

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	14 June 2017
Application Number	17/00606/FUL
Site Address	Link Road, Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire
Proposal	Full Planning Application for the permanent retention of existing temporary road as an agricultural access
Applicant	Oxford University Endowment Management
Town/Parish Council	ROYAL WOOTTON BASSETT
Electoral Division	WOOTTON BASSETT SOUTH – Cllr Chris Hurst
Grid Ref	407482 181032
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by the local Member in order to consider the scale of development, visual impact on the surrounding area, relationship to neighbouring properties and environmental/highways impact of the proposals.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

The key issues in the consideration of the application are as follows:

- Principle of development
- Highways impact of the development
- Visual/landscape impacts of the development
- Impacts on residential amenity
- Impacts on heritage assets

Royal Wootton Bassett Town Council has objected to the application, which has also generated 24 letters of objection from local residents.

3. Site Description

The application relates to a linear strip of former agricultural land traversing a series of fields within a single agricultural holding located to the south/southwest of the town of Royal Wootton Bassett. A short distance to the north runs the mainline railway, to the

immediate South of which, within the former railway sidings, is a linear site compound operated by Aggregate Industries, alongside which further areas are currently in intensive use in association with electrification works. The substantive component of the application is a 600m length of raised roadway running between the main A3102 Hunts Mill Road/Bath Road into Royal Wootton Bassett and the Marlborough Road at the southeast side of the town. As both roads bridge the railway line, the Hunts Mill/Bath Road bridging it twice including one heavily skewed bridge in order to traverse the split railway line, the road was originally constructed as permitted development to prevent lengthy highway diversions during bridge closures.

The application site departs from Hunts Mill Road a short distance to the North of the Brinkworth Brook, rejoining the highway at Marlborough Road a short distance South of the reconstructed Broad Town overbridge and to the immediate North of the rear gardens of the properties on Dunnington Road. The current siting differs slightly from the original Certificate submission, being predominantly marginally further South – including both junctions – although rising further north toward the railway bridge, and includes a stub access onto the open land southward, which remains in agricultural use. Surrounding land within the same ownership is also affected by the landscape and ecological elements of the proposals, as detailed later in this report.

4. Planning History

15/02336/HRN	200 Metres of Hedgerow Removal
15/04898/CLP	Certificate of Lawfulness for Proposed Creation of New Accesses off A3102 (East), Marlborough Road (West) & Creation of Temporary Road Between & to the South of the Mainline Railway.
16/08004/PREAPP	Making Temporary Link Road Permanent

5. The Proposal

Planning permission is sought in respect of the retention of the roadway, with some significant alterations, to serve as an agricultural access only. In practice, the reduced status of the route makes feasible a level of decommissioning works including the removal of Armco highway barriers and acoustic fencing to the North of Dunnington Road, both of which are to be replaced to some extent with additional hedgerow screening/gapping up. Landscape proposals also include planting and management to enhance ecological networks, speculated to be capable of long-term implementation through agreement of a Landscape and Ecological Management Plan (LEMP).

The junctions at either end of the road are to be reconfigured slightly in order to provide 10m setbacks to dual agricultural gates to restrict access to unauthorised traffic, whilst additional works include the instatement of priority junction markings and a pedestrian crossing point at the Marlborough Road end of the road. The proposals also make provision for associated pathways to restore an effective public right of way along the route of WBAS1, to include the provision of loose-surfaced steps to accommodate the built-up route of the new road.

6. Local and National Planning Policy

Wiltshire Core Strategy

Core Policy 3 (Infrastructure requirements)
Core Policy 19 (Community Area strategy; Royal Wootton Bassett and Cricklade Community Area)
Core Policy 50 (Biodiversity and geodiversity)
Core Policy 51 (Landscape)
Core Policy 57 (Ensuring high quality design and place shaping)
Core Policy 58 (Ensuring the conservation of the historic environment)
Core Policy 60 (Sustainable transport)
Core Policy 61 (Transport and new development)
Core Policy 65 (Movement of goods)
Core Policy 66 (Strategic transport network); and
Core Policy 67 (Flood risk)

North Wiltshire Local Plan 2011

Saved Policy NE18 (Noise and pollution)

National Planning Policy Framework

Paragraph 14

Paragraph 17

Section 4 (Promoting sustainable transport)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

7. Summary of consultation responses

Royal Wootton Bassett Town Council – objections, citing the following concerns raised at the meeting:

