



# STROUD DISTRICT COUNCIL

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## DEVELOPMENT CONTROL COMMITTEE

20 July 2021

6.00 - 7.26 pm

Council Chamber, Ebley Mill, Stroud

### Minutes

#### Membership

**Councillor Martin Baxendale (Chair)**

Councillor Chris Brine

Councillor Martin Brown

Councillor Jason Bullingham

Councillor Helen Fenton

Councillor Victoria Gray\*

\*= Absent

**Councillor Trevor Hall (Vice-Chair)**

Councillor Haydn Jones

Councillor Loraine Patrick

Councillor Mark Ryder

Councillor Lucas Schoemaker

Councillor Ashley Smith

#### Officers in Attendance

Majors & Environment Team Manager

Senior Lawyer, One Legal

Senior Arboriculture Officer

Senior Planning Officer

Senior Democratic Services & Elections Officer

Democratic Services & Elections Officer

#### Other Member(s) in Attendance

Councillors Stephen Davies and John Jones

#### DCC.6

#### Apologies

An apology for absence was received from Councillor Gray.

#### DCC.7

#### Declarations of Interest

There were none.

#### DCC.8

#### Minutes

**RESOLVED**

**That the Minutes of the meeting held on 15 June 2021 were approved as a correct record.**

**DCC.9 Planning Schedule and Procedure for Public Speaking**

Representations were received and taken into account by the Committee in respect of Applications:

1	S.20/2109/FUL	2	S.21/1077/NEWTPO
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**DCC.10 Land at Fromebridge, Whitminster (S.20/2109/FUL)**

The Senior Planning Officer introduced the application and She informed that the site did not lie within any conservation area or in an Area of Outstanding Natural Beauty (AONB). The site had been assessed to be in flood zone 1 which was the lowest risk of flooding. The proposal included the use of the access which had been approved under reference S.19/0230/FUL. The proposed application sought to bring in materials in order to re profile the land to increase agricultural opportunity for cultivating the land. The current agricultural grading of the site was grade 4 with the neighbouring sites being grade 3A and 3B. The existing top soil removed from the land would be retained and reinstated over the top once the work had been completed.

The Local Planning Authority (LPA) proposed the condition of ground remediation (Condition 5) to restrict crop growing and cattle grazing until specification verification reports had been submitted and agreed. The applicant would also require a separate license from the environment agency which shared requirements to be met before the work was signed off. The development was expected to take around 18 - 24 months with an average of 20 lorry movements per day. As per the recommendations from the ecological report, mature trees and the existing pond were retained with the addition of improvements to the grassland surrounding the pond and the hedges forming the boundary for the site.

The Senior Planning Officer drew the Members attention to the response from the Lead Local Flood Authority (LLFA) which proposed all surface water to be redirected through swales, stored in a new onsite pond and then discharged into the River Frome. They advised that the swales and pond would be sized to accommodate increases of rainfall as a result of climate change and that they were content with the application in terms of its impact on water courses and flooding and had provided no objections. Gloucestershire County Council (GCC) Highways had also assessed the site with no objections however, they had proposed 2 conditions.

- 1) For visibility onto the A38 to be maintained of any obstructions.
- 2) For there to be separate left and right hand lanes, and for vehicles exiting the site to be directed left.

The Senior Planning Officer played videos showing the traffic and view at the proposed site entrance. And finished by stating that since the reports had been published both GCC Waste Department and SDC Environmental Health had come back with no objections.

Councillor Jones spoke as the Ward member, he raised several points for consideration and asked that the application be deferred for further evidence to be collected or if not refused.

- Concerns regarding the highway, he did not feel that the video showed a true representation of the access position in relation to the highway and felt a site visit would be more explanatory in terms of the traffic movements.

