

# AGENDA SUPPLEMENT (1)

**Meeting:** Western Area Planning Committee

**Place:** Online Meeting

**Date:** Wednesday 17 June 2020

**Time:** 3.00 pm

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**The Agenda for the above meeting was published on 9 June 2020. Additional documents are now available and are attached to this Agenda Supplement.**

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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7 **Planning Applications (Pages 3 - 82)**

DATE OF PUBLICATION: 12 June 2020
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# Western Area Planning Committee

## 17 June 2020

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**Committee Members:**

Cllr Christopher Newbury (Chairman)  
Cllr Jonathon Seed (Vice-Chairman)  
Cllr Andrew Davis  
Cllr Pip Ridout  
Cllr Ernie Clark  
Cllr Peter Fuller  
Cllr Stewart Palmen  
Cllr Sarah Gibson  
Cllr Trevor Carbin  
Cllr Edward Kirk  
Cllr Suzanne Wickham

**Committee Substitutes:**

Cllr David Halik  
Cllr Russell Hawker  
Cllr George Jeans  
Cllr Nick Holder  
Cllr Gordon King  
Cllr Jim Lynch  
Cllr Steve Oldrieve  
Cllr Toby Sturgis  
Cllr Ian Thorn  
Cllr Philip Whitehead  
Cllr Graham Wright

Agenda Item 7

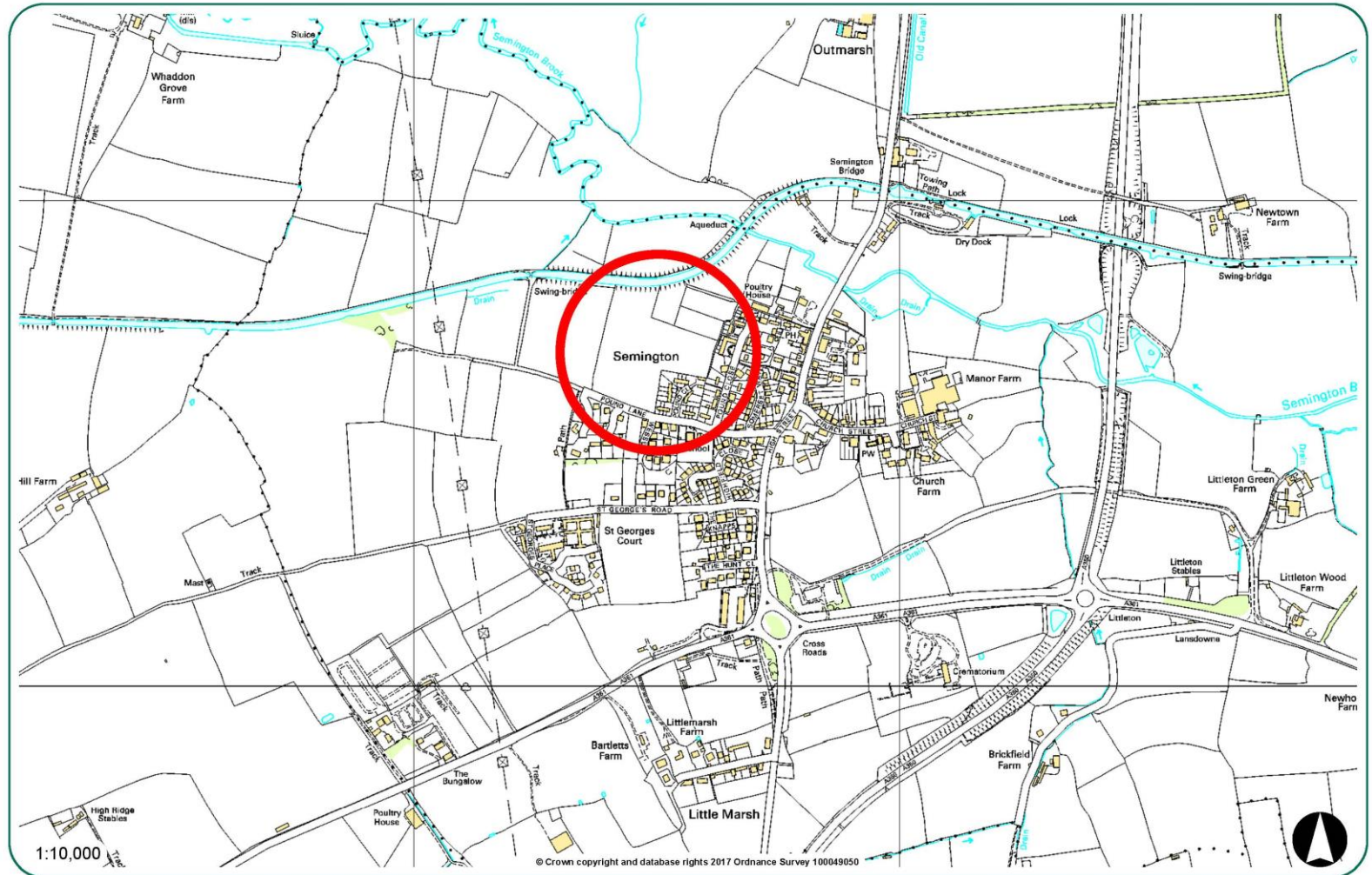
**COMMONS ACT 2006 – SECTIONS 15(1) & (3)  
– APPLICATION TO REGISTER LAND AS A  
TOWN OR VILLAGE GREEN – GREAT LEES  
FIELD, SEMINGTON**

**AGENDA ITEM NO. 7a  
WESTERN AREA PLANNING COMMITTEE:  
17 JUNE 2020**

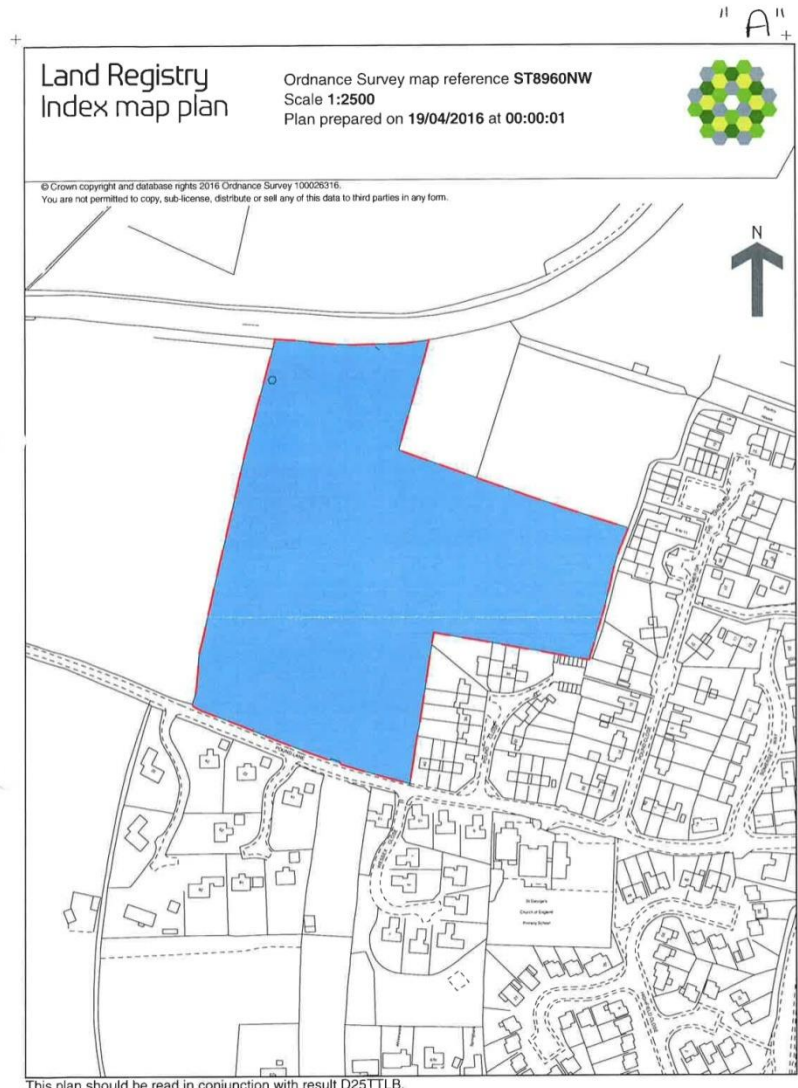
**JANICE GREEN – SENIOR DEFINITIVE MAP OFFICER**

# Location Plan

## Commons Act 2006 - Sections 15(1) and (3) Great Lees Field, Pound Lane, Semington Location Plan



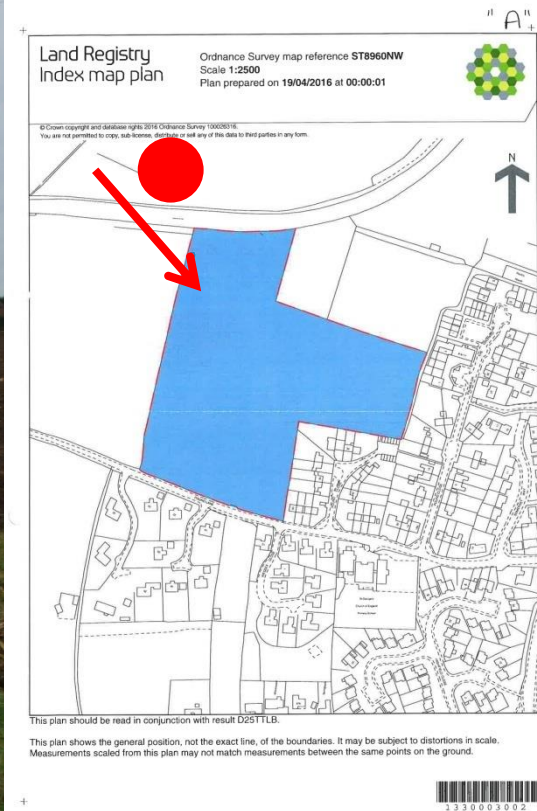
# Application Plan – Great Lees Field, Semington



This plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.



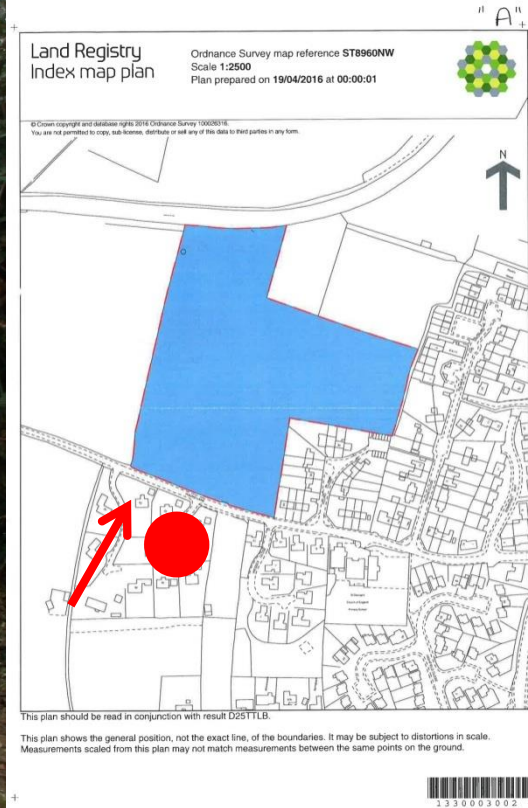
# 5 The application land viewed from Footpath no.1 at the north-west corner of the field, showing the land ploughed (October 2016)



