

# AGENDA SUPPLEMENT (1)

**Meeting:** Western Area Planning Committee

**Place:** Council Chamber – County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Wednesday 7 July 2021

**Time:** 3.00 pm

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**The Agenda for the above meeting was published on 28 June 2021. Additional documents are now available and are attached to this Agenda Supplement.**

Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email [Benjamin.fielding@wiltshire.gov.uk](mailto:Benjamin.fielding@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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6 **Planning Appeals and Updates** *(Pages 3 - 46)*

DATE OF PUBLICATION: 1 July 2021
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# Western Area Planning Committee

7 July 2021

# HIGHWAYS ACT 1980 S.119

**The Wiltshire Council Parish of Bratton 42 (part)  
Diversion Order and Definitive Map and  
Statement Modification Order 2021**

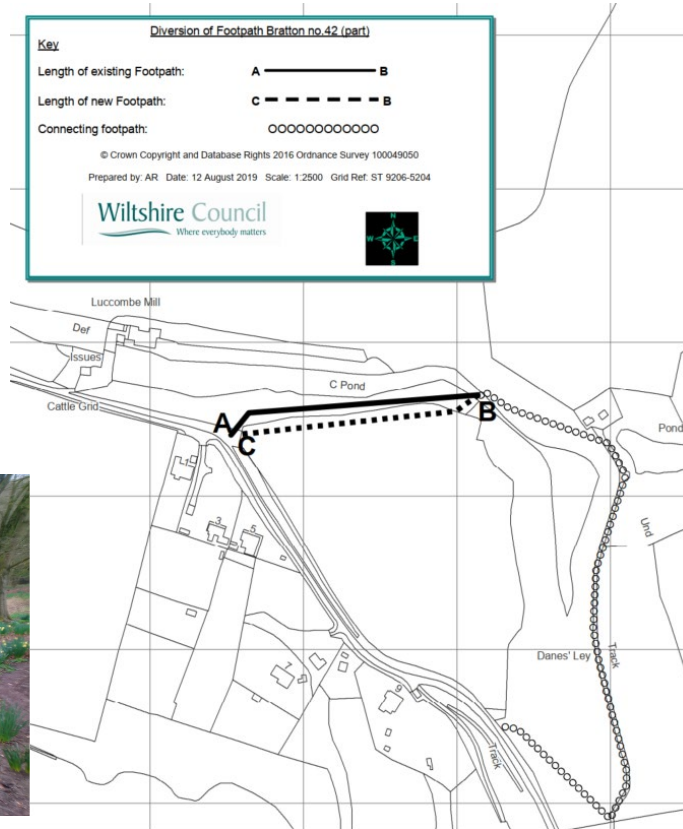
**7 July 2021**



Current route  
A-B



## Order Plan



Proposed route  
C-B



## S.119 Highways Act 1980 – The tests to make an order to divert

- S.119 (1) - interests  
Is it expedient that the line of the path should be diverted in the interests of the landowner (or occupier or lessee)? OR  
Is it expedient that the line of the path should be diverted in the interests of the public?
- S.119 (2) -  
Where termination points are altered, are the new termination points
  - i) connected to another highway
  - ii) substantially as convenient to the public



S.119 (1) - The application is made in the interests of the landowner



S.119 (2) - The termination point at B is the same. Termination point at point A and C are off the same highway

