

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO: 20/21

Date to Members: 20/05/2021

Member's Deadline: 27/05/2021 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE 21 May 2021

-

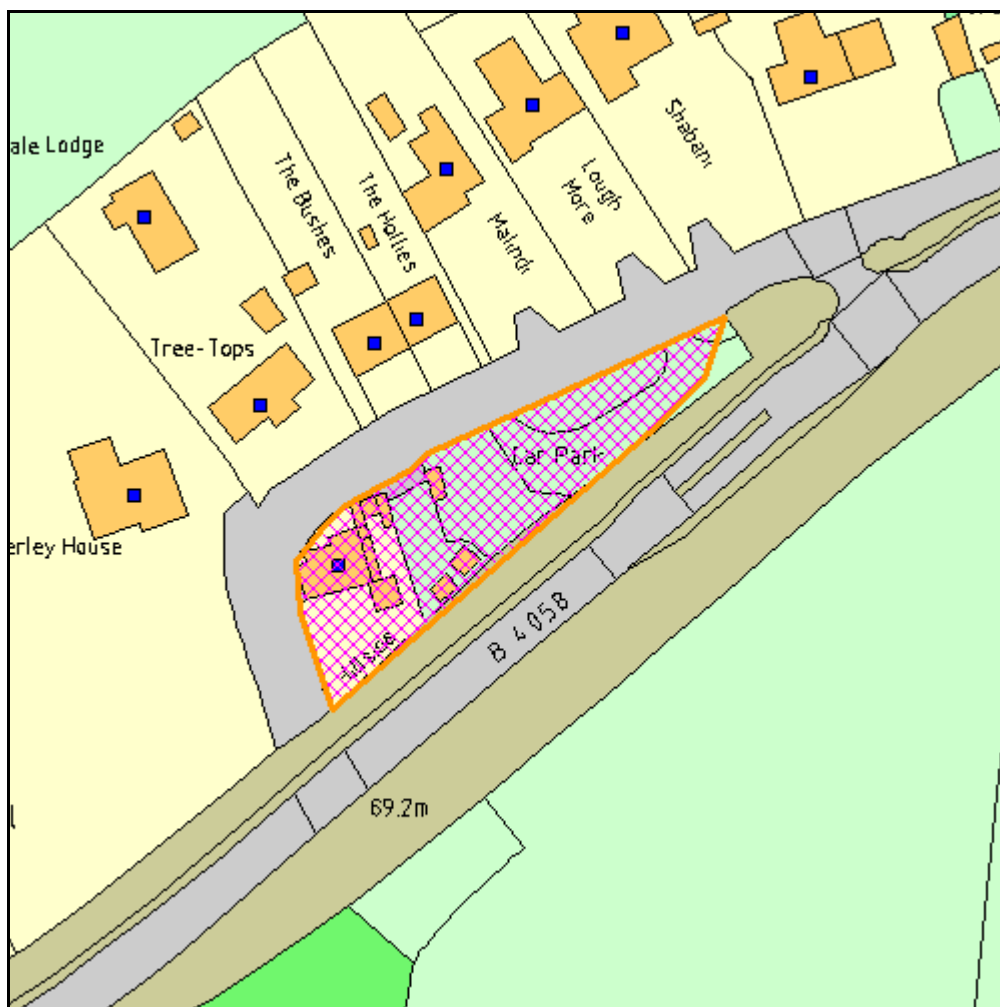
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/23035/RVC	Approve with Conditions	Hillside Charfield Hill Gloucestershire GL12 8LH	Charfield	Charfield Parish Council
2	P21/00810/RM	Approve with Conditions	6A The Square Broad Street Hill South Gloucestershire BS16 5LR	Staple Hill And Mangotsfield	
3	P21/02400/TRE	Refusal	58 Lower Moor Road Yate South Gloucestershire BS37 7PQ	Yate North	Yate Town Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
17/21	12 O'Clock Wednesday 28 th April	9am Thursday 29 th April	5pm Thursday 6 th May	Friday 7 th May
18/21	Normal			
19/21	Normal			
20/21	Normal			
21/21	12 O'Clock Wednesday 26 th May	9am Thursday 27 th May	5pm Thursday 3 rd June	Friday 4 th June