# Pound Lane gate (October 2016)



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7

# The Wiltshire gate / gap in the western field boundary (August 2017)



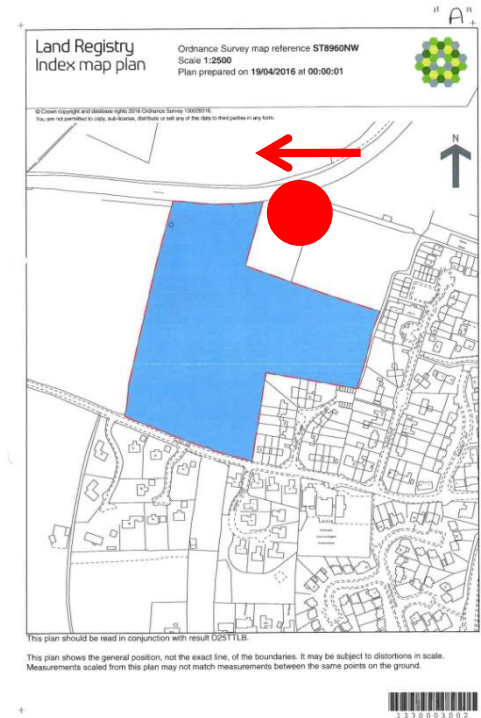
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# 8 Stone stile on Footpath no.1 Semington at the north-east corner of Great Lees Field (August 2017)



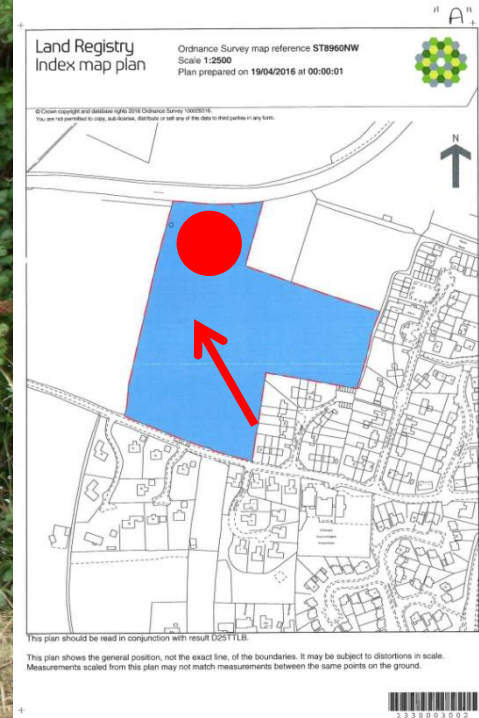
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# Stile on Footpath no.1 at the north-west corner of Great Lees Field (August 2017)



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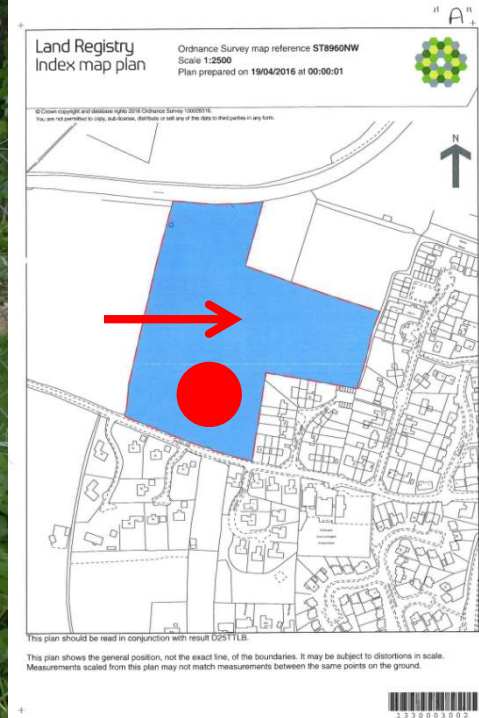


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# Typical access gate from gardens of properties in Pound Close, to the east of Great Lees Field (August 2017)



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# The Legislation

**Sub-section 15(1) of the Commons Act 2006 states:**

**“15 Registration of greens**

**1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.”**

12 **Sub-section 15(3) of the Commons Act 2006 states:**

**“(3) This subsection applies where –**

- (a) a significant number of inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;**
- (b) they ceased to do so before the time of the application but after the commencement of this section; and**
- (c) the application is made within the relevant period.**

**(3A) In subsection (3), “the relevant period” means –**

- (a) in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b)...**

# The Application

- **Application made under Sections 15(1) and (3) of the Commons Act where it is claimed that user has ceased.**
- **Application dated 24 June 2016 and date stamped by the Registration Authority as received on the same day.**

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**Application made by Mr S Hall, Mr J Jonik and Dr W Scott as ‘Friends of Great Lees Field’.**

- **Application land, known as Great Lees Field, owned by Mr W Stuart-Bruges and Mr A Haythornthwaite.**
- **Application supported by 66 completed user evidence forms.**
- **Application supported by Semington Parish Council.**

# Burden of Proof

- **Successful application - each element of the legal test (Section 15(3) of the Commons Act 2006), must be satisfied.**
- **Burden of proof lies with the applicant.**
- **Registration Authority has no investigative powers.**
- **Standard of proof is the balance of probabilities.**



# The Evidence

**On examination of the evidence, the following points were found to be in dispute:**

- 1) Was there sufficient evidence of the exercise of lawful sports and pastimes over the whole of the application land, where the majority of user had been walking and dog walking?**
- 2) The alleged ploughing of the land in 2000, which would lead to a significant interruption to the qualifying 20 year user period.**

# Non-Statutory Public Inquiry

- **It is the duty of the Registration Authority to determine the application in a fair and reasonable manner. It is open to them to hold a non-statutory public inquiry where there is a substantial dispute of fact, which is likely to be resolved by hearing from the witnesses.**

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**At its meeting dated 13 December 2017 the Western Area Planning Committee resolved to appoint an independent Inspector to preside over a non-statutory public inquiry, to make a recommendation to Wiltshire Council to assist in its determination of the application.**

- **The Registration Authority appointed William Webster of 3 Paper Buildings to preside over an inquiry, held at Semington Village Hall on 15-17 October and 4-5 December 2019.**
- **Oral evidence provided at a public inquiry may be given weight where it is subject to cross examination.**

# Non-Statutory Public Inquiry

- The Inspector provided the Registration Authority with a detailed report regarding the evidence and recommendation, dated 7 February 2020, including findings that:
  - A significant number of Semington inhabitants used the land, but not the whole of the land for LSP throughout the qualifying period.
  - The land was mainly used as a place of transit for walking to destinations outside the land rather than as a destination in its own right for LSP over the whole of the land.
  - The land would have been mainly used for the exercise of supposed rights of way along a defined route/routes. Such use does not justify registration as a Town/Village Green and use outside this category to justify legislation was too limited and infrequent.
  - The applicants are precluded from relying on use through the Pound Lane gate as this involved use which was forcible and not 'as of right' and would not justify registration.
- The Inspector recommends that the application should be rejected on the grounds that the applicable statutory criteria laid down in section 15(3) of the Commons Act 2006 have not been satisfied.

## Officers Recommendation

**That Wiltshire Council, as the Commons Registration Authority, accepts the Inspector's recommendation and that the application by The Friends of Great Lees Field', under Sections 15(1) and (3) of the Commons Act 2006, to register land off Pound Lane, Semington, known as 'Great Lees Field' be rejected for the reasons set out in the Inspector's report dated 7 February 2020.**

# Decision

- **The Committee is making a decision in its Regulatory function which requires the Committee to act in a quasi-judicial capacity.**
- **When a Committee acts in its quasi-judicial capacity, it must follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing.**

**Pre-determination - Members of the committee should consider the Inspector's report and all of the evidence, including that presented to the Committee today, before making a decision on the application.**

- **If the Committee uses its power to determine the application against the Officers recommendation, the Committee must give legally valid reasons for this determination, which must be supported by the evidence.**

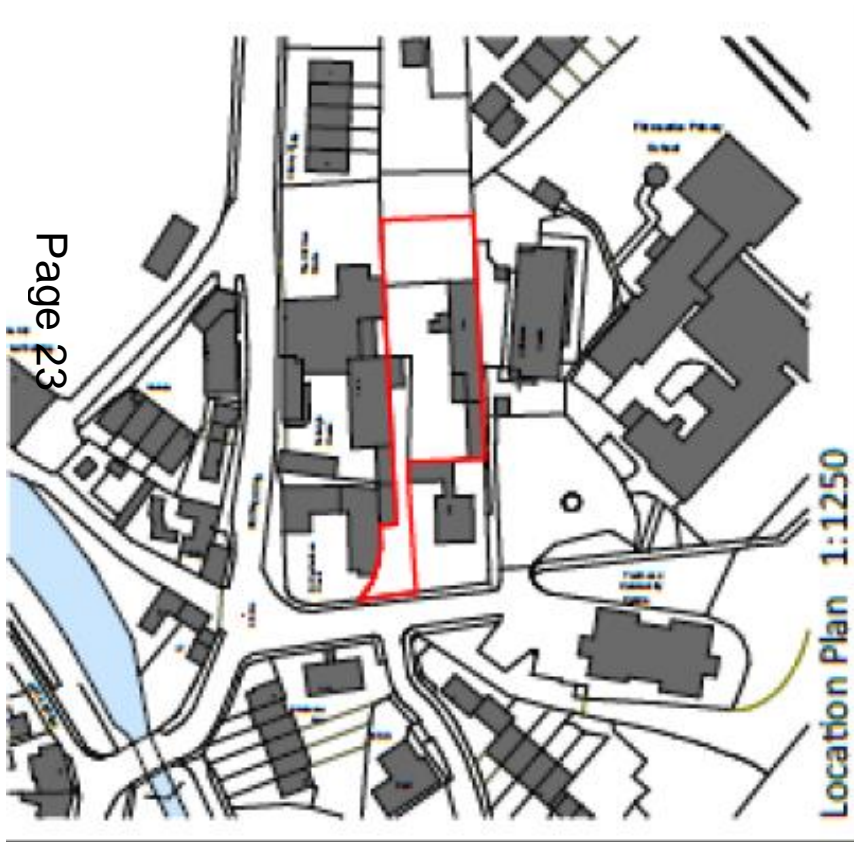
# Western Area Planning Committee

17<sup>th</sup> June 2020

**7a) 19/09800/FUL - 12 A Frome Road, Bradford On Avon, Wiltshire, BA15 1LE**

Demolition of the existing dwelling and outbuilding and replacement with 5 residential dwellings as well as alterations to the existing boundary wall to accommodate a widened vehicular access.