- Concerns regarding the use of the access. Councillor Jones asked whether an application should have been made to change the use from agricultural to commercial. This is due to vehicular access being required for 50 weeks of the year in comparison to agricultural needs which would not require access for that period of time.
- Concerns regarding vehicle access. The plan stated vehicles which approached from the South would be re-directed to the Fromebridge roundabout and all vehicles exiting the site would be directed left with the erection of an island to prevent right turns. This would be impossible to enforce as the alternative route would increase travel time substantially especially for those lorries wanting to travel North.
- Access to the site is in very close proximity to the junction with Perry Way which itself had a history of serious road traffic collisions (RTC). He proposed that a further
- highways assessment should be completed and that the application be reconsidered for road safety not just capacity.
- No mention is made of the house situated to the rear of the service station and the impact of having HGVs passing close by. That house should be assessed under policies CP13 and EI13 of the local plan.
- The site currently acted as a storage reservoir for excessive flood water as demonstrated by the flooding earlier this year and in previous years. He raised concerns that the flood water would travel either up or downstream and affect more vulnerable properties. The issue of potentially increasing flooding in other areas hadn't been sufficiently examined and should be looked at under ES3 and ES4 of the local plan.

The Senior Planning Officer advised the Committee there should be no speculation regarding future change of use applications and addressed Councillor Jones' other concerns confirming that:

- Highways had completed an assessment of the site without raising any objections. They assessed the capacity of the road as well as any safety issues.
- With regards to concerns over vehicles crossing lanes of traffic to access the site, the council would be unable to prevent people driving recklessly. The proposed plan included putting road safety measures in place.
- Regarding the flooding concerns, the LLFA used a database of existing sites to base their estimations and calculation on. They had assessed the site and were happy that the new subsoils would not cause an impact on flooding. As they were the technical advisors for flooding matters on that application, the council were required to take their opinion on its merit.

The Majors & Environment Team Manager stated that the submitted layout of the road details had been considered by highways and were deemed to be safe. If drivers chose not to follow the highway rules it would be down to the police to enforce as dangerous driving.

Councillor Davies spoke as a Ward member highlighted two main concerns, highways and flooding. He advised that the stretch of road was currently subject to an investigation following a petition from residents over growing concerns for the safety of the Perry Way junction. That investigation had not yet been concluded. Councillor Davies also stated that the piece of land had flooded in the past and therefore it could lead to water displacement. Councillor Davis proposed to delay the application in order to carry out further investigation into the flooding or to reject the application on the basis that it did not meet

policy ES3. He advised that should the application be approved, he would like Councillors to consider adding a condition suggested by Eastington Parish council, that there be no lorry movements before 9am or after 6pm.

Lucy Binnie a representative of the applicant spoke in favour of the application and informed the Committee that the applicant would be using his own company to complete the works which would give him full control over lorry movements. The lorries had their own GPS tracking system which would enable the applicant to keep full control over which directions the drivers entered and exited the site. She advised that the change use of the access was temporary and it would be reverted back to its usual agricultural use after the works had been completed. She acknowledged the flooding concerns raised and informed the Committee that the site had been assessed by a flood risk consultant and drainage advisors who had raised no objections, she also advised that the new pond proposed included an allowance for climate change on top of the current flood risk.

Councillor Patrick raised a question over why there was not a site visit planned for this application when there was one allowed for the following application. The Chair advised that at the time they were still operating under Covid restrictions and had to avoid any unessential gatherings. They felt that the application didn't warrant a site visit and believed the video provided a sufficient view of the site.

Councillor Ryder asked whether the current watercourse shown in the video would be filled in, it was clarified by the Senior Planning Officer that the watercourse was outside of the application site. It was also confirmed that no watercourses would be filled in during the work, there would be an additional pond built and the site would be contoured towards a North Easterly direction. In response to a further question the Senior Planning Officer advised that the proposal included plans for an island but it was not yet known if it would be painted, slightly raised or curb level as requested by Councillor Ryder.

Councillor Brown asked for confirmation that the materials brought in would not be contaminated to which he was directed towards condition 5 of the report. Councillor Brown expressed concerns of the lack of consideration for impact on climate change within the proposal. The Senior Planning Officer informed the Committee that the assessment completed regarding the flooding had allowed for a 40% increase caused by climate change it was also stated that developments could not occur without the movement of vehicles and that the applicant advised that the material used for this site would typically be from local development sites.

Councillor Jones expressed concerns regarding the flooding of the site. He recognized that the LLFA were content with the risk however, he felt that following his own experiences in winter and flash flooding in the summer should've been cause for concern. The Senior Planning Officer reiterated to Councillor Jones that the LLFA had not flagged or proposed any conditions which they had done in the past when sites were close to being at risk. The Majors & Environment Team Manager also reiterated the site was considered as flood zone 1, the lowest risk and the assessment showed it shouldn't cause any flooding. Councillor Jones expressed his continued concerns requesting that the council revisit the LLFA.