[Dates and officer deadlines for Circulated Schedule May Bank Holidays 2021](#)

CIRCULATED SCHEDULE NO. 20/21 -21st May 2021

App No.:	P20/23035/RVC	Applicant:	Nicky Edwards
Site:	Hillside Charfield Hill Charfield South Gloucestershire GL12 8LH	Date Reg:	20th November 2020
Proposal:	Variation of condition 4 attached to permission PT13/2534/RVC to increase the maximum number of children cared for to 63. Change of Use from residential (Class C3) to children's day nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of a single storey front and side extension. Conversion of attached garage and workshop .Construction of vehicular access, associated parking and works to trees.	Parish:	Charfield Parish Council
Map Ref:	371621 192021	Ward:	Charfield
Application Category:	Minor	Target Date:	15th January 2021



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P20/23035/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection from an elected Councillor.

1. THE PROPOSAL

1.1 This application seeks consent to vary condition 4 attached to permission PT13/2534/RVC to increase the maximum number of children cared for to 63 from 47 at Hillside Charfield Hill, Charfield. The original planning permission, PT10/2647/F, was granted for change of use from residential (Class C3) to children's day nursery (Class D1) to include erection of a single storey front and side extension. Conversion of attached garage and workshop, the construction of vehicular access, associated parking and works. PT13/2534/RVC was granted to increase the number of children from 39 to 47.

1.2 Condition 4 of PT13/2534/RVC reads as follows:

The facility hereby provided shall cater for no more than 47 children at any one time.

Reason

In the interests of highway safety and residential amenity and to accord with Planning Policies T8, T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.3 The application relates to Hillside: a detached building (former dwelling) on the north side of Wotton Road, Charfield. The premises occupies an 'island site' with Charfield Hill wrapping around the north and west site boundaries. The property lies within the Charfield settlement boundary that adjoins the southern perimeter of the application site. The property is locally listed. During the course of the application, the applicant submitted a School Travel Plan, Charfield Traffic Survey and Car Park Operational Plan to address the highway concerns.

2. POLICY CONTEXT

2.1 National Planning Guidance
National Planning Policy Framework February 2019
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

CS23 Community Infrastructure and Cultural Activity

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Local List (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2534/RVC Variation of condition no. 4 attached to planning permission PT12/0965/RVC to increase the number of children catered for from 39 to 47. Approved October 2013.
- 3.2 PT12/0965/RVC Variation of condition 6 attached to previously approved planning permission PT10/2647/F dated 16 December 2010 to extend the period of opening times from 08:00 - 18:00 Monday to Friday to 07:30 - 18:00 Monday to Friday. The nursery shall remain closed at weekends and on Bank Holidays.
Approved March 2012
- 3.3 PT10/2647/F Change of Use from residential (Class C3) to children's day nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of a single storey front and side extension; conversion of attached garage and workshop; construction of vehicular access, associated parking and works to trees.
Approved November 2010

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council - no response received
- 4.2 Arboricultural Officer – no comment
- 4.3 Highway Officer – no objection subject to condition
- 4.4 Police Community Safety – no adverse comment

Other Representations

- 4.5 Local Residents
2 letters of objection from residents and a letter of objection from Councillor O'Neil, and 2 letters of supports were received. The concerns are summarised as following:

Councillor O'Neill raised the following concerns:

The above application seeking to change the conditions of the original application that had a condition for the reasons of highway safety that number of children should be limited to 39, that since been increased to 47, the above application seeks to increase that number to 63.

