

Public Document Pack



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

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Monday, 9 October 2023

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 17 OCTOBER 2023** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm**

Kathy O'Leary
Chief Executive

Please Note: The meeting is being held in the Council Chamber at Stroud District Council and will be streamed live on the Council's [YouTube Channel](#). A recording of the meeting will be published onto the [Council's website](#). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.

If you wish to attend this meeting, please contact democratic.services@stroud.gov.uk. This is to ensure adequate seating is available in the Council Chamber.

AGENDA

1. **APOLOGIES**

To receive apologies for absence.

2. **DECLARATIONS OF INTEREST**

To receive Declarations of Interest in relation to planning matters.

3. **MINUTES (Pages 3 - 12)**

To approve the minutes of the meeting held on 12 September 2023.

4. **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING (Pages 13 - 18)**

(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)

4.1 **LAND ADJACENT, 162 ARROWSMITH DRIVE, STONEHOUSE, GLOUCESTERSHIRE S.23/1900/NEWTPO (Pages 19 - 46)**

New TPO/0590 - Land Adjacent 162 Arrowsmith Drive, Stonehouse, Gloucestershire, GL10 2QR.

- 4.2 **LAND AT, GUNHOUSE LANE, BOWBRIDGE, STROUD S.23/1901/NEWTPO (Pages 47 - 84)**
TPO/0587 - Land at Gunhouse Lane, Stroud, Gloucestershire 2023.
- 4.3 **LAND AT, MIDDLE HILL, EASTCOMBE, STROUD S.23/1902/NEWTPO (Pages 85 - 118)**
New TPO/0589 - Land At Middle Hill, Eastcombe, Gloucestershire.
5. **PLANNING AND ENFORCEMENT KPI STATISTICS Q2 2023 (Pages 119 - 130)**
To provide planning and enforcement Key Performance Indicator Statistics for information.

Members of Development Control Committee

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
Councillor Victoria Gray
Councillor Haydn Jones
Councillor John Jones
Councillor Gary Luff

Councillor Helen Fenton (Vice-Chair)

Councillor Jenny Miles
Councillor Loraine Patrick
Councillor Martin Percy
Councillor Mark Ryder
Councillor Lucas Schoemaker



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DEVELOPMENT CONTROL COMMITTEE

Tuesday, 12 September 2023

6.00 - 9.08 pm

Council Chamber

Minutes

Membership

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
 * Councillor Victoria Gray
 Councillor Haydn Jones
 Councillor John Jones
 Councillor Gary Luff
 Councillor Jenny Miles
 Councillor Loraine Patrick
 *Absent

Councillor Helen Fenton (Vice-Chair)

Councillor Martin Percy
 Councillor Mark Ryder
 Councillor Lucas Schoemaker
 Councillor Catherine Braun
 Councillor Gordon Craig
 Councillor Lindsey Green
 Councillor Ken Tucker

Officers in Attendance

Head of Development Management
 Majors & Environment Team Manager
 Senior Biodiversity Officer

Locum Planning Lawyer
 Democratic Services and Elections Officer

Other Member(s) in Attendance

Councillors Brown, Craig, Green and Tucker.

DCC.017 Apologies

An apology for absence was received from Councillor Gray.

DCC.018 Declarations of Interest

Councillor Miles stated that she was a Member of the Housing Committee who were the applicants of the second item however this would not affect her decision-making capacity. The Chair confirmed that legal advice had been sought prior to the meeting regarding this matter.

DCC.019 Minutes

RESOLVED That the Minutes of the meeting held on 25 July were approved as a correct record.

DCC.020 Planning Schedule and Procedure for Public Speaking

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

1	S.17/0798/OUT	2	S.23/1157/VAR
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Late Pages relating to Scheduled Item 4.1 Land at Sharpness Docks, The Docks, Sharpness, Gloucestershire S.17/0798/OUT had been circulated to Committee prior to the meeting and were also made available during the meeting.

DCC.021 Land at Sharpness Docks, The Docks, Sharpness, Gloucestershire S.17/0798/OUT

The meeting was adjourned for a few minutes to allow the Members of the committee to read through the late pages.

The Majors & Environment Team Manager introduced the application and showed the plans for the site. He explained that it was an outline application for a mixed-use regeneration scheme with tourism and leisure at its heart. The proposal included 3 main elements: a commercial element, a marina area and the residential section. The Majors & Environment Team Manager highlighted the following considerations:

- The residential area was key for enabling the other elements of the site. The indicative plan for the residential area showed space for up to 300 dwellings with additional open space.
- There was an error on page 21 of the reports pack, this was an outline application with full matters reserved.
- The site was allocated as a strategic location within the current local plan.
- The application had undergone independent viability tests which showed that not all of the policy requirements could be met therefore the application did not include any affordable housing or educational contributions.
- The Health and Safety Executive (HSE) had proposed a consultation zone around the docks in order to effectively manage the risks of any hazardous substances.
- The application included ecological mitigation, such as contributions and bat houses, as it was sited along the Severn Estuary. There would also be an ongoing landscape management plan to maintain the open spaces.
- The proposed access was indicative and full details would be available at the reserved matters stage of development if the application was permitted. The application sought to make local infrastructural improvements and would include a travel plan to mitigate the M5 capacity issues.
- The proposed site had multiple heritage assets such as listed buildings, conservation & archaeological areas and other various assets throughout. The impact for these could be mitigated as part of the reserved matters application and a condition had been included to protect the archaeological areas.
- The environmental impact had been considered and a landscape visual impact assessment had been completed that concluded the impact would be mitigated over time. Further mitigations could also be implemented at the reserved matters stage if required.
- There had been 1 additional objection raised, regarding the ecological impact, since the report had been written.

The Majors & Environment Team Manager asked the committee to consider the key issues raised above when weighing up the planning balance. He stated that should the

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committee be minded to permit the application they would be seeking delegated authority to Officers to permit the scheme subject to the end of the EIA consultation, the HRA sign off by Natural England and S106 agreement and subject to conditions outlined in the report.

Councillor Green, a Ward Member for the area, highlighted her concerns for the application which included:

- Sharpness docks was a fully working, industrial docks. The site was already a large employment area providing job opportunities for local residents and managing a wide variety of cargo. It was a strong business which had already seen expansions and diversifications.
- Historic England highlighted the historic nature of the site which could meet the National Planning Policy Frameworks (NPPF) section 12 criteria, to be a designated heritage asset.
- The proposed access via Oldminster road would not be suitable due to narrow pinch points, sharp bends and parked cars creating single carriageways. There were allotments and play areas located along Oldminster road which would be impacted by the additional traffic and the proposed new road would lead to smaller villages being used as a rat run.
- There were no S106 contributions for education, libraries and no affordable housing. This would likely result in primary school children travelling in excess of 10 miles to get to school for no community benefit with a 19.7% profit for the developer.
- The development would result in destruction to the special areas of interest such as the river and its many habitats. Alternative footpaths proposed would not be suitable and some would even require a vehicle to access. This development does not seek to enhance and improve biodiversity.
- The HSE construction zone would rely on a private business changing the way it has worked for many years and would require ongoing management.
- The proposed 300 houses would contribute to capacity issues at the M5 junction.

Councillor Craig spoke as a Ward Member for the area, he explained that he was the chairman of the Bristol Channel Yachting association, and the Chair of the Gloucester harbour trustees neither of which had any direct connections with Canal and River trust or the Sharpness Docks. He asked the Committee to refuse the application for the following reasons:

- Gloucestershire County Council had objected for various reasons including the lack of provisions for school places. There should be a guaranteed budget with the development to cover all social and infrastructure costs to prevent these falling on the taxpayer.
- It was unacceptable that the application had made it this far through the process without any affordable housing provision.
- Sharpness port was one of England's most picturesque ports and already a place which attracted tourists.
- The Severn Estuary was a unique attraction, the mitigation plans for which, were currently outdated.
- Access to the site was unviable and narrow roads already struggled with the current capacity.
- The site location was located downwind of the Sharpness dock, which handled cargo such as cement and ammonium nitrate, smells of which would carry downwind to the residential areas.
- The Sharpness docks had ships coming and going 24 hours a day and all through the night, this would cause concerns regarding noise at antisocial hours.

- There was a risk of harm identified by the HSE due to the hazardous substances that were imported into Sharpness docks and they had advised houses not be built nearby unless steps could be taken by Sharpness Docks to mitigate these risks.

Mr Chandler, the Place Planning Manager from the education planning and infrastructure team at Gloucestershire County Council (GCC) spoke in objection of the application and highlighted the following reasons:

- GCC had raised a formal objection to the application due to insufficient funding to mitigate the impact of the development on the education and library structure.
- The report recommended approval for the application without the necessary funding on the grounds of viability.
- GCC had responded to both public consultations and engaged fully with the Case Officer and was surprised to see the comments on page 43 of the reports pack questioning what the capacity issues were.
- The GCC objection statement contained the background of the request for funding, the local and national planning considerations and the most recent department for education guidance. This can be found at pages 7- 9 on the late pages document.
- GCC does not receive funding from Central Government for education relating to new developments, basic need funding was only allocated to existing communities to meet population growth. However, for the periods of 2023-24 and 2024-25, GCC had been allocated no funds.
- Appendix A of the late pages detailed the capacity for nearby schools and showed that 85 pupils could be accommodated in Wotton under Edge which would require 5 minibuses for transport and the remaining 25 pupils would need to travel even further. This was not in keeping with the Councils priorities for sustainability.

Ms Smith, a local resident, spoke against the application and asked the committee to refuse the application for the following reasons:

- The proposed development, situated on the hillside cliff top, would dominate the canal path in all directions and would stand out visually.
- There was no other housing development with such a close proximity to the River Severn and would therefore be out of character.
- The development was incompatible with the South West Marine Plan Seascape and Landscape Policy which had not been mentioned throughout the report.
- The proposed site was bordered by saltmarsh and mudflats which were priority habitats within the marine protected area.
- The South West Marine Plan and case law on the Habitats Regulations separately affirmed that ecological compensation was not a lawful option for this development.
- The majority of the island area was currently used as open space for dog walking which would be greatly reduced. The alternative walks proposed were unsuitable and therefore would not provide appropriate mitigation.
- The South West Marine Plan protected not only the Severn's natural environment and wildlife but also protected future operations of the docks from development.

Ms Shipp, a local resident, spoke against the application and asked the committee to refuse the application for the following reasons:

- If unmitigated, the development would have a significant localised adverse impact on the Severn Estuary through increased recreational pressure along the Severn Way.
- The Severn way supported multiple rare and declining habitats for important species, it also offered an accessible walk along the banks of the river.
- Often, this resulted in the salt marsh habitats becoming trampled and both wintering and breeding birds being disturbed.

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- The proposed development would bring additional residents to the areas which in turn would increase the use of the Severn Way. The alternative footpaths suggested do not offer the same level of accessibility or views and would therefore not likely be used.
- The Habitat Regulations required an appropriate assessment to be carried out prior to approval of any development, which then must be endorsed by Natural England, this was not mentioned in the report.

Mr Smith, spoke on behalf of the applicant, and highlighted the following points to the Committee:

- The site was allocated in the current Stroud District Council Local Plan.
- Regeneration of the site was a key driver when forming the plans.
- The proposal would bring many benefits such as, new housing, leisure activities, public open space, employment and retail opportunities.
- All technical issues had been addressed including ecology, HSE, highways, heritage and drainage.
- The application presented provided more than just housing, it provided a robust framework to enable the delivery of the allocation within the Local Plan and its regeneration objectives.
- This application was separate from the new proposed settlement in Sharpness which was facing challenges with the emerging Local Plan.
- A viability assessment had been undertaken and independently verified by the district valuer which confirmed the financial challenges to regenerate the brownfield site. This meant there was limited funding for S106 contributions.
- Acknowledging viability as part of the determination process was well established within planning process throughout England and specific guidance existed which recommended the use of review mechanisms. This would allow for the viability to be re-assessed as the development progressed.

Councillors were given the opportunity to ask technical questions of the Officers, the following answers were given in response:

- Affordable housing was not included within the application due to the viability of the scheme.
- A light industrial marina involved less intrusive processes such as fixing and mending boats.
- The application site was a brownfield site and looked to regenerate the surrounding areas where buildings had been previously removed.
- There were 68 objections to the application in total.
- The advice from HSE regarding the consultation zone would need to be settled as part of the reserved matters stage however the development was still viable if the docks refused to make any changes, it could result in a different layout or fewer houses than the indicative designs set out.
- The access proposed was only indicative and full details would need to be sought for the reserved matters stage should the application be permitted.
- Both bridges to the island site would be retained however there would likely be a weight limit attributed to one.
- Condition 25 and 26 had been put in place to protect any potential archaeological remains, site designs may need to be revised in order work around any assets however any significant changes to the application would need to return to the Committee.
- It was common for brownfield sites to face viability challenges due to the extra cost implications.

- The viability of the scheme would continue to be assessed throughout the development and further S106 contributions will be requested if viable.

Councillor Ryder and Councillor Haydn Jones queried the status of the South West Marine Plan and whether they were a statutory consultee for the application. Officers began to investigate this request and reported back to Councillors later in the meeting.

The following answers were given in response to Councillor Haydn Jones:

- The GCC Highways authority had considered the application and raised no objection to the scheme, therefore Officers were satisfied that there were no highways safety concerns at this stage.
- The objection raised by the Wildfowl and Wetlands trust related to an out-of-date mitigation strategy. Whilst a new mitigation strategy was currently pending, the application would still be required to contribute to the latest strategy which would still benefit local schemes.
- The Severn Estuary recreation and mitigation strategy is detailed on page 33 of the reports pack and sought to mitigate the increased recreational disturbance along the Severn Estuary through alternative footpaths, contributions, signage and sharing of information.

Councillor John Jones raised concerns with the proposed access being in close proximity to a children's play area and requested whether a 20mph speed limit could be imposed. The Majors & Environment Team Manager stated that it was outside of the Committees remit.

The Head of Development Management responded to a question raised earlier in the meeting regarding the South West Marine Plan. She advised that the Officer recommendation was now to defer consideration and determination of application S.17/0798/OUT land at sharpness dock to a future meeting to enable the assessment of the need to consider the Southwest Marine Plan.

Councillors continued to ask questions of the Officers and received the following responses:

- The viability of the scheme would continue to be assessed throughout the development stages however this could result in changes in either direction if costs were to increase or if further funding was made available.
- The application had been reviewed periodically throughout the process and although it was originally submitted in 2017, all of the data from the statutory consultees was up to date and had been revised within the last 12 months.
- Condition 23 covered any issues with contaminated land within the development site. These had already been worked into the viability figures and a detailed plan would need to be submitted during the next phase of the application process.

Councillor Haydn Jones requested for a high-level review of the application to be completed before returning to Committee, the Officers agreed.

Councillor Haydn Jones Proposed the revised officer recommendation to defer the application and Councillor Ryder Seconded.

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

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RESOLVED To defer the consideration and determination of application S.17/0798/OUT land at Sharpness Dock to a future meeting to assess the need to consider the South West Marine Plan.

DCC.022 Land North Of, Bradley Street, Wotton-Under-Edge, Gloucestershire S.23/1157/VAR

The Majors & Environment Team Manager introduced the application and explained that it was a variation to an existing planning permission due to building control regulations, the changes were outlined as follows:

- Chimneys had been removed and gable details had been altered in order to allow for the provision of solar panels.
- The layout of the scheme had been amended and the position of dwelling and parking spaces altered.
- A retaining wall feature had been added to the garden.

The Majors & Environment Team Manager highlighted the key considerations of the site:

- With the addition of the retaining wall, concerns had been raised regarding the local hedgehog populations. In response to these comments, additional wildlife corridors and gaps in the fencing had been created to mitigate the impact on hedgehogs.
- The garden area had been levelled to allow for increased accessibility, however this had created the additional retaining wall, to reduce the impact of this on neighbouring properties the ground level had been reduced.

He concluded by informing the committee that the revised plan numbers would be included in the application and the conditions would be updated to reflect the changes in ecology and additional conditions for the boundary treatment and retaining wall.

Councillor Tucker spoke as a Ward Member for the area. He informed the Committee that he had not been made aware of the latest ecological additions to the site which were reflected in his concerns as below:

- Vehicles exiting the site would need to reverse out onto a busy road, which had not been helped by the new revised layout.
- The original plans showed a lack of consideration for local wildlife including hedgehogs which were known to forage around the site.
- The addition of the retaining wall created issues for ground animals traveling through the site and would cause them to travel in either direction towards busy streets.
- Although they were not a protected species, hedgehogs were listed as a declining species and steps should be taken to mitigate any impact.
- The retaining wall on the border of the site would be topped with a 1.8m high fence which would significantly affect the view and light in the neighbouring property.

Councillor Braun spoke as a Ward Member for the area and expressed her support for the New Council Homes to be built. She provided a brief overview of the history of the site and explained that, if approved, the development would provide 8 affordable homes for up to 35 people. She echoed that the changes were a result of building regulations compliance and expressed her gratitude for the additional ecological amendments asking the Committee to approve the application.

Miss Robbins, Trainee Project Manager, spoke on behalf of the applicant Stroud District Council (SDC). She asked the committee to support the application for the following reasons:

- The Town Council, Ward Members and adjacent residents for the area had been consulted on all proposed changes and feedback received.

- The need for affordable housing within the district remained high, and SDC were committed to providing high quality, energy efficient affordable housing.
- Planning permission for the site had been granted in 2019 for 8 affordable dwellings, at that time 2 of the existing properties were still occupied and therefore the ground investigation had not yet been completed.
- Once the initial ground investigation had been completed the designs were reviewed against updated new homes specifications which resulted in the changes proposed.
- The updated application would now meet part M42 of the building regulations for accessible and adaptable dwellings which included level access to the home and gardens.
- Creating the level access resulted in the additional retaining walls and in response to feedback, the height of the highest tier had been reduced in order to minimise the impact on neighbouring properties.
- The number of parking spaces remained unchanged and the visitor space was still included.
- The ecological impact had been carefully considered and an Ecologist had been commissioned to prepare a mitigation enhancement strategy.
- Access points had been included for hedgehogs to move throughout the site and hedgehog houses would also be provided. Provisions would be made for swifts and bats in line with the Ecologists recommendations.

Councillor Ryder questioned whether the sighting of the heat pumps was an item for the Committee to consider, the Majors & Environment Team Manager confirmed it would come under permitted development.

In response to Councillor Schoemaker it was confirmed that the proposed wildlife corridor would be under the applicants control to maintain.

In response to Councillors, the Majors & Environment Team Manager confirmed that the retaining wall on the western boundary would be approximately 3.6m at its highest point. That section had been reduced in length and stepped down with the garden in order to minimise the impact on the neighbouring properties. There was approximately a 3m gap between the retaining wall and the nearest neighbouring property.

Councillor Schoemaker proposed the Officer advice to permit the application and Councillor Brown seconded.

Councillor Haydn Jones expressed support for the application and for the additional hedgehog mitigation.

The Majors & Environment Team Manager summarised the conditions which needed to be updated as part of the resolution which included:

- Approved Plan Condition required an update.
- Condition 4 – Updated to reflect the latest submission and request for a species list with a sign off requirement.
- Condition 7 – updated the drawing numbers for the parking.
- Condition 13 – Updated to require full details of the boundary treatment to be submitted.

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

RESOLVED To permit the application subject to the amendments to conditions as listed above.

DCC.023 **Budget Monitoring Report Q1 2023/24**

There were no questions or comments.

The meeting closed at 9.08 pm

Chair

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Planning Schedule 17/10/2023



Stroud District Council
Planning Schedule
17th October 2023

In cases where a Site Inspection has taken place, this is because Members felt they would be better informed to make a decision on the application at the next Committee. Accordingly, the view expressed by the Site Panel is a factor to be taken into consideration on the application and a final decision is only made after Members have fully debated the issues arising.

Planning Schedule 17/10/2023

DEVELOPMENT CONTROL COMMITTEE

Procedure for Public Speaking

The Council encourages public speaking at meetings of the Development Control Committee (DCC). This procedure sets out the scheme in place to allow members of the public to address the Committee at the following meetings:

1. Scheduled DCC meetings

2. Special meetings of DCC

Introduction

Public speaking slots are available for those items contained within the schedule of applications. Unfortunately, it is not permitted on any other items on the agenda.

The purpose of public speaking is to emphasise comments and evidence already submitted through the planning application consultation process. Therefore, you must have submitted written comments on an application if you wish to speak to it at Committee. If this is not the case, you should refer your request to speak to the Committee Chair in good time before the meeting, who will decide if it is appropriate for you to speak.

Those wishing to speak should refrain from bringing photographs or other documents for the Committee to view. Public speaking is not designed as an opportunity to introduce new information and unfortunately, such documentation will not be accepted.

Scheduled DCC meetings are those which are set as part of the Council's civic timetable. Special DCC meetings are irregular additional meetings organised on an ad-hoc basis for very large or complex applications.

Before the meeting

You must register your wish to speak at the meeting. You are required to notify both our Democratic Services Team democratic.services@stroud.gov.uk and our Planning Team planning@stroud.gov.uk in advance and you have until noon one clear working day before the day of the meeting to let us know.

At the meeting

If you have registered to speak at the meeting, please try to arrive at the Council Chamber 10 minutes before the Committee starts so that you can liaise with the democratic services officer and other speakers who have also requested to speak in the same slot. Where more than one person wishes to speak, you may wish to either appoint one spokesperson or share the slot equally.

If you have not registered to speak, your ability to do so will be at the discretion of the Chair.

Planning Schedule 17/10/2023

1. Scheduled DCC Meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of **four minutes** each: -

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

There is an additional speaking slot available for all Ward Councillors with no time restraints.

Please note: to ensure fairness and parity, the four-minute timeslot is strictly adhered to, and the Chairman will ask the speaker to stop as soon as this period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- Names of speakers will also be recorded in the Committee Minutes which will be published on the website.
- Speakers will not be allowed to ask questions of the Councillors or Officers; Committee Members are not able to question speakers directly but can seek points of clarification through the Chair with responses delivered by Officers.
- Minutes of the meeting will be taken, and these will record the names of all speakers on all applications and the decision made.

The order for each item on the schedule is:

1. Introduction of item by the Chair
2. Brief presentation and update by the planning case officer
3. The Ward Member(s)
4. Public Speaking:
 - a. Parish Council
 - b. Those who oppose the application
 - c. Those who support the application
5. Committee Members questions of officers
6. Committee Members motion tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

Planning Schedule 17/10/2023

Special DCC meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of up to **eight minutes** each: -

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

There is an additional speaking slot available for all Ward Councillors with no time restraints.

