

DELEGATED APPLICATION REPORT - Application No. 230471/FUL

Address: George and Dragon, 162 Bath Road, Reading

Proposal: Demolition of existing pub/ restaurant and erection of 1 no Drive Thru retail / bakery unit (Class E) including erection of supporting structures, together with alterations to means of access, car parking, landscaping and associated works

Case officer: Ethne Humphreys

Determination Date: Originally 06/06/2023; EOT agreed 21/12/2023

Proposal:

Planning permission is sought for a drive-thru coffee shop following demolition of existing public house.

The coffee shop would be 185.7sqm², of single storey height and be constructed out of brick. The proposals would incorporate internal and external seating areas.

Facilities for 10 cycle parking spaces are proposed, 33 car parking spaces including 2 disabled bays and 2 waiting bays. There would be 10 electric vehicle charging points. It is proposed to remove 8 trees and replace with 15 trees.

Plans Considered:

• Site Location Plan	2136 00 B
• Topographical Survey	41024A/1
• Existing Site Plan	2136 20 B
• Existing Floor Plan and Roof Plan	2136 21
• Existing Elevations	2136 22
• Proposed Site Plan	2136 23 U
• Proposed Floor and Roof Plan	2136 24 H
• Proposed Elevations	GD001 201 A
• Proposed Elevations	GD001 202 A
• Proposed External Items	2136 28 I
• Proposed Demolition Plan	2136 29 B
• Proposed Boundary Treatment Plan	2136 30 H
• Drainage Strategy	8220244-SK04 P7
• External Site Plan External Lighting	020-09-E-01 P9
• Proposed Access Arrangement	2022/6488/003 P16
• George and Dragon Detailed Planting Plan	J230907-GCPS-ZZ-Z-D-L-0201 P04
• Plant details	
○ AC Freezer Room	
○ Mitsubishi Condenser	
○ Greggs Main Extract Specification (Issue 1 2017)	

Documents:

- Planning Statement
- Sequential Assessment
- Viability Study
- Heritage Statement and Building Recording ST19858 HER-001 March 23
- Heritage Note 230471 Sept 23
- Transport Assessment 2023/6488/TA01 3 April
- Travel Plan 2023/6488/TP01 3 April 23

- Drainage Strategy 009_8220244 Issue 7 30 Nov 23
- Noise Impact Assessment 50-740-R1-6 4 July 23
- Air Quality Assessment 6158-R2-1 Feb 23
- Arboricultural Impact Assessment and Method Statement 81-070- R2 22/03/2023
- Preliminary Ecology Appraisal and Bat Roost Assessment 2484266 Aug 22
- Bat Survey 2484266 Sept 2022
- Bat Emergence Survey Addendum 2484266 28 June 23
- Tree Climbing Survey 2484266 17 Aug 22
- Biodiversity Metric Report + Metric 81-070-R1-5 23 Nov 23
- Sustainability Statement 7481 V7 30 Nov 23
- Ventilation Report 020-09-VS-01 Rev 4 1 Dec 23
- Phase 1 Site Investigation and Preliminary Risk Assessment 936.01.01 Feb 22
- Phase II Ground Investigation Report 936.02.01 Jan 23
- Lighting Report 1 Dec 23
- Soft Landscape Management and Maintenance Plan Rev C 22 Nov 23

Relevant Planning History:

100586/ADV 1 internally illuminated free standing totem sign. Permitted

100518/ADV Double sided free standing correx sign mounted on two steel section posts. Refused.

1000017/FUL Erection of a smoking shelter to side of public house. Permitted

041352/FUL Installation of new fire escape stair, air conditioning units and fence screen to rear of premises. Permitted

041286/ADV Replacement external signage (Retrospective). Permitted

041007/FUL Alterations to form revised door and window openings at ground floor level. Alterations to car park and formation of beer garden. Permitted

Consultation Responses:

Transport: Further to revised information, no objection subject to conditions. Discussed below.

Natural Environment Officer: Further to revised information, no objection subject to conditions. Discussed below.

Ecology: Object, discussed below.

Environmental Protection: Further to revised information, no objection subject to conditions. Discussed below.

Nearby neighbouring properties were consulted by letter.