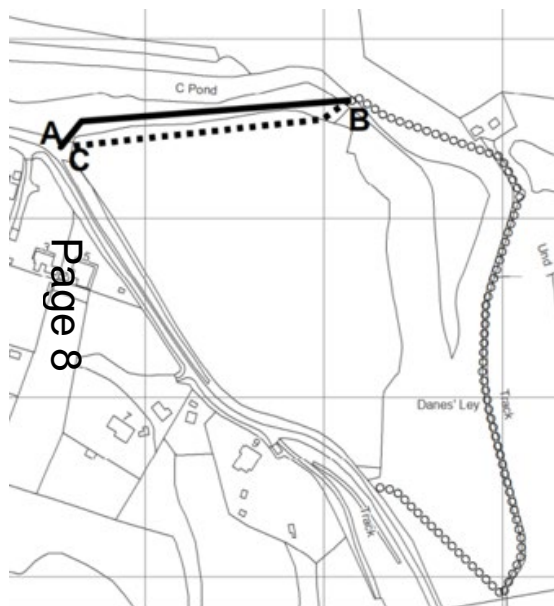
Point B



Point A



Point C





## S.119 Highways Act 1980 – The tests to confirm an order to divert

- S.119(6) - to do
  - an order cannot be confirmed unless it is satisfied that it is expedient so and:
    - (i) The new path will not be substantially less convenient to the public
    - (ii) Regard must be had to the effect of the new path on the use and enjoyment of the path as a whole
    - (iii) Regard must be had to the effect on other land served by the existing path
    - (iv) Regard must be had to the effect on land where the new right of way is to be created.

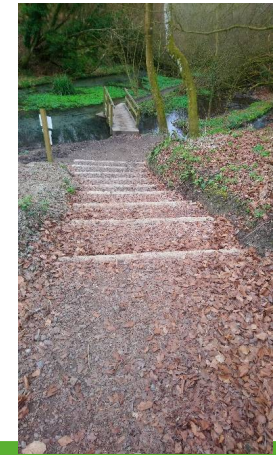
# S.119 (6) - Convenience of the new path

Current  
Route



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Proposed  
Route





S.119 (6)(a) - Effect on the public enjoyment of the path as a whole

S.119 (6)(b) and (c) - Effect on land served by the existing right of way and land served by the new right of way

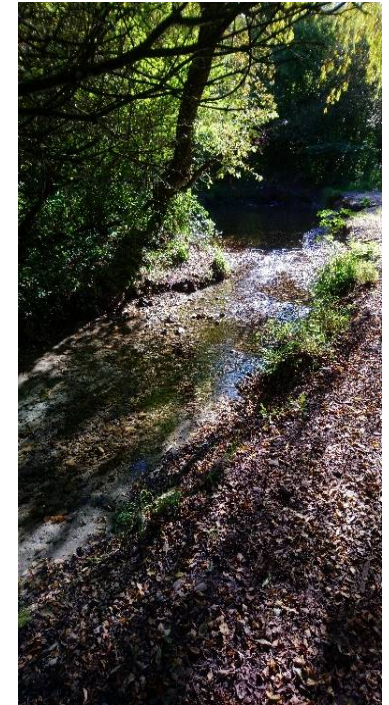
Current  
Route

Proposed  
Route

Page 11

S.119 (6)(a) - Effect on the public enjoyment of the path as a whole  
S.119 (6)(b) and (c) - Effect on land served by the existing right of way and land served by the new right of way

Continuation of  
Bratton 42 from the  
proposed diversion.





## Planning Inspectorate - Rights of way advice note 9: General guidance on public rights of way matters

Updated 26 May 2021 following *The Open Spaces Society v Secretary of State for the Environment, Food and Rural Affairs [2020]* judgment

### 2.3 Public Path Diversion Orders

2.3.9. ... The decision-maker may have regard to any other relevant matter including, if appropriate, the interests of the owner over which the path currently passes, or the wider public interest. Use of the word “expedient” indicates that a broad judgement is to be made and it will be for the decision-maker to weigh the different considerations.

2.3.10. It is possible that a proposed diversion may be as convenient as the existing path but less enjoyable, perhaps because it was less scenic. In that scenario, it is correct for the decision-maker to take account of the degree of benefit to the owner and the extent of loss of public enjoyment together with any other factors both for and against the diversion to arrive at a finding on the expediency of confirming the Order.