- The original consent was for a temporary structure; those residents who are directly affected were willing to be inconvenienced for a short period of time only, and received assurances on this fact from Network Rail during a series of public meetings and consultations.
- There is a feeling that the road would become an ‘unofficial by-pass’, thereby reducing the likelihood of the preferred by-pass route ever coming to fruition.
- Should the retention be granted, satisfactory screening measures should be put in place for neighbouring dwellings as the current arrangement is not suitable for long-term use.
- Whilst the access to the aggregate yard must be retained, there were concerns over why agricultural access would need such a wide road with two lanes.
- It was noted that there are concerns that the retention of the road would lead to development in the vicinity in the near future. Members were advised that this area of the town has been identified as a development site in the past, as it would not lead to any coalescence with neighbouring towns. It was noted however that Royal Wootton Bassett has fulfilled its housing quota until 2026, in line with the development policies of the Wiltshire Core Strategy.
- Councillor Chris Wannell informed the Committee that he lives along the diversion route, and that the volume and nature of the traffic using the road has been less than originally anticipated. This has led to a lower than expected number of noise, privacy and pollution complaints. It was also noted that a recent poll taken within the town had shown a majority of 75% in favour of retaining the road.
- It was noted that the junctions would be returned to their original layouts if the retention of the road was to go ahead.

Highways – no objection, subject to conditions

Landscape – no objection, subject to conditions

Rights of Way – no objection, subject to conditions

Conservation – no objection

Archaeology – no comment

Ecology – no objection, subject to conditions

8. Publicity

The application was advertised by press notice, site notice and neighbour notification letter. 24 letters of objection (by household) were received, the points raised in which can be summarised as follows:

- No justification for permanent retention of road following re-opening of bridges;
- Adverse impact on residential amenity of neighbouring/nearby properties;
- Adverse impact on landscape and visual amenity;
- Adverse impact on ecology; and
- Loss of agricultural land

Two further petitions containing 35no. signatures from residents of Westbury Park, Royal Wootton Bassett and a further 16no. signatures (combined) respectively were also received, raising similar concerns.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

As a matter of principle, the provision of new engineering works to provide access in undesignated open countryside does not represent a conflict with adopted planning policy. Whilst such works may have landscape and visual impacts, the inherent presumption that 'openness' as an attribute will be preserved as a matter of priority is generally more pronounced in the case of designated AONBs and, of course, the Green Belt. Given its proposed use as an agricultural, and partial utility, route there is no strategic requirement for or wider public gain arising from the road, as might otherwise be supported by the Council's transport policies; however neither are the works subject of the application inherently in conflict with adopted policies.

It is essential to note the 'Golden Thread' of planning practice that is the presumption in favour of sustainable development, as outlined at Paragraph 14 of the National Planning

Policy Framework. Should proposals be assessed and it be concluded that no significant harm will arise when having regard to relevant policy and other material considerations, this means granting planning permission without delay. This is particularly relevant in this instance, where the use of the road is to be restricted to agricultural vehicles required in connection with the working of the adjoining land. As it appears that vehicles hitherto have managed perfectly well without such an engineering operation – relying instead upon simple field gates and modest junctions with the public highway – it is not considered that the works are essential for this purpose. Whilst it is indisputable that the infrastructure currently in situ is over-specified for such use, therefore, this does not weigh specifically in favour of or against the proposals.

Some representations have raised the prospect that the road is a precursor to further residential development expanding the town to the South. Whilst the author is not aware of any such proposals being forthcoming over the current plan period, it is emphasised that applications should in any case be treated on their individual merits. In this respect, the substance of the application is clear; the road is for private access. In any case, it is also highly unlikely that at a strategic level, plan-makers would consider the presence of one solitary piece of infrastructure to be determinative in allocating future housing sites.

Highways impact of the development

As stated, the proposals do not form an extension of the public highway and are not proposed for adoption by the Local Highways Authority however they do of course adjoin both the Hunts Mill/Bath Road and Marlborough Road, requiring suitable junctions to be created to ensure safe access to and egress from these adopted routes. The amended technical details for these junctions demonstrate how safe turning arrangements for agricultural vehicles, including suitable setbacks to ensure vehicles with trailers can be wholly off of the highway when opening/shutting gates, are to be achieved to the satisfaction of the Council's Highways Officer. The proposals will also ensure a legible priority junction at the Marlborough Road end, including the provision of a dropped pedestrian crossing point away from the carriageway edge, improving a currently poor situation. Together with the greatly reduced level of traffic, this will secure an appropriate degree of safety for pedestrians on this reasonably well-used route and improve connectivity to the public right of way.