5 letters of objection received summarised as below:

- impact of trees
- increase in noise/light pollution
- increase in litter
- increase in traffic/vehicle queuing
- retail park visitors using residents/private parking
- construction noise/traffic
- conflict between vehicle users, pedestrians and cyclists/highway safety
- insufficient notification

Equality Act 2010:

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Plan 2019 according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Accordingly, the National Planning Policy Framework 2019 and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan 2019

- CC1 Presumption in Favour of Sustainable Development
- CC2 Sustainable Design and Construction
- CC3 Adaption to Climate Change
- CC6 Accessibility and the Intensity of development
- CC7 Design and the Public Realm
- CC8 Safeguarding Amenity
- CC9 Securing Infrastructure
- EN12 Biodiversity and The Green Network
- EN14 Trees, Hedges and Woodlands
- EN15 Air Quality
- EN16 Pollution and Water Resources
- EN17 Noise Generating Equipment
- EN18 Flooding and Drainage
- OU1 New and Existing Community Facilities
- RL1 Network and Hierarchy of Centres
- RL2 Scale and Location of Retail, Leisure and Culture Development
- RL5 Impact of Main Town Centre Uses
- RL6 Protection of Leisure Facilities and Public Houses
- TR1 Achieving the Transport Strategy
- TR3 Access, Traffic and Highway-Related Matters
- TR5 Car and Cycle Parking and Electric Vehicle Parking

National Planning Policy Framework (NPPF) 2023

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

National Planning Policy Guidance (2014 onwards)

Supplementary Planning Guidance/Documents

Parking Standards and Design (2011)

Sustainable Design and Construction (2019)

Reading Borough Council Tree Strategy (2021)

Reading Biodiversity Action Plan (2021)

Appraisal

Land Use Considerations

Before the proposed use and building can be considered, the loss of the existing use and existing building must first be considered. This report shall address each in turn.

Existing Use

Policy RL6 (Protection of Leisure Facilities and Public Houses) which relates to loss of leisure facilities and public houses, sets out the criteria that development is required to comply with to justify the loss:

- (a) There is no need for this type of facility in this area; or
- (b) The function of the facility can be adequately fulfilled by an existing facility, or a facility proposed as part of the development, where that facility would be at least as accessible to the same catchment; or
- (c) Unless the site is a sports or recreation facility, the impacts on amenity of residents or on crime and security of retaining the facility could not be dealt with through other measures and would be so severe as to outweigh the benefits to the wider community of retaining the facility.”

It is noted that the requirement is to meet either criterion rather than specifically all 3.

In terms of criteria a (no need for type of facility) the supporting text explains that evidence to show that there is no need for the facility should be based on clear, long-term issues and trends, rather than short-term economic circumstances or lack of viability due to poor management.

The premises was closed in March 2020 at the start of the Covid 19 pandemic and has remained closed since. The supporting Viability study prepared by Savills, details that the trading at the premises had been in decline for many years prior to the March 2020 closure (prior to Covid 19 pandemic) and provides detail into why the premises was failing.

A CAMRA viability test has also been included in the submission which the public house fails. This is considered to support the evidence that the premises are unlikely to sustain a viable pub at the site.

Significant, meaningful evidence has been submitted with the application that demonstrates the pub is unviable in the longer term. It is considered that the steps reasonably necessary to market the property have been undertaken. While the Covid-19 pandemic is likely to have worsened the forecast for the viability of pubs, it is a temporary situation. As such, the conclusion reached is based on the evidence based on non-Covid times. Consequently, the loss of the public house is considered acceptable, particularly with regard to the acceptability of

the loss of a pub in this location, the viability of the continued use of the building as a pub and the adequacy of the marking of the building.

Objections received through neighbour representation do not relate to the loss of the pub itself. Furthermore, the pub is not listed as an Asset of Community Value. There is no strong evidence to suggest that the building is valued as a pub by the local community. As such, the proposed development is not considered to result in the loss of a valued community facility and consequently its loss is not considered to have a significant negative impact on the quality of life, particularly in the social sense, of the community.

Proposed Use

The proposed use is a town centre use in an edge of town centre location. The NPPF specifies that retail development should be located in line with a sequential approach, and that it should have no detrimental impact on the vitality and viability of existing centres. This is reiterated by Policy RL2.

