy ETC3 of the Local Plan.

Siting, Design, and Appearance:

4.3.18 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 of the NPPF goes on to set out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.3.19 Paragraph 135 of the NPPF sets out that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site to accommodate and sustain an appropriate amount and mix of development, and to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.

4.3.20 Policy SP9 of the Local Plan sets out that the Council will 'support new development where it is well design and located and responds positively to its local context'. This is repeated in Policy D1 of the Local Plan. Both Policy SP9 and D1 reflect the principles set out within the NPPF.

4.3.21 The proposed development would consist of two parts. The erection of a new retail unit along with associated car parking, and external alterations including the erection of new structures to The Anchor public house.

4.3.22 The immediate locality is characterised by predominately two storey buildings with gabled roof forms and a mixture of materials including red brick, white render, slate, and clay roof tiles. The wider area consists of groups of terraced dwellings, single storey units, and a group of four storey buildings containing flats. The site sits adjacent to Purwell Meadows, a nature reserve.

4.3.23 The sites history includes the application for three 3-bed dwellings within the site. The application was allowed at appeal and concluded the following:

*"Whilst the proposed development would introduce buildings to a relatively open area of land adjacent to Purwell Meadows, I find that there would be no harmful impact on the character of the area due to the largely developed, urban nature of Cambridge Road in this location. Furthermore, there are mature hedge boundaries between the site and Purwell Meadows and these limit direct views across the site to glimpses of the open land beyond."*

4.3.24 It is noted from the residential housing application that the semi-detached pair of dwellings allowed at appeal were intended to occupy a similar position to the retail unit now proposed. However, the permission allowed at appeal has not been implemented on site and has now lapsed. Whilst a new local plan has been adopted and there have been several revisions of the NPPF, it is considered that limited weight can be given to the allowed appeal decision.

- 4.3.25 The proposed retail unit would be sited to the rear of the application site, approximately 45m from the public highway. The unit would measure approximately 14m in depth, 35m wide, and 7.4m in height with 2.7m to the eaves. The unit would feature a gabled roof form with red facing brickwork, a feature honey brickwork band, brick plinth, horizontal timber boarding to the gable ends, and a slate appearance roof tile.
- 4.3.26 Whilst the retail unit would be visible from within the local area, the siting of the retail unit to the rear of the site would significantly reduce any potential dominance of the structure within the street scene.
- 4.3.27 Furthermore, the height of the development would be appropriate within the local context sitting level with the roof ridge of The Anchor pub.
- 4.3.28 The existing vegetation along the southern boundary of the application site would be largely retained obscuring views of the retail unit when travelling north along Cambridge Road towards the site. The retail unit would also be well screened from views when travelling south along Cambridge Road towards the site. The development would therefore be well screened from users of the highway with the most prominent views being from the front boundary of the site next to The Anchor, and from within Purwell Meadows to the rear.
- 4.3.29 The materials proposed would be in keeping with those in use in the surrounding street scene. A materials condition can be included to ensure the materials would be of an acceptable quality and not harm the local character.
- 4.3.30 Whilst the retail unit would be a large building, given the above, it is considered that its impact to the character and appearance of the area would be acceptable. The proposed development would comply with the provisions set out in Policy D1 of the Local Plan and the provisions set out in Paragraph 135 of the NPPF.
- 4.3.31 The works to The Anchor would include the demolition of existing outbuildings and a number of external alterations including the erection of a garden pergola, timber huts, patio, external lighting, and the installation of a new cold store and covered walkway. The replacement of the kitchen extraction system is also proposed.
- 4.3.32 The works proposed to The Anchor are considered acceptable. The works would enhance the appearance of the site within the context of the surrounding street scene. The proposal would therefore comply both local and national planning policies.