I receive frequent complaints from residents of Charfield Hill living in proximity to the facility of highway safety issues, virtually all children are dropped off and picked up by car, the turning facility is not used by many due to load congestion with many drivers turning in the driveways of residents or reversing down the hill to access the Wotton Road from this cul-de-sac which has also become an issue with queuing traffic attempting to access the Wotton Road.

I would request that no decision is made on this application until a traffic assessment and road safety audit is completed.

I note the comments related by the applicant by an officer of the local Education Authority, I would make you aware that due to development in Charfield that the school is also over capacity turning parents and children away on an almost weekly basis, but there are other childminders and a further nursery in Charfield.

The existing facility is impacting on the amenity of residents living nearby, can you please take that into consideration.

Residents' concerns are related to the highway safety and they are summarised as follows:

- Cause a significant disruption to our street.
- Very limited parking facilities
- Half of the parking spaces are occupied by employee
- The current 3 nurseries can easily accommodate the local demand.
- There is no access to the nursery from the car park and parents and small children are walking on the road to get to the nursery.
- The exit from the car park is almost blind from cars coming up and down the hill and we had several near misses.
- Direct access from the car park to the nursery would eliminate any risks to parents or children.
- Visibility on exiting the car park should be improved.
- An increase in traffic and footfall will only increase risk further unless the main access to the nursery is directly through the car park.
- Parents' cars are parked opposite our driveway or backed up in front of those of our neighbours. It creates potential danger at the junction with Wotton Road (B4509).
- Any congestion or parking along our road, on the short stretch between the junction and the nursery, creates potentially hazardous road conditions, which are even more pronounced when winter frost and snow is present.
- There is no guarantee that traffic will not increase.

- Any increase in the number of children would require more staff members, who would likely be using a car to come to work, and thus would also contribute to increased traffic/parking hazards along this road.

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks consent to allow up to 16 more children attend the nursery at any one time and it is not proposed to vary other remaining conditions attached to the 2013 RVC application. The reason for limiting the number of children in the first place was in the interests of highway safety. The assessment to be made is whether the 16 additional children will have any significantly detrimental impact on the existing level of highway safety.
- 5.2 Highway
The proposal represents a considerable increase in the number of children at the Nursery. The concerns raised by the local residents and Councillor O'Neill are noted. The Highway Officer's original concern was how this is to be managed to minimise the impact of the development. To address the highway concerns, the applicant submitted a number of documents. In this instance, the applicant has engaged with Modeshift Stars - a nationally recognised Travel Planning scheme that seeks constant improvement and indeed is what SGC now utilise with its schools. As with schools, it is considered that it would be reasonable to apply similar requirements to the nursery, which is considered as an educational establishment. Therefore, it would be reasonable and necessary to impose a condition securing the application to achieve and maintain at least modeshift stars bronze level for the life of the nursery.
- 5.3 The local member's concerns have been noted and in response the applicant was requested to submit details of a traffic survey, car park management plan, a travel plan (with continued adherence). Whilst it is noted that the traffic survey was undertaken during Covid19 restrictions and as such an element of caution should be raised on this, from dissecting the number of vehicle movements identified with the nursery this would appear to correspond with in the region of 40 -50 children. The applicant has submitted a car park management plan which introduces measures and incentives for parents to manage access to the site. Furthermore, as mentioned previously, the nursery is exhibiting good practice by having a 'MODE Shift Stars' travel plan. With all of these measures in place, officers consider that the increase to in numbers is acceptable from a transportation perspective. A road safety audit is not required as there is no change in the form of access, and no historical data/evidence to indicate that there is a safety issue in this location.
- 5.4 In summary, subject therefore to a condition that requires them to maintain a minimum of 'bronze' level mode shift stars then there is no transportation objection to this proposal.
- 5.5 Residential Amenity
No external or physical alterations are proposed to the building that could impact on existing levels of residential amenity. Whilst the 16 additional spaces could result in additional picking up and dropping off movements, these

additional movements are unlikely to have a materially significant impact on the existing level of amenity afforded to the neighbouring properties.