A sequential test to site selection has been submitted as part of the application. The sequential test considered the availability of premises within and on the edge of Reading Town Centre which would be capable of accommodating the proposal's requirements. It is considered that the applicant has suitably demonstrated a reasonable degree of flexibility in relation to its size and furthermore, given the nature of the use and requirement for passing traffic, the need to be clearly visible from an A or B road is accepted. The conclusion is that there are no suitable and available sites that would meet the requirements of the development as a consequence of either insufficient available floorspace, or a level of floorspace significantly in excess of that required or not visible from an A or B road (given the nature of the use).

Further to the above, there is no in-principle objection to the re-use of the site for a business use given the site was in business use and would generate a level of employment.

Retail Impact

The Council has adopted a threshold of 1,000 sqm in Policy RL5 for assessment of retail impact. The proposal relates to development of less than 1000 sqm, and, therefore, does not require an assessment of impact. There is therefore no policy objection to the proposed development in terms of impact.

Design Considerations and Impact on the Character of the Area

Policy CC7 (Design and the Public Realm) seeks to ensure that new development enhances and preserves the local character. The policy places importance on the layout of the urban structure and urban grain, stipulating that development should respond positively to the local context and create safe and accessible environments. The policy requires a "high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located".

Paragraph 135 of the NPPF 2023 details that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding built environment.

The National Design Guidance identifies 10 key components for good design and of particular note is the characteristic of 'Context' and it states that "well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It should enhance positive qualities and improve negative ones." Additionally, there is specific reference to 'views inwards and outwards'.

Demolition/Loss of Existing Building

The existing building is neither Listed nor in a Conservation Area. However, the public house, which dates back to the 19th century, presents a Victorian building of a simple but attractive form and appearance with traditional cills and windows, red brick and slate tiles. It could be considered a non-designated heritage asset.

Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN1 of the Local Plan confirms that the loss of a heritage asset will require clear and convincing justification, usually in the form of public benefits. Policy EN4, which relates specifically to locally important heritage assets states that planning permission may be granted for the loss of such an asset, but only where it can be demonstrated that the benefits of the development significantly outweigh the asset's significance.

Given the above, a Heritage Statement has been submitted with the application. This recognises that some historical value remains such original brickwork, windows and simple detailing. The first floor also retains some original floor plan, reflective of the historic function of rooms. The Heritage Statement concludes that the overall heritage significance is very low.

It is noted that various extensions have been constructed over the years. Of the current building, it is the main building (two storey element facing Bath Road) that comprises the earliest phases of historic development on the site. The building has been substantially altered and its appearance changed from its original Victorian heritage to that we see today - a building which has been subsumed somewhat by unsympathetic modern additions. Furthermore, the building is tired in appearance. It is noted that internally, finishes, fixtures and fittings are modern and it is in poor condition throughout,

It is acknowledged that the building presents a simple, attractive façade, to Bath Road. However, the architecture is not considered unique to the area and there is no substantive evidence that it played an important role in the development of the surrounding townscape or to the identity of the area. It is not considered that the building is of such significant heritage value to resist its demolition. The building has not been in use since early 2020 and the building is in a state of considerable disrepair.

Given the above, demolition and loss of the existing building is, therefore, considered acceptable subject to the proposed replacement building being suitable in design and related matters detailed below.

Proposed Building

The building as originally proposed, was considered to be overly function-led, with materials reflective of the brand but not considered appropriate to local context. Further to discussions held during the course of the application, the cladding and coloured branding has been removed and the proposed building will be constructed of brick. The use of buff, grey and red bricks - with mustard yellow and blue navy tiles and slate roof - is considered to be more sympathetic to local context with detailing such to provide visual interest.

Given its single storey nature, the proposed building, which would also be set back into the site - and set back from houses along Bath Road - is not considered to be dominant within the street scene. As noted elsewhere in this report, the trees along the frontage would also soften the development. It is considered that the scale, siting and detailed design of the building

would not result in such a dominating or incongruous feature of the area to warrant a refusal. The proposed building is considered to sit comfortably within its context, without resulting in a cramped appearance or dominating the street scene.

Impact on Parking/Highways

Policies TR3 (Access, Traffic and Highway related matters), TR1 (Achieving the Transport Strategy) and TR5 (Car and Cycle Parking and Electric Vehicle Charging) seek to address access, traffic, highway and parking related matters relating to development. The Parking Standards and Design SPD sets out guidance in respect of parking provision.