Please note: to ensure fairness and parity, the eight-minute timeslot will be strictly adhered to and the Chairman will ask the speaker to stop after this time period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
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Planning Schedule 17/10/2023

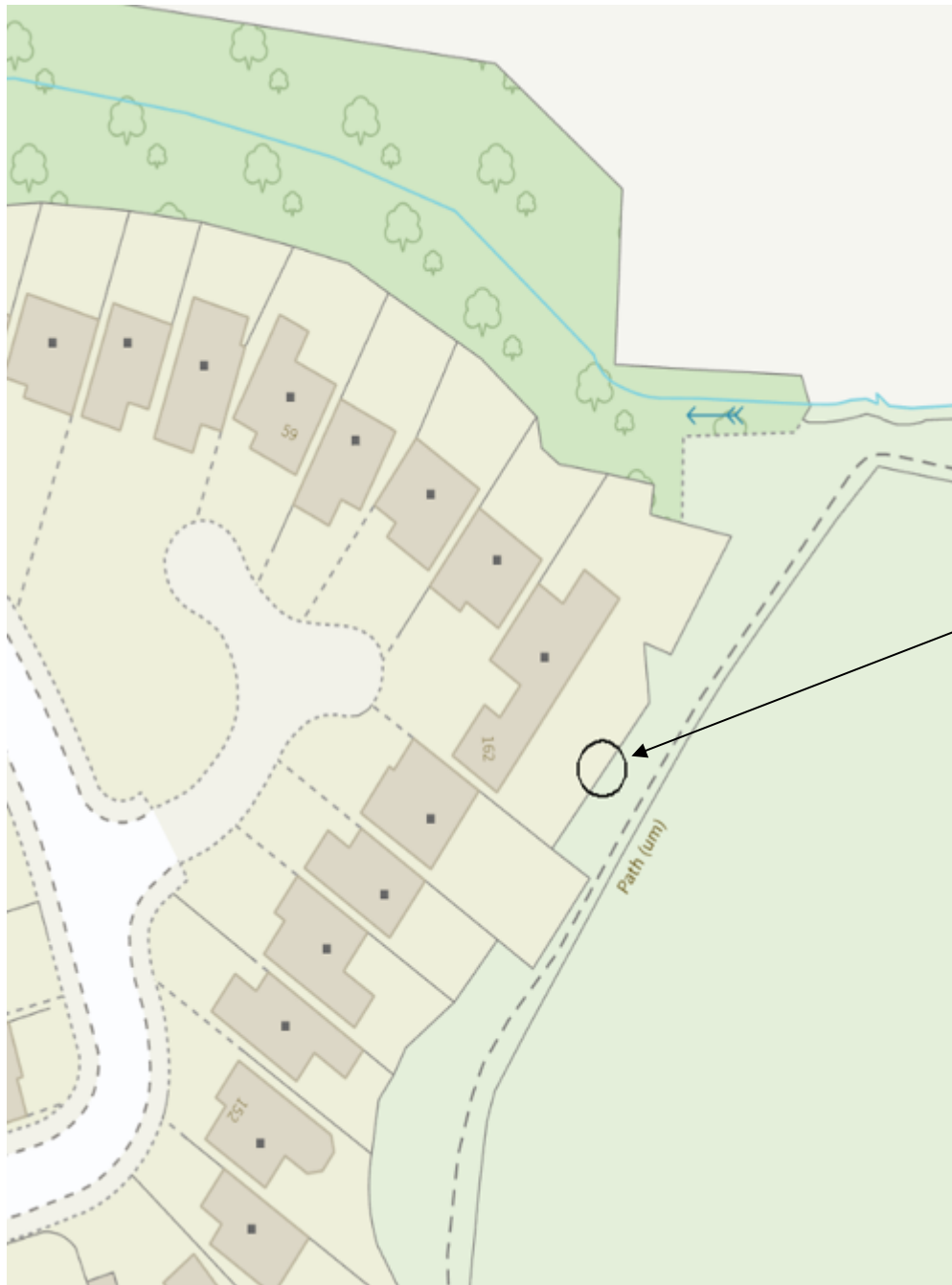
Parish	Application	Item
Stonehouse Town Council	Land Adjacent , 162 Arrowsmith Drive, Stonehouse. S.23/1900/NEWTPO - New TPO/0590 - Land Adjacent 162 Arrowsmith Drive, Stonehouse, Gloucestershire, GL10 2QR	01
Brimscombe And Thrupp Parish Council	Land At, Gunhouse Lane, Bowbridge. S.23/1901/NEWTPO - New TPO/0587 - Land at Gunhouse Lane, Stroud, Gloucestershire 2023	02
Bisley With Lypiatt Parish Council	Land At, Middle Hill, Eastcombe. S.23/1902/NEWTPO - New TPO/0589 - Land At Middle Hill, Eastcombe, Gloucestershire	03

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Development Control Committee Schedule 17/10/2023

Item No:	01
Application No.	S.23/1900/NEWTPO
Site Address	Land Adjacent, 162 Arrowsmith Drive, Stonehouse, Gloucestershire
Town/Parish	Stonehouse Town Council
Grid Reference	380966,206255
Application Type	New Tree Preservation Order
Proposal	New TPO/0590 - Land Adjacent 162 Arrowsmith Drive, Stonehouse, Gloucestershire, GL10 2QR
Recommendation	Confirm the Tree Preservation Order without modification
Call in Request	Requested by Head of Development Management





Development Control Committee Schedule 17/10/2023

Applicant's Details	Stroud District Council Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB
Agent's Details	None
Case Officer	Francesca Ind
	CONSULTEES
Comments Received	Stonehouse Town Council
Constraints	Stonehouse Town Council
	OFFICER'S REPORT

CONFIRMATION OF TREE PRESERVATION ORDER

PURPOSE OF REPORT

To consider the objections to the making of Stroud District Council Tree Preservation Order No 0590 - Land Adjacent 162 Arrowsmith Drive and to determine whether or not to confirm the Order.

An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

INTRODUCTION

A provisional tree preservation order has been served to protect an Oak tree on Land adjacent 162 Arrowsmith Drive. The TPO was made in response to information from the County Council that the tree was to be imminently felled, which was indeed the case and so the need for a Tree Preservation Order was considered expedient.

The order was served upon the owner and occupiers of this site, along with owners and occupiers of any land adjoining the land on which the tree is situated, this is in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Despite a land registry search there still remains some uncertainty on the ownership of this land due to the tree being situated on the boundary of 162 Arrowsmith Drive and land which is owned by Maidenhill School, in this instance both were served this order.

These parties were given 28 days to object or make written representations about the making of the tree preservation order. A copy of the order is appended to this report.

As an objection has been received, the decision whether to confirm the order is brought before committee.

DESCRIPTION AND APPRAISAL OF TREES

The provisional order covers 1x Oak tree (T1) identified on the site location plan attached to this report.

It is felt that the tree is worthy of a preservation order by virtue of its public amenity value. The tree is prominent being located along a public right of way and within close proximity to the school. It has no significant defects and appears in good health from a visual ground level



Development Control Committee Schedule 17/10/2023

assessment. It is considered expedient to make this TPO in the interests of the visual amenity of this area, the size and position of the tree contributes positively and enhances the character of the surrounding area.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework September 2023

Available to view at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website: <https://www.stroud.gov.uk/LocalPlan>

Local Plan policies considered include:

ES8 - Trees, hedgerows and woodlands.

Stonehouse NDP Made on 22nd February 2018.

National Planning Policy Guidance (NPPG).

LEGISLATION BACKGROUND/TPO PROCEDURE

The power to make a Tree Preservation Order (TPO) is contained in The Town and Country (Tree Preservation) (England) Regulations 2012. This specifies that a Local Planning Authority may serve a TPO on tree or trees, which are considered to be of amenity value and are under threat. A Tree Preservation Order (TPO) is an order made by a Local Planning Authority that makes it an offence to fell, prune, uproot, wilfully damage or destroy a tree without the Authority's permission. This allows for the tree or trees to be retained and managed for the benefit of everyone. The Authority has a statutory obligation to protect trees worthy of preservation by means of TPOs.

There are national criteria set out in the National Planning Policy Guidance (NPPG) against which a tree should be assessed in order to determine whether it is worthy of preservation. When trees are considered potentially worthy of protection, they will be assessed against the prescribed criteria and if the tree meets these criteria then a provisional TPO will be served.

When deciding whether an Order is appropriate, the guidance outlines that protection should be given to trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. There is no definition of what this 'amenity value' is so authorities need to exercise judgment when deciding whether to seek to protect the tree/s. This needs a judgement of what is on the ground and the expedience for taking action. In coming to this judgment, it could include the visibility, the extent to which the trees are visible from the public place or street. However, just because it can be seen is not enough, the importance of the trees also needs to be considered. This can include size and form, rarity or historic value and the contribution to the surrounding character, landscape or Conservation Area. The importance to nature conservation or a response to climate change can also be factors but would not warrant an order on their own.

A tree preservation order does not stop development. The protected trees become a constraint or asset of the site and whilst works can be done to the trees with consent, for example keep



Development Control Committee Schedule 17/10/2023

them safe, any new proposal for development would have to consider the impacts on the trees and the wider area.

Stroud District Council uses a national recognised system to assess the expediency of making a TPO called Tree Evaluation Method for Tree Preservation Orders (TEMPO). TEMPO is used by many local authorities for this purpose. After visiting and assessing the tree using the TEMPO system, the Consultant Tree Officer and Trainee Tree Officer decided that a provisional tree preservation order should be served.

REPRESENTATIONS

Support comments received:

Stonehouse Town Council has supported the TPO with the response that the town council wholly supports the recommended Tree Preservation Order.

Objection comments received:

The owner of 162 Arrowsmith Drive has objected to the TPO on the grounds -

- o Tree is a hazard and danger to their property
- o Risk of bigger branches breaking and falling on to house
- o Danger to children as branches falling into their garden
- o Leaves block up the gutters
- o Makes gardens slippery and dangerous
- o Risk for damp in properties following blocked gutters
- o Expensive to have gutters cleared

A full copy of the objection letter are appended to this report.

RESPONSE TO OBJECTIONS

The objector has not to this date provided any further information / survey reports or diagnostic information to support the opinion that the tree is unsafe. If there are concerns over the trees structural integrity and should the TPO be confirmed the Council would welcome an application for works to trees supported by appropriate levels of arboricultural evidence, this could include a visual tree assessment, aerial inspection (with photographs of all bio mechanical defects) and results of any internal decay detection investigations to justify any proposed works.

Photographs have been received with the objection showing leaves, acorns and sticks, this is mostly a seasonal problem and would not warrant the removal of a mature tree for these reasons.

The Council would not refuse an application to prune or fell a tree protected by a TPO where appropriate evidence has been provided which demonstrates that the tree is in a condition that would warrant removal. At this point as no such information has been provided to the Council to demonstrate that the tree poses an unacceptable risk to residents and an inspection from the ground level only did not highlight and obvious defects which would result in allowing the TPO to lapse. The recommendation is to confirm the order which would provide the residents more time to provide evidence to substantiate their claims and submit a tree work application.



Development Control Committee Schedule 17/10/2023

OPTIONS AVAILABLE TO THE COMMITTEE:

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order without modification; or
- 2) To confirm the Tree Preservation Order as with modifications; or
- 3) To refuse the Tree Preservation Order.

In doing so, Members must clearly give reasons as to why they have reached their decision.

It should be noted that the Order cannot be modified to include further trees outside the boundary of the order as drawn. If consideration is required to be given to protecting further trees then a new order to cover those trees should be placed. The modification of the order can only exclude trees or draw the boundary smaller but it cannot increase it because the publicity and notification has not included any greater number of trees.

RECOMMENDATION

It is therefore recommended that the provisional Order (TPO/0590) should be confirmed as served and long term protection provided for the tree.

There is no right of appeal to the confirmation of an order so the Authority and Members have to demonstrate that they have made their decision in an even-handed and open manner. Therefore, Members are asked to consider all the information before them including the comments and objections received, prior to making a decision to confirm the order.

If the order isn't confirmed, the landowner can exercise their right to remove the trees.

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STROUD DISTRICT COUNCIL

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www.stroud.gov.uk

Dated 15/08/2023

STROUD DISTRICT COUNCIL TREE PRESERVATION ORDER

**Land adjacent 162 Arrowsmith Drive, Stonehouse, Gloucestershire, 2023
TPO/0590**

Town and Country Planning Act 1990

**The Town and Country Planning (Tree Preservation) (England) Regulations
2012**

TREE PRESERVATION ORDER

relating to

Land adjacent 162 Arrowsmith Drive, Stonehouse, Gloucestershire 2023

TOWN AND COUNTRY PLANNING ACT 1990

Leading a community that is making Stroud district a better place to live, work and visit for everyone

Chief Executive: Kathy O'Leary



**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

**STROUD DISTRICT COUNCIL TREE PRESERVATION ORDER NO
TPO/0590**

Land adjacent 162 Arrowsmith Drive, Stonehouse, Gloucestershire 2023

The Stroud District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as TPO Number TPO/0590 Land adjacent to 162 Arrowsmith Drive, Gloucestershire, 2023

Interpretation

2. (1) In this Order "the authority" means Stroud District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.



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Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 15/08/2023

A handwritten signature in black ink, appearing to read 'G LeCointe', written in a cursive style.

.....
Geraldine LeCointe
Head of Development Management
Authorised by The Council to sign in that behalf



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CONFIRMATION OF ORDER

This Order was confirmed by the Stroud District Council without modification on the
day of 20

OR

This Order was confirmed by the Stroud District Council, subject to the modifications
indicated by

on the day of 20

Signed on behalf of The Stroud District Council

.....
Geraldine LeCointe
Head of Development Management
Authorised by The Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Stroud District Council
on the day of 20

Signed on behalf of the Stroud District Council

.....
Geraldine LeCointe
Head of Development Management
Authorised by The Council to sign in that behalf



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VARIATION OF ORDER

This Order was varied by the Stroud District Council on the
day of 20

by a variation order under reference number a copy of which is attached

Signed on behalf of The Stroud District Council

.....
Geraldine LeCointe
Head of Development Management

REVOCATION OF ORDER

This Order was revoked by the Stroud District Council on the
day of 20

under the reference number

Signed on behalf of The Stroud District Council

.....
Geraldine LeCointe
Head of Development Management
Authorised by The Council to sign in that behalf

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Chief Executive: Kathy O'Leary



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SCHEDULE

SPECIFICATIONS OF TREES

TPO Reference and location: TPO/0590 Land adjacent to 162 Arrowsmith Drive

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

Reference on map	Description	Situation
T1	Oak, Quercus	Land adjacent to 162 Arrowsmith Drive

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

GROUPS OF TREES (within a broken black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

WOODLANDS (within a continuous black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------



MA, © Crown copyright and database rights 2022 Ordnance Survey

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Stroud District Council

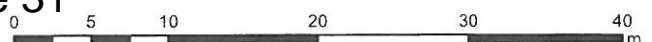
TPO/0590 Land adjacent 162 Arrowsmith Drive

Date: 15/08/2023

Page 31

Scale 1:500

printed at A4 portrait



Appendix A TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
-------	-----------

Tree details		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous Unsuitable

Score & Notes

b) Remaining longevity (in years) & suitability for TPO: Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- 5) Very large trees with some visibility, or prominent large trees
- 3) Medium trees, or large trees with limited view only
- 2) Young, small trees, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

Score & Notes

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups or principal members of tree groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree

Score & Notes

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:

Decision:

















From: [REDACTED]
Sent: 14 Sep 2023 01:49:02
To: dms_main@stroud.gov.uk
Cc:
Subject: FW: Planning Application comments
Attachments:

Agenda Item 4.1

Appendix A

From: _WEB_Planning <Planning@stroud.gov.uk>
Sent: Wednesday, September 13, 2023 8:36 AM
To: _WEB_Planning Idoxing <planning.idoxing@stroud.gov.uk>
Subject: FW: Planning Application comments

Consultee comment



[REDACTED]
Planning Technician
Stroud District Council

Ebley Mill, Ebley Wharf
Stroud, Gloucestershire. GL5 4UB

T 01453 766321
W www.stroud.gov.uk

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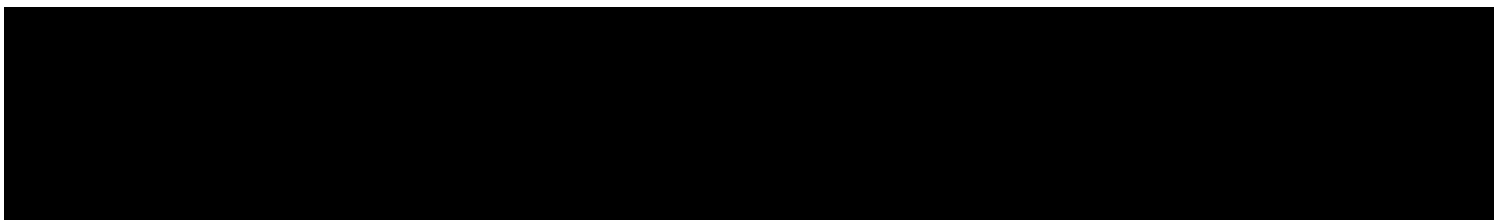
From: [REDACTED]
Sent: Tuesday, September 12, 2023 5:47 PM
To: [REDACTED] <_WEB_Planning <Planning@stroud.gov.uk>>
[REDACTED]
Subject: RE: Planning Application comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Sarah

Thank you very much for responding so quickly to my problem.

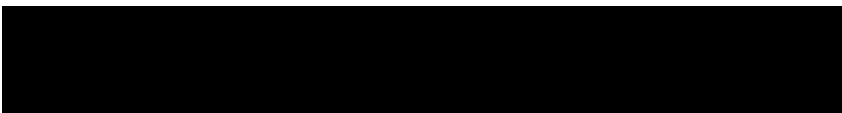
Please find the following comments I could not upload onto the planning portal by virtue of the fact that they did not show up



TPO/0590 Land adjacent to 162 Arrowsmith Drive, Stonehouse (see supporting papers)

Oak tree. Respond by 12th September.

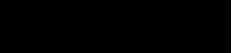
Comment: The town council wholly supports the recommended Tree Preservation Order





Please can you confirm that these comments have been loaded onto the portal by the respective deadlines.

Thanks



Clerk to Stonehouse Town Council



From: [Redacted]
Sent: Tuesday, September 12, 2023 4:44 PM
To: [Redacted]
Subject: Planning Application comments

Good afternoon,

Following on from our telephone call, the email address you will need to send your comments to is planning@stroud.gov.uk

Kind regards,



Planning Business Support
Assistant
Stroud District Council

Ebley Mill, Ebley Wharf
Stroud, Gloucestershire. GL5
4UB

T 01453 766321
W www.stroud.gov.uk

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From: Ind, Francesca <francesca.ind@stroud.gov.uk>

Sent: 25 Sep 2023 08:59:43

To: dms_main@stroud.gov.uk

Cc:

Subject: FW: Objection to New Tree Preservation Order: TPO/0590

Attachments:

Agenda Item 4.1

Appendix A

From: [REDACTED]
Sent: Friday, September 22, 2023 11:32 AM
To: Ind, Francesca <francesca.ind@stroud.gov.uk>
Subject: Re: Objection to New Tree Preservation Order: TPO/0590

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Francesca

Any updates on the tree?

We have had a lot of debris over the last few days and I'm concerned that Autumn is approaching fast which will cause us more issues.

Attached another photo of the latest fallen branches and acorns.



Regards



Sent from my iPhone

On 11 Sep 2023, at 12:47, Ind, Francesca <francesca.ind@stroud.gov.uk> wrote:

Good afternoon,

Thank you for your emails and I apologise for the delay in responding.

I have added your emails and photographs to the file and will update you on this order as soon as I have any updates.

Kind Regards



Francesca Ind

Trainee Arboriculture Officer

Stroud District Council

T 01453 754242
W www.stroud.gov.uk

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From: [REDACTED]
Sent: Monday, September 11, 2023 12:20 PM
To: Ind, Francesca <francesca.ind@stroud.gov.uk>
Cc: [REDACTED]
Subject: Re: Objection to New Tree Preservation Order: TPO/0590

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Francesca

I have not heard anything back since my email last week.

Just wanted to update you further on the issues coming from the tree. The dry weather has caused a lot of acorns to fall and also more branches have fallen over the weekend. We are really worried about someone getting hurt.

Attached is a video and photo after the weekend.

Regards
[REDACTED]

Sent from my iPhone

On 4 Sep 2023, at 13:52, [REDACTED] wrote:

Dear Francesca

We have received a letter informing us that there is a temporary TPO on the tree outside our back garden.

We would like to object against this TPO/0590 as the tree is hazard and a danger to our property.

We were in the process of having the tree removed before this TPO was put in place, as it is old and crumbling, there is also high risk of the bigger branches breaking and falling on to our house roof causing some serious damage.

It is also a danger to our children as there are lots of branches falling into our garden already as can be seen in the attached photos and we have restricted them from using that part of the garden.

We have been trying to figure out who owns the tree since April 2023 without any success and had taken the final decision to pay for the removal before it caused any damage to the property. We have had some high winds and thunderstorms which caused a lot of branches to break and fall into the garden causing a near miss to the patio glass table. we have had to move our furniture to another area of the garden.

I am not sure who can actually enjoy the tree as the path behind our houses has never been cleaned or cleared, we cannot even open our back gate as the nettles have overgrown so much. Recently one of

the kind neighbours took his lawnmower down it so he could clear some of the path for the dog
Agenda Item 4.1
walkers.

Appendix A

We had the arrangements in place to have the tree removed on our return from holiday and are very frustrated to receive this TPO letter.

We have spoken to our neighbours and we all think it is a hazard to us all as the leaves block up all our gutters and make the gardens very slippery and dangerous. The blocked gutters are causing a risk for damp in the properties. it is also very expensive to have the gutters cleared all the time.

The best and safest case for us all would be to have the tree removed.

I would recommend for you to arrange a viewing of the tree and the issues it is causing us.

Below is information of our neighbours who are equally annoyed and frustrated by the tree and the lack of maintenance of it by the council.

[REDACTED]
162 Arrowsmith Drive

[REDACTED]
160 Arrowsmith Drive

[REDACTED]
65 Arrowsmith Drive

[REDACTED]
63 Arrowsmith Drive

[REDACTED]
61 Arrowsmith Drive

We really appreciate if the TPO can be removed and you can support us in cutting down the tree.

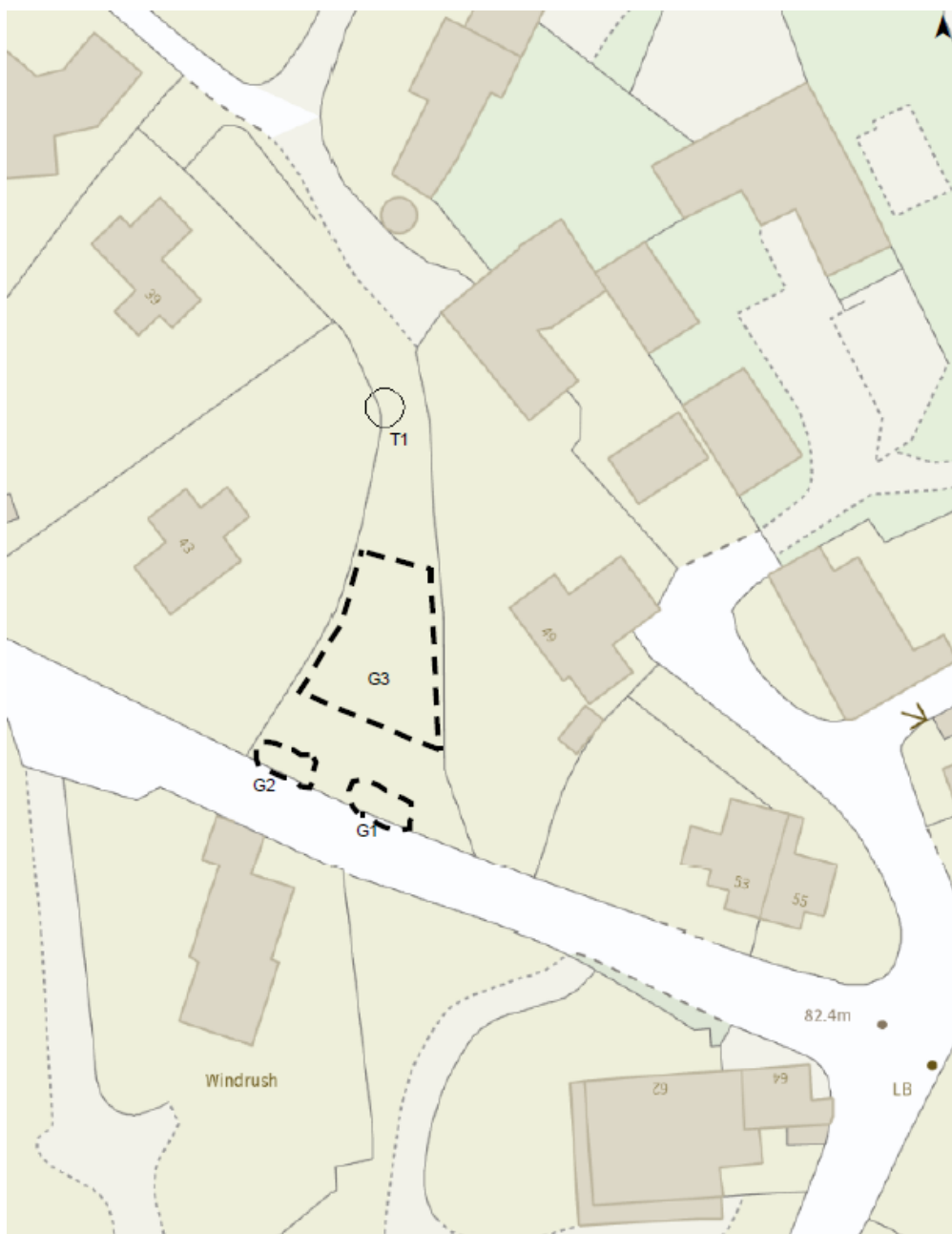
Kind Regards

[REDACTED]
162 Arrowsmith Drive
Stonehouse
GL10 2QR



Development Control Committee Schedule 17/10/2023

Item No:	02
Application No.	S.23/1901/NEWTPO
Site Address	Land At, Gunhouse Lane, Bowbridge, Stroud
Town/Parish	Brimscombe And Thrupp Parish Council
Grid Reference	386173,203952
Application Type	New Tree Preservation Order
Proposal	TPO/0587 - Land at Gunhouse Lane, Stroud, Gloucestershire 2023
Recommendation	Confirm the Tree Preservation Order without modification
Call in Request	Requested by Head of Development Management





Development Control Committee Schedule 17/10/2023

Applicant's Details	Stroud District Council Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB
Agent's Details	None
Case Officer	Justin Hobbs
	CONSULTEES
Comments Received	Parish Council 58 Thrupp Lane Mulberry House The Old Coach House
Constraints	Brimscombe and Thrupp Parish Council
	OFFICER'S REPORT

CONFIRMATION OF TREE PRESERVATION ORDER

PURPOSE OF REPORT

To consider objection and support comments received to the making of Stroud District Tree Preservation Order No 0587 in respect of trees on Land at Gunhouse Lane, Stroud and to determine whether or not to confirm the Order.

