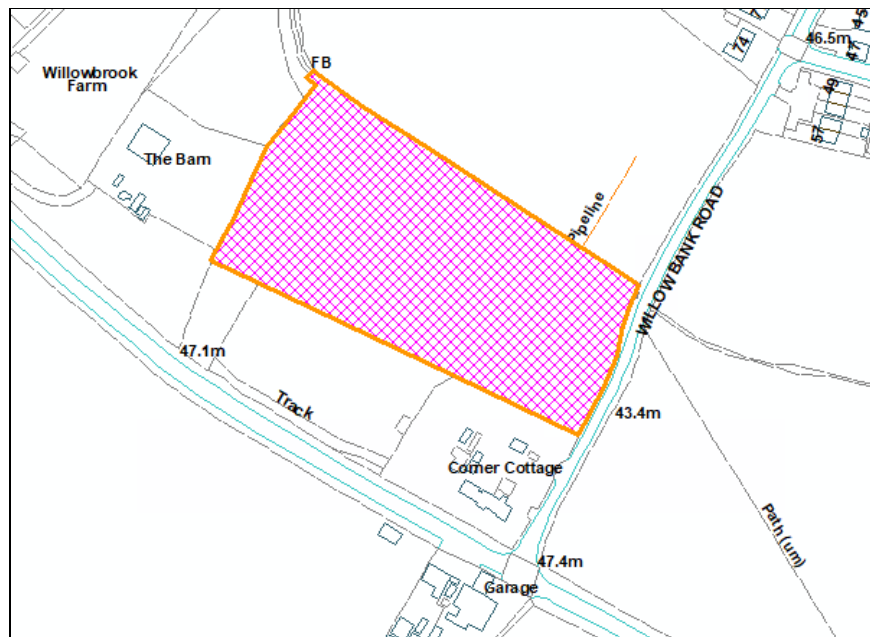


## Planning Committee

<b>Date</b>	18 April 2023
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	22/00446/FUL
<b>Site Location</b>	Land On The West Side Of Willow Bank Road, Alderton
<b>Proposal</b>	Creation of new access to paddock (to allow field access whilst Severn Trent re-lay the existing sewage pipe and associated works using existing access).
<b>Ward</b>	Winchcombe
<b>Parish</b>	Alderton
<b>Appendices</b>	Vegetation Removal and New Access Access and Visibility Assessment Proposed Site Plan Existing Site Plan Existing Topographical Survey x2 Site Location Plan
<b>Reason for Referral to Committee</b>	Parish Objection
<b>Recommendation</b>	Permit

### Site Location



## 1. The Proposal

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Full application details are available to view online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1** The proposal would create a new field access further south of the existing access along Willow Bank Road. This would require the removal of approximately 60 metres of hedgerow along the boundary of the site bordering Willow Bank Road. The new access would be constructed from tarmac and stone chipping. A new hedgerow is proposed to be planted beyond the visibility sight lines.
- 1.2** The purpose of the proposed access is to carry out works required by Severn Trent. The existing access would be stopped up and a hedgerow is proposed to be replanted across the existing access point. It is intended that the new access would then be used as a permanent agricultural access after the works by Severn Trent are completed.

## 2. Site Description

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- 2.1** This application relates to a field which is currently used as a paddock to the south east of Willow Brook Farm and adjacent to Willow Bank Road, located approximately 150m south of the village of Alderton. The field lies adjacent to properties and a further paddock to the south, and open fields to the west and north. The surrounding landscape predominantly comprises arable farmland and pasture, bounded by hedgerows with scattered hedgerow trees.
- 2.2** This area of land is located within Flood Zone 2 and 3 (as identified by the Environment Agency Flood Map) and is within a 'Special Landscape Area'.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
T.7774	Erection of a detached private car garage. Extension to existing dwelling to provide a porch and lounge over. Installation of a dormer window. Construction of a new vehicular access.	PERMIT	19.04.1984
T.7399	Extension to existing dwelling house to provide an entrance hall with bathroom over.	PERMIT	17.06.1981
T.7399/A	Erection of a detached double private car garage.	PERMIT	12.04.1983
94/00777/FUL	Alterations and two storey extension to provide enlarged living accommodation	PERMIT	25.08.1994

## **4. Consultation Responses**

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Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

### **4.1 Alderton Parish Council: Objection:**

Applicants seek to argue need based on the existing access being in the flood plain. The existing access has virtually no flood issues. The proposed access requires significant engineering works to land levels and demonstrably impacts upon the landscape and visual character of this area which is a rural lane leading into the village. We respectfully conclude that the harm caused to the special landscape area clearly and demonstrably outweighs any benefits.

### **4.2 Highways - No objection subject to one condition and an informative.**

### **4.3 Drainage – The Council is currently seeking clarification of the previous drainage response and an update shall be provided at committee.**

### **4.4 Ecology - No objection subject to one condition.**

## **5. Third Party Comments/Observations**

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Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

### **5.1 The application has been publicised through sending neighbour notifications (sent to the properties known as 'Corner Cottage' and 'The Barn' on 12<sup>th</sup> July 2022)**

### **5.2 Third Party Comments: two letters of representation have been received from one correspondent raising the following Planning Matters:**

- Loss of hedgerow.
- Harm to landscape.
- No need or justification for the access.
- No neighbour notifications received or site notice put up.
- The works have been completed.
- There is no significant flooding of the existing access.
- The existing gateway is sufficient for agricultural purposes.
- Lots of soil to be removed.