The Majors & Environment Team Manager confirmed the council could discuss with the Environment Agency to review their report however with the current ongoing work with the canal it was likely all the information they had was up-to-date and accurate.

Councillor Schoemaker expressed concerns regarding the unsatisfactory alternative route for lorries wishing to travel north out of the site. The Senior Planning Officer stated that on

previous reports, when an alternative route had been impractical in reality, Highways had informed her, but that was not the case with this report. The Majors & Environment Team Manager confirmed that the proposal was for temporary use and therefore shouldn't have a severe impact. He also confirmed the technical details would need to be signed off by Highways and they would ensure all road works were completed to a high standard.

In a response to a question from Councillor Brine the Senior Planning Officer confirmed that the nearby petrol station received regular lorry deliveries on the same stretch of road and they weren't restricted to left turns only. Councillor Brine also asked for confirmation that the proposal was putting soil on top of soil and therefore the only flooding risk would be to agricultural land. To which the Senior Planning officer confirmed the LLFA had advised that there would be no worsening of the flood risk.

Councillor Brine proposed to grant permission, Councillor Hall Seconded.

Councillor Patrick proposed to defer the application until a point where a site visit could be accommodated. Cllr Ryder Seconded the proposal.

On being put to a vote there were 3 votes for, 7 against and 1 abstention.

Councillor Jones expressed a concern about practical experience having seen it flooded regularly. Asking where would the water go once it was displaced, he was not convinced it wouldn't have an up or downstream impact somewhere.

The Senior Lawyer from One Legal acknowledged Councillor Jones' concerns and reiterated that the council had to base the decision on technical evidence. The LLFA and Highways raised no objection to the site.

On being put to the vote there were 7 votes for, 3 against and 1 abstention.

**RESOLVED To GRANT Permission for Application S.20/2109/FUL**

**DCC.11 St Marys, Eastcombe, Stroud (S.21/1077/NEWTPR)**

The Senior Arboriculture Officer introduced the application for the Tree Preservation Order. He informed the Committee that the order was for 5 trees in total, 2 Pine, 2 Beech and a Sycamore tree, all other mature trees adjacent to the highway on the land had already been removed. He informed Committee that they had received objections from the land owner and some surrounding houses and had received support from other members of the local community. As part of the assessment for the TPO they had used the TEMPO methodology which looked at amenity value, public visibility, tree condition and tree lifespan. He expressed that the trees made a positive contribution to the scenic character and diversity of the landscape and raised the overall quality of the scheme. It was confirmed that the TPO proposed wouldn't prohibit a future application to fell them.

Lesley Greene Spoke on behalf of Bisley Parish Council. She informed the Committee that the trees in question were healthy, mature trees with a 40-year lifespan ahead of them. They were great amenities, land mark trees with a strong visual impact that contributed to the skyline. The Parish Council had undertaken consultation and one of the key things raised was local wildlife corridors for which these trees supported. The amount of carbon collected by mature trees was substantially greater than newly

planted trees, with Climate Change and the aim of Carbon neutral 2030 in our thoughts, she recommended the committee supported this proposal.

Councillor Jones raised questions over the lifespan mentioned for the trees and for an estimation of how many trees had already been felled. The Senior Arboricultural Officer pointed him in the direction of the report where there was a section on lifespan guidance taken from the Arboricultural Association. He also confirmed there was not an exact figure of how many trees had already been removed but made an estimate of around 10.

In response to Councillor Ryders question, The Senior Arboricultural Officer informed the Committee that a TPO lasts indefinitely however, it could be amended or revoked in the future and it doesn't prohibit a future application to fell the trees.

Councillor Brown proposed, Councillor Schoemaker seconded the officer advice.

Councillor Brine expressed his thanks for the report and was in support of this proposal, he stated we should be protecting more of our tree stock.

Councillor Brown advised that he was a Ward Councillor and echoed the points that the Parish Council had raised. They were mature trees in their prime with a life expectancy of 20-40 years they were a very important part of the local landscape of Eastcombe. They could be pruned to mitigate the problems mentioned in the objections.

After being put to a vote the motion was carried unanimously.

**RESOLVED To CONFIRM the Tree Preservation Order S.20/1077/NEWTPO**

The meeting closed at 7.26 pm

Chair