## Officer Proposal

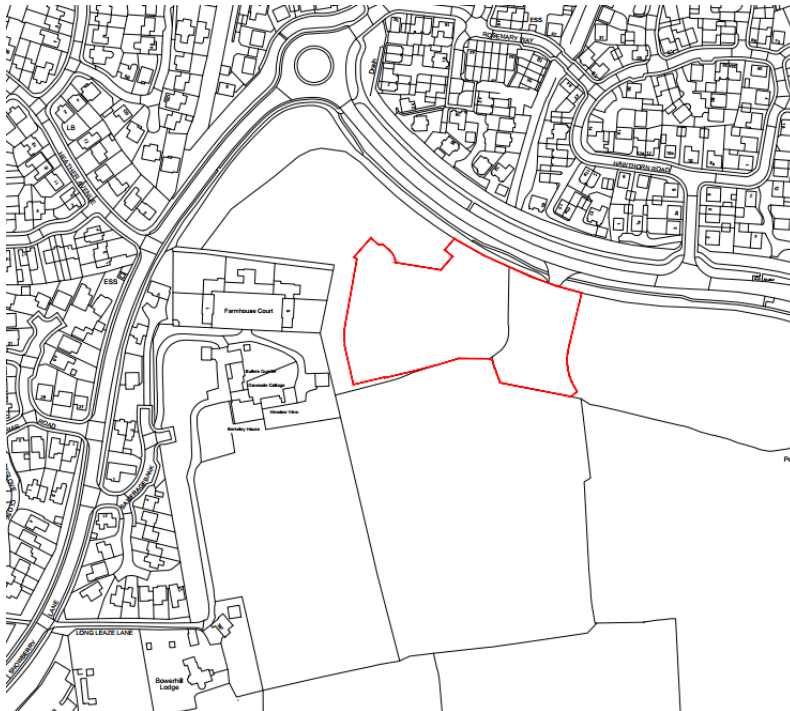
Page 14 That the Wiltshire Council Footpath Bratton 42 Diversion Order 2021 and Definitive Map Modification Order 2021 is forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

## 20/11601/REM – Land East of Spa Road, Melksham

Reserved Matters for 25 homes forming Phase 1A. of outline planning permission originally granted under 14/10461/OUT and varied by consented application 17/09248/VAR. REM approval is sought for all outstanding matters relating to this phase, comprising Scale, Layout, External Appearance, Landscaping, Internal Access Arrangements and the Mix and Type of Housing.

**Recommendation: Approve with Conditions**

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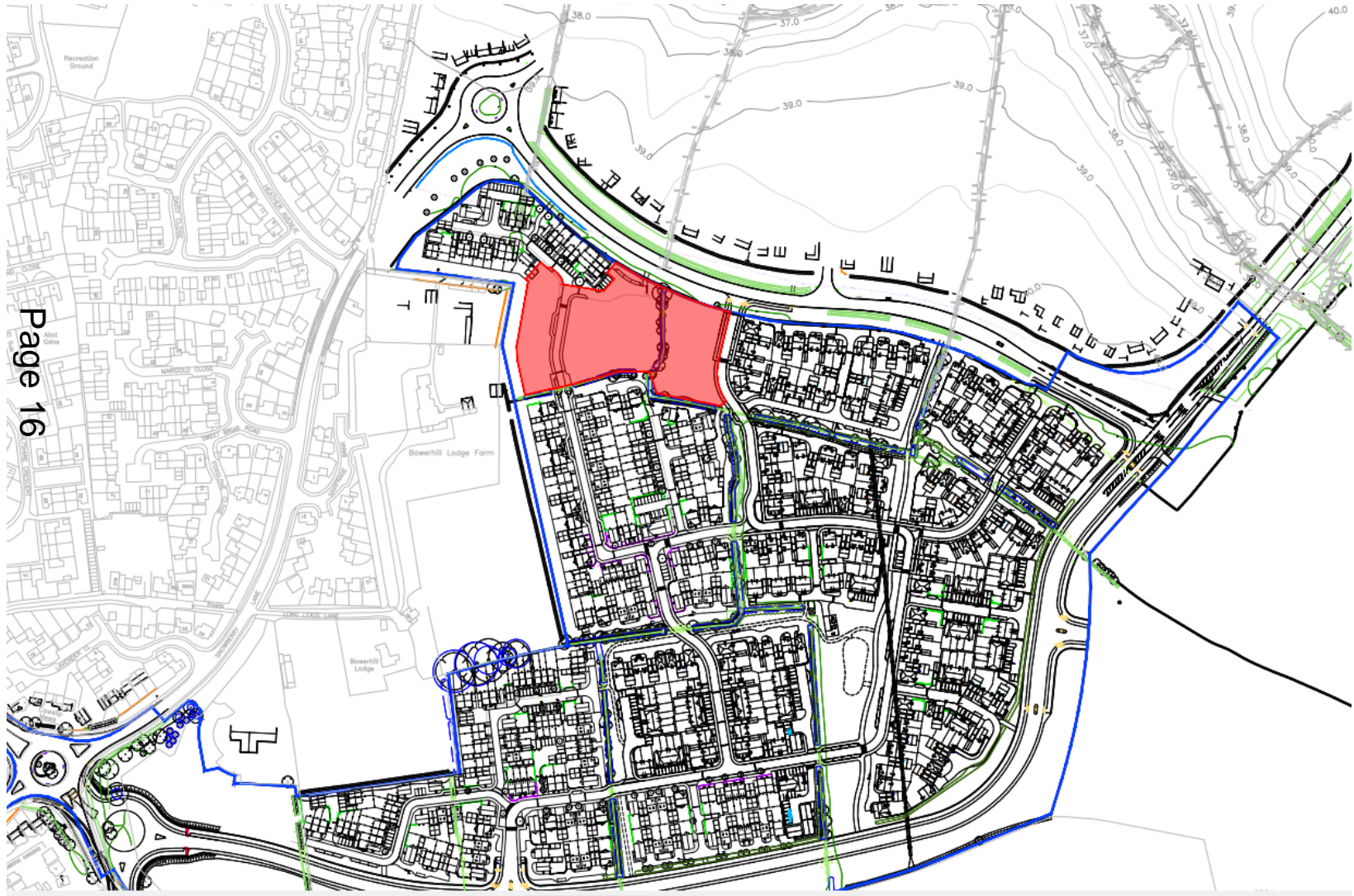