Although the addition of hard landscaping measures to provide a useable public footpath through the public right of way represents an improvement on the existing situation, that situation has already arisen principally due to the works already undertaken. As the proposal falls to be considered on its individual merits, that harm arising through the obstruction of public rights of way should be acknowledged as entirely avoidable in the first instance. This provision, although supported by the Council's Rights of Way Officer, therefore only effectively restores the status quo and does not weigh significantly in the planning balance. It does, however, reflect the comments made on behalf of The Ramblers Swindon & North-East Wiltshire Group in respect of the application.

Visual/landscape impacts of the development

The submitted Landscape and Visual Impact Assessment (LVIA) reaches the sensible conclusion that the works' impact is profound at a local level, although far less significant in a wider landscape context. This is a view agreed by the Council's Landscape Officer who has welcomed in principle the amendments to the treatment of the 'landscape' elements of the proposal to de-urbanise would could otherwise be a very hard engineering operation in this rural fringe setting. The planting-up of the embankment and removal of acoustic fencing and Armco barriers in particular will

reduce the three-dimensional impacts of the works, notwithstanding the retained raised height of the roadway. Combined with the substantial reduction in traffic using the road and associated movement and headlights, this will minimise its visual impact to the point that it is only legible as such when viewed from the immediate surroundings, conserving overall landscape character and appearance in conformity with Core Policy 51.

Specifically, the Landscape Officer is supportive of the proposed introduction of additional hedgerow planting, having confirmed that this will not unduly impinge on the designed areas of open/semi-open amphibian habitat introduced to the scheme. This will reinforce existing characteristics found further southward on the Marlborough Road toward Broad Town and soften the overall appearance of the development. The planting proposals will also provide a better experiential link along the reinstated public right of way. Although the relatively 'urban' appearance of the new pedestrian facility is noted, given that this previously traversed open countryside, it should be acknowledged that this section runs only between the urban area of Royal Wootton Bassett to the North of the railway and the suburban setting of Dunnington Road. There may be some marginal gain in accessibility however moreover this new feature – whose implementation may be secured by condition – will offer a formalised pedestrian facility offering a good standard of amenity for users.

Impacts on residential amenity

It is essential to note that the application under consideration seeks to provide agricultural access only and speculation as to potential unauthorised use by other vehicles or the risk of prompting unauthorised traveller settlements is not material. In these terms, the proposals represent a substantially less intrusive use of the land than recently observed, in particular in relation to the level of background noise and light pollution from headlights that will have characterised the use of the road over the past several months. The applicant's acoustic report confirms that the retention of the acoustic fencing currently in situ to the North of Dunnington Road is no longer required in respect of the low-level use anticipated, and therefore proposes its removal and replacement with new planting to reduce the scheme's landscape impact. There is, of course, no right in planning to a private view and in considering the proposals against NPPF Paragraph 17 and Core Policy 57 it is not considered that the proposals will impact adversely upon residential amenity in any other respect.

Impacts on ecology

Whilst the prior existence of the engineering works is not prejudicial to their acceptability or otherwise in planning terms, it must be recognised that their implementation has irreversibly altered the makeup of the site in ecological terms. The effects of doing so have been both, in theory, positive (including the removal of the land from agricultural use) and negative (including the loss of hedgerow and fragmentation/disruption of habitat). Whilst the removal of the road may secure the land's return to productive agricultural use, it must be acknowledged that re-establishing the profile of protected and non-protected species and habitats previously observed would be a much more long-term exercise and very unlikely to ever achieve quite the same balance.

The Council's Ecologist has expressed support for the amended proposals particularly owing to their capacity to deliver a connected habitat or series of habitats previously absent from the site as well as delivering some localised improvements for individual species. This is a positive enhancement compliant with the sequential preferences of Core Policy 50 and weighs in favour of the proposals. Whilst this must be balanced against the loss of productive agricultural land, the proper context is set out at Paragraph 112 of the NPPF in which only the best and most versatile (BMV) land

Grades 1-3a are given material weight. As the affected land is classified as Grade 3 and 4, it is not considered that its loss amounts to significant harm in this instance.