Impact on Neighbouring Properties:

- 4.3.33 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.
- 4.3.34 The application site is a large plot that contains the existing public house (The Anchor). The site extends towards the northeast and along the rear of a number of residential properties that front Cambridge Road and up to the side of two semi-detached properties accessed off William Road. To the rear of the site and southwest is Purwell Meadows, an open nature reserve.
- 4.3.35 The proposed new retail unit would be situated to the southern portion of the site and would extend along the rear (eastern) boundary to the north. The development would be set away from all nearby residential properties. The northern elevation of the site would be set approximately 35m from the side elevation of the pair of semi-detached properties to the north of the site. Views of the retail unit would be obscured from view by The Anchor to the neighbours that front Cambridge Road.



- 4.3.36 The proposed retail unit would not result in any unacceptable overshadowing, overbearing impact or loss of privacy to the existing nearby neighbouring occupiers.
- 4.3.37 The development would include the creation of car parking to the side and rear of the existing residential units. Given the nature of car parking, the provision of parking in this part of the site would not result in any loss of light or privacy to the neighbouring occupiers. Furthermore, no objection has been received from Environmental Health with regards to the potential noise impact of the development to neighbouring occupiers.
- 4.3.38 The works proposed to The Anchor are proportionate in scale and would not result in any unacceptable overbearing impact or loss of amenity to the nearby neighbouring occupiers that front Cambridge Road.
- 4.3.39 Given the above, the proposed development would comply with Policy D3 of the Local Plan and the principles set out within the NPPF.

Impact on Highways:

- 4.3.40 The Highways Authority have been consulted on the proposed development and have raised no objection subject to the inclusion of conditions and informatives.
- 4.3.41 Paragraph 115 states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe'*. The NPPF therefore sets a high bar for refusal on highways grounds. Notwithstanding concerns relating to the development from neighbouring occupiers, given that the Highways Authority have no objection to the proposal, the development would not have an unacceptable impact on the highways network and is in compliance with both local and national planning policies.

Parking Provision:

- 4.3.42 NHLP Policy T2 on Parking requires proposals to have regard to the standards set out in the relevant supplementary planning document (SPD). This requires that x1 space is required per 30m<sup>2</sup> of a retail food store that has a ground floor area of less than 500m<sup>2</sup>.
- 4.3.43 37 car parking spaces would be provided within the application site to serve both the pub and retail unit. The parking spaces would comprise of four electric vehicle charging spaces, three disabled parking spaces, two family parking spaces, and the remainder as unallocated parking spaces.
- 4.3.44 The retail unit has a floor area of approximately 395m<sup>2</sup> and should provide at least 13 spaces within the site.
- 4.3.45 The public house has a bar area floor space of approximately 150m<sup>2</sup>. The SPD requires x1 space per 3m<sup>2</sup> of floorspace of the bar area.
- 4.3.46 The SPD shows the existing public house as being situated within Zone 1 of Hitchin. The zones within the SPD represent an allowance for an acceptable reduction in parking provision on sites. Zone 1 would require the site to provide only 25% of unfettered demand equating to 12.5 spaces.
- 4.3.47 With the site being situated within a highly accessible location and in short walking distance of a range of public transport options, any under provision in car parking is not considered a reason for refusal in this case.

#### Flood Risk and Drainage:

- 4.3.48 NHLP Policy NE7 on Reducing Flood Risk sets out that a Flood Risk Assessment (FRA) is prepared to support applications for planning permission in accordance with national guidelines, and that development takes account of reducing flood risk, does not increase flood risk elsewhere, minimises residual flood risk, is designed and laid out to ensure the risk of flooding is reduced, and overland flow routes and functional floodplain are protected. The application is accompanied by a Flood Risk Assessment and Drainage layout plan.
- 4.3.49 The application site is located in Flood Zone 1, the zone with the lowest risk from flooding from rivers and sea.
- 4.3.50 The Lead Local Flood Authority have raised no objection to the proposed development subject to the inclusion of conditions. Furthermore, Anglian Water and Affinity Water have raised no objections to the proposed development.
- 4.3.51 The proposed development would be in accordance with the NPPF and NHLP Policy NE7.