Site Location Plan



Aerial Photography

# Application Site (shown in red) along with rest of housing development





# The consented layout for 27 units



# Proposed Site Layout for 25 Units (instead of 27)



Unit #	Area (sq. ft.)	Area (sq. m.)	Area (sq. ft.)	Area (sq. m.)	Area (sq. ft.)	Area (sq. m.)
H433 - CORNELL	1	1374	128	2	4	1,374
H442 - KIRKDALE	7	1354	126	2	4	9,478
H456 - AVONDALE	6	1491	139	2	4	8,946
H469 - HOLDEN	5	1539	143	2	4	7,695
<b>David Wilson Total</b>	<b>25</b>					<b>33,321</b>
Gross Site Area		2.49 acres				3.01 ha
Net Site Area		2.00 acres				0.81 ha
Density (Based on Gross Area)		12.5 no. / acres				24.8 no. / ha

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# Proposed Street Scenes



STREET SCENE AA



STREET SCENE BB



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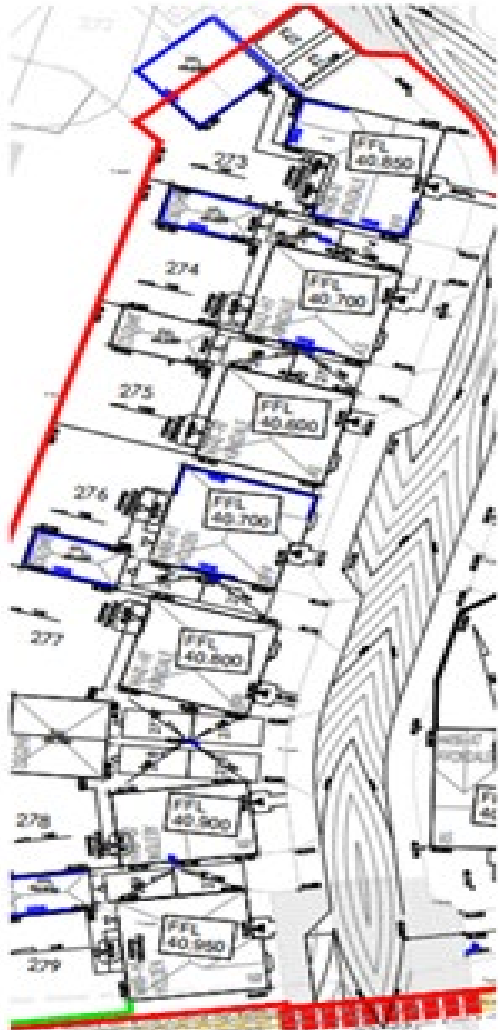