5.6 Planning Conditions

The conditions attached to the application PT13/1788/RVC will be copied over to the new decision notice as relevant with the altered wording of condition 4 and an additional condition relating to secure modeshift stars bronze level for the life of this nursery.

5.7 Other Issues

In the letters of objections, it is mentioned about there are other nurseries to accommodate the local demand. While no further details are available in terms of the current capacity of other nurseries, it is important to clarify that the capacity of other establishments would not be material planning consideration and to warrant a refusal of this application.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 That the application be approved subject to the conditions below

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In order to protect the character and setting of this locally listed building and to accord with Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places

Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the provisions of the National Planning Policy Guidance.

3. The off-street parking and drop-off facilities on the plan hereby approved shall be retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the provisions of the National Planning Policy Guidance.

4. The facility hereby provided shall cater for no more than 63 children at any one time.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the provisions of the National Planning Policy Guidance.

5. Opening hours shall be restricted to 07.30-18.00 Monday to Friday with the nursery closed at weekends and on Bank Holidays.

Reason

To protect the residential amenity of neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

6. The premises shall be used as a child's nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

Any alternative use would require further consideration given the proximity of neighbouring dwellings and highway safety issues in accordance with Policy PSP8, PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the provisions of the National Planning Policy Guidance.

7. The schedule of landscape maintenance agreed under PT10/2647/F shall be carried out in accordance with the approved details.

Reason

To protect the landscape character of the site and to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy

(Adopted December 2013), and the provisions of the National Planning Policy Guidance.

8. The proposal hereby approved shall be carried out exactly in accordance with the School Travel Plan, received by the Council on 23 February 2021.

Reason

To allow the Council to monitor the impact of the proposed additional children on parking and highway safety in accordance with the requirements of Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

9. The proposal hereby approved shall be carried out to achieve and maintain at least the Bronze level of the Modeshift Stars, a nationally recognised Travel Planning Scheme for the life of the child's nursery.

Reason

To safeguard the highway safety in accordance with the requirements of Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. This decision relates only to the plans identified below:
Site Location Plan received by the Council on 12th July 2013.

Reason

To safeguard the amenity of the area and the public highway safety and to accord with Policy PSP8, PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and Policy CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the provisions of the National Planning Policy Framework.

Case Officer: Olivia Tresise
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 20/21 -21st May 2021

App No.:	P21/00810/RM	Applicant:	Mr Francis
Site:	6A The Square Broad Street Staple Hill South Gloucestershire BS16 5LR	Date Reg:	16th February 2021
Proposal:	Erection of 6no. two bedroom flats (Outline) with Landscaping to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK17/4477/O).	Parish:	
Map Ref:	365058 175970	Ward:	Staple Hill And Mangotsfield
Application Category:	Minor	Target Date:	9th April 2021



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P21/00810/RM

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the number of letters of objections from neighbours. Please note that none relate specifically to the reserved matter of landscaping.

1. THE PROPOSAL

- 1.1 This application seeks only the approval of reserved matters in respect of landscaping following approval of an outline application PK17/4477/O where all other matters were approved (access, appearance, layout and scale) in respect of a six flat extension to this mixed use building.
- 1.2 Amended plans, of the location and planting scheme, have been submitted during the application and these now form the last of the reserved matters.
- 1.3 The application site is located on Beaufort Road in Staple Hill on land associated with 'The Square', part of the primary shopping frontage.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2019

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
 CS2 Green Infrastructure
 CS4A Presumption in Favour of Sustainable Development
 CS5 Location of Development
 CS8 Improving Accessibility
 CS9 managing the Environment and heritage
 CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017

PSP1 Local Distinctiveness
 PSP2 Landscape
 PSP8 Residential amenity
 PSP11 Transport Impact Management
 PSP31 Town centre
 PSP33 Primary shopping frontage
 PSP43 Private amenity standards

- 2.3 Supplementary Planning Guidance
N/A

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/4477/O Erection of 6no. two bedroom flats (Outline) with access, appearance, layout and scale to be determined. All other matters reserved.
Approved 04.05.2018

4. **CONSULTATION RESPONSES**

- 4.1 Parish Council
Non- parished area.