The Bath Road is a classified road and is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. Typically, these areas are within 400m of a Reading Buses high frequency 'Premier Route', which provides high quality bus routes to and from Reading town centre and other local centre facilities.

Concern has been raised through neighbour representation that the proposals would result in unacceptable traffic congestion on Bath Road. The proposal has been thoroughly assessed by the Council's Transport officers/the Highway Authority.

Parking

In accordance with the Parking Standards and Design SPD, there is currently no classification for a day drive thru; therefore, provision is based on Class A3 restaurant and café use (now Class E) which states 1 parking space per 5m². The new building will have a footprint of 185sqm; therefore, 37 parking spaces should be provided. The proposal includes 33 car parking spaces to be provided, including 2no. accessible parking spaces adjacent the main entrance and 2 drive thru waiting bays. 10no. spaces would be provided with Electric Vehicle (EV) charging facilities. The site will operate a one-way system and given that not all vehicles will utilise the parking provided and will visit the drive thru and immediately exit the site, the Council's Transport officer consider that 33 parking spaces is acceptable.

Cycle/Pedestrian Access

A dedicated pedestrian entrance has been proposed with a crossing facility provided over the drive thru route (this is in keeping with that installed at the entrance to Moorlands Avenue nearby). Corduroy paving is also shown at the site entrance to assist in advising pedestrians of the presence of cyclists travelling along the Bath Road.

During the course of the application, the pedestrian and cyclist entrance was shown to be increased in width to 3m to facilitate both users (given the close proximity of the cycle way of the Bath Road and the internal crossing point).

Vehicle Access

The proposed vehicular access width has been increased to allow for 2 way movement in and out of the site, which is acceptable.

Delivery/Refuse Vehicles

Plans have been updated to reflect a 13/18 Tonne Rigid Vehicle servicing the site which is reflective of the size of delivery vehicles servicing similar Greggs sites, which is acceptable. The submitted Transport Statement confirms the proposed delivery times that avoid peak traffic times and include the suspension of 6 car parking bays to allow for servicing of the site. The applicant has provided information to explain that this will be managed by staff; however, the appropriate servicing and delivery condition will also be applied to ensure effective management of the site during the stated delivery times.

Tracking Private Refuse Collection/ Delivery

The tracking for the delivery and refuse vehicle is acceptable, plans/transport statement indicate that a number of parking bays will be suspended during delivery/servicing times to allow for the vehicles to turn on site which is considered acceptable.

Reinstatement of dropped crossing.

The vehicular dropped crossing located towards the east of the site will need to be reinstated to full height kerb and will be covered via the appropriate conditions.

Trips Data

A Transport Statement was submitted as part of the application, assessing trip generation. During the course of the application, further consideration of likely traffic impacts of the proposals during the Saturday peak hours was provided. Assessment of weekday queuing between peak hours was also provided. This has been assessed by the Council's Transport officer as being acceptable.

A 'keep clear' marking is proposed to allow for vehicles to turn in to the site. This is considered to be more practical to implement as opposed to a yellow box arrangement. The Transport Statement notes that the natural gaps which appear in queuing traffic past the site would allow for right-turners to enter the site at regular intervals.

Based on the information provided, it is considered that any increased trip generation is not a material increase on the surrounding Highway Network.

Cycle Storage

During the course of the application, the cycle parking was relocated within the site to be adjacent to the main entrance and within a more reasonable proximity of the pedestrian / cycle access along the southern boundary of the site.

In accordance with the Council's current adopted standards a minimum provision of 1 cycle space per 6 staff and 1 cycle space per 300sqm would be required. Storage must be accessible and covered. The Transport statement confirms that 5 Sheffield stands providing parking for 10 cycles is proposed which is acceptable.

Construction

A condition requiring a Construction Method Statement (CMS) will be attached to any approval, requiring submission and approval before any works commence on-site to regulate the amenity effects of construction and to ensure that appropriate mitigation measures are put in place.

The Transport officer has raised no objection to the proposals, subject to conditions.

Impact on Neighbouring Properties

Policy CC8 (Safeguarding Amenity) states that development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties.