An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

INTRODUCTION

In September 2022 a member of the public requested that the council consider the expediency of making a TPO on a trees on land at Gunhouse Lane, Stroud. The site owner was recently deceased and there was concern about the future of the trees on the land.

DESCRIPTION OF TREE/SITE

Land at Gunhouse Lane is a plot located at the southern end of Gunhouse Lane immediately adjacent to Thrupp Lane, in Thrupp Parish. A thin, triangular piece of land with a well-used public footpath running through it connecting Thrupp Lane with Gunhouse Lane. The TPO protects one mature Lawsons Cypress tree towards the northern end of the plot, a group of 15 yew trees in the main body of the plot and two groups of mature lime trees adjacent to Thrupp Lane.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework September 2023

Available to view at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website: <https://www.stroud.gov.uk/LocalPlan>

Local Plan policies considered include:

ES8 - Trees, hedgerows and woodlands.



Development Control Committee Schedule 17/10/2023

National Planning Policy Guidance (NPPG).

RELEVANT PLANNING HISTORY

TPO/0584 - TPO made 07.02.2023 to protect the trees on site. Due to a naming error on the TPO title it was decided to allow this TPO to lapse (not be confirmed) and the current TPO (TPO/0587) was made to, in effect, replace this TPO.

LEGISLATION BACKGROUND/TPO PROCEDURE

A Tree Preservation Order (TPO) is an order made by a Local Planning Authority that makes it an offence to fell, prune, uproot, wilfully damage or destroy a tree without the Authority's permission. The Authority has a statutory obligation to protect trees worthy of preservation by means of TPOs.

The power to make a Tree Preservation Order (TPO) is contained in The Town and Country (Tree Preservation) (England) Regulations 2012. This specifies that local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether a TPO is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.

When deciding whether a TPO is appropriate, the guidance outlines that protection should be given to trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an TPO they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

When considering whether trees should be protected by a TPO, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant a TPO. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- o size and form
- o future potential as an amenity
- o rarity, cultural or historic value
- o contribution to, and relationship with, the landscape; and



Development Control Committee Schedule 17/10/2023

- o contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Stroud District Council uses a national recognised system to assess the expediency of making a TPO called Tree Evaluation Method for Tree Preservation Orders (TEMPO). TEMPO is used by many local authorities for this purpose.

Once a TPO is made, the council has a maximum of 6 months to decide whether to confirm the TPO as made, confirm the TPO as made but with modifications, or to not confirm the TPO. Allowing the 6 month period to pass without confirmation renders the TPO as lapsed and the trees are no longer protected.

The purpose of the maximum period of 6 months between making the TPO and confirming, modifying, or not confirming the TPO, is to allow a for representations to be made to the council about the TPO before deciding whether to confirm, modify, or to not confirm the TPO.

BACKGROUND TO THE TPO

In September 2022 a member of the public made officers at Stroud District Council aware that the owner of a plot of land known as land at Gunhouse Lane, Bowbridge, Stroud had passed away. Concern was raised about potential future land use changes and requests made to the council consider making a TPO to protect trees on site.

The consultant tree officer visited site on 20.01.2023 and undertook an assessment for expediency to make a TPO using the TEMPO system. The results of the assessment indicated it was expedient to make a TPO to protect trees on site (Appendix 2).

TPO 0584 was duly made on 07.02.2023. The council served notice on the owner and those affected by the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (The Regulations hereafter). A site notice was also posted on site.

An objection and supporting comments to the making of this TPO were received within the statutory 28 day period following the making of the TPO. Officers re-examined the TPO considered the title of the TPO - "A small copse" was not accurate enough and would not satisfy the Regulations.

It was decided that the most expedient course of action was to allow TPO 0584 to lapse (i.e to not be confirmed) and to make a new TPO to, in effect, replace TPO 0584.

TPO 0587 Land at Gunhouse Lane, Stroud, Gloucestershire (2023) was duly made on 20.07.2023. The council served notice on the owner and those affected by the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. A site notice was also posted on site.



Development Control Committee Schedule 17/10/2023

The period for any objections and representations to be made to the Council in respect of the TPO ended on 17.08.2023.

REPRESENTATIONS

Four objection correspondences to this TPO and the original TPO (TPO 584) have been received.

One supporting correspondence from the Parish Council to the making of the original TPO (TPO 584).

Summary of objection comments received:

The objections primarily focus on concern about the health of the trees, a lack of management or maintenance, overhanging branches, the overbearing nature of the trees, and the title of the TPO.

An objection from The Executors of the Estate of the deceased owner of the land have objected to the TPO on grounds that the TPO affects the Beneficiary of land, and the value of the land, and this affecting the Probate process.

A full copy of the support and objection letters are appended to this report at Appendix 3.

RESPONSE TO OBJECTIONS

When assessing the trees for expediency to make this TPO, no significant or obvious defects were apparent with the trees now subject to the TPO. However, it is not appropriate for the council to undertake detailed and extensive tree condition surveys when making a TPO. The making of a TPO does not confer responsibility for the trees onto the council, this remains with the landowner. The making of a TPO does not prevent applications for works to be undertaken on the trees protected by the TPO. The council would not refuse justified, reasonable, and evidence based applications for remedial works to remove unacceptable risks and/or for appropriate arboricultural management.

Officers are satisfied that the title of the TPO meets the requirements of the Regulations as it accurately reflects the geographical location of the trees, and the name is used locally.

In the absence of any evidence submitted, the affects to the Beneficiary of the Estate are based on supposition. It should be noted again that the making and confirming of a TPO does not prevent applications being made for works or development.

ASSESSMENT/APPRAISAL

The trees subject to the TPO all make a positive contribution to the surrounding area. Being mature, and in an elevated position they can all be seen from a wide area.

The lime trees form an impressive avenue like feature adjacent to Thrupp Lane. It may be appropriate to reduce the lime trees in the future, but the protection and retention of this local arboricultural feature is clearly desirable. They are protected as groups on the TPO schedule as G1 & G2.



Development Control Committee Schedule 17/10/2023

The group of yews through which the public footpath runs provides an attractive semi-rural characteristic to the plot and will provide welcome shade during hot conditions. The trees are protected as a group as individually they may not be the best specimens, but when taken as a whole, as a group they provide considerable amenity. The 15 yew trees that make up the group are listed as G3 on the TPO schedule.

The Lawsons Cypress tree stands alone and is a prominent landmark tree, visible from distance. The tree is therefore identified and an individual tree on the TPO schedule (T1).

The site and the trees are not in a conservation area, without the protection of a TPO, the trees could be removed at any time.

The TEMPO assessment undertaken resulted in scores and recommendations of "TPO defensible" or "Merits TPO".

OPTIONS AVAILABLE TO THE COMMITTEE:

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order without modification; or
- 2) To confirm the Tree Preservation Order as with modifications; or
- 3) To not confirm the Tree Preservation Order.

In doing so, Members must clearly give reasons as to why they have reached their decision.

It should be noted that the Order cannot be modified to include further trees outside the boundary of the order as drawn. If consideration is required to be given to protecting further trees then a new order to cover those trees should be placed. The modification of the order can only exclude trees or draw the boundary smaller but it cannot increase it because the publicity and notification has not included any greater number of trees.

RECOMMENDATION

The trees that comprise this TPO contribute positively to amenity in the vicinity by virtue of their prominence and public visibility. Assessment has shown it is expedient to confirm this TPO.

It is therefore recommended that TPO 0587 Land at Gunhouse Lane, Stroud, Gloucestershire (2023) should be confirmed as served and long term protection provided for the trees.

There is no right of appeal the confirmation of an order so the Authority and Members have to demonstrate that they have made their decision in an even-handed and open manner. Therefore, Members are asked to consider all the information before them including the comments and objections received, prior to making a decision to confirm the order.

If the order isn't confirmed, the landowner can exercise their right to remove the trees.



STROUD DISTRICT COUNCIL

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Appendix A

Dated 20/07/2023

STROUD DISTRICT COUNCIL TREE PRESERVATION ORDER

**Land at Gunhouse Lane, Stroud, Gloucestershire, 2023
TPO/0587**

Town and Country Planning Act 1990

**The Town and Country Planning (Tree Preservation) (England) Regulations
2012**

TREE PRESERVATION ORDER

relating to

Land at Gunhouse Lane, Stroud, Gloucestershire 2023



**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

**STROUD DISTRICT COUNCIL TREE PRESERVATION ORDER NO
TPO/0587**

Land at Gunhouse Lane, Stroud, Gloucestershire 2023

The Stroud District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as TPO Number TPO/0587 Land at Gunhouse Lane, Stroud, Gloucestershire, 2023

Interpretation

2. (1) In this Order "the authority" means Stroud District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.



STROUD DISTRICT COUNCIL

Appendix A

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Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 20/07/2023

A handwritten signature in black ink that reads "J Chaplin".

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf



STROUD DISTRICT COUNCIL

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CONFIRMATION OF ORDER

This Order was confirmed by the Stroud District Council without modification on the
day of 20

OR

This Order was confirmed by the Stroud District Council, subject to the modifications
indicated by

on the day of 20

Signed on behalf of The Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Stroud District Council
on the day of 20

Signed on behalf of the Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf



STROUD DISTRICT COUNCIL

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VARIATION OF ORDER

This Order was varied by the Stroud District Council on the
day of 20

by a variation order under reference number [insert reference number to the variation order] a copy of which is attached

Signed on behalf of The Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager

REVOCATION OF ORDER

This Order was revoked by the Stroud District Council on the
day of 20

under the reference number

Signed on behalf of The Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf



SCHEDULE

SPECIFICATIONS OF TREES

TPO Reference and location:

TPO/0587 Land at Gunhouse Lane, Stroud, Gloucestershire

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

Reference on map	Description	Situation
T1	Lawsons Cypress	Grid reference: SO 86171 03984

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

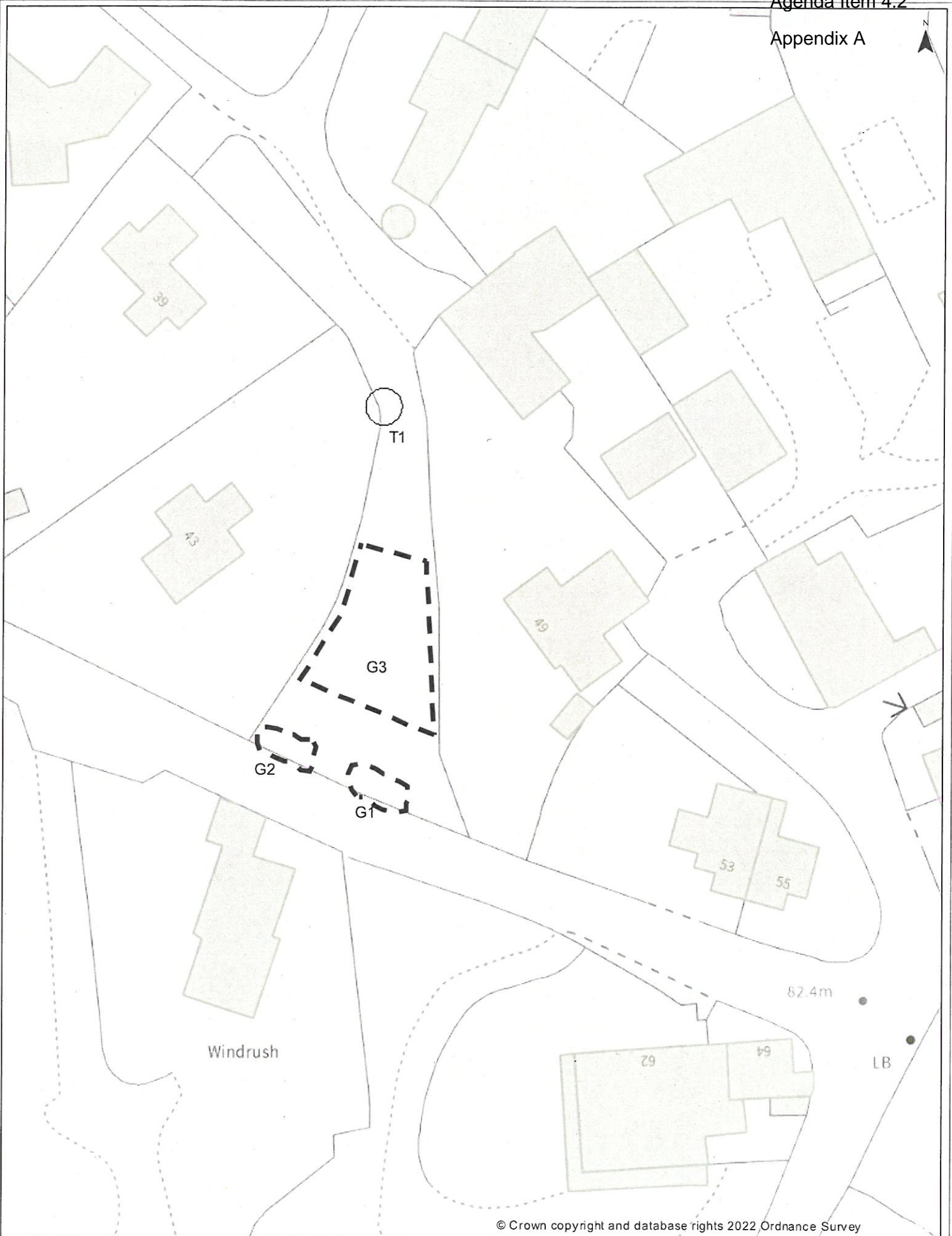
Reference on map	Description	Situation
None		

GROUPS OF TREES (within a broken black line on the map)

Reference on map	Description	Situation
G1	3no Lime Trees	Grid reference: SO 86174 03936
G2	3no Lime Trees	Grid reference: SO 86160 03945
G3	15no Yew Trees	Grid reference: SO 86171 03957

WOODLANDS (within a continuous black line on the map)

Reference on map	Description	Situation
None		

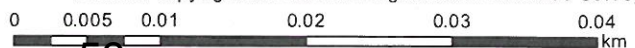


Stroud District Council
TPO/0587 Land at Gunhouse Lane

Scale 1:500
printed at A4 portrait

Date: 14/07/2023

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPORARY) Appendix A

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/01/2023	Surveyor: Justin Hobbs
------------------	------------------------

Tree details	
TPO Ref (if applicable): S.22/1938/NEWTPO	Tree/Group No: T1
Owner (if known):	Species: Lawsons cypress, Chamaecyparis lawsoniana
	Location: Land at Gunhouse Lane, Bowbridge

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous Unsuitable

Score & Notes
3 - Ivy clad main stem and limbs

b) Remaining longevity (in years) & suitability for TPO: Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes
2 - Conservative estimate.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small trees, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
5 Prominent, tall tree adjacent to footpath and in an elevated position.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups or principal members of tree groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
1.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree

Score & Notes
2 - local information.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
13

Decision:
TPO

Appendix A TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: <input type="text" value="20/01/2023"/>	Surveyor: <input type="text" value="Justin Hobbs"/>
---	---

Tree details	
TPO Ref (if applicable): <input type="text" value="S.22/1938/NEWTPO"/>	Tree/Group No: <input type="text" value="G2"/>
Species: <input type="text" value="3no Lime"/>	
Owner (if known): <input type="text"/>	Location: <input type="text" value="Land at Gunhouse Lane, Bowbridge"/>

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous Unsuitable

Score & Notes
3 - Fully mature, intervention/remedial works maybe required in future, appear in good health although dense basal epicormic growth prevented detailed

b) Remaining longevity (in years) & suitability for TPO: Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes
4 - At least 40 years is an appropriate estimate, even if remedial works are required.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small trees, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
5 - Large and prominent.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups or principal members of tree groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
1.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree

Score & Notes
2 - local information.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
15

Decision:
TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPORARY) Appendix A

SURVEY DATA SHEET & DECISION GUIDE

Date: <input type="text" value="20/01/2023"/>	Surveyor: <input type="text" value="Justin Hobbs"/>
---	---

Tree details	
TPO Ref (if applicable): <input type="text" value="S.22/1938/NEWTPO"/>	Tree/Group No: <input type="text" value="G3"/>
Species: <input type="text" value="15no Yew"/>	
Owner (if known): <input type="text"/>	Location: <input type="text" value="Land at Gunhouse Lane, Bowbridge"/>

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous Unsuitable

Score & Notes
3 - Some poorer quality individuals within group.

b) Remaining longevity (in years) & suitability for TPO: Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes
5 - Yew trees are very long lived.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small trees, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
4 As a group moderate size and visibility + footpath running through the group

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups or principal members of tree groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
1.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree

Score & Notes
2 - local information.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
15

Decision:
TPO

From: Ind, Francesca <francesca.ind@stroud.gov.uk>
Sent: 02 Oct 2023 09:42:22
To: dms_main@stroud.gov.uk
Cc:
Subject: FW: New Tree Preservation Order
Attachments:

From: clerk@brimscombeandthrupp-pc.gov.uk <clerk@brimscombeandthrupp-pc.gov.uk>
Sent: Thursday, March 16, 2023 10:17 PM
To: Porter, Simon <simon.porter@stroud.gov.uk>; Hobbs, Justin <justin.hobbs@stroud.gov.uk>
Cc: _CLLR_Aldam, Rebecca <Cllr.Rebecca.Aldam@stroud.gov.uk>
Subject: RE: New Tree Preservation Order

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Justin,

Brimscombe and Thrupp Parish Council considered the new Tree Preservation Order (S.22/1938/NEWTPO) at the Parish Council meeting on Tuesday 14th March 2023, and resolved to fully support the application (the minute reference for this is 14/03/2023, minute reference 8.5).

Please could you let me know if you require any other information.

With best wishes,
Hannah

Clerk and Responsible Financial Officer

Brimscombe and Thrupp Parish Council

Email: clerk@brimscombeandthrupp-pc.gov.uk

Parish Council Telephone Number: 07421313599

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Stroud District Council

FAO John Chaplin

Ebley Mill, Ebley Wharf

Stroud, Glos

GL5 4UB

cc Justin Hobbs SDC

[REDACTED]
58 Thrupp Lane

Stroud, Glos

GL5 2ER

[REDACTED]
RE: New TPO 0857 – your letter 20/07/2023

Dear Sirs,

While I applaud the Council's efforts to preserve trees in the area, I trust that consideration is given to general safety. I am requesting that before this TPO is granted, a risk assessment is undertaken.

I make the following objections:-

- It is implied that these trees are on Gunhouse Lane. They are not.
- The upper canopy of trees G1 & G2 (*your reference*) has been allowed to spread over Thrupp Lane without any maintenance for at least 46 years. We frequently see fallen branches on the road & it is fortuitous that no damage to cars or pedestrians has occurred - as far as we are aware.
- Trees G1 & G2 now also extend over our property and in the increasingly unpredictable weather, dead branches now fall onto our roof and into our garden. (we are particularly concerned for the safety of our grandchildren)
- I urge the council to require the owner (who no longer appears to live in Gunhouse Lane) to ensure the trees are made safe for Thrupp Lane residents and users of the road – including Thrupp School children and their parents.

A risk assessment seems a necessity.

Yours faithfully,

[REDACTED]

Mulberry House
43 Thrupp Lane
Stroud
Glos GL5 2ER

12th August 2023

John Chaplin
Majors & Environment Team Manager
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
Glos GL5 4UB

Mail Room Services

15 AUG 2023

Received

Dear Mr Chaplin

New Tree Preservation Order: TPO/-587 – Land at Gunhouse Lane, Stroud, Glos

Further to your letter dated 20th July regarding the New Tree Preservation Order affecting the trees on Land at Gunhouse Lane. We would like to make the following points of concern: -

- **Height of Trees and lack of Maintenance**

We are extremely concerned with the lack of maintenance of trees G1 and G2. These trees have not been maintained by the owner in the 20+ years that we have lived in our property, and I understand from neighbours who have resided in the Lane for much longer who have never witnessed any maintenance on the said trees. We have approached the owner of the copse (who I understand no longer resides in Thrupp) asking for permission to cut back the trees overhanging our property. This was refused point blank with no conversation apart from threatening court action should we touch the trees. The owner only converses through a third-party agent [REDACTED]

It was suggested by [REDACTED] that we undertake a tree survey – which we did at our own cost of £180 + VAT in October 2020. (Please find enclosed a copy of the tree survey undertaken by Hutchinson Arboreticulture for your information). This survey was given to the owner who point blank refused to undertake any maintenance or to allow us to undertake any maintenance. This shows a complete lack of responsibility to the public using the footpath and homeowners currently affected by the trees. We understand the owners should have public liability insurance for this copse to ensure the safety of the general public.

The canopy of both G1 and G2 now spreads over our garden and Thrupp Lane by at least 7 metres, with frequently falling large branches into our garden, Thrupp Lane and neighbouring properties and of course, within the copse itself. We look after our grandchildren on a regular basis, and we now fear for their safety whilst playing in the garden and do not allow them to play in that section of the garden due to the risk of falling branches.

- We are also concerned for the safety of Thrupp School children who also frequently use as a cut through for both walking to and from school and for school trips.

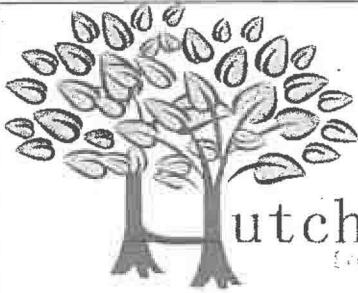


- We have correspondence dating back to 2008 with [REDACTED] (see enclosed) so you can see the timeline of conversations regarding our concern over maintenance of the trees.
- Those neighbours requesting the TPO on these trees live in Gunhouse Lane and not Thrupp Lane and therefore the trees do not impact on their daily life. They also do not have the worry of the risk of falling branches during high winds.