**Recommendation: Approve with Conditions**



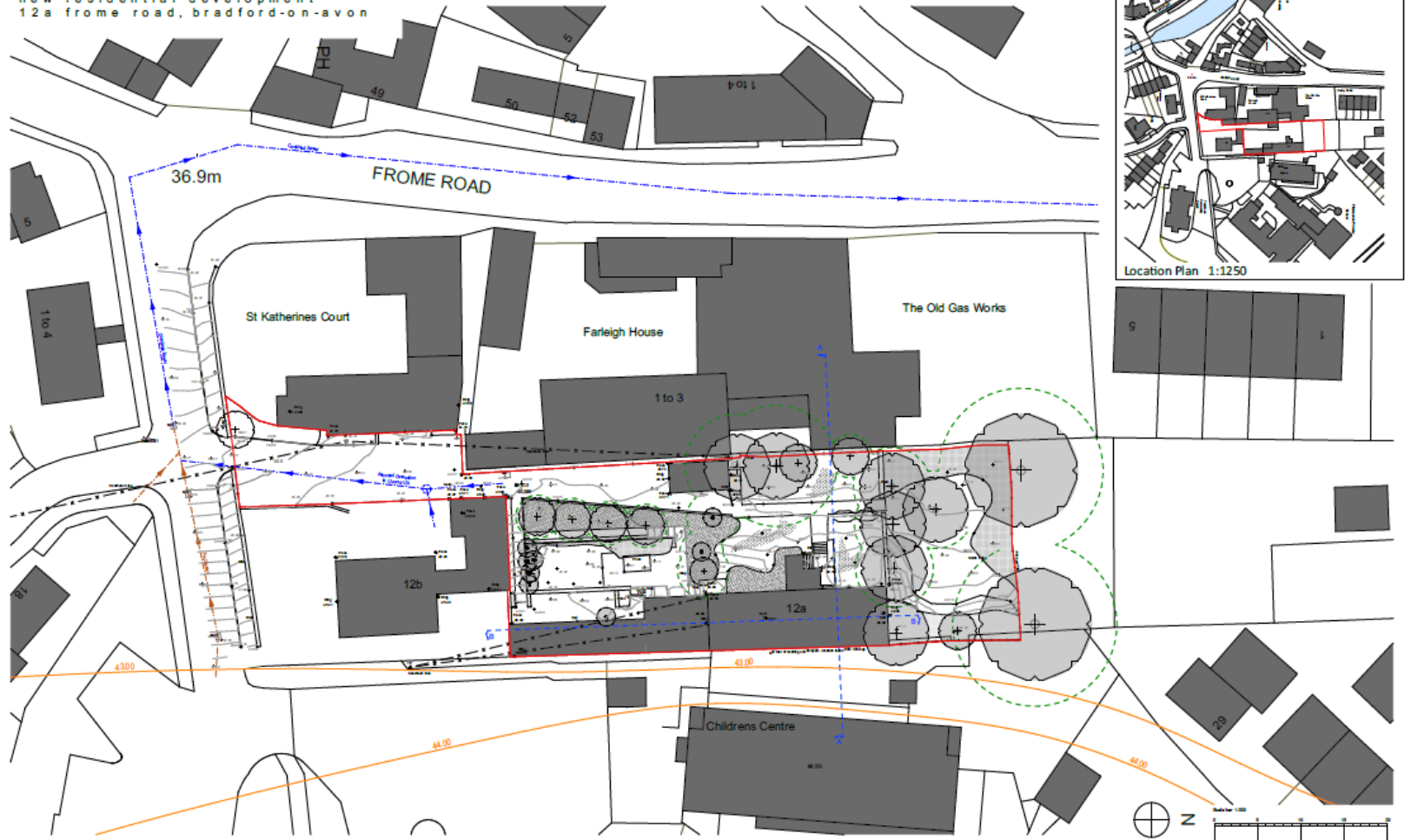
Site Location Plan



Aerial Photography

# Existing Site Plan

new residential development  
12a frome road, bradford-on-avon



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<p>coombes : evertt architects limited 105-107 Bath Road Cheltenham Gloucestershire GL53 7LE</p> <p>T: 01242 807727 F: 0945 5575 833 e: info@ce-architects.co.uk www.ce-architects.co.uk</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> Feasibility</li> <li><input checked="" type="checkbox"/> Planning</li> <li><input type="checkbox"/> Building Regulations</li> <li><input type="checkbox"/> Tender</li> <li><input type="checkbox"/> Construction Issue</li> <li><input type="checkbox"/> As Built</li> </ul>	<p>1. The drawing is not to be interpreted as a contract, award or offer in tender and shall not be used for any other purpose without the consent of the architect.</p> <p>2. Do not scale drawing. All dimensions to be checked on site prior to construction and any discrepancies to be reported to architect immediately.</p> <p>3. The drawing is for the use of the architect and shall not be used for any other purpose without the consent of the architect.</p> <p>RIBA REGISTERED ARCHITECTS</p>	<p>Drawing No: Existing Block and Site Location Plans</p> <p>Client: Avonvale Developments</p> <p>Drawn by: JS Checked: TC</p> <p>Project No: 19.20.006</p>	<p>Project: 12a Frome Road, Bradford-on-Avon</p> <p>Scale: 1:1250 &amp; 1:300 @ A1</p> <p>Date: August 2019</p> <p>Project / Drawing No: PL001</p>
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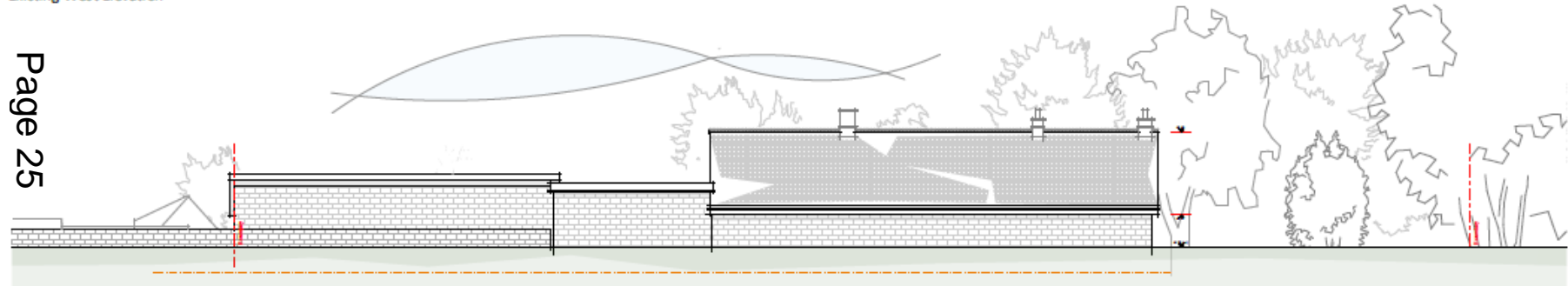


# Existing elevations

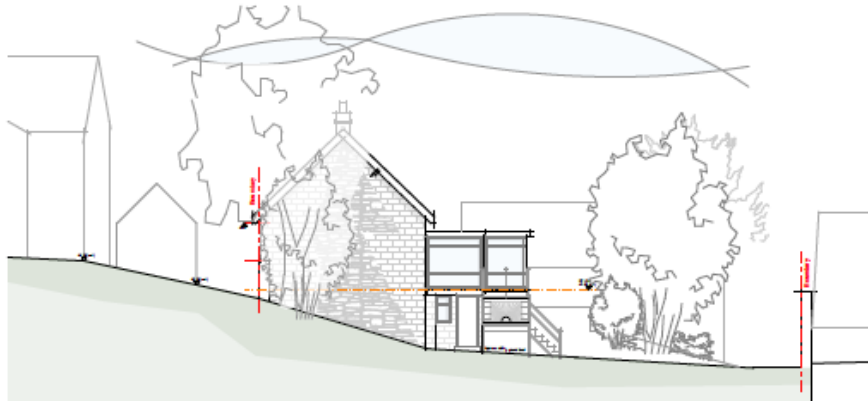
new residential development  
12a frome road, bradford-on-avon