Concern has been raised in representation regarding the potential noise arising from the proposed use. It is considered that the proposed unit would be sufficiently distant from any residential or noise sensitive uses to avoid significant harm arising from any noise or odours from kitchen extract or other air handling plant. Hours of operation use will also be secured by way of condition to protect against neighbour amenity. Furthermore, the Environmental Protection Team have raised no concerns with the proposals in this respect and it is not considered that any noise impact would be so significant that it could be satisfactorily controlled via condition nor that it would warrant a refusal on this basis.

Given the relatively low height of the building combined and distance of at least 10m to side boundaries, the proposal is not considered to result in any significant material overbearing effects to any neighbouring property or their garden spaces. Given the nature of the proposal, no loss of privacy would arise.

The closest neighbouring property to the east of the site is No.156 Bath Road. Concern has been raised in neighbour representation that the proposed building would result in a loss of sunlight to the rear garden. As above, the building will be sited more than 10m away from the common boundary. The building will be single storey and the roof hipped away to further minimise any impact. This is considered sufficient enough to not result in any significant material loss of light to users of the garden. Concern has been raised that tree planting adjacent the property would also result in a loss of light. Discussion between officers (Natural Environment and Planning) and the applicant was held during the course of the application in respect of landscaping across the site generally and with regard to tree planting adjacent the eastern boundary. The tree is positioned approximately 10m from the closest part of No.156. Given the tree will take circa 50 years to reach a spread of near 10m, this is considered acceptable. It is not considered to result in such significant loss of light to warrant a refusal. Concern has been raised that fencing adjacent No.156 Bath Road would impact on visibility and light to the front of the property. The proposed fence, whilst clearly visible, would be sited away from the building (to the west) and is not considered to significantly impact the front bay window of No.156 given its location or be so visually intrusive to warrant a refusal.

In relation to No.1 Morlands Avenue, to the north of the site, there would be a distance of 10 to the common boundary, more to the house itself. As above, given the single storey nature, no overbearing effects are considered to arise. Concern has been raised that floodlighting located to the rear corner would result in light across the rear of the property. Given the proposed lighting would be angled away from No.1 Morlands and directed towards the proposed building, no significant materials concerns are considered to arise in this respect. It is noted that the lighting report and light spillage plan submitted with the application demonstrates that there will not be unacceptable light spillage to adjacent residential occupiers. Acoustic fencing is proposed adjacent to the order point, along the north boundary of the site, to further minimise the impact of noise.

Environmental Protection Matters

Air Quality

Policy EN15 (Air Quality) requires developments to have regard to the need to improve air quality and reduce the effects of poor air quality.

An Air Quality Assessment has been submitted with the application. This has been reviewed by the Council's Environmental Protection officer who agrees with the conclusions that whilst there will be a small negative impact on air quality, due to the pollutant levels not being above the limit values no further assessment or mitigation is required. The assessment also concludes that traffic generation is unlikely to lead to increased pollutants which the Environmental Protection Officer also agrees with, confirming no mitigation is required. Notwithstanding, the provision of cycle parking spaces, EV charging points and a travel plan for staff is proposed, to minimise car usage where possible.

Noise

Policy EN16 (Pollution and Water Resources) states that proposals for development that are sensitive to the effects of noise or light pollution will only be permitted in areas where they will not be subject to high levels of such pollution, unless adequate mitigation measures are provided to minimise the impact of such pollution.

A Noise Assessment has been submitted with the application. Concern was originally raised by the Environmental Protection officer about the potential for noise disturbance due to waste deliveries and commercial operations on occupants of nearby residential properties. It is noted that there is an existing pub/restaurant on site which, if reopened (at any point in time) could service - deliveries, refuse collection and trade - unrestricted. A condition is proposed to be attached to restrict deliveries/waste collections outside the hours of 07:00 to 21:00 on any day to protect neighbouring amenity. The surface across the car park is a mix of tarmac and then paving slabs to the entrance; there is unlikely to be any issue with rattling of trolleys across such surfaces.

Further to the above, it is noted that the pub traded entirely unrestricted and possibly later in the evening on certain nights of the week. The opening hours proposed, of between 6am and 11pm, are considered acceptable within this context and the times at which there will be activity on the site will be no difference to the public house. It is considered reasonable to conclude that activity at the proposed unit will be less into the later evening than would have been with the pub historically. Accordingly, given the location of the site on a busy main road and its extant use, the trading hours are considered acceptable.