SITE SECTION

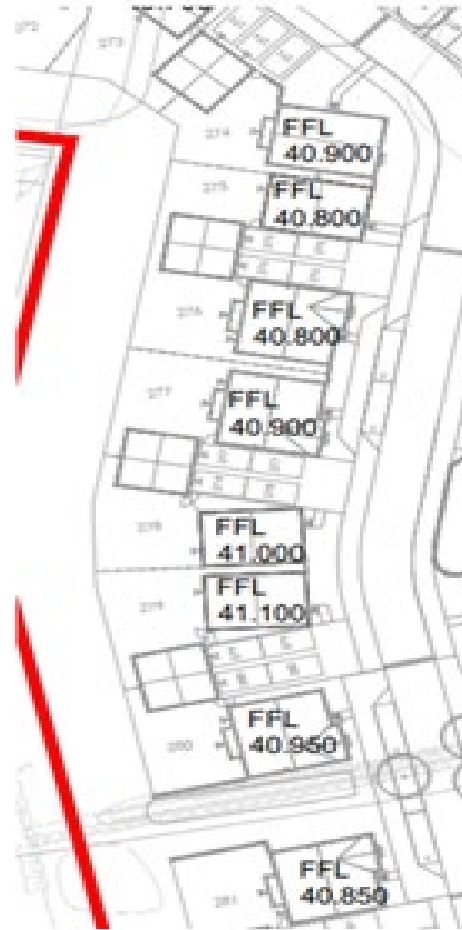


# Approved and Proposed FFL along western site boundary

As Approved



As proposed

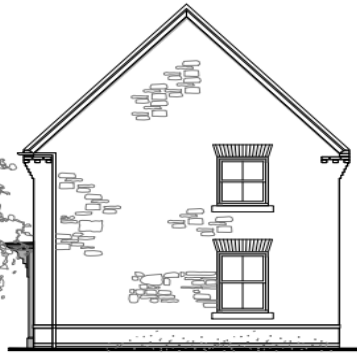




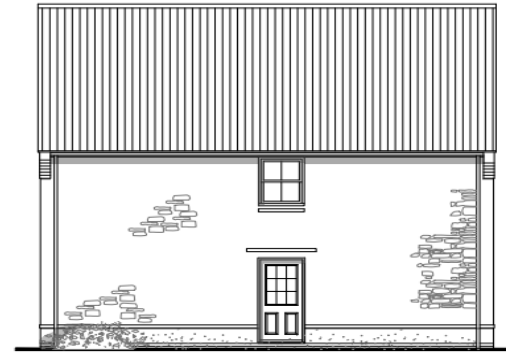
# Proposed Elevations of House Types – Hadley and Archford



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



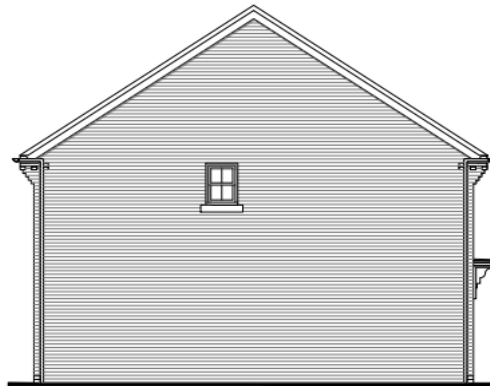
SIDE ELEVATION

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Plot numbers: 224h, 228



FRONT ELEVATION



SIDE ELEVATION



Plot numbers: 239 and 240h

# Proposed Elevations of House Types – Ingleby & Kirkdale



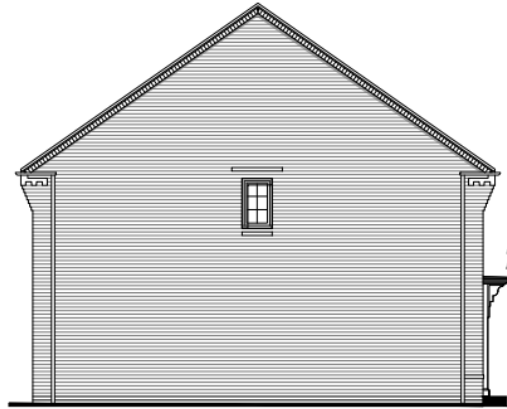
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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Plot numbers: 226 and 278