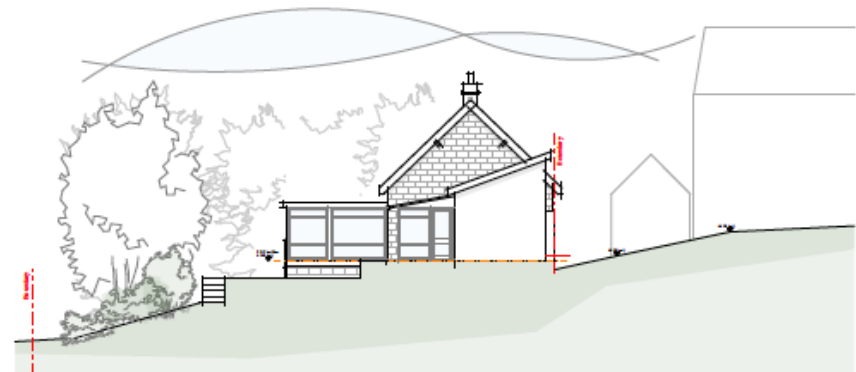
Existing West Elevation



Existing East Elevation



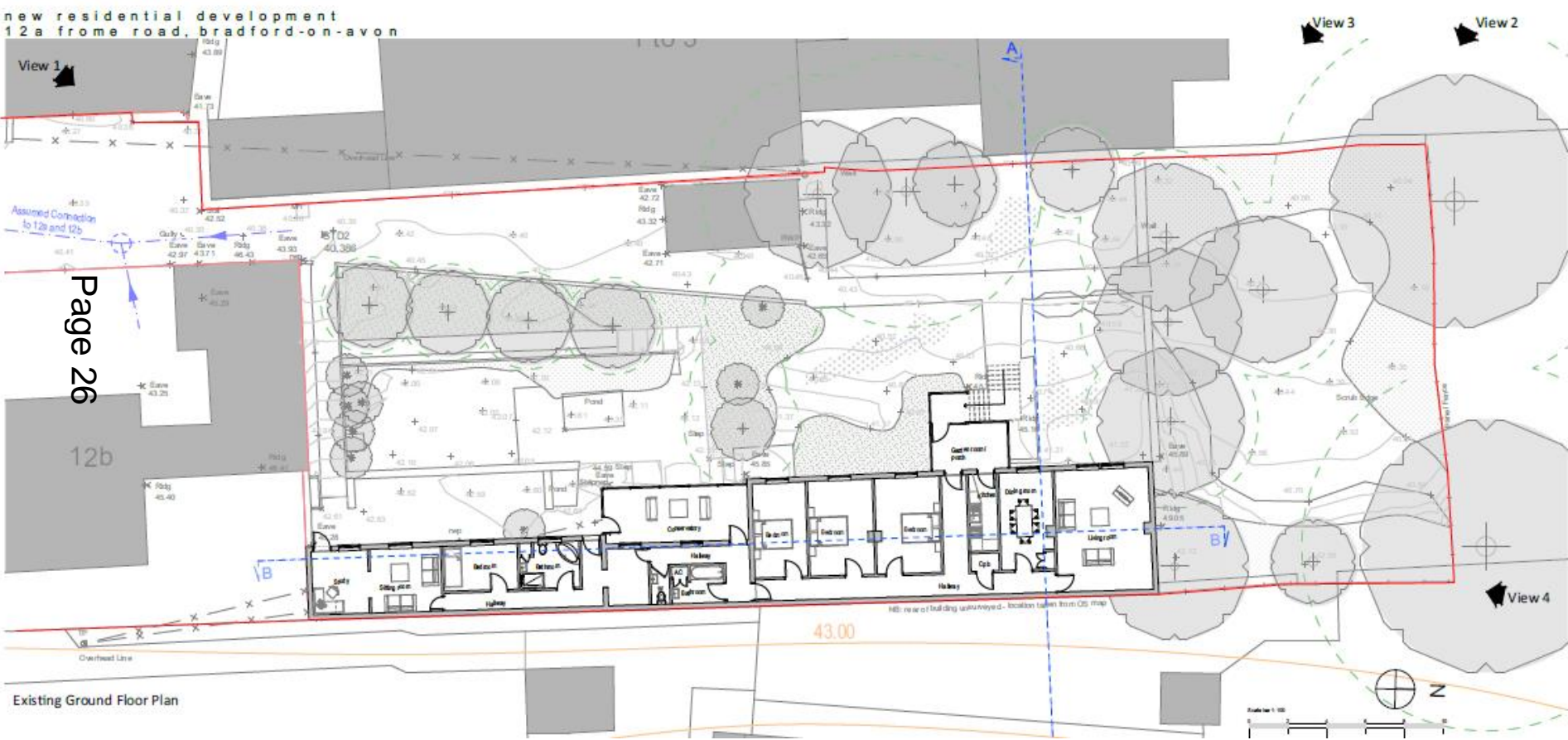
Existing North Elevation



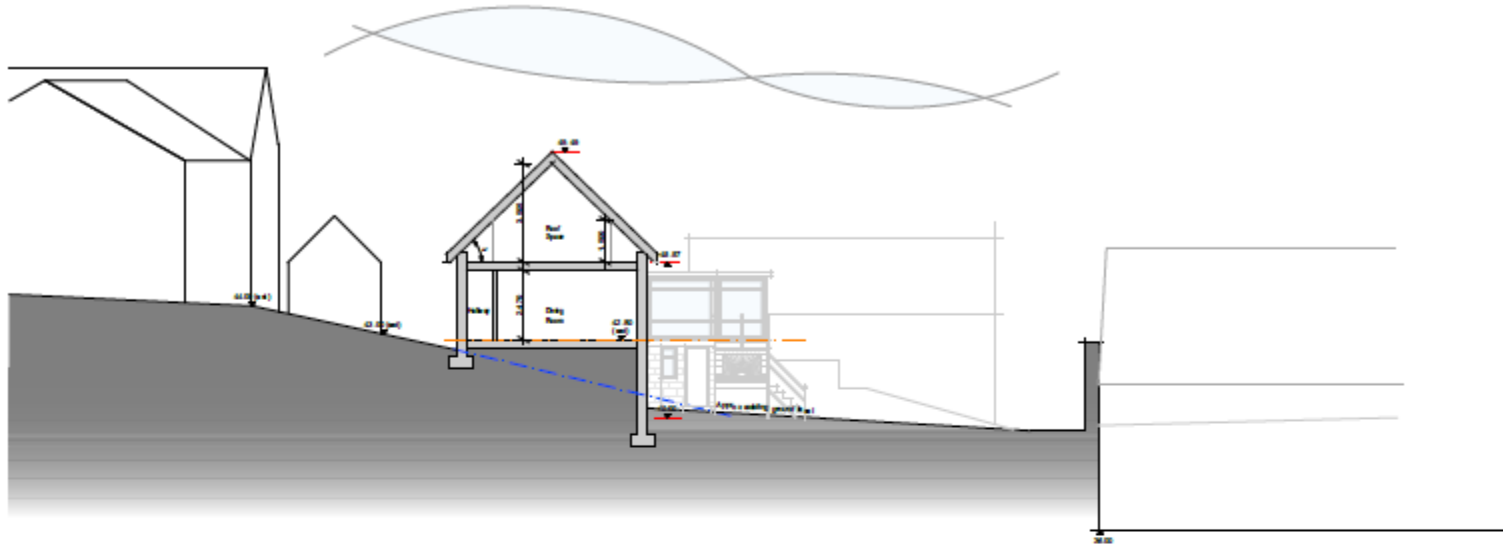
Existing South Elevation

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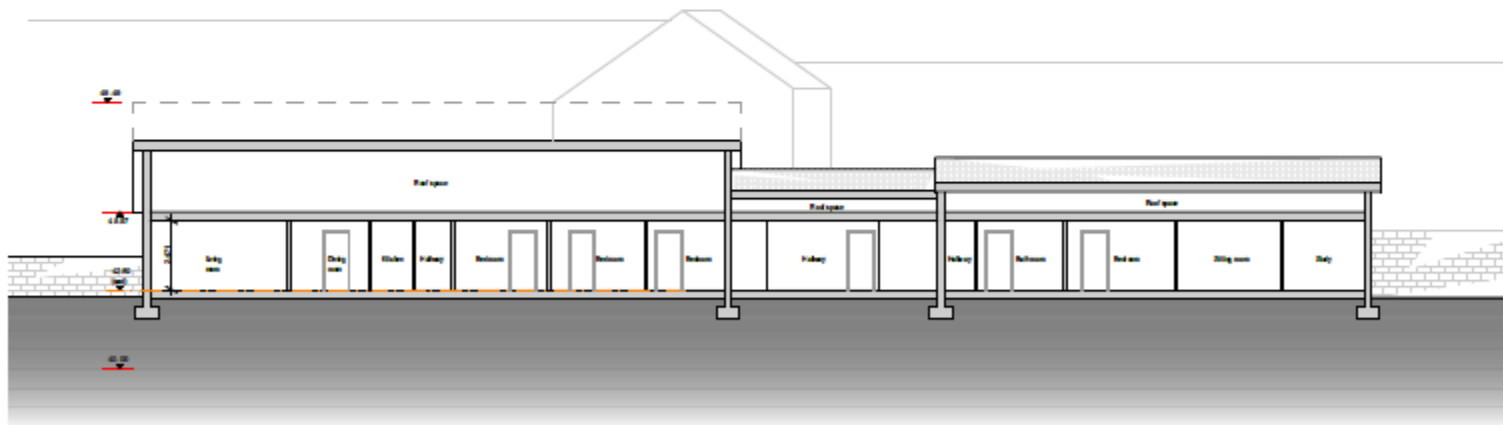
# Existing floor plans



# Existing site section

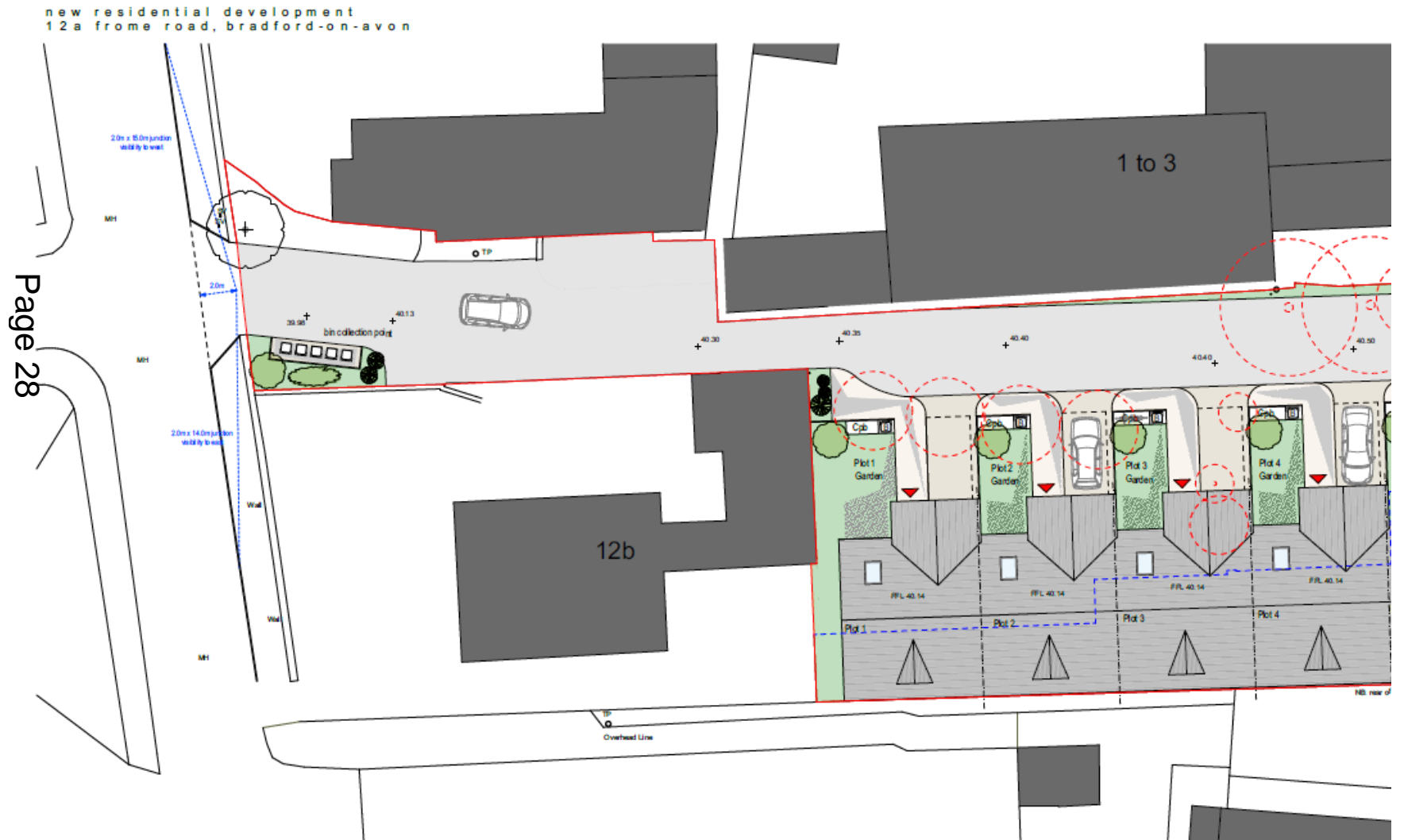


Existing Section A-A



Existing Section B-B

# Proposed site plan showing access



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# Proposed site plan showing dwellings and shared open space

new residential development  
12a frome road, bradford-on-avon

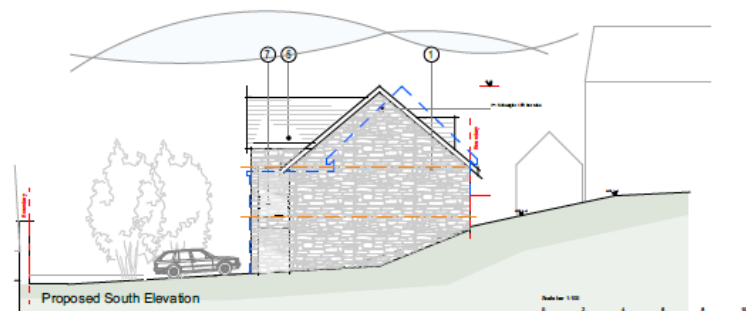
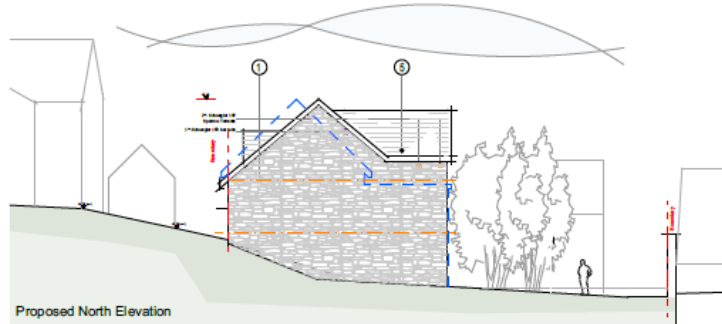
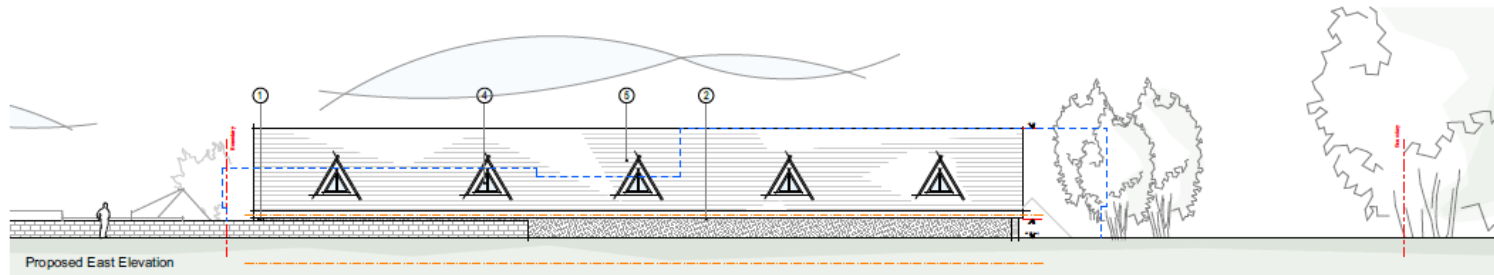


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# Proposed elevations

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new residential development  
12a frome road, bradford-on-avon



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<p>coombes : everitt architects limited 105-107 Bath Road Chiltenham Gloucestershire GL53 7LE t: 01242 807727 f: 0845 3575833 e: info@coombes-architects.co.uk www.coombes-architects.co.uk</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> Feasibility</li> <li><input type="checkbox"/> Planning</li> <li><input type="checkbox"/> Building Regulations</li> <li><input type="checkbox"/> Tender</li> <li><input type="checkbox"/> Construction Issue</li> <li><input type="checkbox"/> As Built</li> </ul>	<p>1. The drawing and contents are copyright of the author. No part of this drawing is to be copied, stored, reproduced or any other action without the prior written consent of the author. 2. This drawing is a design and not a construction document. It is not to be used for construction purposes without the prior written consent of the author. 3. The author is not liable for any errors or omissions in this drawing or any other action without the prior written consent of the author.</p> <p>RIBA REGISTERED ARCHITECT</p>	<p>REV A - E - 10.09.2019 revised elevation, hatch to flooring REV B - E - 16.09.2019 bat and bird boxes added</p>	<p>Drawing Title: Proposed Elevations Client: Avonvale Developments Drawn by: JS Checked: TC Project No: 19.20.006</p>	<p>Project: 12a Frome Road, Bradford-on-Avon Scale: 1:100 @A1 Date: August 2019 Project / Drawing No: PLO12 B coombes : everitt architects</p>
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Blue dotted line shows the height and location of the existing building on site 28

