



STROUD DISTRICT COUNCIL

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

Tel: (01453) 754 351/754 321

www.stroud.gov.uk

Email: democratic.services@stroud.gov.uk

DEVELOPMENT CONTROL COMMITTEE

Tuesday, 14 November 2023

6.00 - 8.32 pm

Council Chamber

Minutes

Membership

Councillor Martin Baxendale (Chair)

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

*Absent

Councillor Helen Fenton (Vice-Chair)

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

Officers in Attendance

Development Team Manager
Principal Planning Lawyer, One Legal
Democratic Services & Elections Officer

Tree Consultant
Planner

Other Member(s) in Attendance

Councillors Brine, Davies, Housden and Ross

DCC.032 Apologies

An apology for absence was received from Councillor Mark Ryder.

DCC.033 Declarations of Interest

Councillor John Jones stated that as he called the item in, he had sought advice from the Monitoring Officer regarding his ability to take part in the item. It was agreed that he would not speak in the slot for Ward Member and instead would participate with the debate.

DCC.034 Minutes

RESOLVED That the Minutes of the meeting held on 17 October were approved as a correct record.

DCC.035 Planning Schedule and Procedure for Public Speaking

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

1	S.23/2113/NEWTPO	2	S.23/1688/HHOLD
---	------------------	---	-----------------

Late Pages relating to Scheduled Item 4.1 Land Known as Verney Fields, Bramble Lane, Stonehouse, Gloucestershire S.23/2113/NEWTPO had been circulated to Committee prior to the meeting and were also made available during the meeting. It was noted that 2 of the pages were missing from this pack which were provided to Councillors at the meeting. The meeting was adjourned for a short period of time to allow Councillors to read the information.

DCC.036 Land Known as Verney Fields, Bramble Lane, Stonehouse, Gloucestershire S.23/2113/NEWTPO

The Tree Consultant introduced the application and explained that the recommendation was to confirm the application for a Tree Preservation Order (TPO) subject to modification. The modification was to remove the area highlighted in red, on page 1 of the late pages, from the TPO. The tree consultant provided a brief overview of the TPO process and the history of the application which began in December 2021. He explained the tree evaluation method for preservation orders (TEMPO) could be found on pages 30-34 of the document pack. He informed the Committee that there had been considerable public support received as well as some objections which had been responded to on pages 19-21 of the reports pack. The proposed TPO included:

- W1 & W2 – Which were 2 areas of identified young woodlands.
- T1, T2 & T3 – Each represented an oak tree.
- G1 & G2 – Represented 2 groups of sycamore trees.

Councillor Housden, Ward Councillor for the area, highlighted the following points to the Committee:

- He was disappointed at the length of time it had taken to process the TPO, given the expedient nature.
- He empathised that it was an uncomfortable position to tell landowners how to manage their land however, in this circumstance, the landowner had made some inaccurate comments regarding the ownership of the land and the work that was due to be carried out.
- He raised concerns that the site may have already breached the Town and Country Planning Act due to the excavation works already completed around one of the Oak trees.
- The TPO would still allow for the landowner to complete a lot of the work they had mentioned and would not prevent them from carrying out maintenance on the trees.
- He had received a large number of emails from residents regarding this matter which showed the emotive feelings of the community towards protecting this area. This area was well used by residents and it was important to take that into account.

Councillor Ross, Ward Councillor for Stonehouse, asked the Committee to approve the application for the following reasons:

- The site could be seen from many points within Stonehouse.
- As a frequent visitor to the site, she could see how valued it was to the Town and its residents.
- The trees within the site made the Town feel connected to the countryside.
- The Landowner had caused some upset within the community by closing off footpaths without thinking of the impact on the local community.
- The trees were a part of the amenity of the site therefore it was vital to approve the TPO to keep them safe and properly maintained.

