



STROUD DISTRICT COUNCIL

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DEVELOPMENT CONTROL COMMITTEE

Tuesday, 17 October 2023

6.00 - 7.21 pm

Council Chamber

Minutes

Membership

Councillor Martin Baxendale (Chair)

Councillor Martin Brown

Councillor Victoria Gray

* Councillor Haydn Jones

Councillor John Jones

Councillor Gary Luff

*Absent

Councillor Helen Fenton (Vice-Chair)

Councillor Jenny Miles

* Councillor Loraine Patrick

* Councillor Martin Pearcy

* Councillor Mark Ryder

Councillor Lucas Schoemaker

Officers in Attendance

Head of Development Management

Majors & Environment Team Manager

Principal Planning Lawyer, One Legal

Democratic Services & Elections Officer

Trainee Arboriculture Officer

Other Member(s) in Attendance

Councillors Aldam and Ross

DCC.024 Apologies

Apologies for absence were received from Councillors Haydn Jones, Patrick, Pearcy and Ryder.

DCC.025 Declarations of Interest

There were none.

DCC.026 Minutes

The Chair highlighted a mistake where the Ward councillors had been listed under the Committee Membership, it was agreed to amend this to accurately reflect the attendance.

RESOLVED That the Minutes of the meeting held on 12 September were approved as a correct record subject to the above amendment.

DCC.027 Planning Schedule and Procedure for Public Speaking

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

1	S.23/1900/NEWTPO	2	S.23/1901/NEWTPO	3	S.23/1902/NEWTPO
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DCC.028 **Land Adjacent, 162 Arrowsmith Drive, Stonehouse, Gloucestershire**
S.23/1900/NEWTPO

The Majors and Environment Team Manager introduced the application and explained that it was for a Tree Preservation Order (TPO) for a single oak tree. He highlighted some key considerations to the committee:

- The tree was in a normal condition for its size and age.
- It was in a prominent position located along a well-used footpath which provided visual amenity to the surrounding area.
- Neighbours had raised concerns regarding falling leaves and branches which could be seen in the pictures at Appendix A however no substantial evidence had been submitted to consider the tree as unsafe or dangerous.

Councillor Ross, a Ward Member for the area, asked the committee to approve the TPO for the following reasons:

- It was a magnificent oak tree which deserved to be protected.
- It was situated along a well-used footpath and could be seen from a distance away.
- Branches and leaves falling into gardens was not a reason to fell a mature tree and would not happen spontaneously without warning.
- Local residents should seek a professional assessment of the tree if they believe there to be any danger or risk.

Ms Watt, a Councillor from Stonehouse Town Council, spoke in favour of the TPO. She explained that it helped to bring the rural historic landscape into the edge of Stonehouse Town. The tree was located in close proximity to the school and was visible when walking along the footpaths in Standish towards Stonehouse. She echoed Councillor Ross' comments regarding the safety of the tree.

Mr & Mrs Hussain, local residents, asked the committee to reject the application for the following reasons:

- The tree, whilst amazing to look at, was a hazard that needed to be addressed.
- The tree overhung a portion of their garden which they had to section off due to the falling branches, acorns and leaves.
- The falling leaves were knee high when they bought the house last December and have caused issues as they were blocking the drains below the tree.
- The tree was too tall, it towered over their property and caused concerns regarding branches falling on the house.
- It had not been properly maintained which was why there were loose branches and concerns whenever there was windy weather.
- They would like the tree to be reduced to a more manageable size and all of the loose branches removed to ensure it was safe to walk underneath.
- The path adjacent to the tree was also not maintained and they had previously mowed it to allow dog walkers to pass by.
- It was unclear who owned that land and therefore who took responsibility for the tree as they had tried to contact the owner in the past to discuss maintenance.

- After it had rained the fallen leaves and debris dropped by the tree becomes slippery and act as another hazard for the residents and their children.