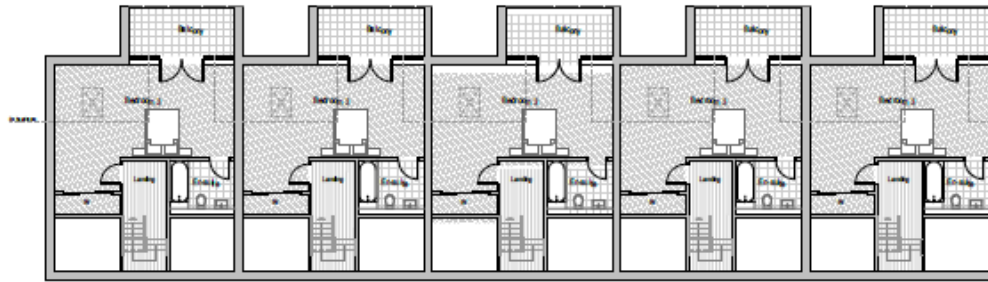
# Proposed ground floor plan



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# Proposed first and second floor plans

new residential development  
12a frome road, bradford-on-avon



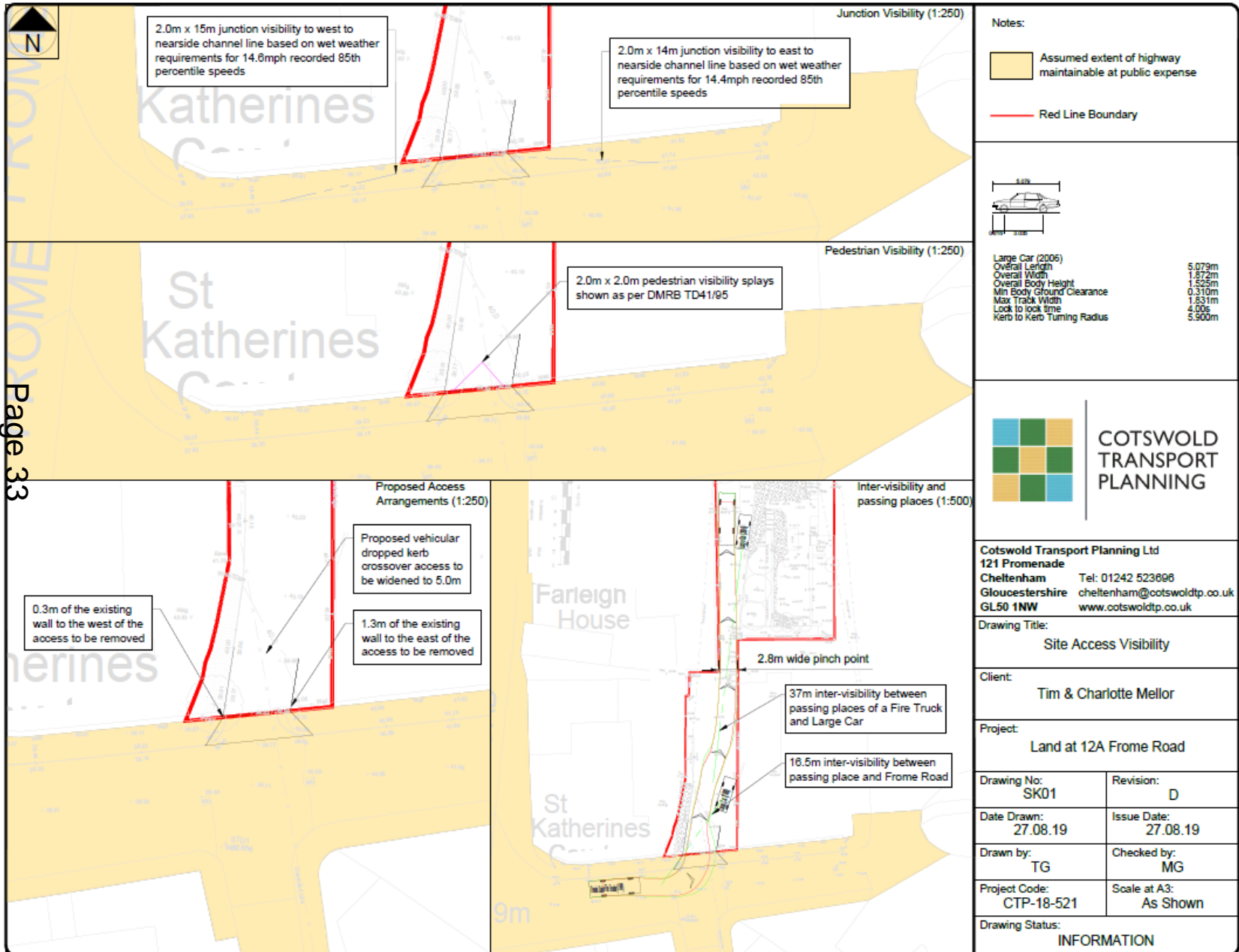
Proposed Second Floor Plan



Proposed First Floor Plan



# Proposed access



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**COTSWOLD TRANSPORT PLANNING**

Cotswold Transport Planning Ltd  
 121 Promenade  
 Cheltenham Gloucestershire GL50 1NW  
 Tel: 01242 523898  
 cheltenham@cotswoldtp.co.uk  
 www.cotswoldtp.co.uk

Drawing Title: **Site Access Visibility**

Client: **Tim & Charlotte Mellor**

Project: **Land at 12A Frome Road**

Drawing No: SK01	Revision: D
Date Drawn: 27.08.19	Issue Date: 27.08.19
Drawn by: TG	Checked by: MG
Project Code: CTP-18-521	Scale at A3: As Shown

Drawing Status: **INFORMATION**



Left: the B3109 with the junction of Kennet Gardens

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Right: Kennet Gardens when viewed from B3109

33 Existing entrance towards the site. Photo shows neighbouring dwelling (12B)



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Access to the site adjacent to neighbouring dwelling 12B

35

Existing dwelling



Page 37

Existing dwelling with school building to the rear





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End elevation of existing dwelling with school building to the rear



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Existing garden pictures where area of shared garden will be located



Right: View from the corner of the site to the existing modern buildings that front the B3109





Pedestrian traffic using Kennet Gardens

children leaving school towards Trowbridge Road.

NB: All photos taken on a Thursday (15:20) prior to the COVID19 lockdown

View from B3109 – you can just see the existing school building with the solar panels to the rear of the picture and the roof line of the existing dwelling



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# Existing modern dwellings that face onto B3109



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View of the existing dwelling from the school premises



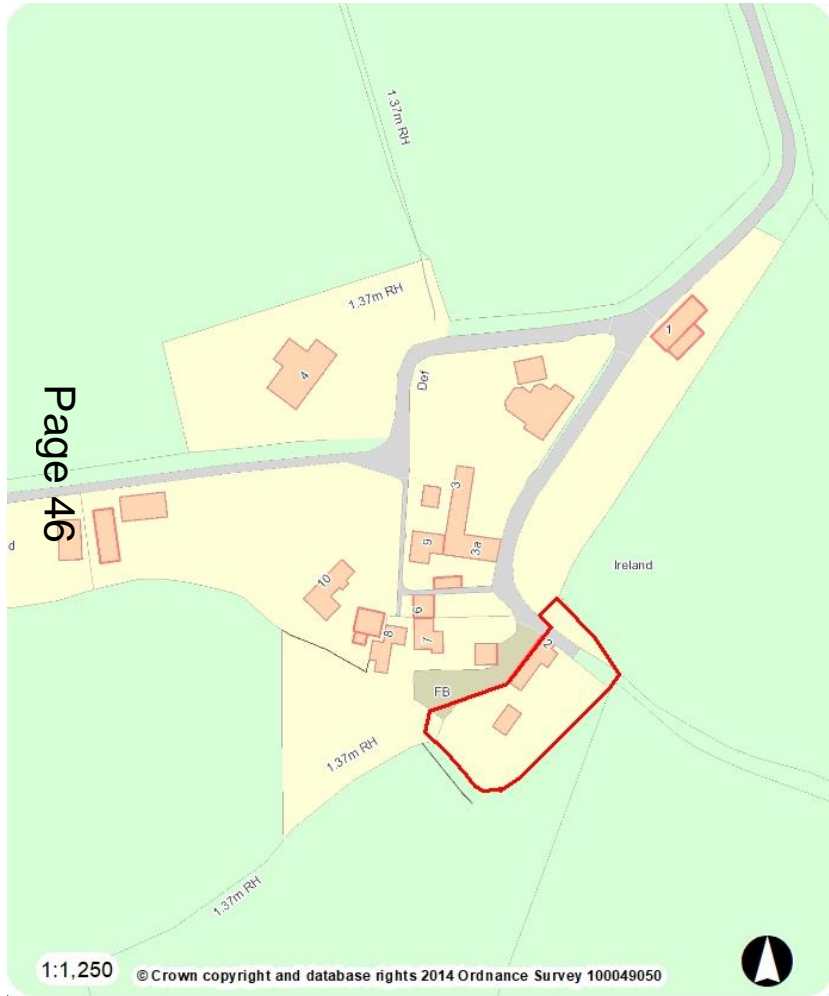
3D illustrations



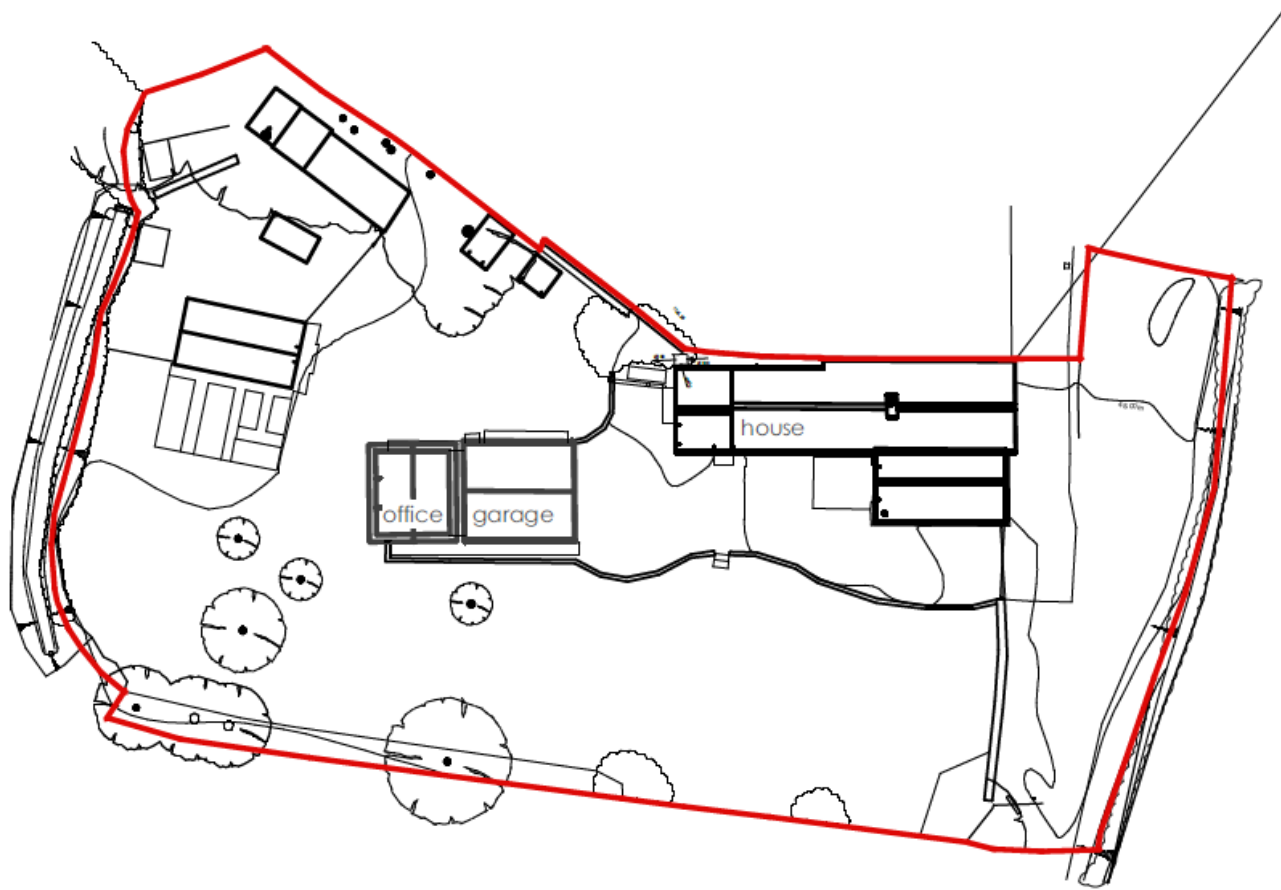
## 7b) 20/00059/FUL - Bishop's Folly, 2 Ireland, North Bradley, BA14 9RW

Erection of two storey extension, double garage, alterations and associated access works.