Councillor Callinan, a Town Councillor, spoke on behalf of Stonehouse Town Council. He asked the Committee to approve the application for the following reasons:

- The site Verney Fields was often referred to as Doverow. The site had changed hands recently which caused the need for the expediency TPO.
- They initially thought that the oak trees were already covered by a TPO and upon learning that they were not, with the assistance of Stroud District Councils Tree Officer, they submitted a request for a TPO.
- In 2021 Stonehouse Town Council adopted the Stonehouse Arboretum Management Plan which was an assessment of all of the trees in the Town. This resulted in inspection visits and in some cases remedial works to be completed.

Ms Kiyon, a representative, spoke against the application on behalf of the majority landowner. She asked the committee to consider the following points:

- TPO's can be made if it appears to the local authority that it would be expedient in the interest of amenity.
- Regarding the expediency aspect, she re-assured the Committee that the trees were not at risk of being felled or intentionally damaged therefore there was no threat.
- The landowners had a keen interest in orcharding and producing from the trees and did not have any interest in developing it. Confirming the TPO would prevent a small, local business from growing before it had begun.
- Government Guidance on TPO's stated that it was not necessary to confirm an order on trees that were subject to good arboricultural management. The landowners had good experience managing trees and would utilise this to look after them.
- The fact that the land was not included in a conservation area, was not a valid reason to confirm the order.
- Regarding the amenity of the trees, most of the trees subject to the TPO were no longer accessible to the public due to the withdrawal of a number of permissive routes across the site. Therefore, they are not visible to the public unless trespassing on private land.
- The landowner believed that the large amount of public support for the application had stemmed from the removal of the permissive paths on the site and not due to the merits of the trees.
- Many of the trees in W1 and W2 were young and therefore had no historical value, the areas were becoming overgrown with brambles and invasive species and therefore resembled more of a scrubland than a woodland.
- The area marked W2 contained a large number of ash trees which were affected by ash dieback and in poor condition. It was not appropriate to confirm this order.

Mr Townly, spoke on behalf of the Open Spaces Society in favour of the TPO. He informed the Committee that an application had already been submitted to the County Council to classify the site as a Town Green area. There were also ongoing applications or additional rights of way across the site. He highlighted that the trees were a vital part of the natural beauty of the area and could also be seen from a distance away from the site.

Mr Giles, a local resident, spoke in favour of the application. He explained that:

- He had a protected mature Oak tree in his own back garden which he regularly harvested the acorns produced and understood the challenges and benefits of a TPO.
- He frequented the site often and appreciated the wildlife it attracted and encountered a large variety of people doing the same.
- The area is beneficial for mental and physical wellbeing of those who utilise it.
- There had been recent excavation works completed on site that had damaged natural pathways and the roots of T1.
- Narrow walkways had been lined with barbed wire fencing.

- There were plans to create a wetland at the bottom of the hill which would negatively impact one of the mature oak trees.
- There was no evidence to show the owners experience and knowledge of maintaining trees.

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

- There were no previous experiences of tree tapping within the UK therefore if the TPO was confirmed they would need to seek further advice regarding the method to ensure that it would not lead to the deterioration or death of the trees and whether consent was required.
- It was not known exactly how many maple trees or their specific species there were at the site.
- Application for consent to complete work on a protected tree did not carry an application fee.
- The TEMPO assessment on page 32 showed a total of 11-15 points. This meant that the lowest score would be 11 and the highest score would be 15.
- It was confirmed that the calculations for the TEMPO assessments for both G1 and G2 were incorrect, and the total should read 13-15 points.
- There were certain exceptions in the legislation for work to be carried out on protected trees without the need for consent for example, if the tree was dead or dangerous. They were encouraging all owners of trees affected by ash die back to submit an application.

Councillor Haydn Jones questioned the reason for the TPO on areas W1 and W2 as page 17 mentioned that public visibility alone would not be sufficient to warrant a TPO and that they must meet set criteria. The Tree Consultant explained that the criteria was in addition to the public visibility and did not need to meet all of them to warrant a TPO.