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The following planning guidance and policies are relevant to the consideration of this application:

### **6.2 National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

### **6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017**

SD4 (Design Requirements)  
SD6 Landscape  
SD9 (Biodiversity and Geodiversity)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF2 (Flood Risk Management)  
INF3 (Green Infrastructure)

### **6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022**

LAN1 Special Landscape Areas  
LAN2 Landscape Character  
NAT1 Biodiversity, Geodiversity and Important Natural Features  
NAT2 The Water Environment  
NAT3 Green Infrastructure- Building with Nature  
ENV2 Flood Risk and Water Management

### **6.5 Alderton Neighbourhood Plan 2011-2031 (adopted July 2018)**

Policy LE1 Biodiversity and Geodiversity

### **6.6 Wildlife legislation context:**

Wildlife and Countryside Act 1981 (as amended)  
Conservation of Habitats and Species Regulations 2017  
Natural Environment and Rural Communities (NERC) Act 2006  
Protection of Badgers Act 1992

## **7. Policy Context**

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- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3 The relevant policies are set out in the appropriate sections of this report.
- 7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **8. Evaluation**

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### ***Principle of development***

- 8.1 The principle of creating a new access to an existing paddock is considered acceptable subject to compliance with all relevant policies.
- 8.2 The agent has confirmed that the purpose of the proposed development is to provide a separate access whilst the pipe relaying works are being undertaken and to allow the efficient use of the agricultural land thereafter. The submitted documents show that the new pipeline will be 10 metres closer to the road. The applicant has explained that there are a group of silver birch trees on the site, close to the existing access and the location of the pipeline in proximity to these trees will make it difficult to manoeuvre modern agricultural machinery onto the site and public highway. The applicant has also confirmed that the existing access lies in the flood plain and the relocation offers an improvement to the existing position. There is no planning issue with the principle of the proposed development when considering the relevant planning policy context.

### ***Highways***

- 8.3 Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.4 The applicant has confirmed that the access is to be permanent. The Highway Authority has been consulted on the application and raise no objections to the proposals. Officers agree that there would not be either an unacceptable or severe highway safety impact as a result of the new access, subject to a condition to ensure that prior to first use of the proposed access the existing access (other than that intended to serve the development) shall be permanently closed. Subject to this condition, the scheme is considered compliant with policy INF1.

## ***Landscape and Visual Amenity***

- 8.5** Policy SD6 of the Joint Core Strategy confirms that development will seek to protect the landscape for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.6** Policy LAN1 states that applications for new development within Special Landscape Areas, as identified on the Policies Map, will be permitted providing:
- The proposal would not cause harm to those features of the landscape character which are of significance;
  - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
  - All reasonable opportunities for the enhancement of landscape character and the local environment are sought. Where a proposal would result in harm to the Special Landscape Area having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the Special Landscape Area will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.
- 8.7** Policy LAN2 states that new developments must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.8** The proposal would create a new access further south of the existing access and this would require the removal of a length of hedgerow along the boundary with Willow Bank Road. The new access would be constructed from tarmac and stone chipping. Whilst the loss of this hedgerow is regrettable, the ecology report has confirmed this hedgerow is of poor quality. The ecology report has also recommended a condition, considered reasonable and necessary to both compensate for the loss of part of the hedgerow and improve the management and appearance of the retained hedgerow, which is currently tall and thin. This would incorporate planting the gaps with new suitable hedgerow shrubs. Therefore, a condition is proposed to be attached to the permission to ensure such planting is carried out. Subject to this condition, the scheme is considered to have an acceptable impact on the landscape in compliance with policies SD6, LAN1 and LAN2.
- 8.9** The Parish Council have commented that the location of the access is at a point where there are significant ground level differences with rising land on the site and concern that significant engineering works would be required to implement the proposed development. The submitted plans and surveys show the existing and proposed levels and confirmation has been received from the applicant that there would be no change in levels. The proposed boundary treatment would be hedging and stock fencing, plus a field gate which is considered to be an appropriate arrangement in-keeping with the rural location within the Special Landscape Area. There are therefore no landscape or visual amenity concerns relating to this proposed development.