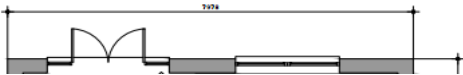
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



Plot numbers: 225, 227, 232h, 233, 274, 275, 277h

# Proposed Elevations of House Type – Avondale brick and stone



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

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FRONT ELEVATION



SIDE ELEVATION



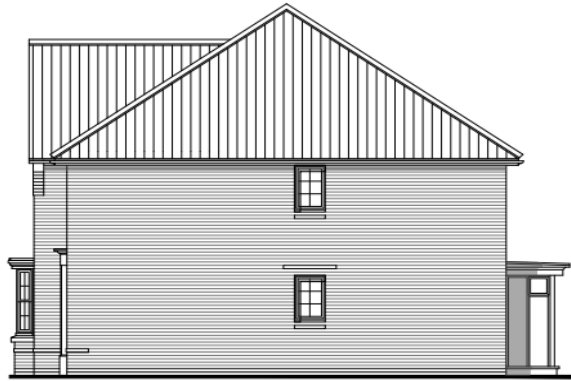
REAR ELEVATION



# Proposed Elevations of House Types – Holden & Cornell



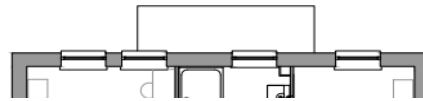
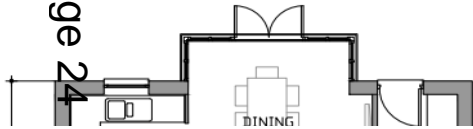
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



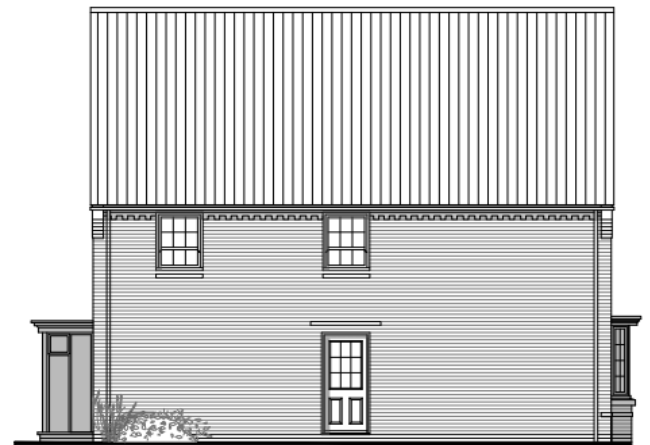
Plot numbers: 235h, 236h,  
238 and 276h



FRONT ELEVATION



SIDE ELEVATION

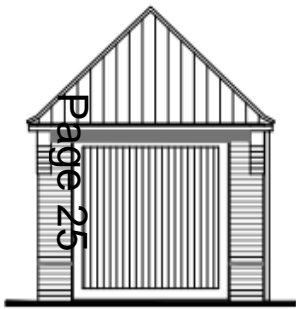


SIDE ELEVATION

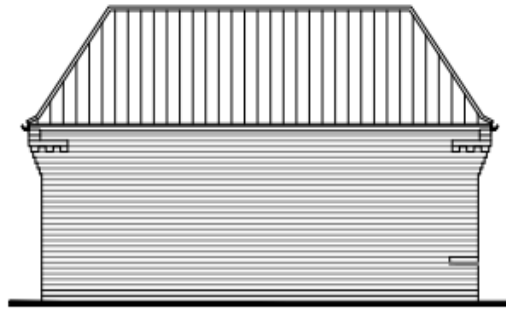


Plot numbers: 229h

# Proposed Garages (also for 21/01111/REM)



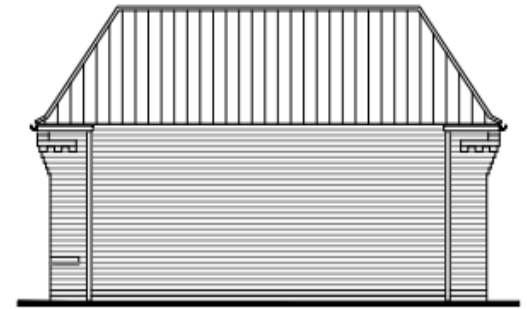
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Landscape Buffer as approved and is not proposed to be altered through this current planning application