The Environmental Protection officer considers that noise from general operations will be acceptable as it will be below the pre-existing background noise level. Opening hours (and as above deliveries and waste collection) will be condition.

In overall terms, the Environmental Protection officer has no significant concerns with the proposals. A condition is proposed to secure a noise management plan to set out measures to control noise in the early morning period from 06:00am to 07:00am to avoid disturbance to surrounding residential properties. The proposed building itself, combined with distances to side boundaries, elements of acoustic fencing and the use of appropriate conditions, is considered to provide sufficient amelioration such that there would not be any unacceptable noise levels. It is noted that a level of noise would have occurred through use of the beer garden.

Concern has been raised through neighbour representation regarding noise and air pollution from vehicle fumes, and from idling cars. However, the Council's Environmental Protection officer has raised no objection in this respect. Although some air pollution would result from vehicles visiting the drive thru, as above, this would be limited and unlikely to have a noticeable effect on air pollution levels in the area. It is also unlikely to materially affect the living conditions of neighbouring occupiers, particularly in view of intervening fencing and landscaping along the boundaries.

Odour/Ventilation

An odour assessment has been submitted with the application. This has been assessed by the Environmental Protection officer and considered acceptable to control odour appropriately. A condition requiring the system to be installed as specified is proposed to be attached.

In terms of noise, vibrations, dust and fume considerations, it is considered that both during the construction phase, and subsequently, the proposals will be acceptable subject to a variety of conditions for any permission. A construction method statement will therefore be secured via condition and is required from a highway safety perspective too.

In addition to the above, it is considered reasonable to condition that the use remains as a drive thru coffee shop rather than other uses that would be permitted within Use Class E as applications for alternative Class E uses should be assessed on their own merits as they could have a materially different impact to a drive through coffee shop.

As such in overall terms, considering all nearby residential occupiers, no significantly harmful amenity impacts would occur, subject to conditions.

Impact on Natural Environment

Policy EN14 (Trees, Hedges and Woodland) seeks to extend the Borough's vegetation cover and that development should make provision for tree planting whilst Policy CC7 (Design and the Public Realm) seeks proposal should include appropriate landscaping. Proposals should demonstrate an appropriate level of greening and/or net gain in the tree number. The site is located within an AQMA where tree planting and the retention of larger canopied trees is of great importance. Furthermore, the site is on a 'treed corridor', as defined in the Council's Tree Strategy and as such is a priority site for tree retention and planting.

13 trees are proposed to be removed. Considerable discussion has been held between officers (Planning and Natural Environment) and the applicant during the course of the application to achieve a net gain in trees, and of appropriate species. Revised plans now show 15 trees to be planted, which represents a net gain as required.

As above, the Bath Road is a 'treed corridor'. As such, and with regard to the site frontage, large canopy trees would be desirable where feasible. The proposed trees have been selected to have a medium sized canopy, so as to avoid future pressures on the trees for pruning due to encroachment towards the building and foot/carriage way. The selection of trees is considered appropriate for the available rooting volume in this location to avoid future disturbance and conflict with the low level frontage wall and adjoining hardstanding. It is noted that whilst there are smaller/medium canopy trees, these are interspersed with larger canopy trees.

The proposed tree planting across the site and particularly along the site frontage, is considered to offer significant visual and ecological benefits and would assist in softening the impact of the proposal within the street scene.

The Natural Environment officer has raised no objection to the proposals, subject to conditions.

Impact on Ecology

Policy EN12 (Biodiversity and the Green Network) seeks that development should not result in a net loss of biodiversity and should provide for a net gain of biodiversity wherever possible by protecting, enhancing and incorporating features of biodiversity on and adjacent to development sites and by providing new tree planting and wildlife friendly landscaping and ecological enhancements wherever practicable.

BATS

The Council's Ecologist has raised concerns regarding the loss of a bat roost, as result of the demolition of the existing building, and does not consider the proposed building to be a suitable replacement for roosting bats. The advice received is that the LPA needs to consider the tests in the habitat regulations, the first of which is whether or not there is a 'satisfactory alternative' i.e retain and convert the building.

The presence of bat roosts on site is not a reason in itself to resist the proposal. There is also no reason to believe that a licence wouldn't be granted by Natural England. It is proposed to mitigate the loss with bat boxes, two on the building and two on retained trees. This will be secured via condition.