Conclusions

In light of the above, the ecological benefits of the scheme weigh in favour of the development and, on balance and in light of the policy framework, this consideration is not outweighed by the loss of agricultural land. All other relevant matters are considered to have a neutral impact in planning terms and therefore, whilst the concerns of local residents are duly taken into account, the presumption in favour of sustainable development is determinative in this instance; the proposals are considered acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED, subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

L01 - Site Location Plan
5138466-ATK-HGN-HR-DR-D-1039 rev P01.2 - Vehicle Tracking
Received 20 January 2017

5504/SK/201 rev B - Proposed downgrading of western access with A3102
5504/SK/202 rev A - Proposed alterations to eastern access with Marlborough Road
Received 28 March 2017

17/12/01 rev A - Illustrative Public Footpath
Reinstatement Works
Received 26 April 2017

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The engineering operations hereby permitted shall be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within one month of the date of this decision a detailed landscaping scheme and Landscape and Ecology Management Plan (LEMP), incorporating fully the principles established in the Landscape and Ecology Strategy Note 10729_R04a (Savills/Tyler Grange, received 5 May 2017) and detailed in drawings 10729PO8d and 10729PO9a, shall be submitted to the Local Planning Authority, the scheme to include a timetable for its implementation;
 - (ii) If the Local Planning Authority refuse to approve the scheme submitted under (i) above, within one month of the date of that decision a valid appeal shall have been made to, the Secretary of State;
 - (iii) An appeal is made in pursuance of (ii) above, that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.

(iv) The scheme as approved by the Local Authority or Secretary of State has been carried out and completed in full, in accordance with the approved details and timescales.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and ecological enhancement.

- 3 The use of the development hereby permitted shall only enure for the benefit of agricultural traffic accessing the adjacent fields and, from the Marlborough Road junction only, the movement of vehicles accessing the railway sidings depot.

REASON: Having regard to the particular circumstances of the application which are considered, exceptionally in this case, to justify the grant of planning permission in this instance.

- 4 There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity and landscape quality.

- 5 Notwithstanding the details shown on CEC Plans 5504/SK/201(A) [Proposed Downgrading of Western Access with A3102] and 5504/SK/202 [Proposed Alterations to Eastern Access with Marlborough Road], the existing road shall be closed by permanent gates at either end, which shall be kept closed and locked at all times except when required for access for agricultural purposes or for access to the railway sidings depot to the south side of the railway line.

No access to the railway sidings depot shall be permitted along the retained road between the depot site and the A3102

REASON: To prevent the movement along the road by general traffic seeking to use the route as a short cut between Marlborough Road and Hunts Mill Road, and to ensure that sidings depot traffic service route is defined.

- 6 Notwithstanding the visibility splay details shown on CEC Plans 5504/SK/201(A) [Proposed Downgrading of Western Access with A3102] and 5504/SK/202 [Proposed Alterations to Eastern Access with Marlborough Road], The visibility splays at the junctions of Marlborough Road and Hunts Mill Road shall be provided in accordance with details which shall first have been submitted to the local planning authority within one month of this decision and implemented in full within two months of their approval in writing by the Local Planning Authority. The splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 Within three months of the date of this decision, the scheme for safe pedestrian use of the route of public right of way WBAS1 shall be provided in accordance with the approved details (17/12/01 rev A) and certified by the local Rights of Way Warden. Such facilities shall be maintained as such thereafter, in perpetuity.

REASON: In order to maintain appropriate public rights of way.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", have been submitted to and approved in writing by the Local Planning

Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

9 **INFORMATIVE TO APPLICANT:**

The applicant should seek the advice of their ecologist on the necessity to vary the terms of the licence to disturb great crested newts, under which the works to construct the link road were undertaken, to accommodate the permanent loss of terrestrial habitat suitable for use by this species.

10 **INFORMATIVE TO APPLICANT:**

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

11 **INFORMATIVE TO APPLICANT:**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

12 **INFORMATIVE TO APPLICANT:**

It is likely that a stock proof fence or similar will be required to help with the establishment of the new hedgerow at Station Road end. Written confirmation of this fencing specification should be established and agreed by the LPA prior to its erection. Measures to protect new planting from domestic or wild grazing animals should be provided as part of the scheme, i.e. spiral or tube guards etc.