In response to Councillor Patrick, the Tree Consultant explained that the age of a veteran tree depended on its species.

Councillor Miles questioned whether the close proximity to an Area of Outstanding Natural Beauty (AONB) would affect the planning balance. The Tree Consultant confirmed that it would form an important ecological and landscape link.

Councillor Fenton proposed the Officer recommendation and Councillor Gray seconded.

Councillor John Jones stated he was surprised to see the amount of work that was required in the woodlands. He expressed support for the remaining areas but was hesitant to approve W1 & W2.

Councillor Schoemaker explained that the TPO would not prevent maintenance work from taking place and would assist the landowner with taking responsible action.

Councillor Haydn Jones echoed the comments of Councillor John Jones regarding the support for the individual and group TPO's however raised concerns regarding the necessity of the TPO's on the woodlands. They were common species of trees still in the early stages of life.

Councillor Miles expressed support for the application, having experienced the amenity of the trees first hand and their importance to biodiversity.

Councillor Patrick debated the time and money commitment that it would take to maintain a woodland and describes W1 and W2 as more of a scrubland.

Councillor Brown explained that although not yet fully mature, W1 and W2 both had local amenity value and biodiversity value and if properly maintained had huge potential.

Councillor Gray echoed the future amenity value of the woodlands.

Councillor Percy stated that UK woodlands were under threat and expressed his support for the application.

Councillor Luff stated that the site had a very important location. He could see the strength of the local feeling towards the site, it formed part of the landscape of the area and could be viewed from a distance away. There was a perceived threat to the trees due to the change in ownership and they needed to be protected.

The Development Team Manager clarified that the Officer recommendation was to confirm officer recommendation subject to the modification.

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

RESOLVED To confirm the TPO subject to modification.

The meeting was adjourned for a short period.

DCC.037 The Manse, Alkerton, Eastington, Stonehouse S.23/1688/HHOLD

The Planning Officer introduced the application and explained that it was a re-submission of S.22/0321/HHOLD for a 2-storey outbuilding, with a garage on the ground floor and an office above, and an extension to the driveway. He then highlighted the following considerations:

- The site accommodated a 2-storey property and shared establish access to the highway with neighbouring property.
- It was in close proximity to a public right of way (PROW) and was within 50 meters to a listed property.
- The proposed building would replace an existing outbuilding with a new footprint of 80m². The existing host property had a footprint of 100m².
- The previous application was refused due to the scale and design appearing competitive and harmful to the host property. The current design was in the same location and of a similar size as the previous design.
- The application was recommended refusal due to the size and scale would be a competitive addition to the property and the wider setting.

Councillor Davies spoke as a Ward Member for the area, he raised the following considerations for the Committee and asked that they support the application. The applicants had engaged with the council in a pre-application meeting prior to the submission of S.22/0321/HHOLD and felt that they had fulfilled all of the requirements recommended by Officers. They were therefore disappointed by the initial outcome and have since made further modifications to the design. This application would help to reduce offsite parking which would be beneficial to the village. There were buildings of a similar height and design in close proximity to the site which were also visible from the PROW. There were no objections received from the PROW Team or from the Conservation team.

Mr Dauncey, the applicant, asked the committee to support the application for the following reasons:

- They needed a secure location to park vehicles including a motorhome and a comfortable place to work from home.

- The proposal would ease congestion on the highway, reduce the number of commuters and therefore reduce the carbon footprint.
- It would also allow for the addition of solar panels without negatively impacting on the appearance of the period host property.
- The substantial plot was within the settlement boundary and surrounded by similar sized 2 storey buildings.
- The proposed building was fundamental for the viability of their family home and the pre-application, which had been sought prior to purchasing the property, had been advised as 'acceptable in principle'.
- After purchasing the property, they submitted an application with a significantly reduced footprint and other alterations as recommended during the pre-application phase. This was then subsequently declined despite having no objections and limited advice offered, we were directed to the pre-application service.
- After the appeal was upheld, we once again sought guidance from the case officer who advised the building looked too commercial and directed us once again to the pre-application service.
- With no additional clarity we altered the design, impacting its functionality and increasing the cost of the build in an attempt to make the proposal acceptable.