- 4.2 Other Consultees
Landscape officer
No objection.

Highway officer
No objection.

Highway structures
One structure present – relayed to agent by email as not relevant to this landscaping application.

Public open space
No comment – below threshold.

Lead Local Flood Authority
No comment related to landscaping.

Coal Authority
No objection – matters dealt with in the outline permission.

Other Representations

- 4.3 Local Residents
Despite the application only being in relation to landscaping 8 objection comments with the following concerns about parking, littering, more inhabitants and a legal case, mismanagement, disruption noise, lack of infrastructure to cater for residents, traffic, impact on existing resident, blocked light to neighbours.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The principle and detailing of the block of six flats have all been determined already and this application simply seeks to determine landscaping as a reserved matter. Other matters are not able to be considered in this application and were considered under the outline planning application PK17/4477/O.

- 5.2 Landscaping
There is no structural landscaping on the site. The limited landscaping possibility on the site currently is only catered for in brick troughs raised above

the ground which currently demarcate the edge of the private car park from the highway. These were not maintained at the time of the officer visit for the outline application and their replacement with ground planted species next to the highway is considered acceptable. These will be replaced with ground level climbing decorative ivy on trellis to either side of the vehicular access to the internal parking area. As no detail of trellis height was submitted a condition is recommended for a minimum trellis height of two metres.

5.3 Impact on highway

The limited landscaping in the form of a climbing ivy on trellis will not hinder the public pathway or visibility splays. As such there is no highway objection.

5.4 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to approve the reserved matter has been taken having regard to the policies and proposals in the South Gloucestershire Policies Sites and Places Plan adopted November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the reserved matter of landscaping is approved subject to the following condition.

CONDITIONS

1. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development hereby approved.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of biodiversity and visual amenity of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The supporting trellis as indicated on plan 16.028 - 500 d shall rise to at least 2m above ground level.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of biodiversity and visual amenity of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. The application shall be carried out in accordance with the following submitted plans:
16.028 - 500 location/ block plan rec 12 February 2021
16.028 - 500 d proposed landscaping on ground floor plan received 10/3/2021