#### Landscaping, and Greenspace:

- 4.3.52 The existing site contains predominately scrub and boundary hedgerows along with occasional trees.
- 4.3.53 The proposed development has been designed to retain much of the existing vegetation within the site. There would be some works to the existing vegetation along the southern and eastern boundaries to allow for the creation of car parking spaces and maintenance of access to the building.
- 4.3.54 Additional planting, including new tree planting, is proposed within the site. Furthermore, the development would not include the removal of the existing vegetation that falls outside of the boundary ownership.
- 4.3.55 Therefore, the development would retain much of the existing vegetation along the southern boundary, would introduce new scrubs and trees along the northern and part of the eastern boundary, and would introduce planting close to the access to the site.
- 4.3.56 Given the above, the proposed development would maintain and enhance the existing landscaping within the site.

#### Biodiversity and Ecology:

- 4.3.57 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.58 The application site is classified as a small site and is therefore not currently required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.

- 4.3.59 The Biodiversity Metric Report submitted alongside the application shows a net gain of 0.34 habitat units and no change to hedgerow units. A 45.15% gain in habitat units will be delivered on-site as a result of the development. The proposed development would deliver net gains in biodiversity and would therefore comply with Policy NE4 of the Local Plan.
- 4.3.60 Herts Ecology have acknowledged that the site contains an intense lighting layout and there is little opportunity for locations within the site to function as roosts. The ecologist has requested that an appropriate condition be included for the submission of a lighting strategy designed according to the principles set out within the Bat Conservation Trust and Institute of Lighting Professions Bats and Artificial Lighting at Night Guidance Note. However, officers consider that this needs to be balanced against the lighting requirements for the existing and proposed development in terms of providing a safe environment for users at night. The applicant has agreed to reduce the lighting levels across the car park and it is proposed that this matter is controlled by planning condition.
- 4.3.61 As per the submitted soft landscaping plan, the proposed development would incorporate a Hibernacula, hedgehog house, integrated bat boxes, integrated swallow boxes, and bird boxes. However, given the illumination levels Herts Ecology has withdrawn a previous recommendation for the installation of bat and bird boxes in existing buildings and leaves this to the applicant's ecological consultant to decide if locations and illumination levels would allow this.
- 4.3.62 In conclusion, the proposed development would comply with both the Local Plan and NPPF. No objection is raised to the proposed developments impact upon biodiversity and ecology. The proposal would deliver significant net gains in biodiversity and would therefore comply with Local Plan Policy NE4.

Environmental Health Considerations:

- 4.3.63 Environmental Health have been consulted in relation to the proposed developments impact on noise, air quality, and land contamination. No objections have been raised to the developments impact subject to the inclusion of appropriate conditions and informatives.

Sustainability and Climate Change:

- 4.3.64 Section 14 of the NPPF sets out that the planning system should support the transition to a low carbon future. This principle is echoed in Policy D1 of the Local Plan that encourages all reasonable opportunities to reduce energy consumption and waste.
- 4.3.65 The application has been submitted alongside an Energy Strategy Statement and Sustainability Statement. The development would be constructed to high standards designed to reduce heat loss through the fabric of the building and thus reducing the amount of energy required to heat the building. The development would also maximise energy efficiency through measures that include energy efficient lighting and appliances.
- 4.3.66 Electric vehicle charging points would be incorporated into the development with the provision of four EV charging spaces within the site.
- 4.3.67 Given the above, it is considered that the development would successfully incorporate carbon reducing technologies that would reduce energy consumption and waste. The proposal would be in compliance with both local and national planning policies.

Other Issues:

4.3.68 Concerns have been raised with regards to the impact of the development upon loca67business. Whilst noted, the development would be a sustainable development in a sustainable location that would create jobs and allow for the redevelopment of The Anchor maintaining its viability. The development would therefore provide economic benefits and help build a strong, responsive, and competitive economy as per the core principles set out in the NPPF.

#### 4.4 **Conclusion**

4.4.1 The principle of development in this location is considered acceptable. The design and layout of the scheme would not result in any unacceptable harm to the character or appearance of the locality. The development would also be appropriately sited and design to avoid any unacceptable harm to the amenities of neighbouring properties. The development would also be acceptable on highways safety grounds and provide sufficient off-street car parking spaces for users of the site whilst also being situated within a sustainable location.

