

## 23/01947/FP – The Anchor, 84 Cambridge Road – Updates

### Update 1: Agents Review of Committee Report:

The agent has reviewed the committee report and requested that the following point or clarity and amendments be made. I have provided a response below each point:

- Please could we confirm that whilst the site could be considered out of centre due to the adjacent local centre not having a town centre boundary, the site is very close and well related to the adjacent local centre and due to serving a local need is entirely policy compliant. It would also be helpful to confirm that competition is not a planning issue.
  - *BG: The application site is not situated within the Hitchin Town Centre, but is situated close to the Walsworth (Cambridge Road) Local Centre (approximately 60m to the crossroads junction between Willian Road, Woolgrove Road, and Cambridge Road.*
- It would be helpful to confirm to Members that the sequential test has been satisfied and that the scheme accords fully with Policy ETC3 of the LP and the NPPF.
  - *BG: As set out in the 'Sequential Assessment' section of the committee report, the proposed development is considered to be in an acceptable location and in compliance with both Policy ETC3 and the NPPF. This follows the submission of what is considered an acceptable sequential assessment.*
- It would also be helpful to confirm to Members that the B&M store car park is in Walsworth Local Centre and that it is also unavailable.
  - *BG: It is understood that the B&M car park is unavailable and not suitable as an alternative location for the development proposed.*
- It would be helpful to confirm at the end of the Sequential Assessment section that it has been shown that there are no available, suitable and viable out-of-centre sites which could accommodate the development that are more accessible and better connected to a designated centre. As such this is a suitable and appropriate site to accommodate the development. It should be noted that Walsworth (Cambridge Road) Local Centre is just 35m to the north of the site and the scheme is well related to it.
  - *BG: As set out within the committee report, the application site is considered a sustainable, accessible, and suitable location for the purposes of applying Policy SP1, ETC2, and ETC3 of the Local Plan.*
- It would be helpful to confirm that the TS demonstrates that the scheme will not give rise to any high capacity, traffic impact or highway safety issues and that the access has been shown to be safe and meet all relevant standards.
  - *BG: As set out within the committee report, the Highways Authority have no objection to the proposed development and the impacts the development would have upon the local highways subject to the inclusion of conditions and informatives.*

- It would be helpful if the Parking Provision section were to mention that the parking standards are a maxima and that the scheme does actually accord with relevant car parking and cycle parking standards. We are also proposing improvements with EVC provision and disabled provision
  - *BG: It is agreed that the scheme would comply with the relevant car parking and cycle standards. The committee report is incorrect in stating that there would be an under provision of on-site car parking.*
  
- It would be helpful if the Flood Risk and Drainage section confirmed that the proposed development has been assessed and it has been shown that the scheme will not increase the risk of flooding on site or off-site, in accordance with Policy NE7 of the LP and the NPPF. It should also be explained that the existing site has no SW drainage regime, and that the proposed development will vastly improve the drainage regime for the site i.e the scheme will provide significant betterment.
  - *BG: As set out within the committee report, the application site is within Flood Zone 1 and the LLFA have raised no objections to the scheme subject to the inclusion of conditions. The proposed development would not increase the risk of flooding on or off-site.*
  
- Please could we make clear that the proposed development is not required to provide a 10% BNG because the application was received in September 2023, before the statutory BNG provisions came into force but that we still intent to meet this requirement. 4.3.59 is incorrect and needs amending to state that the Biodiversity Metric Report shows a net gain of 0.21 habitat units, equivalent to a 28.52% net gain.
  - *BG: As stated within in section 4.3.64 of the committee report, the site is classified a small site and is therefore not currently required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.*
  - *BG: A revised Biodiversity Metric Report was submitted to the Local Planning Authority on the 8<sup>th</sup> March 2024 after the officer committee report submission deadline. The updated Biodiversity Report shows a net gain of 0.21 habitat units, a 28.52% net gain.*
  
- Please could you confirm that the proposed development is acceptable in arboricultural terms, and that the application is in accordance with Policies SP12, D1 and NE1 of the LP and the NPPF.
  - *BG: As set out within the committee report, the proposed development would maintain and enhance the existing landscaping within the site. No objection is raised to the impacts of the development upon landscaping and greenspace. The proposal is considered to comply with both the relevant local plan polices and the NPPF.*
  
- With regard to noise could we confirm that the application complies with Policies D3 and NE11 of the LP and the NPPF and is acceptable from a noise perspective with suitably worded conditions to control noise from plant.
  - *BG: No objection has been raised by Environmental Health to the proposed development. Subject to the inclusion of appropriate conditions relating to noise, the proposal is considered to comply with Policy D3 and NE11 of the Local Plan.*

### **Update 2: Inclusion of a Lighting Condition:**

Following the submission of additional information relating to on-site lighting, it is considered appropriate to include the following compliance condition:

*“The development hereby approved shall be carried out in accordance with the submitted lighting scheme (Plan No. 020-16-E-01) and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure the development minimises light pollution and to protect wildlife and habitats in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031 and Section 15 of the NPPF (2023).”*

### **Update 3: Updated List of Conditions (including the above lighting condition:**

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 P5) 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 have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the retail unit 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 an suitably 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 3. 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 of the retail unit, a detailed construction phase surface water management plan for the site shall be 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 of the retail unit hereby permitted, the vehicular access improvements, as indicated on drawing 2022/6832/007 P5, 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 retail unit hereby permitted, visibility splays measurement shown on drawing number 2022/6832/007 P5 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. Prior to the commencement of development of the retail unit hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the retail unit 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 the first occupation of the retail unit hereby approved, the 1.8m high close boarded fence 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 the installation of the condenser unit serving the walk-in fridge / freezer at the pub, as shown on the approved plans, the 2.1m high close boarded fence 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.

13. 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.

14. 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.

15. Details and/or samples of materials to be used on all external elevations and the roof of the retail unit hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the construction of the retail unit 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.

16. The development hereby approved shall incorporate the habitat features as shown on drawing No. J230417-GC-L-DR-4-101 rev. H. 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.

17. 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.

18. The development hereby approved shall be carried out in accordance with the submitted lighting scheme (Plan No. 020-16-E-01) and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development minimises light pollution and to protect wildlife and habitats in accordance with Policy NE4 of the North Hertfordshire Local Plan 2011-2031 and Section 15 of the NPPF (2023)."