Reason

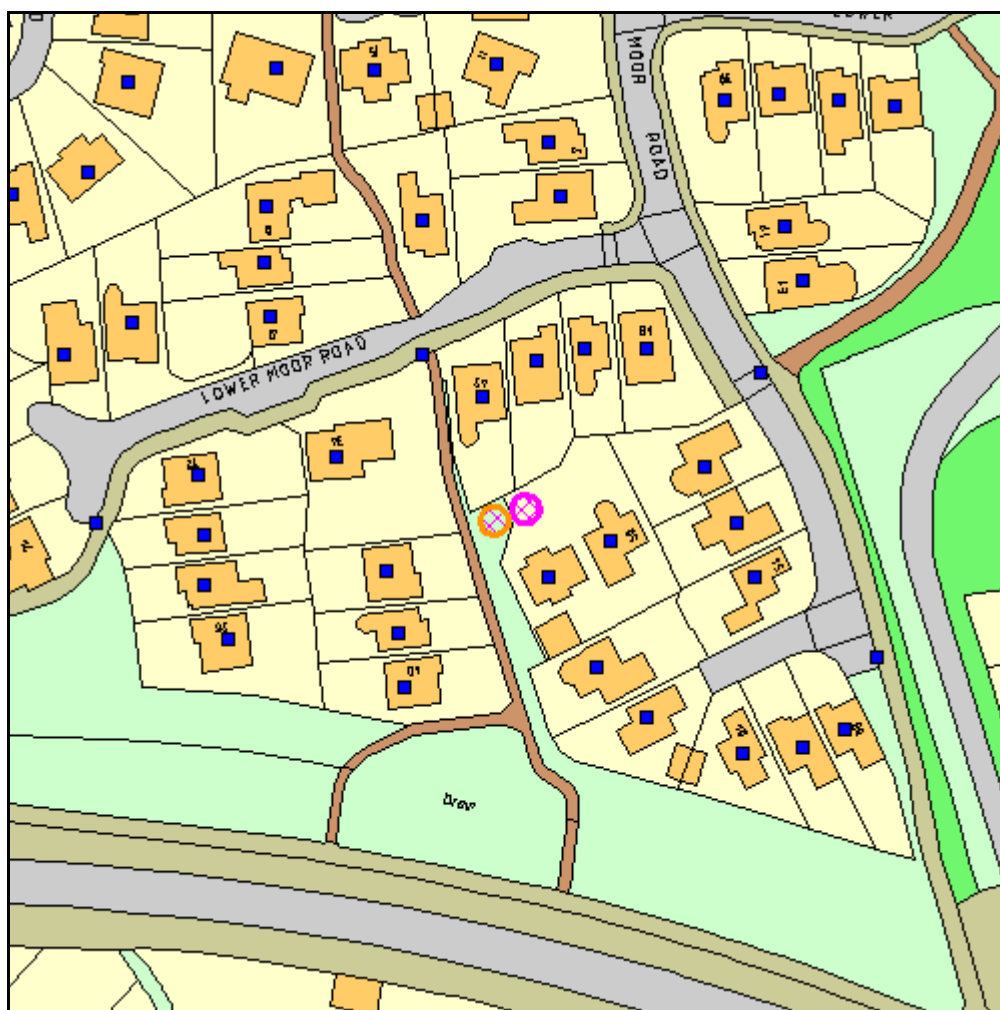
In the interests of clarity and to prevent the need for remedial action

Case Officer: Karen Hayes

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 20/21 -21st May 2021

App No.:	P21/02400/TRE	Applicant:	Mrs Jodie Head
Site:	58 Lower Moor Road Yate South Gloucestershire BS37 7PQ	Date Reg:	31st March 2021
Proposal:	Works to fell no.2 Oak trees covered by South Gloucestershire Tree Preservation Order SGTP016/04.	Parish:	Yate Town Council
Map Ref:	371338 183763	Ward:	Yate North
Application Category:		Target Date:	24th May 2021



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P21/02400/TRE

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

This application is referred to the Circulated Schedule as comments have been received that are contrary to the Officer's recommendation.

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

1. THE PROPOSAL

1.1 Works to fell no.2 Oak trees covered by South Gloucestershire Tree Preservation Order SGTPO16/04.

1.2 58 Lower Moor Road, Yate, BS37 7PQ

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

3.1 P19/12132/TRE - Decision: Consent. Date of Decision: 23-OCT-19, Proposal: Works to crown reduce 2no. Oak tree back to previous points.

3.2 PK16/4232/TRE - Decision: Consent. Date of Decision: 05-SEP-16, Proposal: Works to crown reduce 1no. Oak tree back to previous points

3.3 PK12/1907/TRE - Decision: Consent. Date of Decision: 15-AUG-12, Proposal: Works to 1no. Oak tree to reduce crown by 20% and remove deadwood and epicormic growth

3.4 PK13/2656/TRE - Decision: Consent. Date of Decision: 13-SEP-13, Proposal: Works to 1no. Oak tree to prune to previous points

3.5 PK04/3752/TRE - Decision: Consent. Date of Decision: 09-DEC-04, Proposal: Works to 1 no. Oak tree (T2) to reduce crown by 25%

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No comments

4.2 Tree Officer (Council owned trees)

The tree team who are responsible for Council owned tree stock has raised objection to the removal of the council owned tree.