## ***Ecology***

- 8.10** Policy SD9 (Biodiversity and Geodiversity) specifies that the protection and enhancement of the biodiversity and geological resource of the JCS will be achieved by encouraging new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. In this respect, Policy NAT1 of the Tewkesbury Borough Local Plan 2011-2031 explains that proposals that will conserve, restore and enhance, biodiversity will be permitted.
- 8.11** Policy LE1 of the Alderton Neighbourhood Plan states that proposals in the Parish which require planning consent, with limited exceptions, will be required to:
1. Assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish;
  2. Provide a full ecological survey to accompany any planning application that seeks to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards;
  3. Create or contribute towards new green spaces in line with Gloucestershire Wildlife Trust's best practice guidelines;
  4. Provide landscaping and structural planting around new developments that includes species found in or around the site to sustain species disturbed by development;
  5. Incorporate dark corridors and bat roosts in new development where there is evidence of existing bat colonies, in accordance with guidelines from Bat Mitigation Guidelines (IN136) by Natural England;
  6. Protect veteran ash trees to assist with the production of humid wood mould which is the habitat of the violet click beetle.
- 8.12** The original scheme was accompanied by an Ecological Report which summarised that less than 10 metres of hedgerow would need to be removed. However, it was considered that the amount of hedgerow that would need to be removed would be approximately 60 metres to provide appropriate visibility splays. Therefore, the Ecological Assessment Update (Swift Ecology, March 2023) was submitted to assess the effect of this updated position. The Council's Ecology Advisor has been re-consulted on the update and, following their response, officers agree that the proposals to compensate for the loss of hedgerow by enhancing the retained sections of hedgerow and planting a new hedgerow behind the line of the visibility splay would be acceptable. A condition is also proposed to ensure that all works adhere to the mitigation and compensation detailed in the Ecological Assessment Update.
- 8.13** The Council's ecologist has highlighted that the hedgerow is species poor and does not qualify as an important hedgerow. There are no potential roost features suitable for bats in the impacted area and removal of this hedgerow is unlikely to significantly impact foraging bats. Furthermore, although the hedgerow is considered sub-optimal for dormouse, they cannot be fully discounted, therefore mitigation has been recommended. In addition, it is considered that the hedgerow offers opportunities for nesting birds and suitable mitigation is recommended. There are no recorded ponds within 500m of the site and the hedgerow offers low suitability for amphibians during their terrestrial phase.

- 8.14** Officers agree that there is very low risk of any significant wildlife protection issues being raised by creation of a new field access, but sensitive hedgerow management and compensatory planting is proposed by condition.
- 8.15** Suitable mitigation has been recommended within the ecology report and there are no objections subject to a condition to ensure that all works shall strictly adhere to details provided within the Ecological Assessment Update. This includes, but is not limited to, sensitive timing of work, planting additional boundary hedgerow and managing the existing hedgerow to provide higher ecological value. Subject to the conditions mentioned, the scheme is considered to be compliant with policy SD9 of the JCS, policy NAT1 of the TBLP and policy LE1 of the NP.

### ***Drainage***

- 8.16** Policy INF2 of the JCS and Policy ENV2 of the Local Plan sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 8.17** The Council is seeking clarification and further consultation with the drainage engineer and **an update shall be provided for Members at committee.** Severn Trent are undertaking statutory works locally and this forms part of the basis for the new field access point.

### ***Residential Amenity***

- 8.18** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants or unacceptable levels of noise, water, light, or soil pollution, or odour.
- 8.19** Due to the nature of the works being small scale, for a new access to be created further south of the existing access, and considering the distances neighbouring dwellings are from the new access, there are not considered to be any significant residential amenity impacts for neighbouring dwellings resulting from the scheme. The proposal is therefore considered compliant with policy SD14.

## **9. Conclusion**

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- 9.1** For the reasons set out above it is recommended that planning permission is granted.

## **10. Recommendation**

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- 10.1** Subject to the conditions as mentioned within the report, the scheme is considered acceptable and should be **permitted**.



## **11. Conditions**

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** The development hereby permitted shall be carried out in accordance with the following plan references:

- Vegetation Removal (SK02 Rev A) and New Access (20171-002) received 28<sup>th</sup> March 2023.
- Access and Visibility Assessment (CTP-20-1232-SK01A) received 2<sup>nd</sup> March 2023.
- Proposed Site Plan (20171- 002 Rev A) received 15<sup>th</sup> December 2022.
- Existing Site Plan (20171-001) and Existing Topographical Survey (20465 1/2 and 20465 2/2) received 25<sup>th</sup> May 2022.
- Site Location Plan received 7<sup>th</sup> April 2022.

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3** The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure adequate highway safety in accordance with policy INF1 of the Joint Core Strategy (2017).

- 4** All works are to strictly adhere to the mitigation detailed within Ecological Assessment Update (Swift Ecology, March 2023) including, but not limited to, sensitive timing of works and planting of additional boundary hedgerow and managing the existing hedgerow to provide higher ecological value.

Reason: To ensure there is no adverse ecological impacts in compliance with policies SD9 and INF3 of the JCS 2011-2031 and policies NAT1 and NAT3 of the TBLP 2011-2031.

- 5 All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the completion of the development. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

## **12. Informatives**

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- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 The Local Highway Authority has no objection to the scheme subject to the applicant obtaining a Section 184 Licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980- Section 184 and the applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)
- 3 If, at any point during the course of implementing works associated with this development, a dormouse or dormouse nest is discovered within or in close proximity to the affected hedgerow, all work must stop immediately, and the advice of a suitably qualified ecologist should be sought. A licence from Natural England may be required before work can recommence.