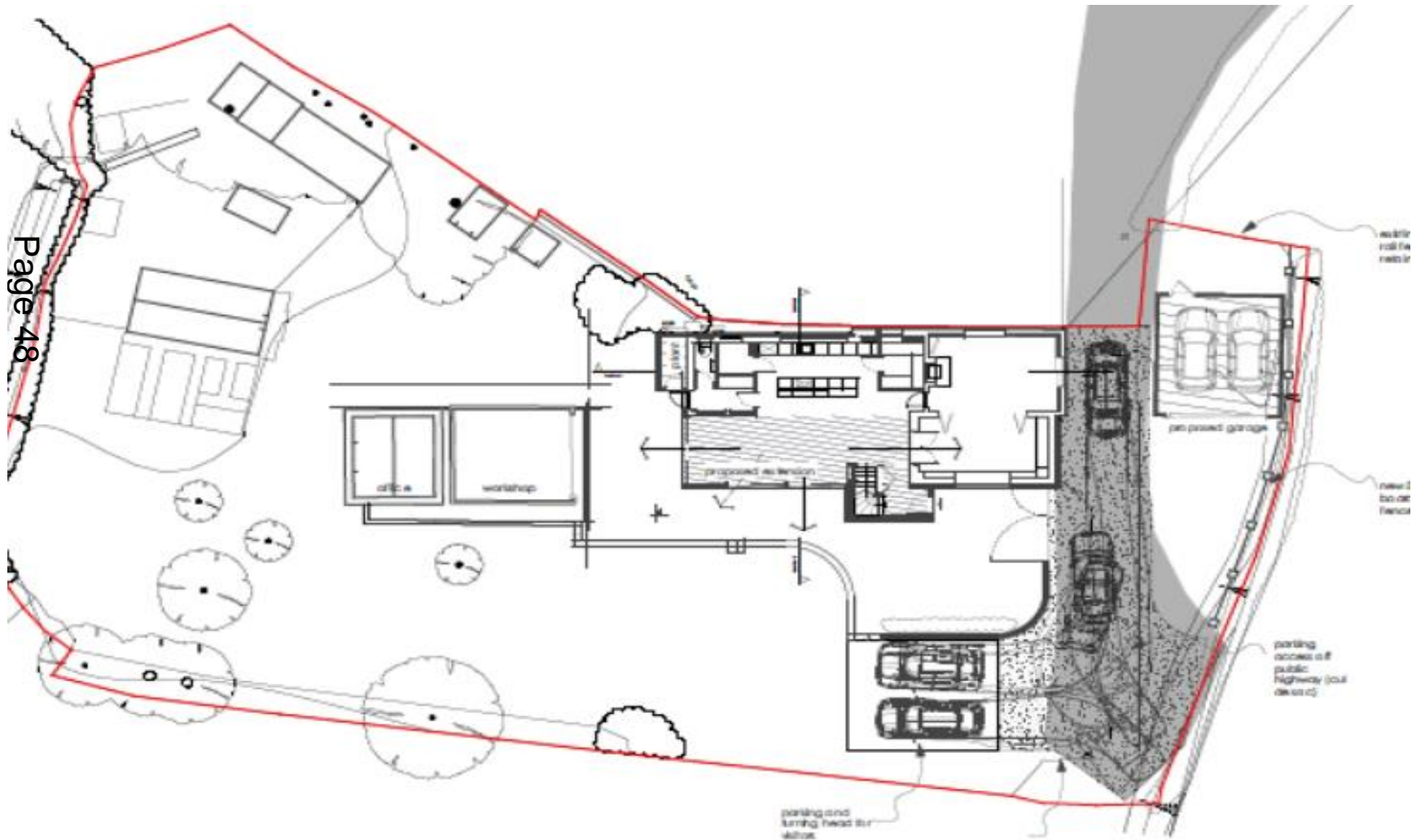
**Recommendation: Approve with Conditions**



# Existing Site Plan



# Proposed Site Plan

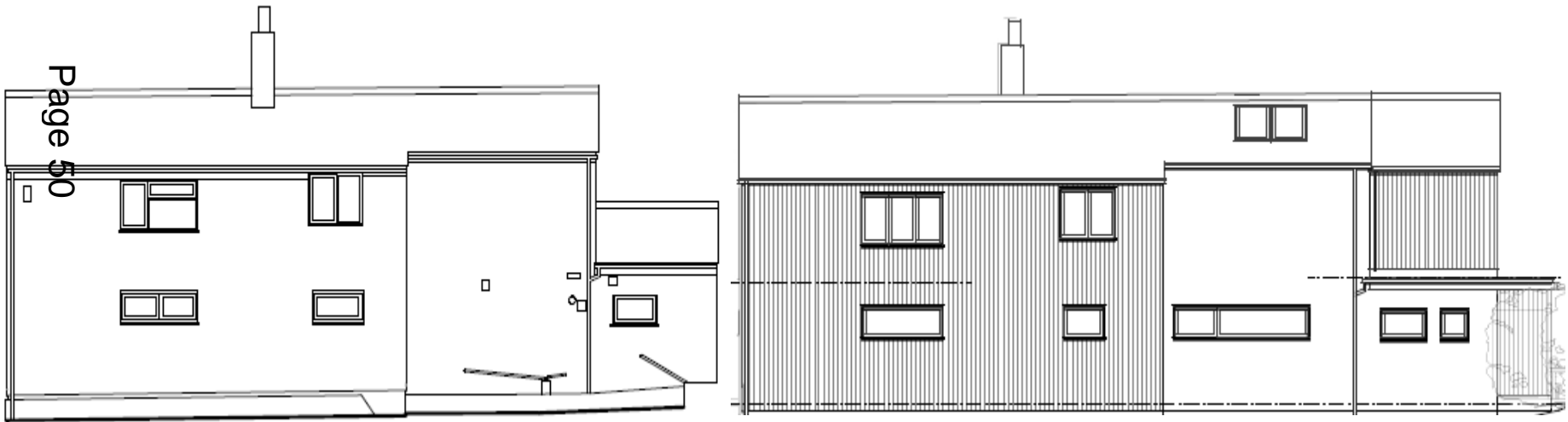


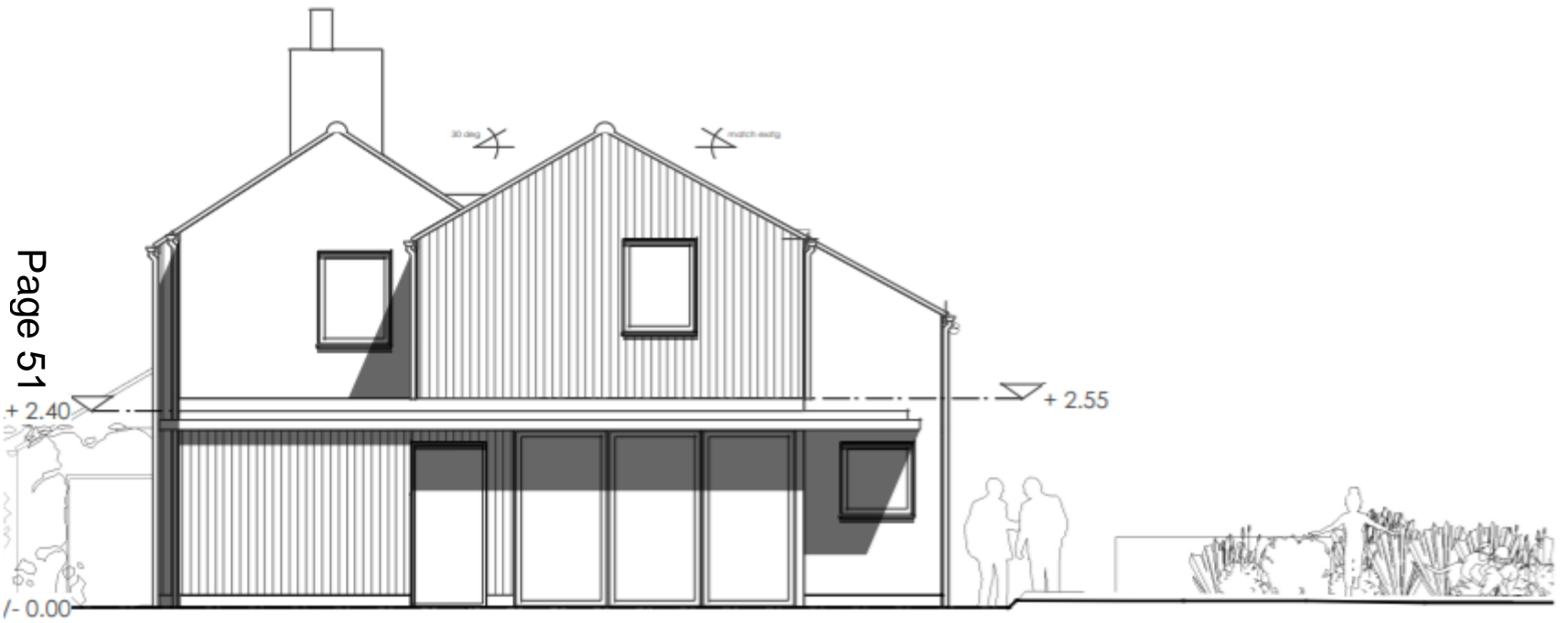


# Existing and proposed front (south east) elevations



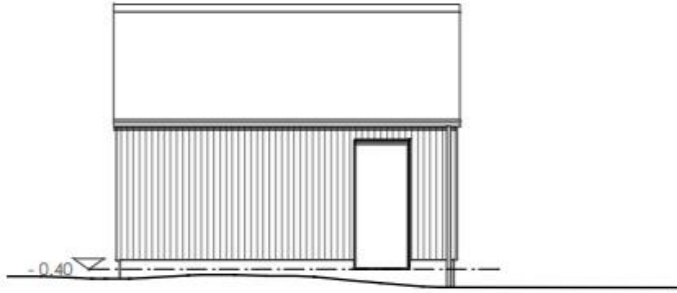
# Existing and proposed rear (north west) elevations



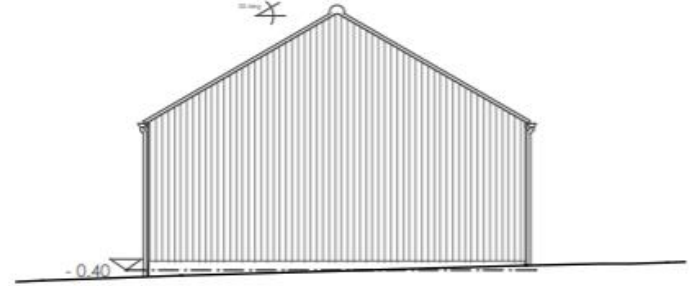


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**South West ELEVATION Proposed**

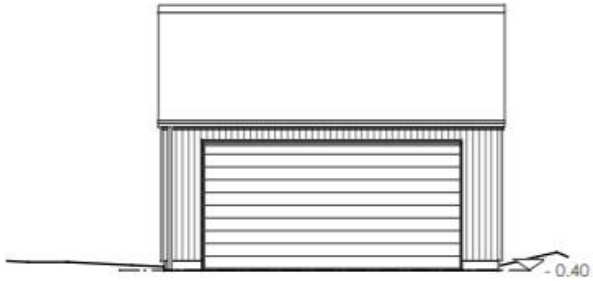


North West ELEVATION

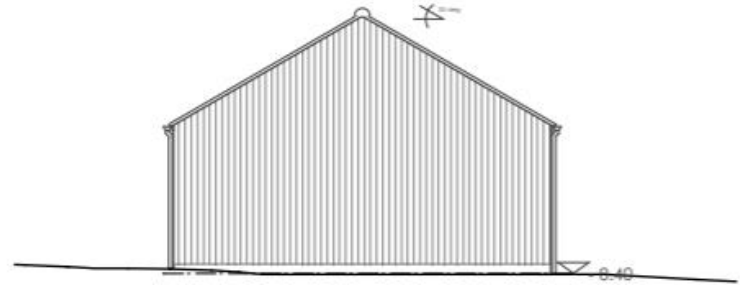


South West ELEVATION

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South East ELEVATION



North East ELEVATION

# 51 Existing front (south east)elevation



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# Illustration of parking arrangement and historic turning area

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A highway search shows the single-track lane is adopted highway up to and beyond the site access. The highway land is shown to widen at the end of the adopted section, which suggests it was intended to serve as a turning area.