Other Representations

4.3 Local Residents

Two neighbour representations have been made and have been summarized into the following points.

1. Why did the Council and Planners allow houses to be built so close to these trees?
2. Did Planners and Developers make allowances for our foundations depths with Clay Heave protection?
3. Ditto Private and Adopted drainage have allowances for root damaged
4. Lack of light to our garden area
5. Concern for structural damaged and Safety from falling branches (occurred my times over the years) into our gardens
6. Support for removing the tree within no. 58 but retaining the council owned tree.
7. Concerns raised regarding subsidence.
8. Loud and aggressive birds nest in the tree.

5. ANALYSIS OF PROPOSAL

5.1 Works to fell no.2 Oak trees covered by South Gloucestershire Tree Preservation Order SGTPO16/04.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The proposed works would see the removal of two mature Oak trees, one located within the rear garden of the applicant's property and one on adjacent council owned land.

At the time of visit the Council owned tree showed no defects that would require any health and safety works under the Council's tree asset management plan. Both trees show good vitality and have very high public amenity value and are cohesive as a pair.

The reasons brought forward for the removal of the two trees have been summarized below.

- Bird mess
- Loss of light
- Unusable garden space
- A fear of wind failure

It is considered that bird mess can be dealt with, by employing cost effective means without the need for tree removal. Whilst this has been cited as a concern by the applicant there is little evidence of action by the applicant to abate the issue prior to applying for tree removal. Cost effective ways to abate the issue that does not require tree removal are as follows:

- **Hanging reflective items from trees or around your garden**
- **Scarecrows**
- **Predator statues**
- **Ultrasonic and audible devices**

The tree officer considers that it is very uncommon to be affected by pathogens associated to bird mess and can only assume that food-borne pathogens and diseases are even more uncommon due to the fact that it is not being ingested. The washing of hands would almost eliminate all risk of infection (Source HSE).

It is considered therefore that the presence of bird mess does not provide a significant threat to human health that would justify the removal of two protected trees.

The applicant has expressed their and their neighbours' concerns with regards to the safety of both trees and are fearful they may fail. Although the tree officers have inspected the SGC owned tree, it has been advised on several occasions that the applicant seeks the expertise of a suitably qualified arboricultural consultant to carry out a condition survey of the applicant's tree. Until the trees probability of failure can be quantified, there is insufficient justification for removing the tree on the basis of being "unsafe" or that it may fail.

No evidence has been presented to the authority determining the condition of the tree, there is therefore insufficient justification for the removal of the tree due to health and safety concerns.

There is no inherent light to light and it is considered that some loss of light is normal when living with trees. Among the bird mess, leaf litter and the dropping of small branches, it is reasonable to assume that these natural processes are part of owning a tree and that this should be considered when purchasing a house.

Neighbour comments discuss the presence of the tree and the approval of development in close proximity to them, and subsidence. With regards to subsidence, there has been no evidence to suggest that there is subsidence.

In relation to the proximity of the trees and the house, it would be unfair to judge the trees position through the lens of current guidance. Whilst it is accepted that, in relation to current guidance, it would not be preferable to locate the house in close proximity to the tree, their location was acceptable at the time of the development and provide amenity value.

Since the development, the trees have been managed appropriately and the authority have regularly permitted pruning works to abate any nuisance of extensive encroachment.

Insufficient justification has been presented for the removal of tree and it is felt that their removal would cause detriment to the character of the area. Furthermore, one of the trees applied for is council owned, and the loss of such an asset during a climate change emergency, would directly contradict the councils own policy.

6. RECOMMENDATION

6.1 REFUSE

REASONS FOR REFUSAL

1. The proposed works would be detrimental to the appearance of the tree and the visual amenity of the locality.

Case Officer: Ben Wainhouse

Authorising Officer: Helen Ainsley