Whilst we are not opposed to the TPO we have great concerns regarding the lack of maintenance of these trees and this should be looked at before granting a TPO. We would also ask that a thorough risk assessment be carried out before the TPO is granted along with proof of public liability insurance from the owner.

Finally, our concern is that once the TPO is granted the owner will relinquish all responsibility for the area.

Yours sincerely

[REDACTED]

 <p data-bbox="438 414 1204 504">Hutchison Arboriculture <small>(Incorporated in the Republic of Ireland)</small></p> <p data-bbox="414 548 1077 616">[REDACTED] BSc Hons, Dip Arb L4, MArborA Director and Practicing Consultant</p>	 <p data-bbox="1316 347 1500 436">Arboricultural ASSOCIATION Professional Member</p>  <p data-bbox="1324 604 1492 638">CAS Consulting Arborist Society.com PROFESSIONAL MEMBERS</p>
---	---

14th October 2020

[REDACTED]

43 Thrupp Lane,
Thrupp,
Stroud,
GL5 2ER.

[REDACTED]

Dear [REDACTED]

Trees overhanging the eastern boundary and garden of 43 Thrupp Lane.

1. Instruction.

- 1.1 You have two yew trees and one small-leaved lime overhanging your eastern property boundary, causing significant shading of your garden and patio. The trees grow as part of a copse, on third-party land to the east. You have sought permission to prune the trees from the owner, who has requested that you seek advice on how to prune the trees without long-term detrimental effect.
- 1.2 Therefore, you have asked Hutchison Arboriculture to inspect the trees and make recommendations.

2. Inspection.

- 2.1 I visited the site on the 13th October 2020, and carried out an inspection.
- 2.2 The survey was from ground level, from within your garden, from Thrupp Lane and from the copse. It involved visual observation only (Visual Tree Assessment: Mattheck and Breloer 1994 and Lonsdale 1999).
- 2.3 The survey was carried out by [REDACTED] BSc Hons, Dip Arb L4, MArborA, who has thirteen years' experience of managing trees, is a LANTRA qualified professional tree inspector and is a professional member of the Arboricultural Association (AA) and the Consulting Arborist Society (CAS)

3. Report Limitations.

- 3.1 Due to the changing nature of trees -- and possibly other site circumstances -- this report and recommendations are limited to a eighteen month period. Similarly, this report could be invalidated if any alterations are made to the property that could change the current circumstances.
- 3.2 Under certain circumstances, roots can affect foundations, drains and other underground services. These issues have not been addressed by this report.
- 3.3 Trees are dynamic structures that can never be guaranteed 100% safe; even those in good condition can suffer occasional damage under only average weather conditions. A lack of recommended work does not imply that a tree will never suffer damage.

4. The Site.

4.1 The overhanging trees grow on the western edge of a small copse, located just beyond the eastern boundary of 43 Thrupp Lane. One small-leaved lime overhangs the south-eastern corner of the garden. This shares a crown with another small-leaved lime immediately to the east, within the copse. We refer to both as group G1. Two yew trees (T2 and T3) are located just north, along the eastern property boundary. Numerous further yew trees grow within the copse, to the east. Approximate tree locations are shown on the annotated Google earth image below. Trees are discretely paint-numbered for identification on site.

4.2 Google aerial photo, below, taken 19th April 2018.



5. The Trees.

- 5.1 Small-leaved lime group G1 comprises two multi-stemmed trees, originating from what appear to be old, lapsed coppices or pollards. Dense sucker growth surrounds the bases, preventing thorough inspection. Only the most westerly of the of the two limes overhang the garden of number 43. However, the two trees form one crown.

The two stools comprise approximately seven main stem, with an approximate average diameter of 500mm above ground level. They have an approximate height of 22m and crown radii of 9m north and south, 5m east and 8m west.

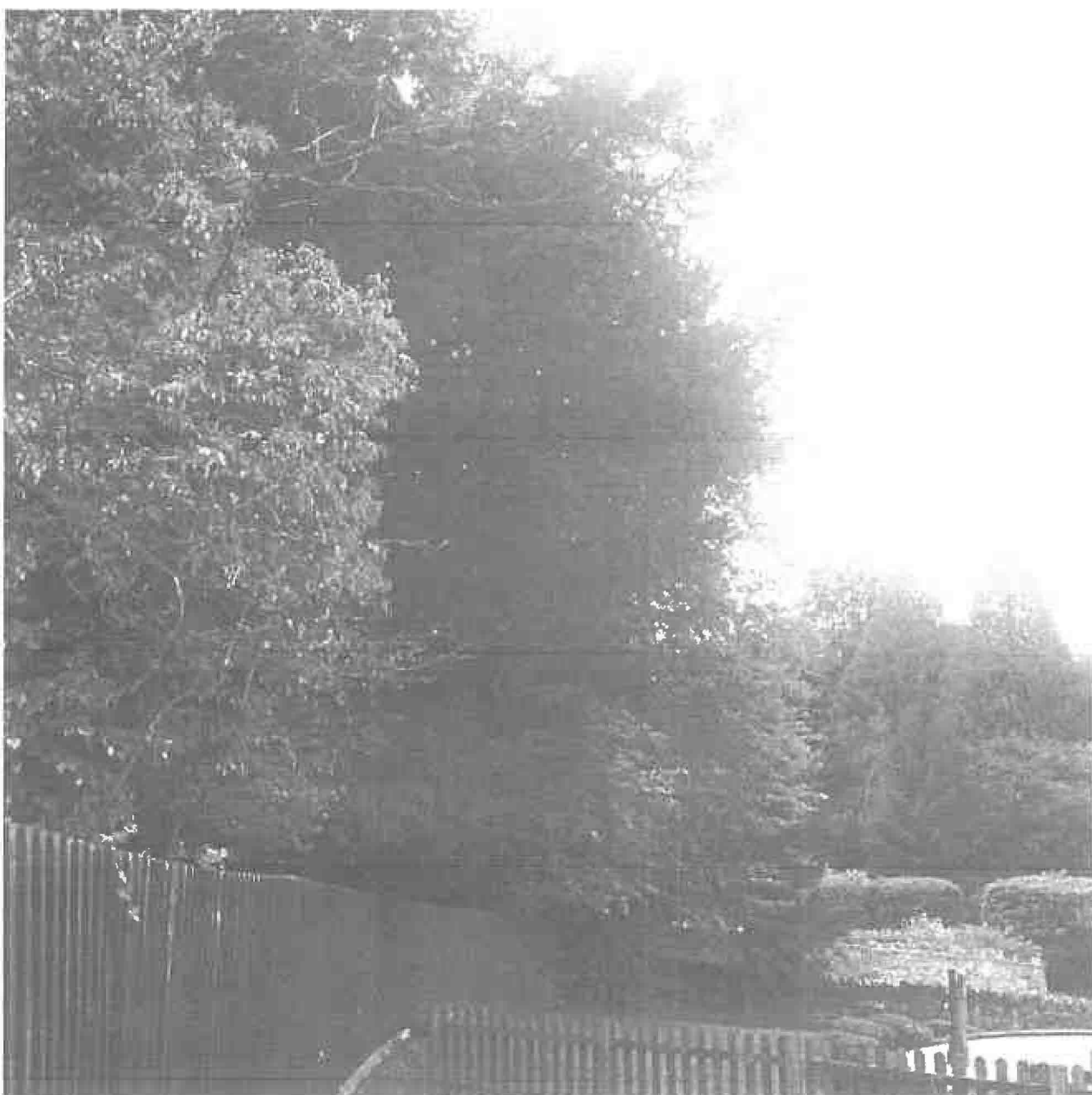


5.1.1 View east along Thrupp Lane towards limes G1, with yews T2 and T3 to the right.

C:\Users\User1\Documents\Hutchison Arboriculture\Reports 2020\43 Thrupp Lane, Thrupp, HutchArb 007 Oct 2020.doc

- 5.2 Yew T2 has an approximate stem diameter of 550mm at 1.5m above ground level and a height of 12m. It has crown radii of 5m north and south, 0m east and 6.5m west. Of its 6.5m western radius, 4.5m overhang the garden of number 43. The tree is suppressed by neighbouring trees to the east, resulting in poor form, with a significant kink west in its main stem, at approximately 4m. It has also suffered historic stem loss at approximately 3m south-west.

Yew T3 has an approximate stem diameter of 600mm at 1.5m above ground level and an approximate height of 14m. It has crown radii of 5m north, 3m east, 2m south and 8.2m west. Of its 8.2m western radius, 4.5m overhang the garden of number 43.



- 5.2.1 View south along eastern property boundary. Yews T2 and T3 overhanging the garden, with limes G1 beyond.

6. Discussion:-

- 6.1 Limes G1 grow tight to the eastern boundary of number 43, overhanging by approximately 7m. The southern crown radius extends 9m over Thrupp Lane, to the bungalow on the south side of the road. The trees are also very tall, dominating their immediate surroundings.

Only the most westerly of the two limes in G1 overhangs the garden of number 43. However, they form one crown and should be treated as one if reduced. Removing only overhanging westerly branches would leave the crown unbalanced and unsightly.

Two further multiple-stemmed limes are located just east of G1, on the southern edge of the copse. These are of approximately the same age and size as the limes in G1.

- 6.2 Yews T2 and T3 overhang the eastern boundary of number 43 by approximately 4.5m. The two trees differ in height by approximately 2m.

Tree T2 is of poor form, due to suppression by neighbouring trees to the east. It has also suffered significant historic branch loss, with moderate decay ingress at the wound. Therefore, its safe, useful life expectancy is reduced compared with that of other surrounding yews.

Numerous further yews are located just east, within the copse. The Crowns of yews T2 and T3 merge with the crowns of other yews to the east.

7. Recommendations:-

7.1 *Limes G1*

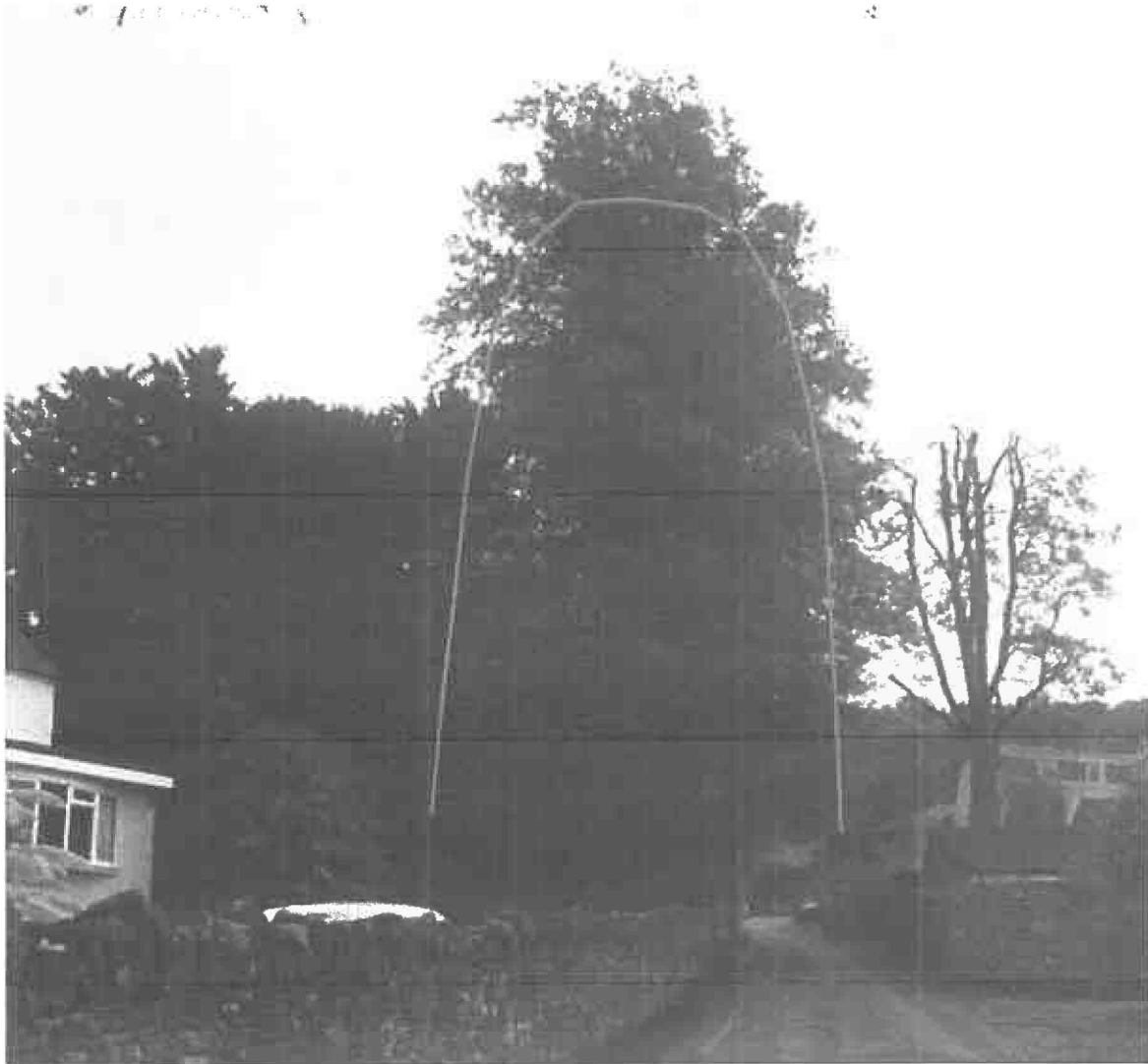
Remove basal growth from ground level to 2m and inspect base and main stem.

Reduce height by approximately 4m from 22m to 18m. Reduce radii north and south by 3m, from approximately 9m to 6m. Reduce the crown radius west by approximately 2m from 8m to 6m. No reduction of the eastern canopy is required.

Branches should be pruned back to live side growth. Finished pruning cuts should be between 35 and 70mm in diameter.

This may leave limes immediately to the east slightly more exposed to prevailing south-westerly winds. Therefore, consideration should be given to the reduction of all limes along the southern edge of the copse.

C:\Users\User1\Documents\Hutchison Arboriculture\Reports 2020\43 Thrupp Lane, Thrupp, HutchArb 007 Oct 2020.doc



7.1.1 Red line indicated approximate finished dimensions following reduction.

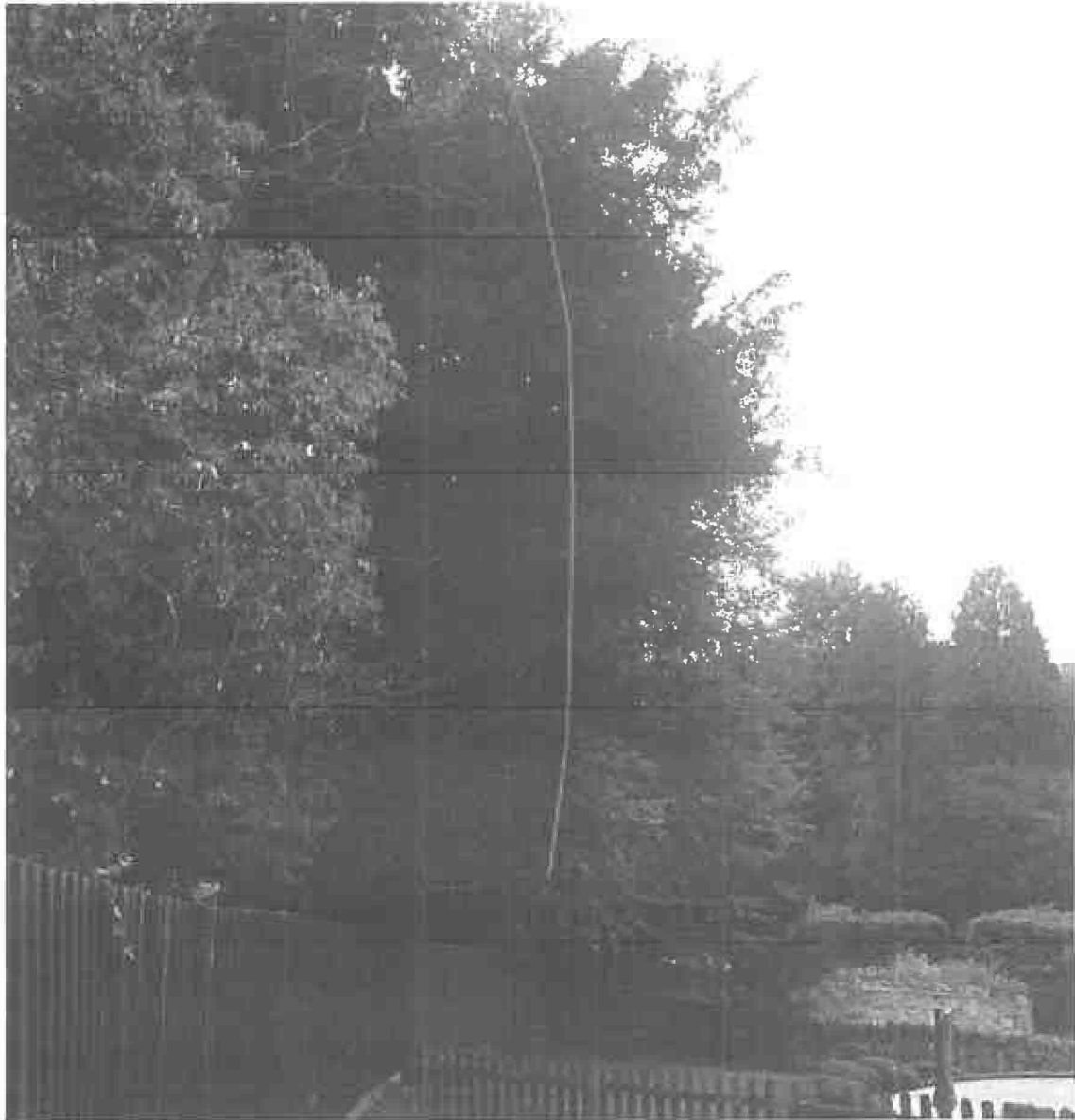
7.2 *Yews T2 and T3 Option 1.*

Reduce the western canopy radius by 2m to 2.5m, leaving a remaining overhang of 2m to 2.5m. Reduce the height of yew T3 by approximately 2m, from 14m to 12m, to match the crown height of T2. Graduate the height reduction to blend into other yew canopies to the east.

Branches should be pruned back to live side growth. Finished pruning cuts should be between 35 and 70mm in diameter.

Yews T2 and T3 Option 2.

Remove T2 and allow better-quality surrounding trees to occupy the space. Reduce yew T3 as described in option 1.



7.2.1 Red line indicated approximate finished dimensions following reduction.

7.3 Treework informatives, included for general information:-

7.3.1 Disturbance to wildlife.

It is essential to check for nesting birds, bat roosts, badgers and hibernating animals such as hedgehogs under trees, before pruning or removing trees, as negligent disturbance is an offence under the EC Habitats Directive 92/43/EEC, Countryside and Rights of Way Act 2000, Protection of Badgers Act 1992. The Conservation (Natural Habitats, & C) (Amendment) Regulations 2007 make **any** damage or destruction of a breeding site or resting place of a European Protected species (mainly bats in a tree context) an offence.

In general, autumn tree work: **September, October and November** is least disruptive to bats and birds. Work on very ivy-clad trees may need a formal pre-start bat assessment by a trained bat worker.

7.3.2 Permission

Trees may be owned by third-parties.

Trees may be protected by planning conditions.

Felling trees > 8cm dbh or 10cm dbh for thinning may need a Felling Licence. Therefore, a contractor must satisfy himself that all necessary permissions from the local planning authority or tree owners are in place before touching trees.

7.3.3 Quality of Tree Work

All off-ground tree work should be done by an insured tree surgeon with certificates in aerial chainsaw use (new designations:- NPTC 020-04, 0020-05, 0020-07, 0021-01, 0021-07; LANTRA 600/5703/8, 600/5717/8, 600/5715/5, 600/5704/X, 600/5714/2), and working to BS3998:2010 and working to BS3998:2010, and "Treework at Height", the Arboricultural Association's ICoP.

(Stumps can be left to shoot again, ground out, or grubbed out, or poisoned depending on location.)

Yours sincerely,



BSc Hons, Dip Arb L4, MArborA

Director and Practicing Consultant



References:

- "The Body Language of Trees". Claus Mattheck and Helge Breloer. HMSO 1994.
 "Principles of Tree Hazard Assessment and Management". David Lonsdale. HMSO 1999.
 "Diagnosis of ill- health in trees2. R.G Strouts and T.G Winter. The Arboricultural Association 2014
 BS 3998: 2010 "British Standard Recommendations for Treework"

From: [REDACTED]
Sent: 14 October 2020 15:37
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Please Pass on to [REDACTED] Re Over hanging trees Thrupp Lane

Good Afternoon [REDACTED]

Thank you for your email which follows up my last meeting with [REDACTED] I am therefore aware of your approach regarding the trees.

I will therefore carry out my inspection which will be greatly assisted by the report from Hutchinson Arboriculture. I will then report to [REDACTED] and revert to you thereafter.

In the meantime I trust you and your family are keeping well in these rather surreal times. Hopefully 2020 will bring good news to us all?

Kind regards to you both.

[REDACTED]

[REDACTED]

This Email is confidential and may contain legally privileged information. If you are not the intended recipient it may be unlawful for you to read, copy, distribute, disclose or otherwise make use of this information.

From: [REDACTED]
Sent: 14 October 2020 12:31
To: [REDACTED]
Subject: Please Pass on to [REDACTED] Re Over hanging trees Thrupp Lane

Dear [REDACTED]

Ref: Copse and footpath between Gunhouse Lane and Thrupp lane and over grown trees backing on to 43 Thrupp Lane

Further to my telephone conversation with [REDACTED] on Friday 25th October regarding the overhanging and over grown trees from the Copse which they own. Please find attached a copy of the report from Hutchison Arboriculture.

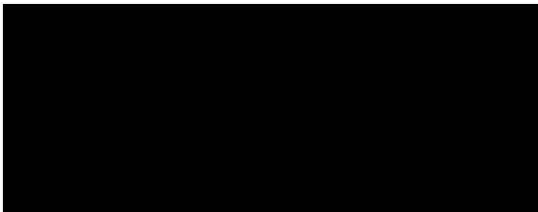
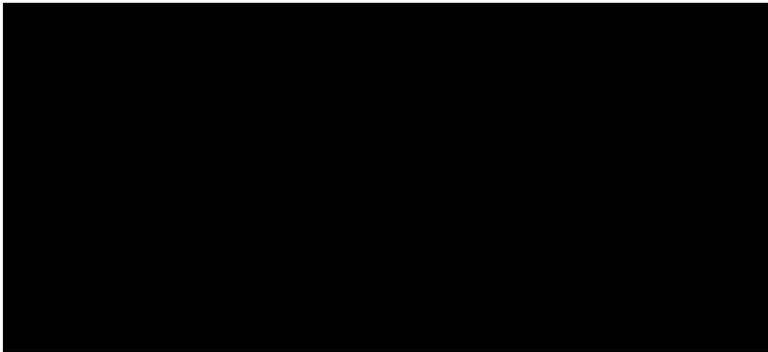
Appendix A

We have also contacted Stroud District Council who have conducted a search on the Copse and it was found that there are no Preservation Orders on any of the trees. They also confirmed it is outside of the conservation area and therefore SDC permission is not required to cut the trees back or down. They also confirmed the landowner (of the copse) is solely responsible for the maintenance and upkeep of the said area. The landowner also has the responsibility of safeguarding and the health and safety of the general public using the copse and the surrounding properties and Highways.

Please can you forward this email along with the report from Hutchison Arboriculture to Mr & Mrs Orchard

We look forward to their reply.