4.4.2 It is considered that the proposed development would result in an acceptable form of development that would be in compliance with the policies set out within the North Hertfordshire Local Plan and the provisions set out within the National Planning Policy Framework.

#### 5.0 **Alternative Options**

5.1 None applicable

#### 6.0 **Pre-Commencement Conditions**

6.1 To be agreed and Members will be updated prior to the meeting.

#### 7.0 **Legal Implications**

7.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 8.0 **Recommendation**

8.1 That planning permission be **GRANTED** subject to the following:

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the commencement of development involving the installation of surface water drainage in relation to the new retail unit, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Flood Risk Assessment, dated 5 June 2023 Ref: 004\_8210658\_SM\_Flood\_Risk\_Assessment, and response to Lead Local Flood Authority Comments, Ref: 006\_8210658\_SM\_LLFA\_Response) and Drawings (Proposed Drainage Strategy, by Glanville, June 2023, DWG no. 8210658 - SK10 Rev P4) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Council: Policy NE8: Sustainable drainage (Reducing Flood Risk), Policy NE9: Water quality and environment and Policy SP12: Green infrastructure, biodiversity and landscape.

4. Prior to the first occupation of the retail unit, details of the maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

1. a timetable for its implementation.
2. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
3. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council: Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment and Policy SP12: Green infrastructure, biodiversity and landscape.

5. Upon completion of the surface water drainage system, including any SuDS features, and prior to first occupation of the retail unit; a survey and verification report from a suitability qualified surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface

water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Council Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment and Policy SP12: Green infrastructure, biodiversity and landscape.

6. Prior to the commencement of construction on the retail unit a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected Please note if, you the Local Planning Authority review the application and decide to grant planning permission, you should notify the us, the Lead Local Flood Authority, by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

7. Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing 2022/6832/007 P4, shall be completed and thereafter retained. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.

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

8. Prior to the first occupation of the development hereby permitted visibility splays measurement shown on drawing number 2022/6832/007 shall always be maintained free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. Refuse Collection Prior to the first occupation of the development hereby permitted, the applicant shall provide in writing to the satisfaction of the Highway Authority, an agreement in place regarding private refuse collection arrangement indicating the size of vehicle in operation. The refuse collection vehicle must be able to enter the site in a forward gear, turn on-site, and exit the site in a forward gear. In the event that the size of refuse vehicle should change such that the turning movement overruns the kerb at the access, the applicant is required to enter into a new s278 agreement to provide an adequate width for the site access.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to first operation of the site, the fencing detailed in Section 5 and Figure 5 of "Noise Impact Assessment, The Anchor Inn, Hitchin" Report Reference 50-815-R1-2, dated 5 June 2023 by e3p, shall be implemented and maintained thereafter.

Reason: To protect the residential amenity of existing residents in accordance with Policy D3 of the North Hertfordshire Local Plan.

12. Prior to first occupation of the retail unit, details of plant and acoustic enclosure (if required) shall be submitted to the Local Planning Authority for Approval to demonstrate compliance with the relevant plant noise limit detailed in Section 4.4 of "Noise Impact Assessment, The Anchor Inn, Hitchin" Report Reference 50-815-R1-2, dated 5 June 2023 by e3p.

Reason: To protect the residential amenity of existing residents in accordance with Policy D3 of the North Hertfordshire Local Plan.

13. Prior to completion, the proposed new development shall incorporate a minimum of 4 Electric Vehicle (EV) ready charging points, a minimum of 1 of these shall be dedicated for disabled use. The charging points shall be retained and made available for customer and staff use thereafter.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

14. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

15. The development hereby approved shall incorporate the habitat features as shown on drawing No. J230417-GC-L-DR-4-101. Once installed, the habitats shall be maintained in perpetuity.

Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan.

16. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Informative/s:**

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047
2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not



to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Environmental Health Informative:  
  
During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
6. Environmental Health Informative:  
  
During the construction works phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
7. Prior to the commencement of demolition of the existing building(s), a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.