Application site behind landscaped boundary and lorry with Eastern Way shown





# Application site where existing development site compound is located





# Application Site





# Proposed Site Layout for 25 Units (instead of 27)



Unit #	Area (sq. ft.)	Area (sq. m.)	Units	Area (sq. ft.)	Area (sq. m.)		
H433 - CORNELL	1	1374	128	2	4	1,374	128
H442 - KIRKDALE	7	1354	126	2	4	9,478	881
H456 - AVONDALE	6	1491	139	2	4	8,946	831
H469 - HOLDEN	5	1539	143	2	4	7,695	715
<b>David Wilson Total</b>	<b>25</b>					<b>33,321</b>	<b>3,096</b>

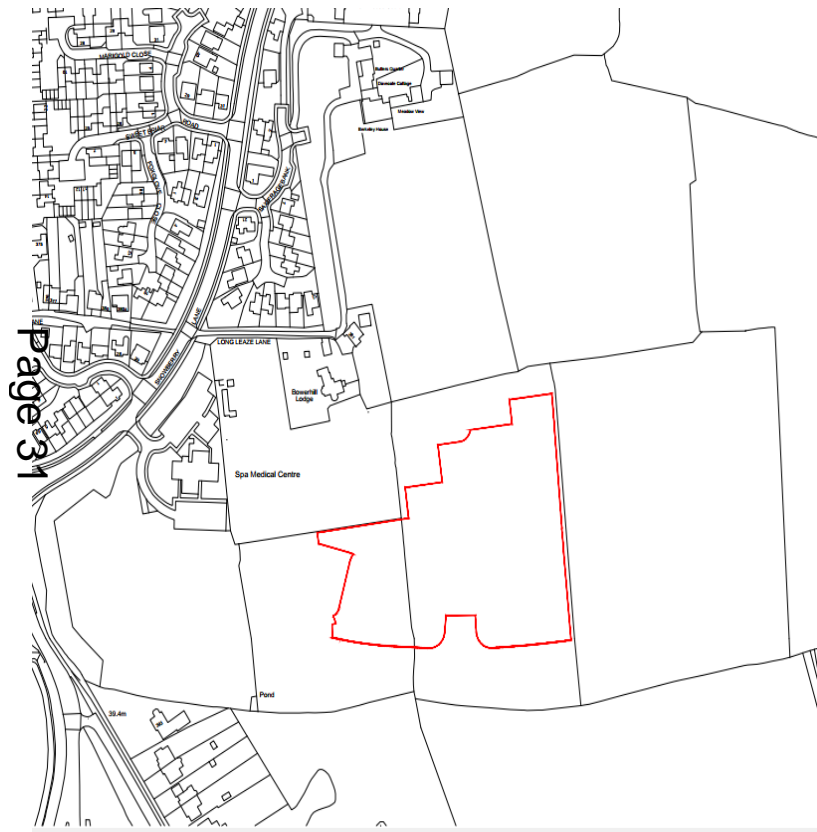
Gross Site Area	2.49 acres	3.01 ha
Net Site Area	2.00 acres	0.81 ha
Density (Based on Gross Area)	12.5 no. / acres	24.8 no. / ha

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## 21/01111/REM – Land East of Spa Road, Melksham

Reserved Matters for 50 homes forming part of Phases 4A & 5A of outline planning permission 17/09248/VAR. Consent is sought for all outstanding matters relating to this area, comprising Scale, Layout, External Appearance, Landscaping, Internal Access Arrangements and the Mix and Type of Housing.