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## Separation distances to closest neighbours (6 & 7 Ireland )



**7c) 19/12153/VAR – McDonalds Restaurant – 235 Bradley Road, Trowbridge BA14 0AZ**

Variation of Condition 3 of W/96/00587/FUL to modify the opening hours to 06:00 – 23:00 Monday - Saturday

**Recommendation: Approve with Conditions**

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case 59







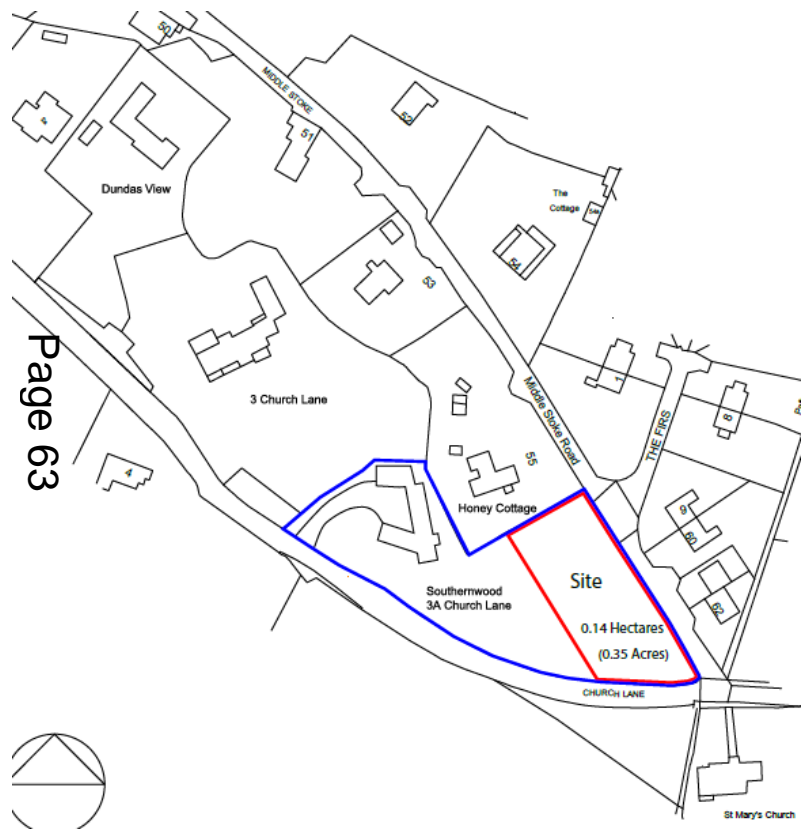


**7d) 19/10471/FUL – 3A Church Lane, Limpley Stoke BA2 7GH**

Erection of 2 No. dwellings and associated landscaping and access work (amended design)

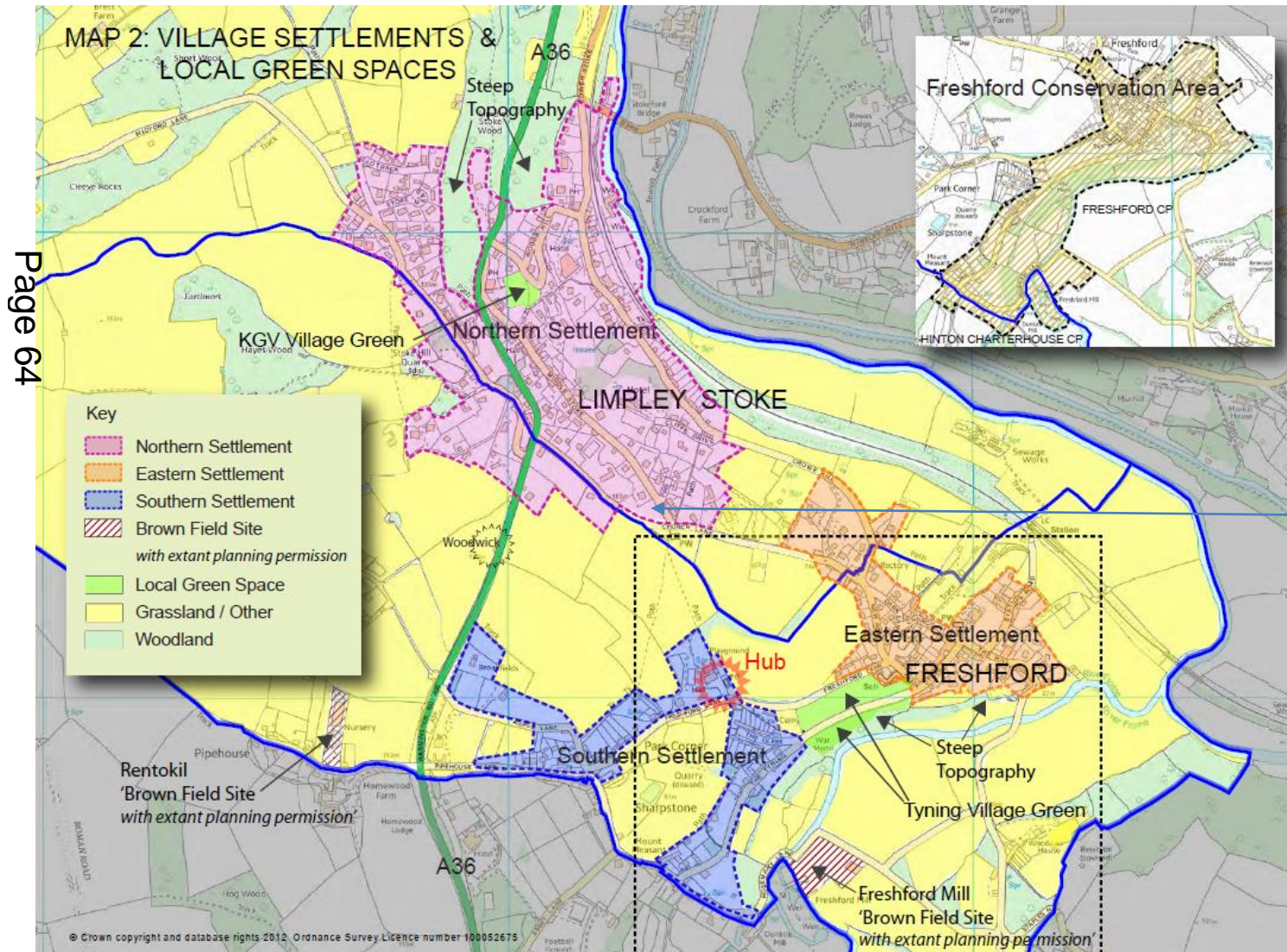
**Recommendation: Approve with Conditions**

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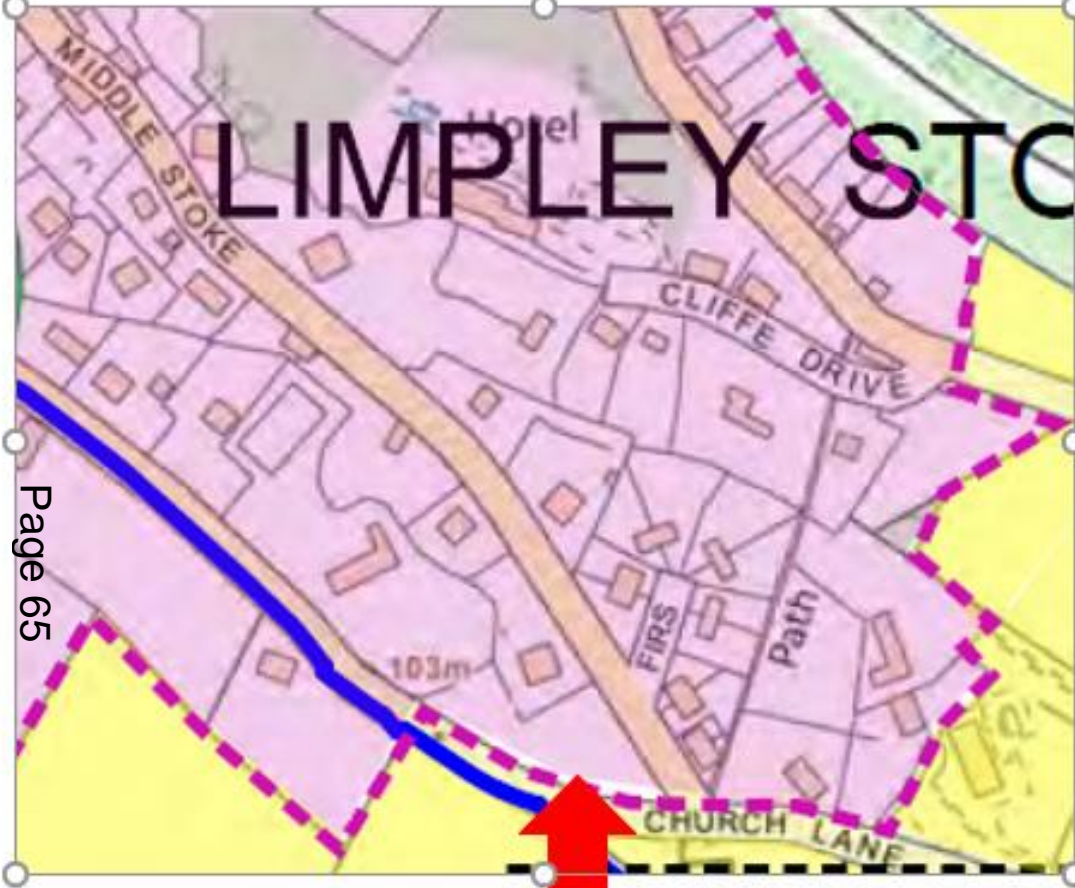
Site Location Plan

Aerial Photography



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Snippet from Freshford and Limpley Stoke NP showing the site is within the northern settlement (shown in pink)



The site subject of this application

# Proposed Site Plan

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# Proposed Front and Rear Elevations

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East, Street Elevation  
Unit A                      Unit B

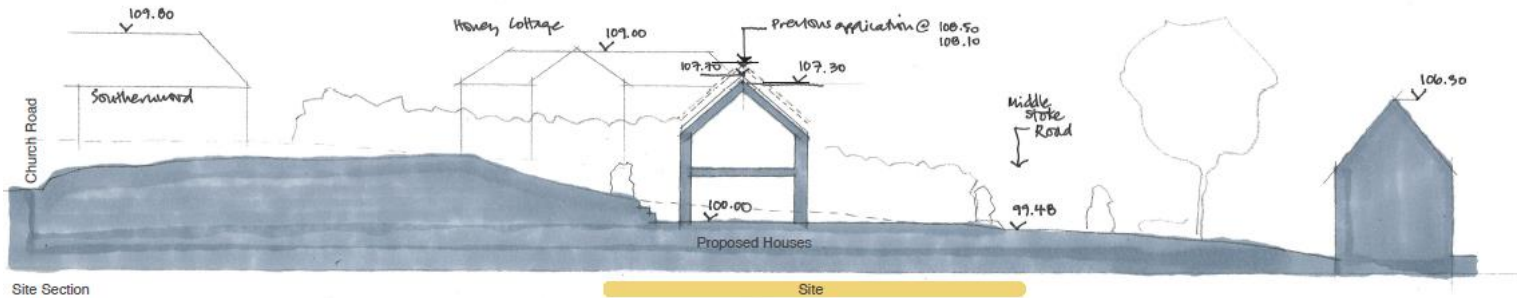
- Materials**
- Rubble stone to front and sides.
  - Through colour render to rear elevation
  - Metal rainwater goods
  - Natural slate roof
  - Painted timber windows
  - Timber front door
  - Timber single storey 'extensions' with shallow metal roofs