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

- The pre-application was handled by another Planning Officer and the primary focus was regarding whether the proposed application would lead to the site becoming overcrowded.
- The current application had the same footprint as the previously refused application however the bulk had been reduced. The roof design had been amended to be lower overall however it was now higher than the previous design at its apex.
- The refusal reasons for the previous application, which was appealed. were listed on page 119 of the reports pack. Significant weight should be given to the planning inspectorates views and Councillors should decide whether they think these were addressed in the new design.
- Significant weight should be attributed to the planning inspectorate views however Councillors needed to assess whether changes to the design now outweighed the harm identified and re-calculate the planning balance.
- There were 4 outbuilding currently on the site, 2 of which would be removed as part of the proposal.

Councillor John Jones asked for clarification regarding the wooden cladding. The Planning Officer confirmed that all of the elevations would be timber cladded.

Councillor Haydn Jones highlighted the impact from views mentioned on page 118 of the reports pack and questioned the relevance of views from a PROW to a private dwelling. The Planning Officer explained that the proposed building would be visible in the context of the host property and within in views to Eastington.

Councillor Percy asked the approximate size of the outbuildings that were due to be demolished. The Planning Officer advised that they were approx. 8x8m and 10x4m.

Councillor Percy further questioned whether the applicants had been made aware of the refusal reasons being the size and scale of the proposal. The Development Team Manager confirmed that the refusal reasons had been given as a result of the appeal process.

Councillor Luff asked whether the buildings of a similar height and scale mentioned by Councillor Davies were garages or dwellings. The Planning Officer confirmed that they were residential dwellings.

Councillor Patrick highlighted that there were no issues listed on pages 120-121 under residential amenity, highway safety, impact on heritage assets and it was written for recommended approval. The Planning Officer confirmed that was an error that it should read recommended refusal. The Development Team Manager explained that when assessing this type of application, they looked at 3 themes, design, amenity and highways. Although this application had no highways or amenity issues, it was refused against the design criteria.

Councillor John Jones proposed to permit the application due to the reduced size and changes to its appearance. Councillor Patrick seconded.

The Development Team Manager asked Councillor John Jones for his reasons to permit the application. Councillor John Jones explained that he felt the new proposal met planning policies CP14, HC8, ES3, Neighbourhood Development Plan (NDP) working from home policy. This was due to the fact that the applicants had reduced the height of the building by varying the design which had reduced the impact on the host building.

The Principal Planning Lawyer confirmed that should the motion be carried; it would be subject to conditions from the Planning Officers. Councillors agreed.

Councillor Fenton sympathised with the applicants but raised concerns regarding the bulk and the height of the proposed building.

Councillors debated whether they felt the building was subservient to the host dwelling or whether it would be overbearing and harmful.

Councillors Haydn Jones and Luff felt that the proposal had not significantly changed since the refusal of the original application and was therefore not subservient.

Councillor Gray debated that the proposal would not be overlooking, would free up car parking space and the height would not be an issue compared to the host dwelling and supported the application.

Councillors Schoemaker and Brown echoed the concerns of Councillors Haydn Jones and Luff.

Councillor Patrick stated that the proposed building would not be visible from the footpath and in her opinion would not have a huge impact on the view from the footpath therefore she was happy to support the application.

Councillor John Jones highlighted that it was a very congested part of Eastington and the proposal would help to alleviate some of the parked vehicles along the road.

The Development Team Manager clarified that the motion to permit would be subject to Planning Officers conditions.

After being put to a vote, the Motion was not carried.

Councillor Fenton proposed the Officers recommendation, Councillor Schoemaker seconded.

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

RESOLVED To refuse the application.

The meeting closed at 8.32 pm

Chair