Officers provided the following answers in response to questions from Members:

- The TPO would not prevent a tree surgeon from completing an assessment of the tree nor would it prevent any maintenance work being able to be completed, it would however require prior approval and professionals to carry out the maintenance work.
- The responsibility and liability of the tree would remain with the owner regardless of whether the TPO was approved or not.
- The owner of the tree had not been specifically identified due to an outstanding boundary disagreement, however, the TPO notice had been served to all interested parties in order to fulfil the statutory requirements of the TPO. It would be a civil matter to dispute the ownership of the land and therefore the tree.
- Stroud District Council could not enforce the maintenance of a tree however they could assist with facilitating conversations between the neighbours and the owners.

Councillor Brown proposed and Councillor Schoemaker seconded.

Councillor Brown stated that there was a clear amenity value of the tree and would likely be supporting the application.

Councillor Gray commented that the TPO would not stop any required maintenance work from taking place and therefore would support the application.

Councillor Schoemaker echoed his support.

After being put to a vote, the Motion was carried unanimously.

RESOLVED To confirm the Tree Preservation Order without modification.

DCC.029 Land At, Gunhouse Lane, Bowbridge, Stroud S.23/1901/NEWTPO

The Majors and Environment Team Manager introduced the application and explained that there were various elements. One Lawson Cyprus tree to be protected as an individual tree. 15 yew trees to be protected as a group and 2 groups of lime trees with 3 trees in each group. He explained the key considerations for the committee:

- They were a large group of mature trees located on private land between Gunhouse Lane and Thrupp Lane.
- The land was historically used by residents as a walkway and was now a restricted byway therefore allowing public access through the site.
- Due to being in close proximity to a school, the byway was regularly used for walkers walking to and from the school.
- The trees were considered to make a positive contribution to the area.
- They were highly visible from the surrounding areas and provided a clear community value.
- The TPO was requested by a local resident due to the recent change of ownership of the land.
- Concerns had been raised regarding the lack of maintenance work completed on the trees.

Councillor Aldam, a Ward Member for the area, asked the committee to approve the TPO for the following reasons:

- TPOs were most commonly used for trees with high amenity or nature conservation value and since 1947 had been used to protect trees from potential development.
- The land had new owners with potential new plans for the site and the trees needed to be protected.
- The trees were mature and therefore likely to contain much wildlife and support many ancillary species.
- The Lime tree's flowers were very important for bee keeping and produced a rich flavoured honey and the Yew tree, one of the longest-lived native species in Europe, was found to have anti-cancer compounds which were used in modern medicine.
- There were a number of supportive comments made by the community and the children of the community naming the path 'the fairy place' due to its visual aesthetic. Residents would look forward to this part of their journey due to the nature of the trees and the wildlife it attracted.
- The main objections to the TPO were in actual fact objecting to the lack of care and maintenance received by these trees. This was a separate matter which was being addressed outside of this meeting.

Councillor Harris, a Parish Councillor, spoke on behalf of Brimscombe and Thrupp Parish Council. He echoed the comments made by Councillor Aldam and further explained:

- The site, although small in size, was a locally recognised green space and had been included in the draft Neighbourhood Plan which was currently under consideration.
- It was frequented by walkers and included a public byway which was regularly used.
- It was important to protect the small green areas which contributed to the over all value of the environment.
- The land had recently changed hands and therefore the TPO was important to protect the mature trees from future development.
- Local residents had raised concerns regarding the lack of maintenance of the trees and they believed the TPO would help to enforce better care.

Mr Norman, a local resident, explained that whilst not completely opposed to the TPO, he had objections regarding the maintenance of the trees. His garden was adjacent to the site and a few of the trees overhung the border. He had made previous attempts to ask the owner to maintain the trees to no avail. He had completed minor maintenance on his side of the boundary in the past however the trees would now require a professional tree surgeon to undertake the work required. This would be expensive and required permission from the landowner which was not given. Mr Norman was concerned for the safety of the trees and asked that they be cut back and managed correctly. He asked the committee to consider the application because putting a TPO on trees that had not been maintained and were frequented by the public was dangerous to anyone walking below.

Councillors were given the opportunity to ask technical questions of the Officers and received the following responses:

- Responsibility for maintenance of the trees would lie with the landowner regardless of the proposed TPO.
- If the trees presented a clear and imminent danger, SDC could instruct a contractor to complete the required works and charge it back to the landowner.
- The TPO was for 3 groups of trees: 1 single Lawson Cyprus tree, 6 Lime trees and 15 Yew trees.