Kind regards



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Our Ref: AWW/4286/JAC
Appendix A
Your Ref:



43 Thrupp Lane
Stroud
GL5 2ER

SUBJECT TO CONTRACT
WITHOUT PREJUDICE

31 October 2008

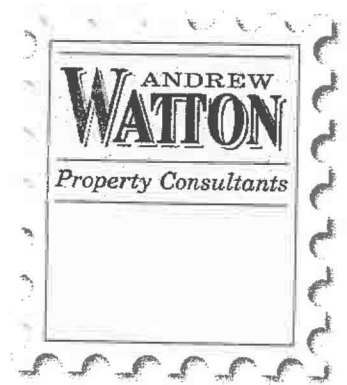
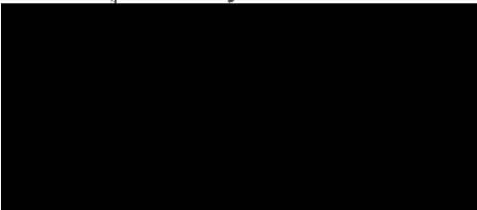
Dear 

Gunhouse Lane

Further to your letter of 15 October 2008, I am writing to confirm that the letter has been copied and passed to my client and I anticipate having further instructions towards the end of next week.

In the meantime, if you have any specific queries or thoughts, please let me know.

Yours sincerely



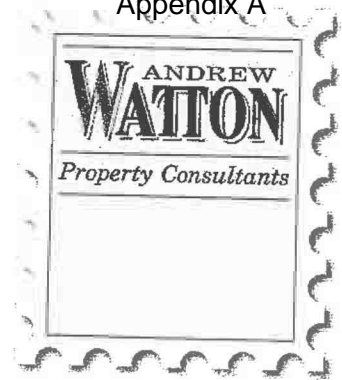
Cornhill Chambers
Union Street, Stroud
Gloucestershire
GL5 2JT



Property Consultants
Commercial Estate Agents
Valuers and Auctioneers
Planning Consultants
Estate Management

Our Ref: AWW/4286/JAC
Your Ref:

Appendix A



[Redacted]
Mulberry House
43 Thrupp Lane
Stroud
GL5 2ER

SUBJECT TO CONTRACT
WITHOUT PREJUDICE

Cornhill Chambers
Union Street, Stroud
Gloucestershire
GL5 2JT

10 November 2008

Dear [Redacted]

Copse and footpath between Gunhouse Lane and Thrupp Lane

Your letter of 15 October 2008, having been relayed to my client, has been the subject to some discussion.

Unfortunately, from a tree pruning point of view, the wooded copse is subject to strict Tree Preservation Orders and as such work as described in your letter cannot be undertaken without the full permission of the Arborological Department of the Local Authority. In the circumstances, you may well wish to investigate further the attitude of Stroud District Council as to the nature of your problem.

Yours sincerely

[Redacted signature]

[Redacted signature]

Property Consultants
Commercial Estate Agents
Valuers and Auctioneers
Planning Consultants
Estate Management

copy

**Mulberry House
43 Thrupp Lane, Stroud, Glos GL5 2ER**

[REDACTED]
Property Consultants
Cornhill Chambers
Union Street
Stroud
Glos GL5 2JT

20 November 2008

Dear [REDACTED]

Copse and Footpath between Gunhouse Lane and Thrupp Lane

Further to your letter of 10 November 2008. In this letter you state that the wooded copse is subject to strict Tree Preservation Orders, this should have been stated on the drawings provided to us in your letter dated 13 October 2008.

We have since contacted Stroud District Council who conducted a search on the Copse and it was found that there are no Preservation Orders on any of the trees. We have also spoken to our neighbours, [REDACTED] and [REDACTED] and they inform us that upon contact with [REDACTED] he gave them permission to prune or cut back any of the trees at their own financial cost. If the trees had Preservation Orders on them [REDACTED] would have had to seek Planning Permission to do so.

The Council stated that whoever owns the land are solely responsible for the maintenance and upkeep of the Copse. We have been advised to have a reputable tree maintenance company to assess the trees, which we have done and are currently awaiting their survey, a copy of which will be forwarded to your client via yourselves upon receipt.

We look forward to your reply.

Yours sincerely,

[REDACTED]

The Old Coach House,
Gunhouse Lane,
Thrupp,
Stroud,
Glos
GL5 2DB

Att. Mr Justin Hobbs,
Planning Dept.,
Stroud District Council,
Ebley Mill,
Ebley Wharf,
Stroud,
GL5 4UB

Mail Room Services

13 FEB 2023

Received

Dear Mr Hobbs,

TPO – TPO 584 – SMALL COPSE

As residents, home and business owners of property bordering on the area labelled as ‘small copse’ we wish to **object** to the proposed TPO for land off Gunhouse Lane.

The trees in this area have been allowed over many years to grow unmaintained. We have lived here for 26 years, during which time no maintenance has been done on these trees. They have become over large encroaching on neighbouring properties, damaging fencing and blocking light.

Among the others, a main concern is the very large tree, described as Lawsons Cypress (*Chamaecyparis Lawsonia*). A tree not native to our country. Reference on map – T1 – tree in solid black circle.

We have raised concerns regarding this tree with the landowner many times, only to be ignored.

The tree is unmaintained, overgrown and full of ivy. It has many boughs that are dangerously hanging off and the tree itself is progressively leaning towards neighbouring properties. This is obviously a concern and as the applicant stated this path is regularly used by local residents and school children. We feel this is a legitimate risk to property and potentially life. Due to

Appendix A

this we feel this tree should definitely not be included in the TPO, as this tree is already dangerous.

The applicant for this TPO does not live bordering the 'small copse 'and didn't consult with property owners who do border the area and so was possibly not aware of the problems with this particular tree and that a recent survey had taken place on the trees in this area.

We look forward to hearing from you,

Yours sincerely,

A solid black rectangular box redacting the signature of the sender.A solid black rectangular box redacting the name of the sender.

The Old Coach House,
Gunhouse Lane,
Stroud,
Glos.
GL5 2DB
28th July 2023

Att. Tree Officer
Planning Dept.,
Stroud District Council,
Ebley Mill,
Ebley Wharf,
Stroud,
GL5 4UB

Dear Tree Officer,

TPO – TPO 0587 – GUNHOUSE LANE

As residents, home and business owners of property bordering on the area labelled as ‘small copse’ we wish to object to the proposed TPO for land off Gunhouse Lane.

The trees in this area have been allowed over many years to grow unmaintained. We have lived here for 26 years, during which time no maintenance has been done on these trees. They have become over large encroaching on neighbouring properties, damaging fencing and blocking light.

Among the others, a main concern is the very large tree, described as Lawsons Cypress (*Chamaecyparis Lawsonia*). A tree not native to our country. Reference on map – T1 – tree in dotted black line. Please find included photos of this tree.

We have raised concerns regarding this tree with the landowner many times, only to be ignored.

The tree is unmaintained, overgrown and full of ivy. It has many boughs that are dangerously hanging off and the tree itself is progressively leaning towards neighbouring properties. The inside of the tree is already looking dead. This is obviously a concern as this path is regularly used by local residents and school children. We feel this is a legitimate risk to property and

Appendix A

potentially life. Due to this we feel this tree should definitely not be included in the TPO, as this tree is already dangerous. By including this in a group TPO that includes many trees could render SDC negligent if this were to fall. As property owners next to this tree we are always fearing it falling every time we experience high winds or gales.

The 6 lime trees, reference on map G1 and G2 , with a broken black line. These trees again have had no maintenance for at least 26 years. They are very overgrown and are pushing the very old dry stone wall into Thrupp Lane. There is not a pavement on Thrupp Lane and many families and children use this route to the local school. Please also find included photographs of the trees and the wall.

We trust that SDC and Thrupp Parish Council are aware that a recent survey has taken place on the trees in this area, prior to this TPO application. We feel it a shame that the original applicant, who doesn't live bordering this area, didn't talk to the locals.

I will also be posting this objection.

We look forward to hearing from you,

Yours sincerely,

A solid black rectangular box used to redact the signature of the author.



Development Control Committee Schedule 17/10/2023

Item No:	03
Application No.	S.23/1902/NEWTPO
Site Address	Land At, Middle Hill, Eastcombe, Stroud
Town/Parish	Bisley With Lypiatt Parish Council
Grid Reference	389411,203878
Application Type	New Tree Preservation Order
Proposal	New TPO/0589 - Land At Middle Hill, Eastcombe, Gloucestershire
Recommendation	Confirm the Tree Preservation Order without modification
Call in Request	Requested by Head of Development Management





Development Control Committee Schedule 17/10/2023

Applicant's Details	Stroud District Council Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB
Agent's Details	None
Case Officer	Justin Hobbs
	CONSULTEES
Comments Received	Woodside Lodge
Constraints	Bisley With Lypiatt Parish Council
	OFFICER'S REPORT

CONFIRMATION OF TREE PRESERVATION ORDER

PURPOSE OF REPORT

To consider objection and support comments made to the making of Stroud District Tree Preservation Order No 0589 in respect of a woodland at Land at Middle Hill, Eastcombe and to determine whether or not to confirm the Order.

An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

INTRODUCTION

In November 2022 Bisley-with-Lypiatt Parish Council requested that the council consider the expediency of making a TPO on a small woodland on land at Middle Hill, Eastcombe. The site was for sale and the Parish Council were concerned about the future of the woodland.

DESCRIPTION OF TREE/SITE

Land at Middle Hill covers approximately 1.4 acres. Located on the boundary with Chalford Parish, the wedged shaped site is overwhelmingly young deciduous woodland. The site is bounded by the road known as Middle Hill to the west and a road to the east that leads towards Bisley.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework September 2023

Available to view at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website: <https://www.stroud.gov.uk/LocalPlan>

Local Plan policies considered include:

ES8 - Trees, hedgerows and woodlands.

Bisley-with-Lypiatt Design Statement (2010)

National Planning Policy Guidance (NPPG).



Development Control Committee Schedule 17/10/2023

RELEVANT PLANNING HISTORY

TPO/0582 - TPO made 09.01.2023 to protect the woodland. Due to some minor errors on the TPO schedule it was decided to allow this TPO to lapse (not be confirmed) and the current TPO (TPO/0589) was made to, in effect, replace this TPO.

LEGISLATION BACKGROUND/TPO PROCEDURE

A Tree Preservation Order (TPO) is an order made by a Local Planning Authority that makes it an offence to fell, prune, uproot, wilfully damage or destroy a tree without the Authority's permission. The Authority has a statutory obligation to protect trees worthy of preservation by means of TPOs.

The power to make a Tree Preservation Order (TPO) is contained in The Town and Country (Tree Preservation) (England) Regulations 2012. This specifies that local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether a TPO is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified.

When deciding whether a TPO is appropriate, the guidance outlines that protection should be given to trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an TPO they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

When considering whether trees should be protected by a TPO, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant a TPO The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- * size and form;
- * future potential as an amenity;
- * rarity, cultural or historic value;
- * contribution to, and relationship with, the landscape; and
- * contribution to the character or appearance of a conservation area.



Development Control Committee Schedule 17/10/2023

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Stroud District Council uses a national recognised system to assess the expediency of making a TPO called Tree Evaluation Method for Tree Preservation Orders (TEMPO). TEMPO is used by many local authorities for this purpose.

Once a TPO is made, the council has a maximum of 6 months to decide whether to confirm the TPO as made, confirm the TPO as made but with modifications, or to not confirm the TPO. Allowing the 6 month period to pass without confirmation renders the TPO as lapsed and the trees are no longer protected.

The purpose of the maximum period of 6 months between making the TPO and confirming, modifying, or not confirming the TPO, is to allow a for representations to be made to the council about the TPO before deciding whether to confirm, modify, or to not confirm the TPO.

BACKGROUND TO THE TPO

In November 2022 the Parish Council made officers at Stroud District Council aware that the site known as land at Middle Hill, Eastcombe was for sale. The Parish Council being concerned about potential future land use changes requested the council consider making a TPO to protect the young woodland covering the vast majority of the site.

The consultant tree officer visited site on 10.11.2022 and undertook an assessment for expediency to make a TPO using the TEMPO system. The results of the assessment indicated it was expedient to make a TPO to protect the woodland (Copy in the Appendix).

TPO 0582 was duly made on 09.01.2023. The council served notice on the owner and those affected by the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (The Regulations hereafter). A site notice was also posted on site.

An objection to the making of this TPO was received within the statutory 28 day period following the making of the TPO. Officers considered the objection and decided that the woodland protected by this TPO had not been identified correctly on the TPO plan.

It was decided that the most expedient course of action was allow TPO 0582 to lapse (i.e to not be confirmed) and to make a new TPO to, in effect, replace TPO 0582.

TPO 0589 Land at Middle Hill, Eastcombe, Gloucestershire was duly made on 26.07.2023. The council served notice on the owner and those affected by the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. A site notice was also posted on site.

The TPO protects a small woodland area identified as W1 on the TPO schedule and plan. The TPO protects all trees within the area that are growing now, and any new trees / saplings that grow in the future (Copy of Order is attached in the Appendix).



Development Control Committee Schedule 17/10/2023

The period for any objections and representations to be made to the Council in respect of the TPO ended on 23.08.2023.

REPRESENTATIONS

One supporting letter.

Summary of support comments received:

"We wholeheartedly agree that the trees in the woodland are worthy of such an order by virtue of their public amenity value and their value as a natural habitat....We agree with the Council's opinion that were the woodland to be affected by future development or changes to its' land use consideration of the amenity value of the trees and the surrounding area should be paramount"

One objection letter from agents representing the site owners.

Summary of objection comments received:

"Firstly the Order is invalid. Secondly, the Order fails to meet the requirements of section 198(1) of the Town & Country Planning Act 1990 in that it is not expedient in the interests of amenity to make provision for the preservation of any of the tree at the Application site"

The objection contends the following:

1. The map annexed to the TPO is invalid. The Regulation "requires a map annexed to an order to give a clear indication of the position of the trees, groups of trees or woodlands to which the order relates. In contradiction of this, the map annexed to the Order fails to give a clear indication of the position of the woodland to which it relates, instead outlining the whole of the Registered Title (including approximately 500m² of land where no trees are present)"
2. The council has not made the TPO publicly available so that "The failure to publish the Order as soon as practicable has prejudiced our clients' (and others') ability to make proper representations in relation to the Order".
3. The Notice accompanying the TPO is in conflict with the requirements of the Regulations. " The accompanying notice...gives broad and vague reasons for serving the Order, none of which bear any specific relevance to the Application site. It is, therefore, submitted that the Notice lack sufficient information to enable members of the public a fair opportunity to rebut reasoning in favour of the Order. This is in direct conflict with the requirement of Regulation 5(2)(a)".
4. The objection offers that the amenity value of the woodland is not significant "The removal of the trees (although not currently proposed) would not have a significant negative impact on the local environment nor the public's limited ability to enjoy it. The Application Site does not provide any reasonable degree of public or ecological benefits, either now or in the future".
5. The objection considers it is not expedient to confirm the order - " There is no risk of the trees at the Application Site being felled or damaged in ways which would have any impact on the amenity of the local area or any habitat"



Development Control Committee Schedule 17/10/2023

A full copy of the support and objection letters are appended to this report in the Appendix.

RESPONSE TO OBJECTIONS

It is your officers opinion that the map (or plan) annexed to the TPO is valid and fulfils the requirements of the Regulations. The Regulations require that woodland being protected by a TPO is identified as an area on a map with a continuous black line and referenced as W1, W2, etc. The map annexed to the TPO clearly indicates an area referenced as W1 and the area is bounded by a continuous black line. There are small areas of the site that are not covered by trees - an area at the southern end of the site and a linear strip running through the woodland for overhead services. It is your officers opinion that open areas can form a natural part of any woodland, and that in time these areas can become wooded, and therefore it is valid to include such areas within the TPO.

In summary, the Regulations state that as soon as practicable after making a TPO, the authority must serve all interested parties with a copy of the TPO, a notice that includes the reasons for making the TPO, information regarding objections and representations and that a copy of the order should be made available for inspection, free of charge, at all reasonable hours at the Stroud District Council Offices. The TPO is available to view at the council's offices from the day it is made, and as per the Regulations, all interested parties (such as the site owners) were sent a Notice and a copy of the TPO on the date the TPO was made. The TPO is now available to view online.

Regulation 5(2)(a) requires the council to explain the reasons for making the TPO by stating these on the Notice accompanying the TPO. The reasons for making the TPO are stated on the Notice as:

"The trees are worthy of a Tree Preservation Order (TPO) by virtue of their public amenity value and their value as a natural habitat. The tree could be affected by future development or changes in land use and the TPO is considered expedient to the full consideration of the amenity value the trees provide in any future changes. The trees (including groups of trees and areas of woodland) are important assets and of significant public amenity value and ecological value, the making of the TPO recognises these factors and helps safeguard the trees for future generations"

It is your officer's opinion that the reasons stated above are clear and fulfil the requirements of the regulations. The comment of support would indicate that the reasons have been understood by the public as well.

A nationally recognised system of evaluation has been undertaken and the results indicated the woodland is worthy of a TPO. The woodland is located at an intersection of 2 well used public roads, it is clearly visible to large numbers of the public using the road and nearby residents. The interest of the Parish Council and support for the TPO infers a clear public interest and value. The amenity, ecological, and landscape values of woodlands is well documented. The woodland is relatively young, therefore it is not unreasonable to suggest that the amenity, ecological and landscape value is likely to increase in time.



Development Control Committee Schedule 17/10/2023

The proposed sale of the site brought with it a degree of uncertainty regarding the future land use of the site; a potential/possible threat to the woodland. This combined with the results of the evaluation exercise provides that it is expedient to have made, and to now confirm this TPO. The making and confirmation of a TPO does not prevent application for tree works, or development on the site. The TPO ensures that (subject to certain exceptions) the trees cannot be felled or worked on without an application being made (and consent granted). It also recognises that the trees and the woodland are an important factor in any future land use changes or development.

ASSESSMENT/APPRAISAL

The woodland can be described as early mature in age; it is clearly not ancient, but nor it is recently planted. Most of the trees are self-set and have grown as the site fell into disuse in approximately the last 30 years.

The average height of the trees is presently around 10m - 12m with an stem diameter of 150 - 200mm, although a few scattered larger trees has a stem diameter of up to 500mm. The species mix includes stands of sycamore, ash, apple, hawthorn, goat willow and oak. Sycamore and ash are the dominant species. There is a developing understorey of holly, privet, beech and dogwood. The species diversity within the woodland is likely to increase with time as the ash succumb to ash dieback disease which is present in the woodland.

Some appropriate management such as selective thinning would perhaps be beneficial.

Being located between 2 busy roads and at the edge of Eastcombe and Chalford, the woodland is clearly visible to the public, with landscape presence and ecological value.

The TEMPO assessment undertaken resulted in a score and recommendation of "TPO defensible"

OPTIONS AVAILABLE TO THE COMMITTEE:

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order without modification; or
- 2) To confirm the Tree Preservation Order as with modifications; or
- 3) To not confirm the Tree Preservation Order.

In doing so, Members must clearly give reasons as to why they have reached their decision.

It should be noted that the Order cannot be modified to include further trees outside the boundary of the order as drawn. If consideration is required to be given to protecting further trees then a new order to cover those trees should be placed. The modification of the order can only exclude trees or draw the boundary smaller but it cannot increase it because the publicity and notification has not included any greater number of trees.



Development Control Committee Schedule 17/10/2023

RECOMMENDATION

The woodland contributes positively to amenity in the vicinity now and this value will continue and increase. Assessment has shown it is expedient to confirm this TPO.

It is therefore recommended that TPO 0589 Land at Middle Hill, Eastcombe, Gloucestershire should be confirmed as served and long term protection provided for the trees.

There is no right of appeal the confirmation of an order so the Authority and Members have to demonstrate that they have made their decision in an even-handed and open manner. Therefore, Members are asked to consider all the information before them including the comments and objections received, prior to making a decision to confirm the order.

If the order isn't confirmed, the landowner can exercise their right to remove the trees.



STROUD DISTRICT COUNCIL

Ebley Mill • Ebley Wharf • Stroud • Gloucestershire • GL5 4UB
01453 766321
www.stroud.gov.uk

Dated 26/07/2023

STROUD DISTRICT COUNCIL TREE PRESERVATION ORDER

**Land at Middle Hill, Eastcombe, Gloucestershire, 2023
TPO/0589**

Town and Country Planning Act 1990

**The Town and Country Planning (Tree Preservation) (England) Regulations
2012**

TREE PRESERVATION ORDER

relating to

Land at Middle Hill, Eastcombe, Gloucestershire 2023



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TOWN AND COUNTRY PLANNING ACT 1990 THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

STROUD DISTRICT COUNCIL TREE PRESERVATION ORDER NO TPO/0589

Land at Middle Hill, Eastcombe, Gloucestershire 2023

The Stroud District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as TPO Number TPO/0589 Land at Middle Hill, Eastcombe, Gloucestershire, 2023

Interpretation

2. (1) In this Order "the authority" means Stroud District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.



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Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 26/07/2023

A handwritten signature in black ink, appearing to read 'J Chaplin'.

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf



STROUD DISTRICT COUNCIL

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CONFIRMATION OF ORDER

This Order was confirmed by the Stroud District Council without modification on the
day of 20

OR

This Order was confirmed by the Stroud District Council, subject to the modifications
indicated by

on the day of 20

Signed on behalf of The Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Stroud District Council
on the day of 20

Signed on behalf of the Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf



STROUD DISTRICT COUNCIL

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VARIATION OF ORDER

This Order was varied by the Stroud District Council on the
day of 20

by a variation order under reference number a copy of which is attached

Signed on behalf of The Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager

REVOCATION OF ORDER

This Order was revoked by the Stroud District Council on the
day of 20

under the reference number

Signed on behalf of The Stroud District Council

.....
John Chaplin – Majors and Environment Team Manager
Authorised by The Council to sign in that behalf



SCHEDULE

SPECIFICATIONS OF TREES

TPO Reference and location:

TPO/0589 Land at Middle Hill, Eastcombe, Gloucestershire

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

None

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

None

GROUPS OF TREES (within a broken black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

None

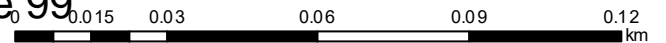
WOODLANDS (within a continuous black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

W1	Mixed Species	Grid Ref: SO 89411 03878
----	---------------	--------------------------



© Crown copyright and database rights 2022 Ordnance Survey 100019682



Site: Land at Eastcombe

Date: 10.11.2022.

Proposal: Potential new TPO on land located to the north of the interchange of Old Neighbourhood and Middle Hill. Grid Ref SO 89413 03884



Comments:

The 1.4 acre. site has been offered for sale by tender in November 2022. There is concern that the sale of the land will result in the loss of the copse. I visited site on 10.11.2022 as assessed the site as a small woodland (copse) rather than as individual trees.

The copse that makes up the vast majority of the site contains standards of sycamore, ash, apple, hawthorn, goat willow & oak. Sycamore is by far the most dominant species followed by ash. The trees are all in a normal physiological condition apart from a significant number of the ash trees which are displaying symptoms of ash dieback. The average stem diameter of the standard trees is between 150 – 200mm, with a small number up to 500mm. Many trees are multi-stemmed from the base suggesting these trees have been cut to ground level in the past. The average height of the trees is approximately 10m, with some up to 14m.

The developing understorey is dominated by holly with hawthorn, privet, beech and dogwood also present.

Site photographs



The copse appears to be primarily self-set in nature. This does not detract from the amenity and habitat value it presently provides. This could be improved by selective thinning/felling, particularly the ash, leaving the deadwood in situ, and either leaving the new trees to come through by natural regeneration, or with underplanting of native trees such as oak.

A TEMPO assessment indicates the it would expedient to place a TPO on the copse (scheduled as a woodland).