West, Rear Elevation  
Unit B                      Unit A



# Proposed Side Elevations and Cross Section

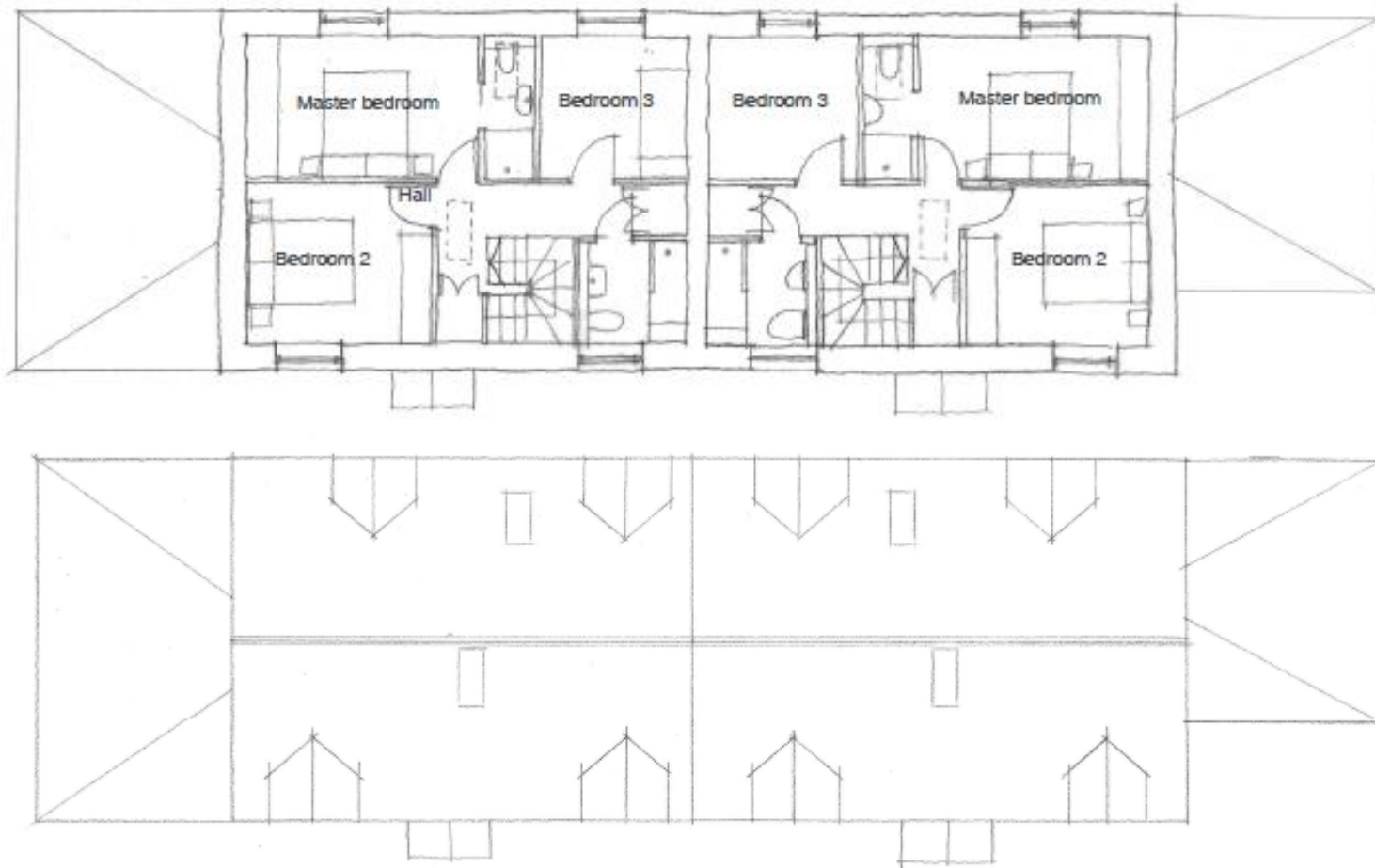


# Proposed Ground Floor Plan

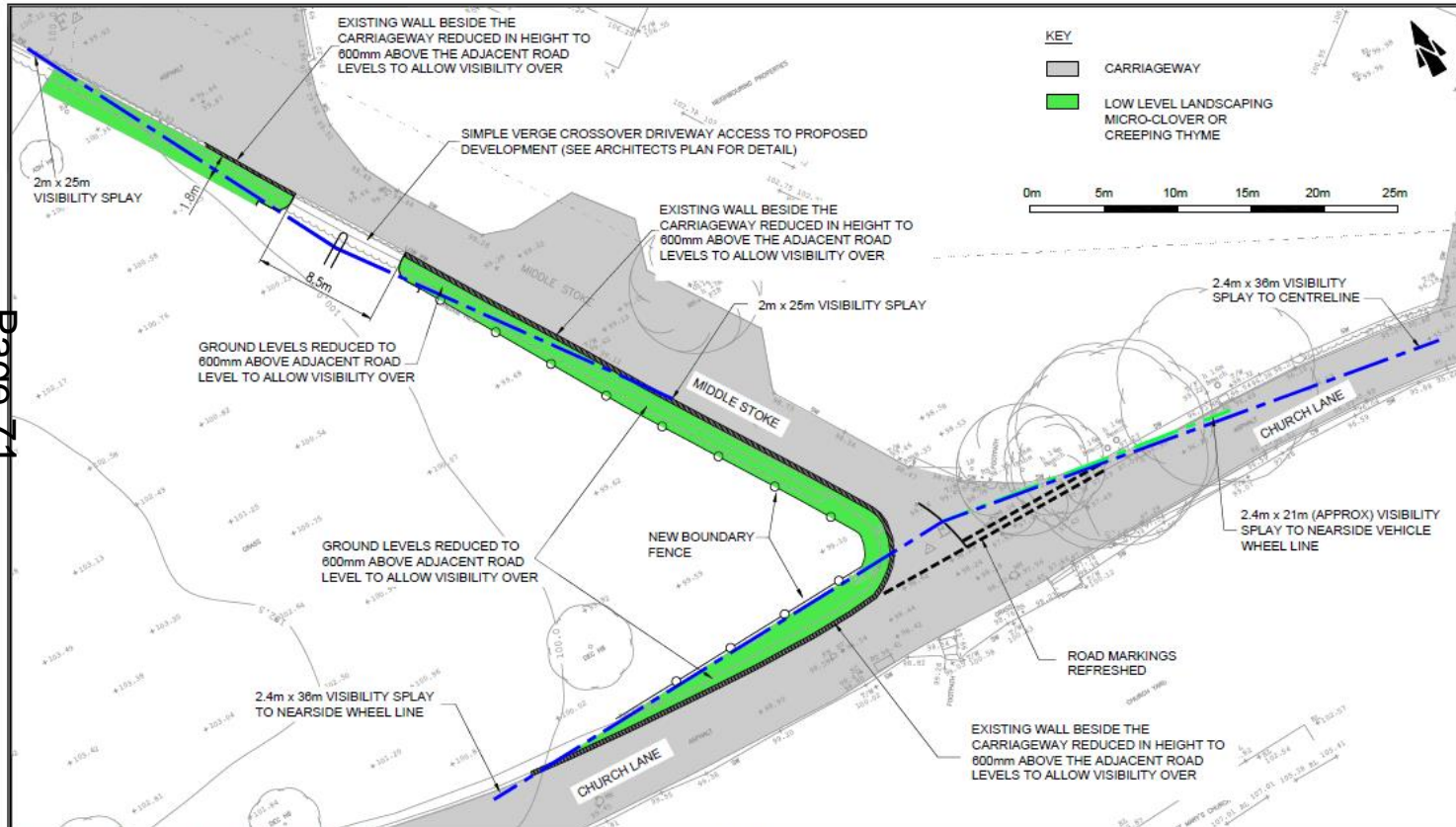
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# Proposed First Floor and Roof Plans



# Proposed Junction Improvements Plan



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<table border="1"> <thead> <tr> <th>REV</th> <th>DETAILS</th> <th>DRAWN</th> <th>CHECKED</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Minor amendments</td> <td>SLW</td> <td>CDM</td> <td>21.02.19</td> </tr> <tr> <td>B</td> <td>Site Access relocated</td> <td>SLW</td> <td>CDM</td> <td>15.10.19</td> </tr> </tbody> </table>		REV	DETAILS	DRAWN	CHECKED	DATE	A	Minor amendments	SLW	CDM	21.02.19	B	Site Access relocated	SLW	CDM	15.10.19	<p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>Do not scale from this drawing.</li> <li>This drawing is for illustrative purposes only and not for construction.</li> <li>This drawing is to be read and printed in colour.</li> </ol>		<p>PROJECT: <b>LAND AT SOUTHERWOOD, LIMPLEY STOKE</b></p> <p>CLIENT: <b>MR &amp; MRS HOLDOWAY</b></p>	
REV	DETAILS	DRAWN	CHECKED	DATE																
A	Minor amendments	SLW	CDM	21.02.19																
B	Site Access relocated	SLW	CDM	15.10.19																
<p><b>PROPOSED JUNCTION IMPROVEMENTS AND ACCESS ARRANGEMENTS</b></p>					<p><b>MILES WHITE</b> TRANSPORT</p>															
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# Proposed Landscaping Plan

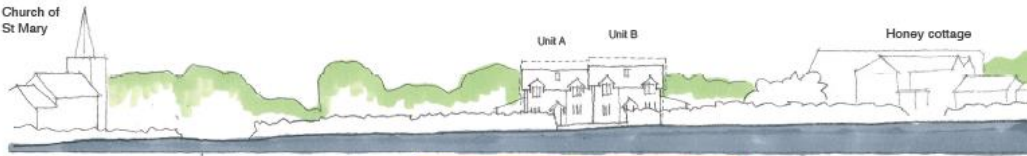




# Proposed Site Sections



Section AA through proposed upper house



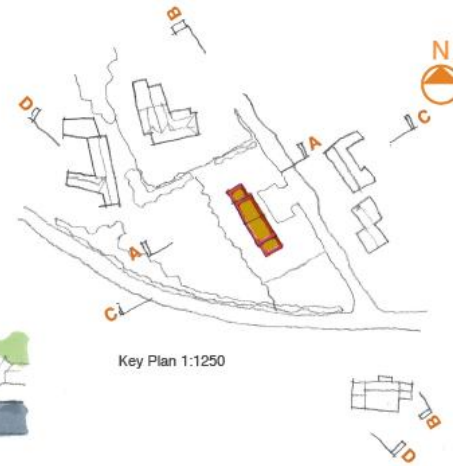
Section BB through Middle Stoke road



Section CC through lower house

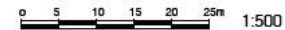


Section DD from the west



Key Plan 1:1250

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View of site with The Firs in the background and Honey Cottage to the far left



View towards the church from within the site



View towards church along Middle Stoke Rd – the site is on right



## Existing junction of the Firs and Middle Stoke Road



76 Photo taken over the existing hedge showing the distance between Honeywell Cottage and their boundary to the site



The application site as viewed from Church Lane. Honeywell Cottage is to the left and the existing dwellings located along The Firs and Middle Stoke are to the right.



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Middle Stoke Road with existing dwellings set back from the road – application site is beyond the hedge on the left side of the road.





## Existing junction of Middle Stoke and Church Lane



# Western Area Planning Committee

17<sup>th</sup> June 2020