Councillor Fenton proposed and Councillor Luff seconded.

Councillor Luff debated that the main objections were to the maintenance of the trees not the TPO, they held real community value and he would be supporting the application.

Councillor Gray thanked the local residents for bringing this to the attention of the committee and echoed Councillor Luffs comments on the value of the trees.

Councillor Schoemaker thanked Councillor Aldam for her speech as a Ward Member.

Councillor Fenton echoed support for the application.

After being put to a vote, the Motion was carried unanimously.

RESOLVED To confirm the Tree Preservation Order without modification.

DCC.030 Land At, Middle Hill, Eastcombe, Stroud S.23/1902/NEWTPO

The Majors and Environment Team Manager introduced the application and explained the TPO was for a young woodland which was situated in a prominent position within the village. He explained that although it was not an ancient woodland it still retained significant amenity value which was felt should be protected. It had a significant landscape visual impact and its ecological value added to its amenity value. Objections had been received, however Officers were satisfied that the procedural matters had been followed correctly and that there was sufficient public interest to warrant a TPO.

Councillor Wilkes, Parish Councillor for Bisley with Lypiatt, asked the committee to approve the TPO for the following reasons:

- The location formed an important visual amenity with the adjacent Area of Outstanding Natural Beauty (AONB) and significantly contributed to the local landscape character.
- The woodland was located in a prominent position which was highly visible to the public at the crossroads of 2 well used straight roads.
- It was an important gateway feature to the Bisley Ward and contributed to the streetscape, place making and way finding.
- The woodland screened the urban edge from the rural landscape.
- It marked the connections of hedgerows and verges which formed part of the wider green infrastructure throughout the Parish. This provided wilding habitats and encouraged biodiversity of flora and fauna.
- As a relatively young woodland it had the potential to continue as an asset into the future.

Mrs Sadler, a local resident, asked the committee to approve the application. She explained that she and her husband lived in a neighbouring property and had access to the woodland in order to provide low level maintenance. She stated that the woodland was worthy of the TPO due to it's public amenity value and their contribution to wildlife and habitats. They had seen a diverse variety of birds and mammals inhabiting the woodland and felt that if the woodland was not protected, the trees would be felled for either timber or development opportunities.

Councillors received the following answers in response to questions raised:

- If the TPO was approved and the new owner of the land wished to coppice the woodland, they would need to seek permission first. This would allow Stroud District Council (SDC) to check that there was a suitable management plan in place to protect the woodland.
- The TPO would cover the whole site as opposed to individual trees.

- The consultant believed that the woodland was self-set and allowed to grow rather than being seeded.
- The objections listed on page 89 of the reports pack regarding the procedural matters had all been addressed, details could be found in the Officers response on the following page (90). Officers were content that the appropriate procedures had been followed.

Councillor Schoemaker proposed and Councillor Miles seconded.

Councillor Miles commented that the woodland held biodiversity value as well as amenity value.

Councillor Luff weighed up the need for housing within the district and commented that the woodland provided screening from the garage building nearby.

After being put to a vote, the Motion was carried unanimously.

RESOLVED To confirm the Tree Preservation Order without modification.

DCC.031 Planning and Enforcement KPI Statistics Q2 2023

The Head of Development Management provided a brief introduction for the report which contained the statistics for the previous quarter and highlighted the following points:

- Page 123 outlined the percentage of applications determined in time and separated these out into Majors, Minors and other all of which were above 90%.
- Pages 128-130 detailed the enforcements statistics. She informed the committee that there was an open vacancy for a Senior Planning Enforcement Officer which they had advertised for the second time due to receiving no applications during the first recruitment cycle.

The Chair advised the committee that extra consultants had been brought in to support the team in the interim period.

Councillor Luff asked if the reduction in planning applications could allow for the planning team to support the enforcement team. The Head of Development Management explained that the reduction in planning applications was not sufficient enough to allow resource to move from the planning team. The average applications for planning Officers were around 88 a year and SDC Officers were still averaging 122 applications a year despite a reduction in application numbers this year.

The meeting closed at 7.21 pm

Chair