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 10.11.2022	Surveyor: Justin Hobbs
Tree details	
TPO Ref (if applicable): N/A	Tree/Group No: W1 Species: Sycamore, ash, oak, holly beech, apple, willow, hawthorn, dogwood
Owner (if known):	Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes 3
Ash have ADB, some M/S trees, thinning copse would be beneficial

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes 4/5
Still a relatively young woodland

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 4
Located between two roads and on an edge of village location

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 2
Site is for sale

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
14/15

Decision:
TPO defensible

Conclusion/Recommendation:

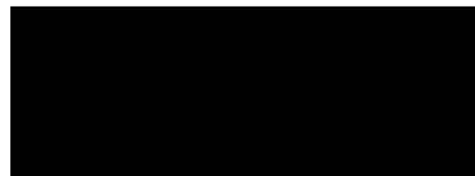
It is expedient to place a TPO on the whole site as W1 (woodland).

FAO: Tree Officer
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
Gloucestershire
GL5 4UB

Mail Room Services

15 AUG 2023

Received




By special delivery post and by email: planning@stroud.gov.uk

Our Ref: LW/RDP/13056.1

Your Ref: TPO/0589

14 August 2023


Dear Sir

Our clients: 

TPO Reference: TPO/0589 ("the Order")

Land on the East Side of Middle Hill, Chalford Hill, Stroud ("the Application Site")

1. Background

1.1 We are instructed by  ("our clients") who are the registered proprietors of the Application Site as registered at HM Land Registry under Title Number GR363037 ("the Registered Title"). We enclose a copy of the Registered Title which confirms our clients are the legal owners at **annex 1**. We confirm that our clients wish to object to the Order, therefore please treat this letter as a formal objection.

1.2 A temporary order dated 9 January 2023 ("the First Order") was withdrawn by the Council on 28 July 2023. A new notice and accompanying order, dated 26 July 2023 ("the Order") has since been served on our client in relation to a woodland located at the Application Site. For the avoidance of doubt, this objection relates to all of the trees to which that Order relates.

1.3 Our clients' objection is two-fold. Firstly, the Order is invalid for the reasons set out at paragraph 2 of this letter. Secondly, the Order fails to meet the requirements of section 198(1) of the Town and Country Planning Act 1990 ("the 1990 Act") in that it is not expedient in the interests of amenity to make provision for the preservation of any of the trees at the Application Site.

2. Validity of the Order

2.1 Regulation 3(3) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 ("the Regulations") requires a map annexed to an order to "give a clear indication of the position of the trees, groups of trees or woodlands to which the order relates". In contradiction to this, the map annexed to the Order fails to give a clear indication of the position of the woodland to which it relates, instead outlining the whole of the Registered Title (including approximately 500m² of land where there are no trees present). The Order map is hopelessly vague and does not comply with the requirements of Regulation 3(3).

Loxley is the trading name of Loxley Solicitors Limited, a limited company registered in England and Wales (Co. No.07646718), authorised and regulated by the Solicitors Regulation Authority. A list of current directors is displayed at our registered office and on our website.

Registered office: Langford Mill, Kingswood, Wotton-under-Edge, Gloucestershire, GL12 8RL

Page 2

- 2.2 The Council will be aware that it is under an obligation to make tree preservation orders available for public inspection as soon as practicable after making the order (by virtue of Regulation 5(1)(b) of the Regulations). It is submitted that the Council has failed to discharge this obligation. The Order states that it took effect, on a temporary basis, on 26 July 2023. As at the date of this letter (some 19 days later), the Order has not been made publicly available. The failure to publish the Order "as soon as practicable" has prejudiced our clients' (and others') ability to make proper representations in relation to the Order.
- 2.3 The accompanying notice to the Order ("the Notice") gives broad and vague reasons for serving the Order, none of which bear any specific relevance to the Application Site. It is, therefore, submitted that the Notice lacks sufficient information to enable members of the public a fair opportunity to rebut the reasoning in favour of the Order. This is in direct conflict with the requirement of Regulation 5(2)(a).
- 2.4 For the above reasons, both the Notice and the Order fail to satisfy the requirements of the Regulations and consequently render the Order invalid and/or ultra vires.

3. Amenity Value

- 3.1 Our clients instructed [REDACTED] of Independent Arboriculture & Urban Forestry Limited to conduct a full assessment of the trees at the Application Site ("the Assessment") following the publication of the First Order. A copy of that assessment is enclosed at **annex 2**. The Assessment remains valid in relation to the Order dated 26 July 2023 and it should not be afforded any lesser degree of weight.
- 3.2 In terms of visibility, some of the trees along the perimeter of the Application Site can be seen from the adjacent public highways (with visibility of those along the southern, eastern and western boundaries being restricted due to adjacent property, and trees on adjacent land). The majority of the trees along the perimeter are of poor form and provide little to no amenity value and so cannot be considered important assets. Therefore, the removal of any of these trees (if required in the future) would have little impact, if any, on the local environment.
- 3.3 The majority of the trees contained within the Order have no or limited visibility from the public realm and therefore cannot be said to provide public benefits. The Application Site is not a visual feature on the horizon and does not dominate the wider landscape. The wider landscape includes a number of dense wooded areas consisting of tall, mature trees. The Application Site is insignificant in comparison with these areas and provides a limited contribution to the local landscape.
- 3.4 Furthermore, none of the trees at the Application Site have cultural or historical value. There are also no rare species present that require protection. The predominant species are Sycamore and Ash, with none of the trees within these species having individual merit. Most of the larger Sycamore trees are of poor form, whilst the majority of the Ash trees are displaying symptoms of ash dieback disease. Some of the Ash trees present have already died and it is expected that most of the those remaining will perish due to their current size and maturity. As such, their ecological value is limited, as is their value as a natural habitat.
- 3.5 A covering letter was submitted in support of the application for the First Order ("the Application"), which gives several reasons why it could be necessary for an order to be made. It is assumed that the Application is still relevant to the Order dated 26 July 2023.
- 3.6 One of the reasons listed in the Application relates to the future amenity potential of the Application Site, stating that it "could also become a local green space". There are no public rights of way crossing the Application Site, nor do our clients permit members of the public to

Appendix A

Page 3

use it for recreational or other purposes. The Application Site is strictly private land. Therefore, there are no grounds in support of this statement and it should be disregarded.

- 3.7 The Application also states that "[t]he Parish Council would also wish to retain this land as a buffer between Chalford and Eastcombe, as an important Local Gap." The Application Site is not under the ownership or control of the Parish Council and, as such, cannot be "retained" by them for this purpose. Furthermore, the presence of the trees on the Application Site has no impact on the location as a Local Gap. As the Council will be aware, Local Gaps can be bare land. Therefore, this statement is also irrelevant.
- 3.8 It appears that a trigger for the submission of the Application was the fact that the Application Site was marketed for sale. This is an unjustifiable reason for imposing the Order. Furthermore, it would also appear that the Application was submitted to the Council as a pre-emptive measure to prevent any development taking place at the Application Site. Applying for a tree preservation order over trees that do not meet the required legislative test is not an appropriate or justifiable means of seeking to limit development. In particular the Parish Council have adduced no evidence of any such proposals. Should any development be proposed in the future the Parish Council and members of the public will have an opportunity to raise any objections at the appropriate time. However, we take this opportunity to stress there are currently no plans for development or change of use of the Application Site.
- 3.9 The removal of the trees (although not currently proposed) would not have a significant negative impact on the local environment nor the public's limited ability to enjoy it. The Application Site does not provide any reasonable degree of public or ecological benefits, either now or in the future.
- 3.10 There is an electricity wayleave agreement in place relating to the Application Site, which requires some of the trees to be cut back occasionally so that the electrical cables are not damaged. The Council will be aware of this as it has an agreement with the utility company in place (as demonstrated by the letter at **annex 3**). Such works are common and justifiable for maintenance purposes.

4. Ecological Value

- 4.1 The online Government guidance relating to Tree Preservation Orders states that sufficient information should be gathered "to enable an accurate Order to be drawn up". Such information can include the "trees' importance as a wildlife habitat". The Notice makes fleeting and generalised references to the Application Site having ecological value, but fails to provide any supporting information. Prior to making such references, it would have been pertinent for a formal assessment of the ecological value to have been undertaken in order to identify any particular wildlife habitat requiring protection. Given the lack of such report, any reference to the Application Site being of ecological value is a baseless assumption and should be disregarded. It only serves to highlight the inaccuracies on which the Order is founded.

5. Expediency

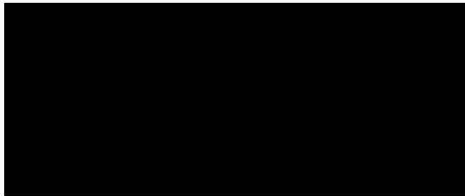
- 5.1 Even if the Council considers that the trees have some amenity and/or ecological value, it is submitted that it is not expedient to confirm the Order. There is no risk of the trees at the Application Site being felled or damaged in ways which would have any impact on the amenity of the local area or any habitat. Furthermore, there are no existing development pressures to justify the imposition of the Order.

Page 4

6. Summary

6.1 In summary, it is submitted that the Order does not satisfy the provisions of the 1990 Act or the Regulations. We therefore respectfully request that the Order is not confirmed.

Yours faithfully



ANNEX 1

HM Land Registry



**Official copy
of register of
title**

Title number GR363037

Edition date 03.05.2012

- This official copy shows the entries on the register of title on 24 OCT 2022 at 15:41:24.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 24 Oct 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

GLOUCESTERSHIRE : STROUD

- 1 (19.04.2012) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the east side of Middle Hill, Chalford Hill, Stroud.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (19.04.2012) PROPRIETOR: [REDACTED]
- 2 (19.04.2012) The value stated as at 19 April 2012 was [REDACTED]
- 3 (19.04.2012) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

End of register

ANNEX 2

Arboricultural Report: Tree Preservation Order Suitability Assessment
Ref land near Loxley 86.04

Arboricultural Report: Tree Preservation Order Suitability Assessment

Land near Middle Hill

Eastcombe

Gloucestershire

Nr GL6 8BD

Dated 3rd February 2023

Subject matter: A report on suitability of trees for a tree preservation order.

On behalf of: Site owners [REDACTED]

On the instructions of: Loxley Solicitors

Reference: 86.04



Independent Arboriculture & Urban Forestry Ltd



**Independent
Arboriculture
& Urban Forestry**

Independent Arboriculture & Urban Forestry Ltd
is a company registered in England and Wales (Company No: 10833465).
Registered Office: Robinia House, GL5 2LG, United Kingdom.
VAT No.: 277 4532 76

Appendix A

Arboricultural Report: Tree Preservation Order Suitability Assessment
Ref land near Loxley 86.04

Contents

Paragraph Number	Paragraph Contents	Page Number
1	Introduction	3
2	Instruction	3
3	Tree Preservation Orders and Guidance	3
4	Assessment Process and Associated Information	4
5	Assessment & Findings	6
6	Summary of Assessment	7
7	Author Confirmation	7

Appendices

None



Arboricultural Report: Tree Preservation Order Suitability Assessment
Ref land near Loxley 86.04

1. Introduction

- 1.1 I am [REDACTED] I am a director and arboricultural consultant for Independent Arboriculture & Urban Forestry Ltd. My specialist fields are trees, arboriculture, urban forestry and tree work. The qualifications I hold which are most relevant to tree preservation and tree management are a post-graduate diploma in arboriculture and urban forestry, a Master of Science degree in environmental forestry and I am a chartered environmentalist and Registered Consultant of the Arboricultural Association. I have worked for a city council planning department as an Arboricultural Officer with duties focusing on the assessment of trees for new tree preservation orders, reviewing existent tree preservation orders, administering tree work applications and notifications, and commenting on other planning and development applications.
- 1.2 I was contacted by [REDACTED] of Loxley Solicitors in January 2023 on behalf of the site owner, [REDACTED] initially to review a new tree preservation order associated with land near Middle Hill, Eastcombe, Gloucestershire (near GL6 8BD). The Order, served by Stroud District Council, is titled 'TPO No - 0582 New Tree Preservation Order'. Subsequently I was instructed to document my significant findings relating to amenity and suitability for a tree preservation order in a formal report.

2. Instruction

- 2.1 Independent Arboriculture & Urban Forestry Ltd was instructed by Loxley Solicitors to:
1. Confirm current guidance on tree preservation order suitability assessment;
 2. Based on a site visit and information publicly available, assess trees at the site against the current guidance for amenity and suitability;
 3. Document significant findings in a report.

3. Tree Preservation Orders and Guidance

- 3.1 Local planning authorities (LPA), have a discretionary power under the Town and Country Planning Act (1990) to subject trees to Tree Preservation Orders if; *'it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*¹. Such Orders prohibit certain activities such as the cutting down, lopping or wilful destruction of trees without written consent for the LPA. Trees may be designated as individual specimens, groups of trees, woodland or areas of trees.
- 3.2 Central government guidance² recommends use of a structured and consistent method to assess suitability, and in turn amenity, which considers criteria such as: expediency; visibility of the tree; individual, collective and wider impact with characteristics. Other factors such as nature conservation or response to climate change can add to the justification for making an Order but *'these factors alone would not warrant making an Order'*.

¹ Section 198 'Power to make tree preservation orders'. Town and Country Planning Act 1990. Available from <https://www.legislation.gov.uk/ukpga/1990/8/section/198>

² Ministry of Housing, Communities & Local Government. (2014) Guidance: Tree Preservation Orders and trees in conservation areas. Paragraphs 007 & 008. Available from <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#Flowchart-1-Making-and-confirming-TPO>.



Appendix A

Arboricultural Report: Tree Preservation Order Suitability Assessment
Ref land near Loxley 86.04

3.3 Stroud District Council have published factors on their website to be considered when deciding if a tree preservation order is appropriate³:

- The visibility of the tree and amenity value to the general public rather than views from private areas such as rear gardens.
- The condition of the tree, if the tree is dying or diseased we are unlikely to confirm a TPO.
- If the particular tree(s) have significant importance in terms of its size, form, rarity, screening value or contribution to the character or appearance of an area.

3.4 My experience is that Stroud District Council use a system for assessing suitability called 'Tree Evaluation Method for Preservation Orders' (TEMPO)⁴. Over recent history Stroud District Council have attached a copy of their assessment to each served Order. In this instance such an assessment is not available to me, but I use TEMPO as a source of relevant guidance as it includes factors of visibility, amenity, condition, other factors and threat which are similar to those stated on Stroud District Council website.

3.5 Another relevant source of guidance is known as 'the Helliwell system' for visual amenity valuation of trees and woodlands⁵. Part of this guidance is useful to the layperson for understanding how significant or important characteristics and factors of amenity and suitability assessment are described. I use this in my assessment findings to help describe these to the reader by using words like; some importance, very little importance, many, few, just, moderately, etc, that relate to this guidance.

4. Assessment Process and Associated Information

4.1 I visited site on 20th January 2023 to assess amenity and suitability characteristics as recommended in Section 3. I reviewed a copy of the Tree Preservation Order on the same day.

4.2 Seven documents associated with the Order have been made available for public access on Stroud District Council planning register (Reference S.22/2551/NEWTPO). The documents include an application for a new tree preservation order from the Parish Council, copy of Order and Plan, brochure for sale of the land, three covering letters regarding the Order. I reviewed these on 3rd February 2023.

4.3 I reviewed these documents for relevant information to my assessment which includes:

- 'Sycamore, Ash, Apple, Hawthorn, Goat Willow and Oak' are listed as subject to the Order.
- The trees have been subject to a 'group' classification. The number of trees in the group are not stated.
- A sales brochure considers the land to the woodland, as does the application for a new tree preservation order.
- The application states the importance of the woodland with four reasons. However, none relate to amenity or suitability for a TPO nor threat to the trees. Some relate to 'other factors' which require the trees to have sufficient amenity (as Section 3).

³ Stroud District Council. (2017). *New Tree Preservation Orders*. Website page <https://www.stroud.gov.uk/environment/planning-and-building-control/conservation-biodiversity-listed-buildings-trees-and-hedgerows/trees/new-tree-preservation-orders>

⁴ Forbes-Laird, J. (2009). *Tree Evaluation Method for Preservation Orders (TEMPO)*. Available from <http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

⁵ Helliwell, R. (2008). *Visual amenity valuation of trees and woodlands*. Arboricultural Association, Ampfield.



Arboricultural Report: Tree Preservation Order Suitability Assessment
Ref land near Loxley 86.04

- As justification for the Order, Stroud District Council state in covering letters: '*The Order has been made because it is considered that the tree(s) are an important feature and worthy of preservation*'. No other justification or detail from an assessment process has been made available for review.

- 4.4 The land is privately owned and not in community, Parish Council or Authority ownership. I state this as it is relevant to some of the reasons given in the application.
- 4.5 Given the number (and species) of trees designated in the group are not entirely clear to me from the Order, as I would expect of a group classification⁶, I have used some discretion with the TEMPO assessment to broadly use it as a guide.

5. Assessment & Findings

- 5.1 I found the site to be dominated by semi-mature common ash (*Fraxinus excelsior*) and sycamore (*Acer pseudoplatanus*) trees varying between 8 and 12m tall with stem diameters of up to 200mm at 1.5m above ground level. Occasional larger trees of these species, up to 15m tall, can be found mainly in the center of the area and Southern corner.
- 5.2 However most of the larger sycamore trees are of poor form due to apparent historical coppicing resulting in multi-stemmed form. Overall, I consider the sycamore trees to be in fair condition but with much growth left to do. On average I consider them capable of surviving in excess of 40 years.
- 5.3 Regarding the common ash, which I estimate makes up 45% of trees at the site, almost all of them regardless of size show symptoms of ash dieback disease (*Hymenoscyphus fraxineus*) some of which is extensive and can be described as dying, with some trees already dead. Given the size and maturity of these common ash trees I expect most to perish due to the infection or secondary infection. However, I would expect the larger trees to shown more resistant/tolerance and may well recover but with reduced canopy cover for some time. In summary for the common ash trees, I consider them in poor condition on average with limited useful life expectancy.
- 5.4 Of the other genus and species listed the willow are present along a difficult to view boundary (East) and of poor form. The apple and hawthorn trees are generally of good condition, short in height, early mature, but difficult to distinguish. I consider these trees to be capable of surviving in excess of 40 years. I did not notice any oak trees.
- 5.5 The site is located adjacent Old Neighborhood and Middle Hill highways in a rural village location. The site is positioned on the edge of the village. Both highways are in regular use throughout the day for a rural highway, but I would not consider them busy for any type of traffic. The immediate area is not densely populated with open fields and singular houses around three of the boundaries, and seven houses and a commercial garage along the other. The site does not have authorised public access.
- 5.6 The wider landscape has a number of densely wooded areas with large and very tall mature trees such as woodland off The Fifth, Toadsmoor valley and around France Lynch. This site does not resemble the scale, tree size or maturity of those areas. Near to the site are many hedgerow trees and public open space further along Middle Hill surrounded by large early mature and mature trees of generally good condition.

⁶ The Town and Country Planning (Tree Preservation)(England) Regulations. (2012). *Schedule*. Available from [The Town and Country Planning \(Tree Preservation\)\(England\) Regulations 2012 \(legislation.gov.uk\)](http://www.legislation.gov.uk)



Appendix A

Arboricultural Report: Tree Preservation Order Suitability Assessment
 Ref land near Loxley 86.04

- 5.7 The site and immediate area is predominately flat to slightly sloping land and the site is not a visual feature in the horizon or clearly overlooking or dominate in the wider landscape. I describe its position in the landscape as of some importance but of no merit as individual specimens. In terms of suitability to its landscape the trees are just about suitable but lacking any distinct or special characteristics which can be attributed to many of the immediately surrounding trees and woodlands which are particularly well suited and many in number.
- 5.8 In terms of size, this area of trees covers a small area of land with small to medium sized trees. But their visibility along the Southern and Western boundaries (marked by drystone wall) is in part considerably reduced and limited due to screening from trees on adjacent land and situated in the highway verge. To the East their visibility is limited due to adjacent property. I would not expect this visibility to alter in the short to medium term.
- 5.9 No threat has been noted to the trees in the application. The sales brochure clearly describes the land as woodland with no mention of development potential. I found evidence of recent tree felling and pruning work along the line of an overhead electricity cable and to clear the boundary to adjacent property. These are examples of common and usually justifiable maintenance works to trees and woodland. Some infected ash trees had also been felled which can also be considered acceptable. I found the works quality to be acceptable which included examples of tree retention instead of removal. I do not perceive a threat to these trees merely from the decision to sell the land, at best, to my knowledge, I find any threat to be precautionary.
- 5.10 I do not consider the trees to have any other significant factors which affect amenity or suitability beyond those of other average trees or trees with poor form.

Table 1. Findings and result of TEMPO Assessment.

Factor	Score/Result	Notes in addition to points made
Part 1 Amenity Assessment	2	Condition on average fair, but poor form throughout so point deducted.
a) Condition and Suitability	4	Many trees with good retention span. Not a definable group. Most are limited to no or limited visibility given boundary trees and screening by trees on surrounding land or being in centre of group. Most are young and smaller trees in girth and height so not applicable to higher category (whilst this has been beneficial to Retention Span category), lastly, lower population village rural setting near minor road. Total more than 8, can progress to 'Other factors'.
b) Retention Span	2	
c) Relative Public visibility and suitability for TPO	a-c Total: 8	
Part 1 Amenity Assessment	-1	On average many trees with poor form are currently unsuitable due to ash dieback. Whilst some are generally indifferent given the number of trees -1 chosen, although assignment of 1 makes no difference to decision.
d) Other factors		
Part 2 Expediency Assessment	1	Has not accrued more than 10 points to qualify, but precautionary only.
Part 3 Decision Guide	8	Does not merit Tree Preservation Order.



Arboricultural Report: Tree Preservation Order Suitability Assessment
Ref land near Loxley 86.04

5.11 The trees have been listed as a group rather than an area or woodland. I have used the TEMPO methodology to broadly apply my findings to the system to give an indication of amenity, expediency and overall decision on subjecting the trees to a tree preservation order in a digestible form for the reader. This is shown in Table 1. The result suggests the trees do not merit a tree preservation order at this time. However, I consider these trees to form a small woodland rather than a group, but this does not greatly affect my interpretation of guidance or the result.

6. Summary of Assessment

6.1 This is a small, fairly young wooded area which whilst visible it is not prominent, with few people viewing it, and many more significant trees and woodlands in the surrounding area. My assessment reflects these points and others and finds the trees to have limited amenity and public visibility. In turn I find them unsuitable for a tree preservation order at this time and cannot support the local authority's conclusion the trees are an *'important feature'*.

6.2 Regarding expediency to make a tree preservation order, I have not identified a current threat to the limited amenity the trees offer. With no apparent threat, and no details to review on how the local authority reached the decision to use this discretionary power, I cannot support the local authority's conclusion the trees are *'worthy of preservation'* at this time.

6.3 However, it is possible the Order was made and served as an immediate response to allow for a more comprehensive assessment to be made before confirmation of the Order. At a national scale this is a useful tool that allows local authorities time and opportunity to protect what may be significant trees from unnecessary work or removal. If this is the case, I would hope points raised in this report, and how they relate to guidance, would be noted and considered by Stroud District Council, resulting in the Order not being confirmed.

7. Author Confirmation

7.1 This report was undertaken by [REDACTED] on behalf of Independent Arboriculture & Urban Forestry Ltd.



[REDACTED] MSc Wales PgDip UCLan FArborA CEnv

Registered Consultant of the Arboricultural Association

Director & Practicing Consultant

For and on behalf of Independent Arboriculture & Urban Forestry Ltd



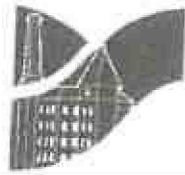
Independent
Arboriculture
& Urban Forestry

Independent Arboriculture & Urban Forestry Ltd

is a company registered in England and Wales (Company No: 10833465).
Registered Office: Robinia House, GL5 2LG, United Kingdom.