BNG

In terms of Biodiversity Net Gain (BNG), the Council's Ecologist has raised concerns that the incorrect Defra Metric has been used in order to calculate BNG at the site. Concern has also been raised that the calculation does not satisfy 'trading rules'.

This is acknowledged. However, it is also acknowledged that the metric was acceptable when the application was submitted. It is not considered reasonable to impose the new metric (Defra Metric 4) on applications already in the system. Similarly, it is noted that satisfying the trading rules is not currently a mandatory requirement or policy.

The Biodiversity Net Gain report submitted with the application concludes that the development will result in a biodiversity net gain at the site - a gain of 0.36 habitat units and 0.18 hedgerow units. As above, there will be a net gain in tree planting alongside the biodiversity enhancements proposed. This is considered to be a benefit to the scheme. The report suggest inclusion of a 30 year habitat management plan and it is considered appropriate to secure this via condition.

This will be weighed up in the planning balance at the end of this report.

Sustainability

Policy CC2 (Sustainable Design and Construction) requires new development to reduce the consumption of resources and materials and includes that *"All minor non-residential developments or conversions to residential are required to meet the most up-to-date BREEAM 'VERY GOOD' standards, as a minimum"* and that *"Conversions to residential should incorporate water conservation measures."*

The applicant considers that given the scale and nature of the scheme, the imposition of a BREEAM assessment would make the scheme unviable and undeliverable. The concerns over BREEAM are noted and it is also noted that the applicant was advised of this requirement at pre-application advice stage. However, a sustainability assessment has been submitted and the sustainability aims of the proposal are recognised.

As such, it is considered reasonable to allow a flexible approach in this respect and a condition is recommended to be attached to require either the BREEAM certificate to be provided or for an alternative sustainability assessment addressing the requirements of Policy CC2 to be submitted and approved in writing by the LPA.

Further to the above, conditions are proposed to be attached relating to the drainage scheme submitted and its implementation. The details provided have been considered acceptable by the Local Lead Flood officer in terms of providing satisfactory drainage and surface water run-off.

CIL

CIL would apply to the proposal, subject to the usual reliefs or exemptions set out in the CIL Regulations. The standard CIL informative will be attached to the decision notice reminding the applicant of their duty in this respect.

Other Issues

In relation to planning conditions, in line with section 100ZA(5) of the Town and Country Planning Act (as amended), which came into force on 01/10/18, discussions have been undertaken with the applicant regarding pre-commencement conditions which have been formally agreed.

Other Matters Raised in Representation

The material planning considerations have been addressed in the report above.

Whilst the concerns of the local residents in terms of the disruption including noise, light and traffic implications that may be caused by the construction work are noted, it is not the planning system's role to prevent development on this basis. Inevitably, any construction works may lead to some temporary disruption. Ordinarily, the requirements of Environmental Health legislation will seek to limit any harm so far as reasonably practical and a standard informative will be added to any permission to draw this matter to the attention of the applicant. Furthermore, a condition is suggested requesting method of construction statement to be approved prior to commencement of works to minimise any such disruption, as well as an hours of works condition.

There is no substantive evidence that the proposal would give rise to anti-social behaviour to any notable degree. There is also no evidence to suggest the site would be used as a kind of race track. As regards littering, the bin provision is considered acceptable. There does not appear to be any particular reason why this would not be appropriately managed.

A site notice was displayed, and letters were sent to neighbouring properties.

Conclusion

The proposal is considered to make for the effective use of land under the Framework, given that it would replace an existing building and in accessible location. The proposal would assist in terms employment, with some limited employment relating to construction and then the operation of the proposal. The concerns raised by local residents during the course of the application are acknowledged. However, based on the information submitted and with the proposed conditions secured, it is not considered that the proposal would cause such significant harm to warrant a refusal. Whilst there is any Ecology objection to the application, the proposals are considered to provide an appropriate biodiversity net gain.

The extant use of the building as a public house and associated parking/traffic, noise disturbance, smells and environmental matters is a material consideration. The proposal has had significant input from Council Consultees including Natural Environment, Environmental Protection, Highways and Ecology officers. The proposal is considered acceptable subject to conditions.

RECOMMENDATION:

Grant, subject to conditions and informatives