VAT No.: 277 4532 76

ANNEX 3



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • G16 4UB
 Telephone 01453 766921 • Facsimile 01453 760937
www.stroud.gov.uk

Email: alison.fisk@stroud.gov.uk
 Telephone: 01453 755430

3rd April 2020

RE: STATUTORY TREE PRUNING ON BEHALF OF WESTERN POWER DISTRIBUTION ON STROUD DISTRICT COUNCIL OWNED/MANAGED LAND

I write further to our recent email exchanges and those with my colleagues Richard Hannan and Mark Hemming in Development Services.

The council fully understands and supports the need for you to be able to undertake both planned and emergency tree works in order to safeguard the efficient operation of WPD's network.

In terms of land within the council's ownership and/or control, such works are permitted on the following basis:-

1. Where tree pruning is planned on behalf of WPD to trees on land within Stroud District Council's ownership and/or control, in line with the standard clearances in Technical Specification 43-8 Issue 2, 2004 – Overhead Line Clearances, our permission to proceed is given by this letter.
2. Where work is planned on behalf of WPD to cut down or carry out work to trees that are protected by a Tree Preservation Order, or are within a Conservation Area, and which is necessary:
 - (a) in the interests of safety (which we take to mean in line with the recommendations of Technical Specification 43-8 Issue 3, 2004 – Overhead Line Clearances (Energy Networks Association);
 - (b) when inspecting, repairing or renewing mains, pipes, cables and other apparatus (where this is planned and carried out in line with the recommendations of NIIIS Volume 4);
 - (c) when carrying out permitted development rights under the Town and Country (General Permitted Development Order 1995
 and the separate consent of the council is not required.

This letter of permission does not, however, include 'resilience pruning' which will be dealt with as and when the need arises.

Applications will be required for any proposed felling or significant pruning of trees protected by Tree Preservation Orders if the work is specifically to fulfil the interpretation placed by Western Power Distribution relating to 'storm resilience tree management'. This is because the council has decided that it considers such work to be outside that contained within paragraph of schedule 4 of the Electricity Act 1989 and therefore not exempt under the Town and Country Planning Act 1990.

Finally, for the avoidance of doubt I would point out that the council accepts no liability for any works carried on land outside its ownership and/or control irrespective of whether it may be believed or assumed to be in its ownership. Should it be unclear whether the land is owned by the council then it should be contacted through Property Services (email: property.admin@stroud.gov.uk) to establish this before any works are carried out. Furthermore, this consent is subject to your firm having Public Liability Insurance in force at all times in the minimum sum of £5M for each and any claim.

I trust that this letter is sufficient for your purposes but if you have any queries please email Richard

Yours sincerely

Alison Fisk MRICS
 Head of Property Services

Chief Executive Kathy O'Leary

Woodside Lodge
Chalford Hill
Stroud GL6 8GB

2nd August 2023

John Chaplin
Majors and Environment Team Manager
Stroud District Council
Ebley Mill
Stroud
GL5 4UB

Dear Sir,

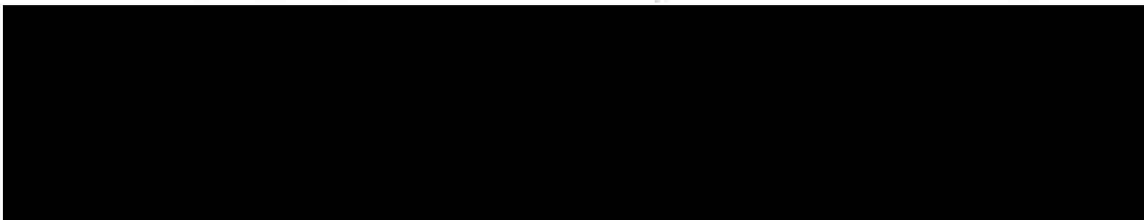
New Tree Preservation Order TPO/0589 - Land at Middle Hill, Eastcombe, Glos. 2023

Thank you for your letter dated 26 July 2023 enclosing details of a new Tree Preservation Order affecting the area of woodland at Middle Hill, Eastcombe.

We write in support of the Order being imposed. We wholeheartedly agree that the trees in the woodland are worthy of such an order by virtue of their public amenity value and their value as a natural habitat. Living close-by we regularly see deer and foxes within the woodland and the woodland is home to numerous species of birds. We agree with the Council's opinion that were the woodland to be affected by future development or changes to its' land use consideration of the amenity value of the trees and the surrounding area should be paramount.

At a time when environmental issues are quite rightly taking center stage, we feel it is vitally important that even small areas of woodland, such as the land at Middle Hill, must be afforded a high level of protection.

Yours faithfully,



Mail Room Services

7 AUG 2023

Received

Development Management Service

Application & Enforcement Performance Statistics Q2 2023

Introduction

The tables and graphs 1 – 4 provide application number and performance statistics for the first two quarters of 2023 (Q1 January to March and Q2 April to June) and for the previous 4 years for comparison.

They reflect numbers of planning applications received and performance information regarding the percentage of applications determined against government targets. The figures do not include pre-application submissions.

Table and graphs 5 – 8 concentrate on enforcement statistics and related information.

I hope the information is self-explanatory, but if you have any queries, please contact me or raise these at the meeting on 17th October 2023.

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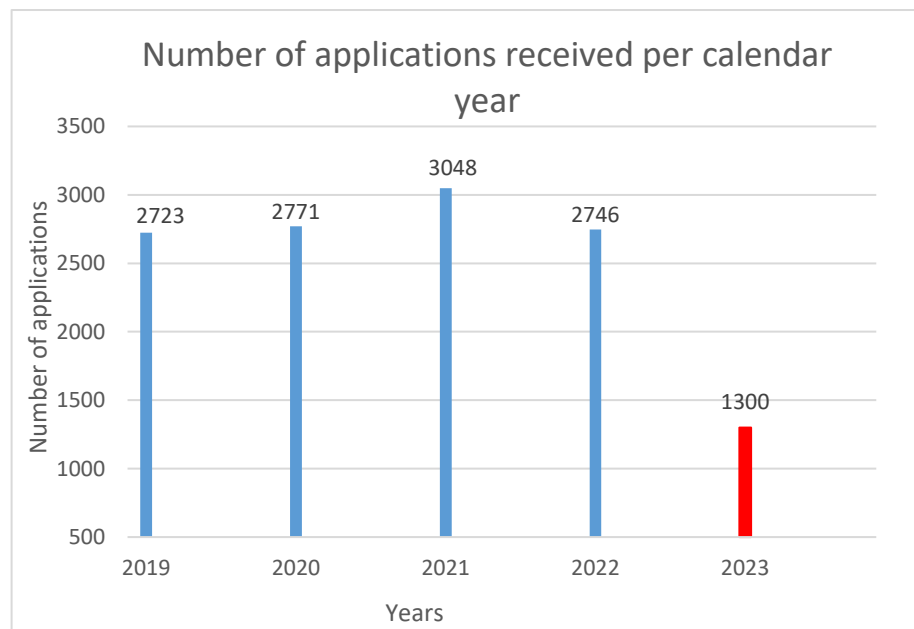
Table 1	Planning applications received
Graph 1.1	Number of applications received per calendar year
Graph 1.2	Applications received by quarter
Graph 1.3	Comparative quarterly applications received 2019 – 2023
Graph 1.4	Application numbers broken down into types (major, minor, other)
Table 2	Planning applications determined – numbers and percentages
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Graph 2.2	Percentage of applications decided within statutory timescales
Graph 2.3	Comparative quarterly applications determined in time
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Graph 3.1	Percentage of major decided in time
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Graph 3.3	Percentage of other applications determined in time
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Graph 5.1	Enforcement enquiries received by calendar year
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Development Management Applications

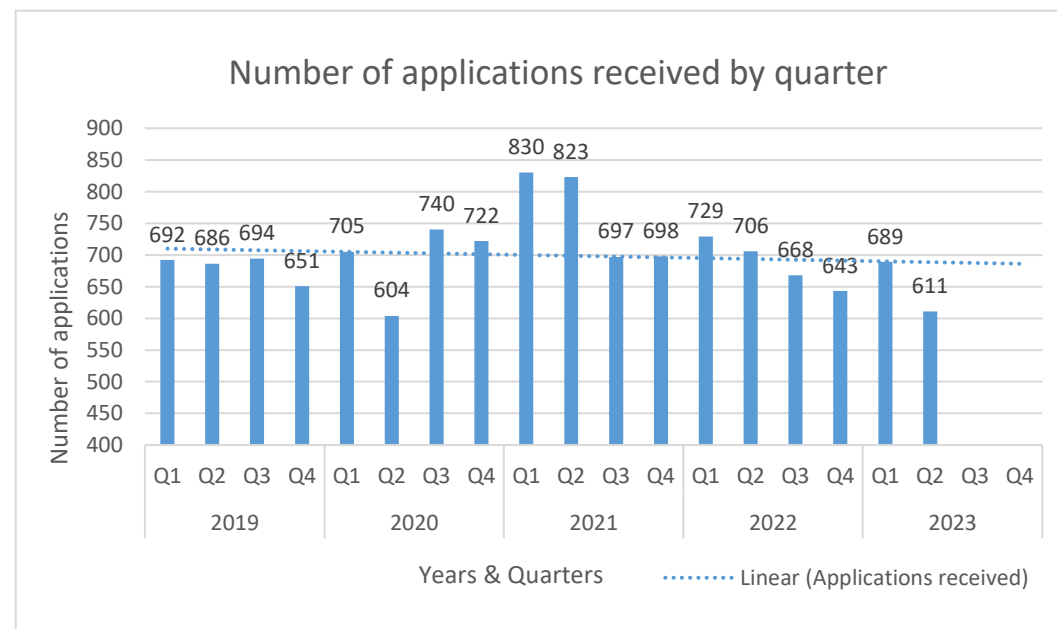
Table 1: Planning applications received

Development Management	2023		2022		2021		2020		2019	
	No of applications received per quarter (Excludes Pre-applications)	Q1	689	Q1	729	Q1	830	Q1	705	Q1
Q2		611	Q2	706	Q2	823	Q2	604	Q2	686
Q3			Q3	668	Q3	697	Q3	740	Q3	694
Q4			Q4	643	Q4	698	Q4	722	Q4	651
Total		1300*	Total	2746	Total	3048	Total	2771	Total	2723

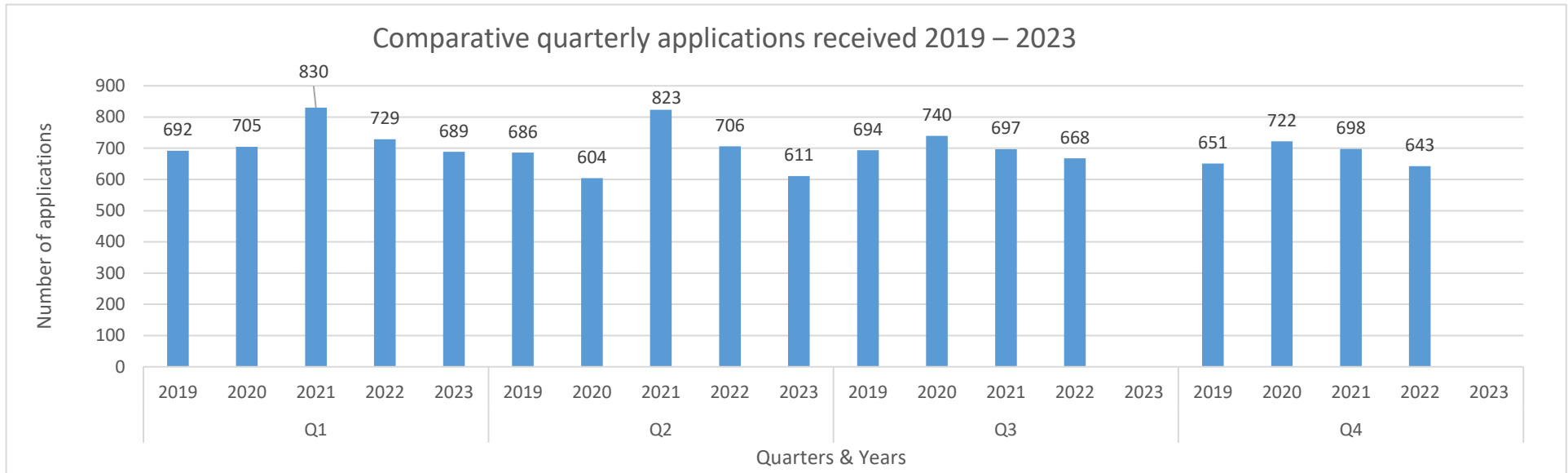
* Figures up to 30.06.2023



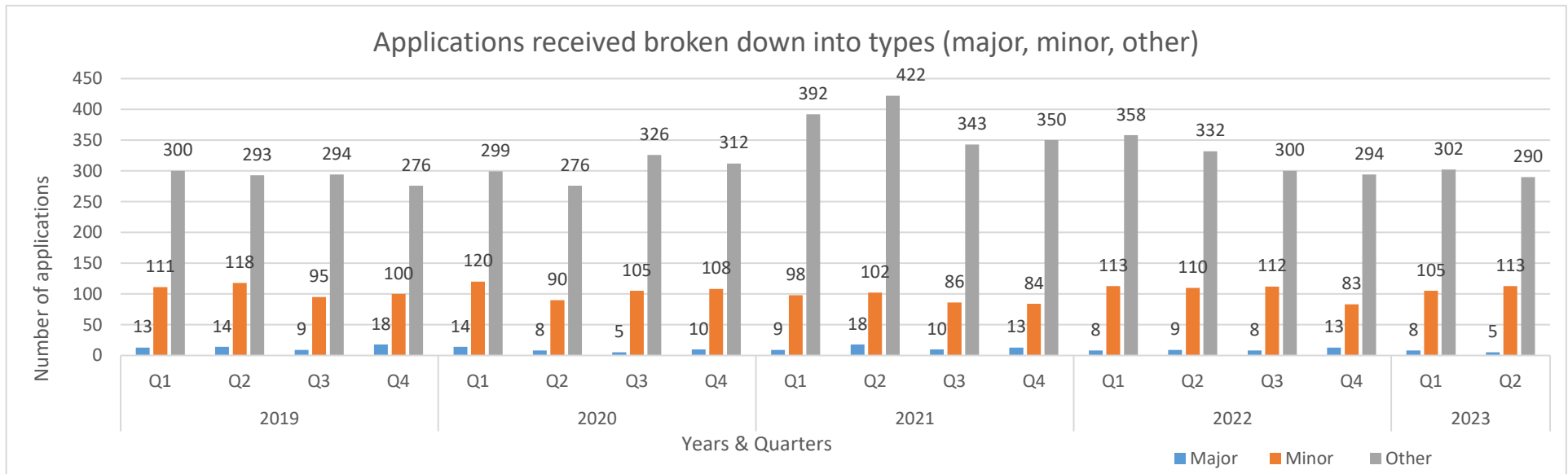
Graphs 1.1



Graph 1.2



Graph 1.3

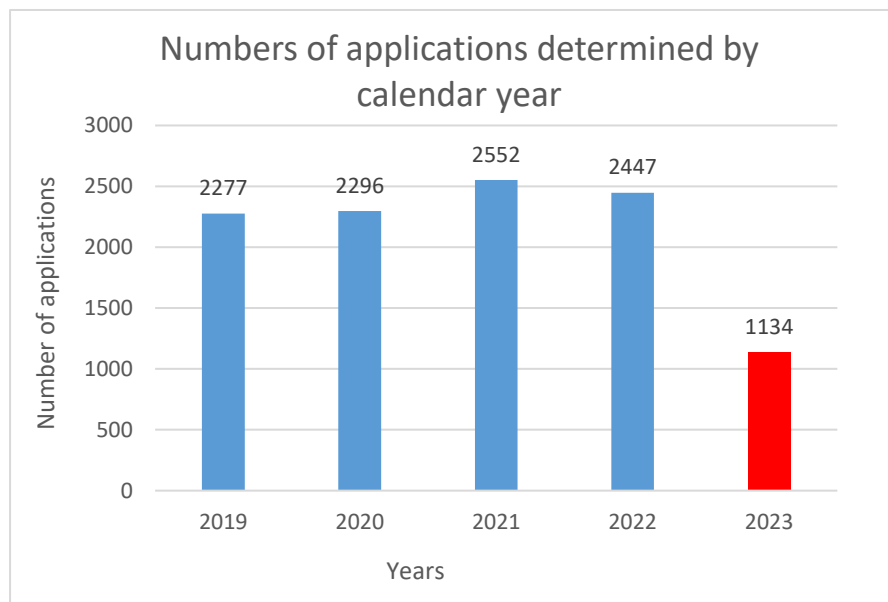


Graph 1.4

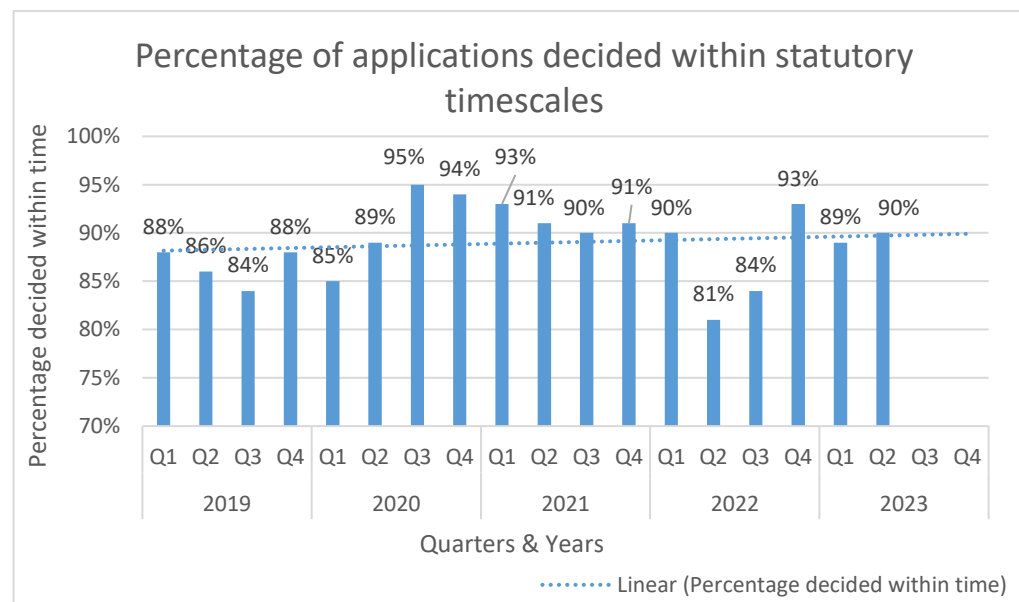
Table 2: Planning applications determined

Development Management		2023		2022		2021		2020		2019	
		No	& in time	No	% in time	No	% in time	No	% in time	No	% in time
No of applications determined per quarter (Excludes Pre-applications)	Q1	567	89%	560	90%	604	93%	520	85%	513	88%
	Q2	567	90%	646	81%	698	91%	442	89%	578	86%
	Q3			606	84%	667	90%	635	95%	591	84%
	Q4			635	93%	583	91%	699	94%	595	88%
	Total & Average % for Year	1134*	89%	2447	87%	2552	91%	2296	91%	2277	87%

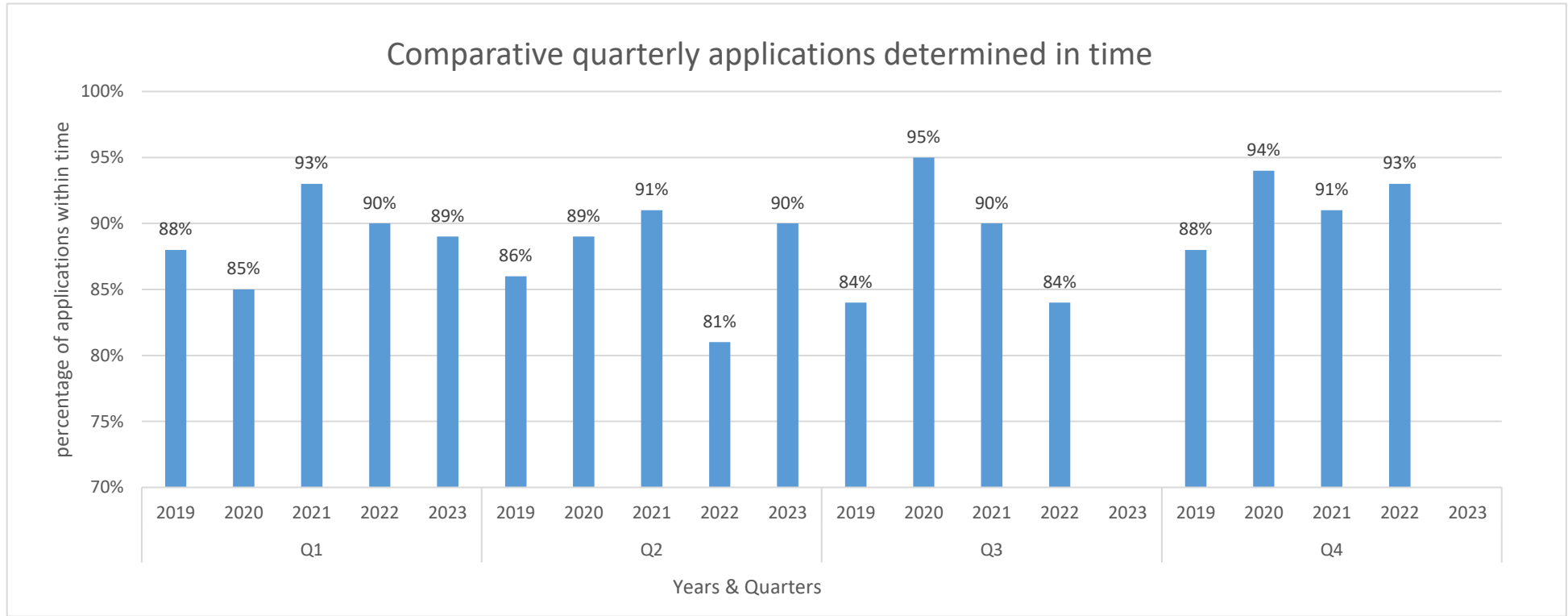
* Figures up to 30.06.2023



Graph 2.1



Graph 2.2

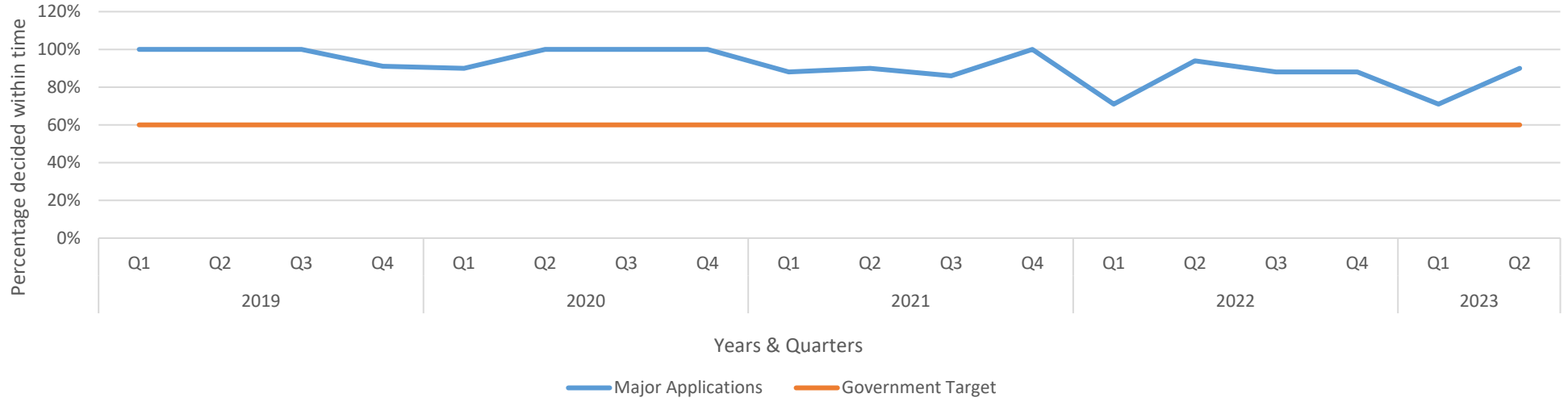


Graph 2.3

Table 3: Planning performance – Percentage of applications determined in time by application type (major, minor, other)

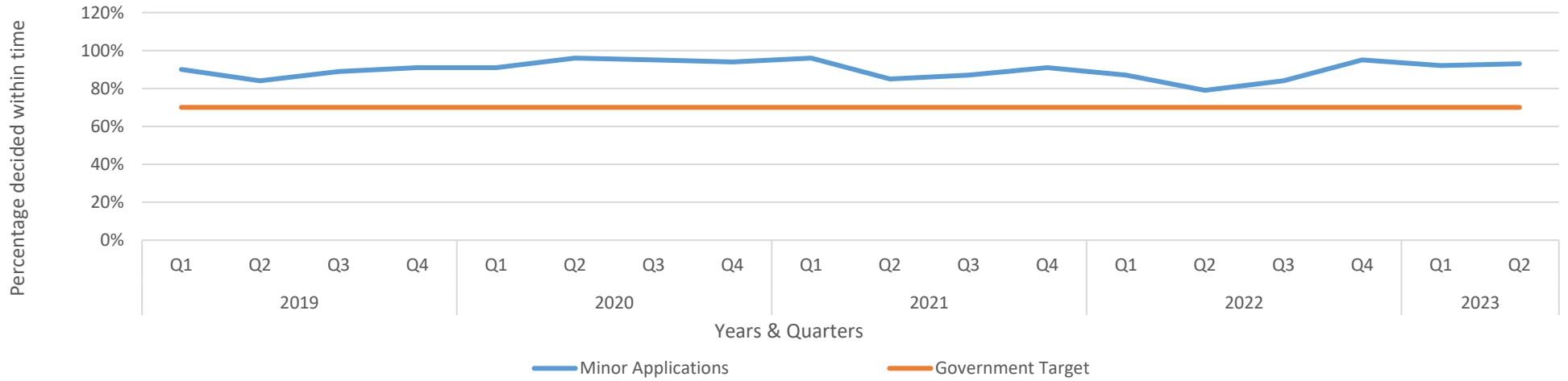
Development Management		2023			2022			2021			2020			2019		
		Major	Minor	Other	Major	Minor	Other	Major	Minor	Other	Major	Minor	Other	Major	Minor	Other
Percentage of Applications Determined Per Quarter	Q1	71%	92%	93%	71%	87%	93%	88%	96%	95%	90%	91%	92%	100%	90%	94%
	Q2	90%	93%	94%	94%	79%	78%	90%	85%	86%	100%	96%	97%	100%	84%	92%
	Q3				88%	84%	85%	86%	87%	92%	100%	95%	98%	100%	89%	88%
	Q4				88%	95%	94%	100%	91%	94%	100%	94%	99%	91%	91%	94%

Percentage of major applications decided within time

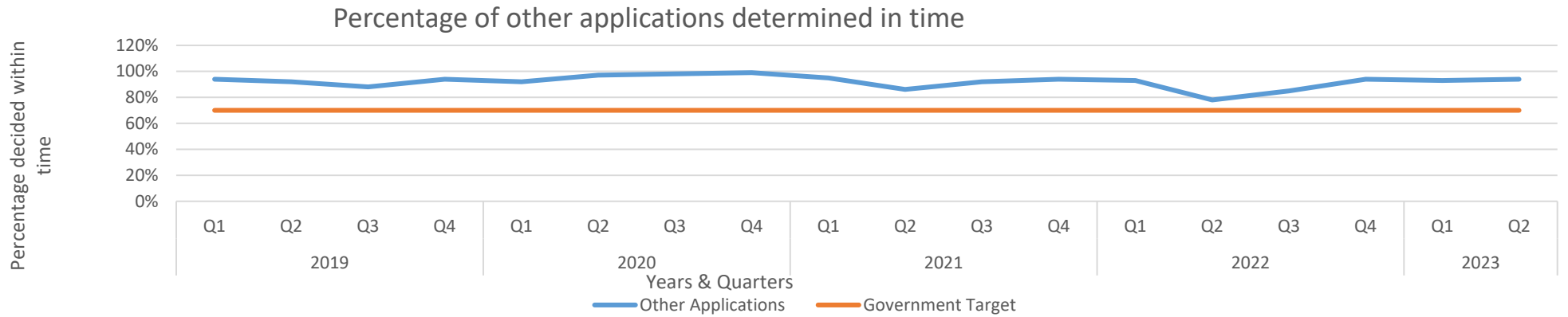


Graph 3.1

Percentage of minor applications decided within time

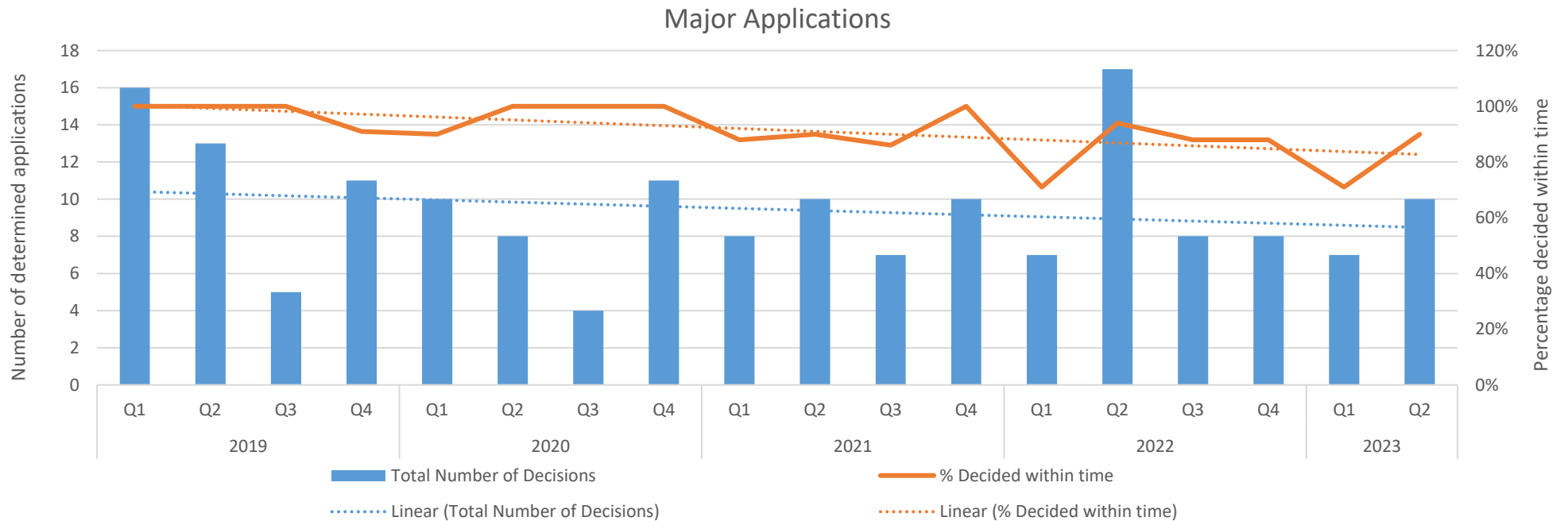


Graph 3.2

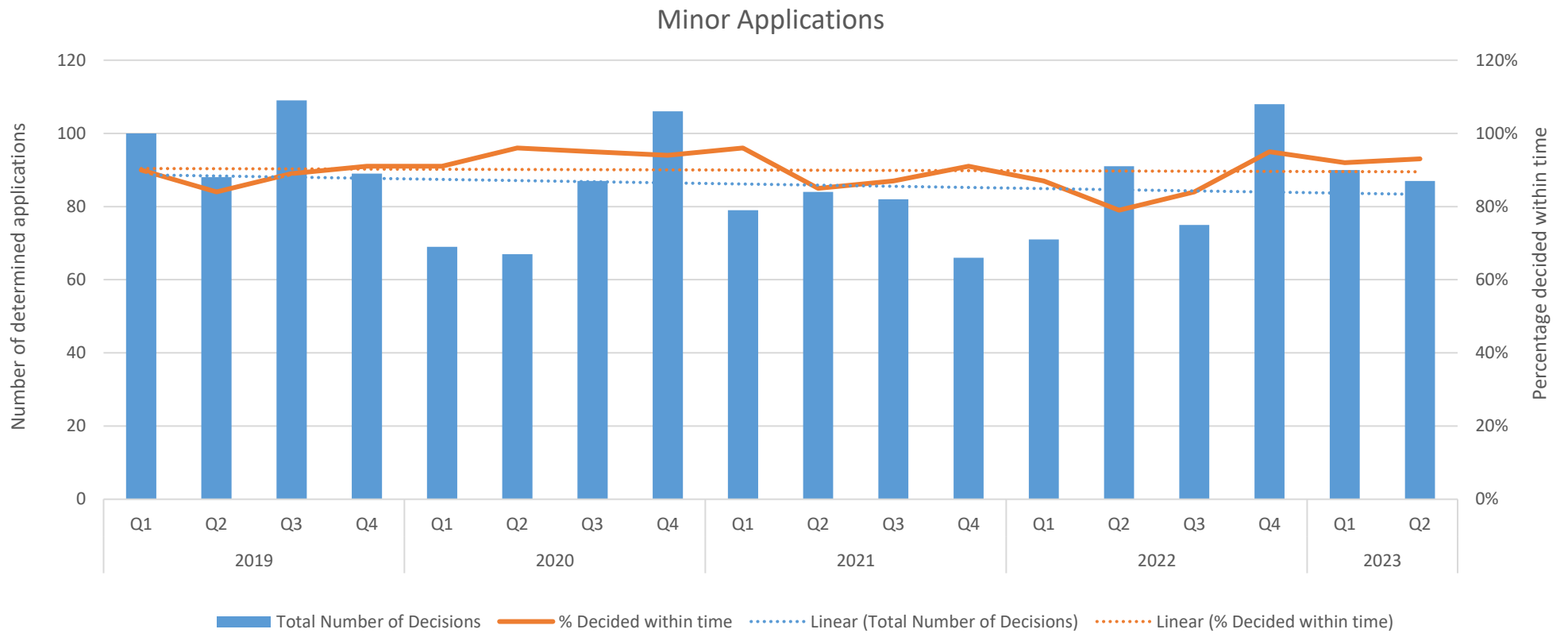


Graph 3.3

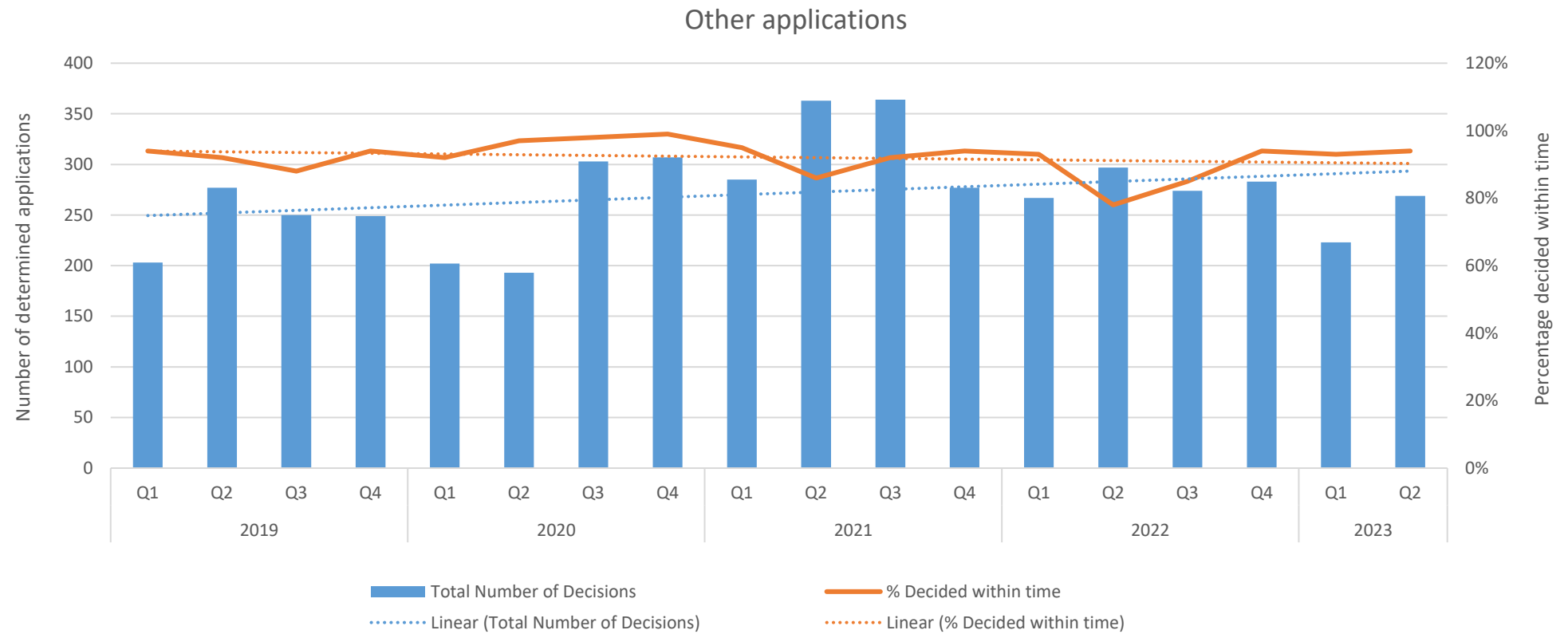
Graph 4.1- Planning performance – Number of major applications determined compared to percentage determined within statutory timescales



Graph 4.2: Planning performance – Number of minor applications determined compared to percentage determined within statutory timescales



Graph 4.3: Planning performance – Number of other applications determined compared to percentage determined within statutory timescales



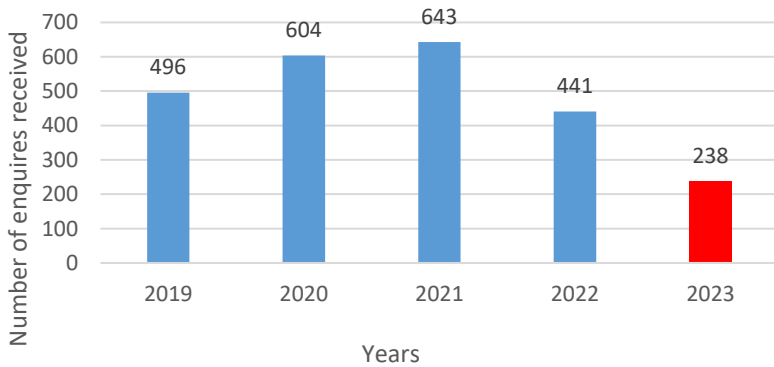
Enforcement Statistics

Table 5: Enforcement enquiries received

Enforcement	2023		2022		2021		2020		2019		
No of enquiries received per quarter (Excludes compliance & solicitor/estate agent queries)	Q1	104	Q1	134	Q1	218	Q1	153	Q1	132	
	Q2	134	Q2	113	Q2	158	Q2	168	Q2	128	
	Q3		Q3	112	Q3	152	Q3	165	Q3	110	
	Q4		Q4	82	Q4	115	Q4	118	Q4	126	
	Total	238*	Total	441	Total	643	Total	604	Total	496	
Annual Percentage Increase/Decrease on previous year			↓ 31%			↑ 6%			↑ 22%		

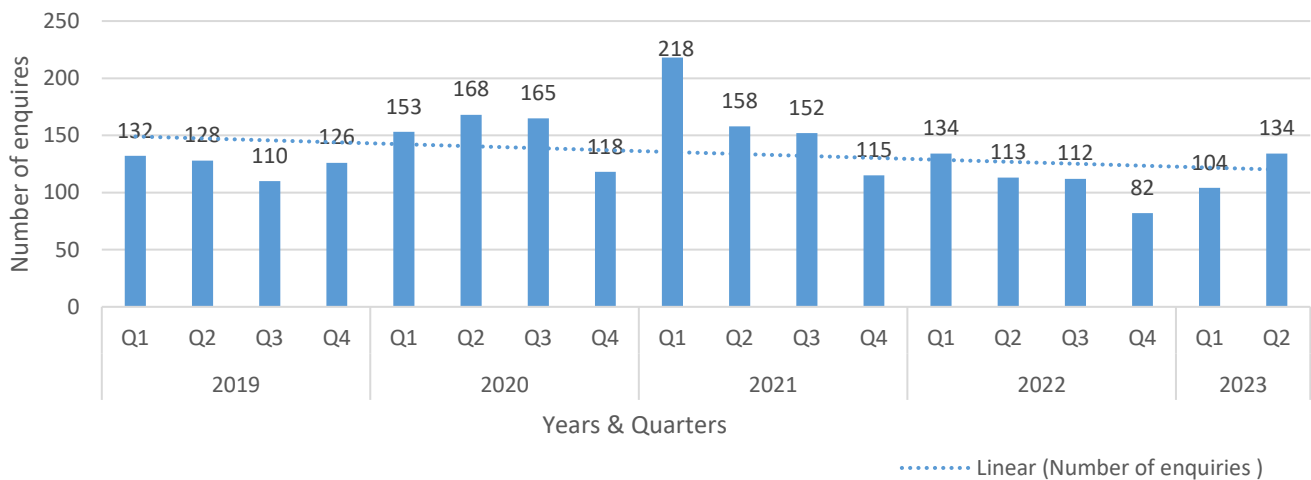
* Figure up to 30.06.2023

Enforcement enquiries received by calendar year



Graph 5.1

Number of enforcement enquiries received by quarter



Graph 5.2

Table 6: Enforcement enquiries received, closed and allocated Q1 & Q2 of 2023

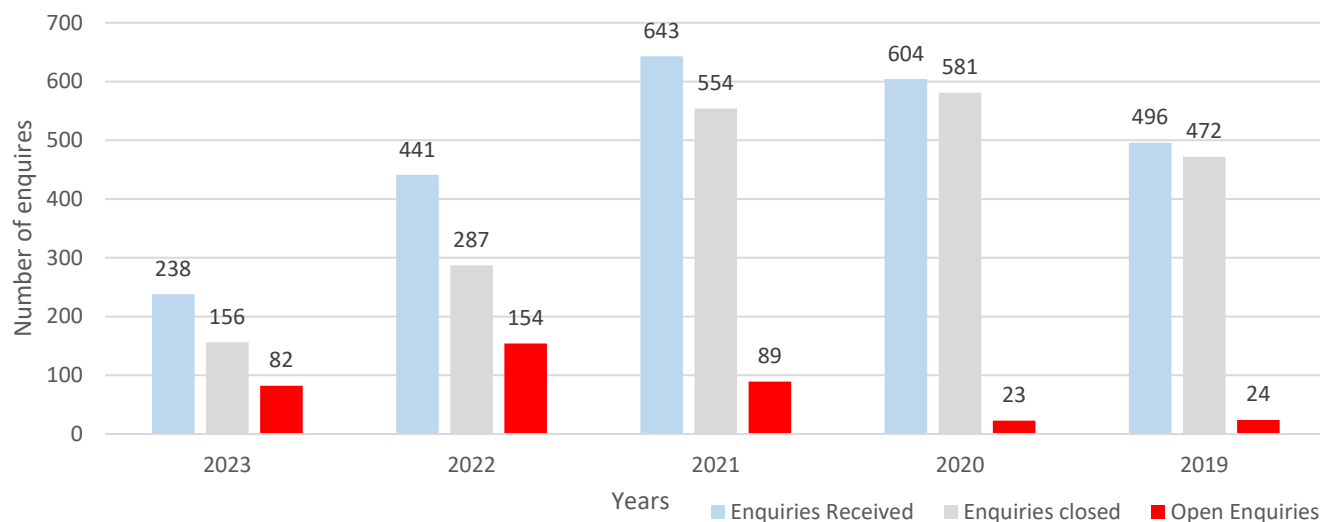
Enforcement Enquires	2023			
	Q1	Q2	Q3	Q4
Number of cases received	104	134		
Percentage of cases closed at triage this quarter	41%	37%		
Number of cases allocated for further investigation	61	84		
Total number of cases closed this quarter	90	353		

Table 7: Enforcement enquiries summary of inquiries received/closed over comparative

(Excludes compliance & solicitor/estate agent queries)	2023	2022	2021	2020	2019
Enquiries Received	238*	441	643	604	496
Of these the number closed in the same year	156* 66%	148 34%	371 58%	393 64%	323 65%
Of those closed above the average working days taken to resolve	27	47	32	26	34
No of Open Enquiries at the end of the year		293 66%	272 42%	219 36%	171 35%
No of Enquiries currently open as of 30.06.2023	82*	154*	89*	23*	24*

* Figures based on records up to 30.06.2023

Status of enquiries over last 4 years



Graph 7.1

Table 8: Enforcement/Breach of condition notices served

Notice Type	2023	2022	2021	2020	2019
Number of notices issued	1	4	10 (one withdrawn and reissued)	4	2

* Figures based on records up to 30.06.2023

Breakdown of Enforcement/Breach of Condition Notices Issued in 2021-2023				
Case Reference	Address	Notice Type	Date issued	Compliance Date/Update
S.21/0735/UENG	Land At Selsley Hill Stroud	Enforcement Notice	13.06.2023	18.01.2024 Appeal In progress
S.21/0560/BRCON	2 Dursley Road Woodfields Dursley	Breach of Condition	05.10.2022	02.11.2022 Notice withdrawn 03.10.2023
S.21/0560/BRCON	2 Dursley Road Woodfields Dursley	Breach of Condition	21.07.2022	Notice Withdrawn 03.10.2023
S.21/0442/UENG	Land Adjacent to Rose Cottage Stroud Road Whaddon	Enforcement Notice	18.05.2022	Notice complied with 27.09.2023
S.20/0691/UNCHU	Yard and Premises Adjacent Halmers End Coaley	Enforcement Notice	08.04.2022	16.11.2022. Appeal Dismissed. Ongoing negotiations to secure compliance
S.20/0695/UNCON	1 Fort View Terrace Stroud	Enforcement Notice	07.12.2021	Appeal dismissed. Assigned to case officer for review
S.20/0398/UENG	West of The Weighbridge Inn Avening Road	Enforcement Notice	30.11.2021	Appeal dismissed. Ongoing negotiations over alternative.
S.21/0054/UNCHU	Land Parcel at Tyley Bottom Coombe Wotton-Under-Edge	Enforcement Notice	01.10.2021	06.05.2022 Assigned to case officer for review
S.21/0347/UNCHU	Gladwish Fields Farmhill Lane Stroud	Enforcement Notice	30.09.2021	Notice complied with 06.12.2021
S.21/0557/UNBWK	Ashen Plains Wood Waterley Bottom North Nibley	Enforcement Notice	30.09.2021	Appeal allowed
S.20/0680/UNBWK	New house at Site of Former Verona Cottage Sticky Lane Hardwicke	Enforcement Notice	23.09.2021	22.07.2022 Alternative planning permission granted; monitoring build
S.21/0033/UENG	Horizons Main Road Whiteshill	Enforcement Notice	18.03.2021	Noticed complied with 23.03.2022
S.19/0074/UNBWK	Land Opposite New Inn Waterley Bottom North Nibley	Enforcement Notice	03.03.2021	22.04.22 Appeal Dismissed. Waiting for the enforcement notice to be fully complied with
S.21/0033/UENG	Horizons Main Road Whiteshill	Enforcement Notice	25.02.2021	Notice withdrawn
S.19/0184/UNBWK	The Wad Damery Lane Berkeley	Enforcement Notice	16.02.2021	05.04.22 (appeal dismissed) With enforcement to action.