**Recommendation: Approve with Conditions**



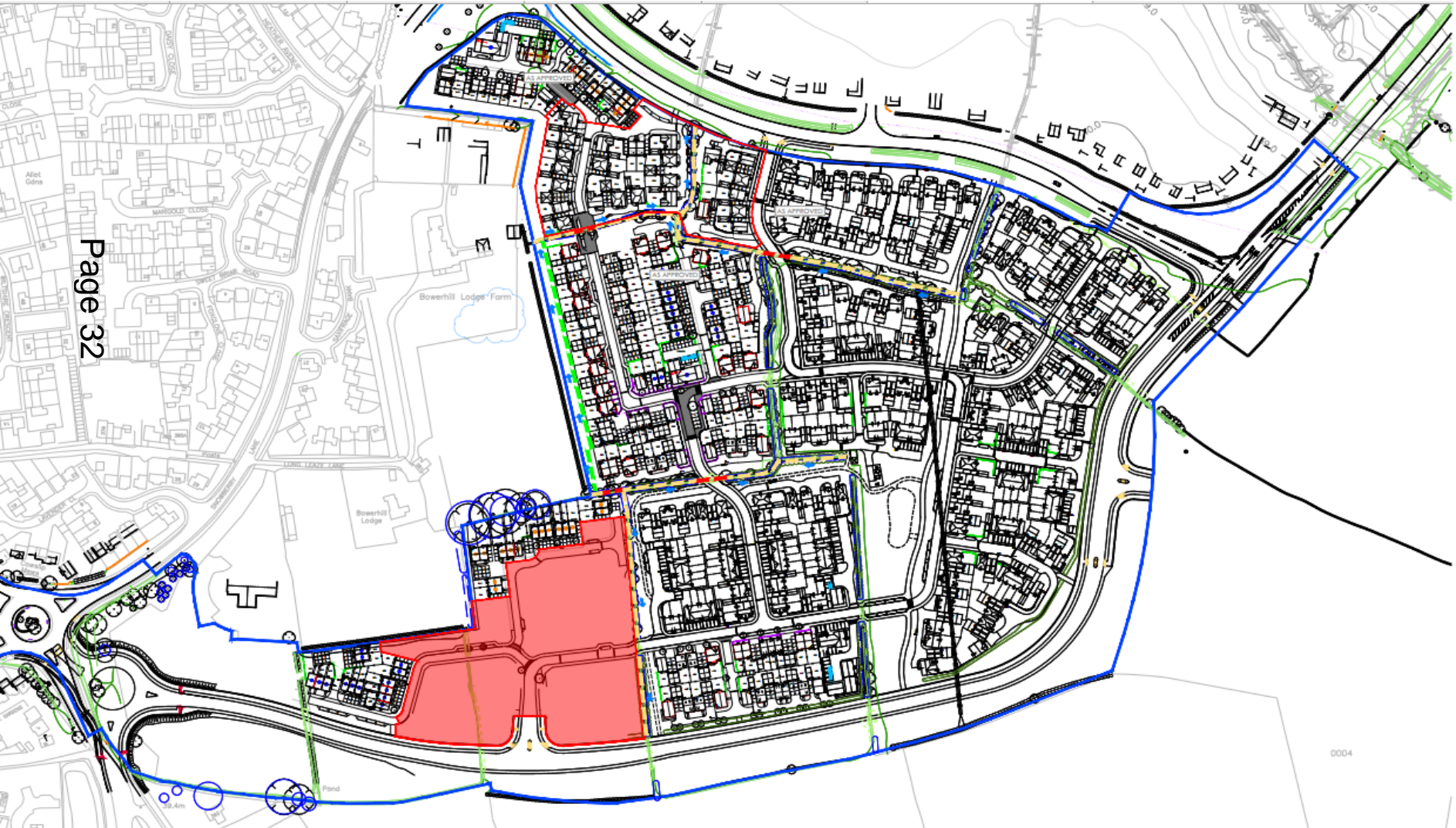
Site Location Plan



Aerial Photography



# Application Site (shown in red) along with rest of housing development



# The consented layout for 48 dwellings





# Proposed Site Layout for 50 Units (instead of 48)

Drawing: RP2 PL-03 Planning Layout

Housestype	No's	Sq.ft	Sq.m	Storeys	Bedrooms	Total Sq.Ft	Total Sq.m
<b>BARRATTS</b>							
<i>Open Market</i>							
ALVERTON (3x6)	1	750	70	2	2	750	70
ELLERTON	4	830	77	2	3	3,320	308
MORESBY	8	855	79	2	3	6,840	635
KINGSVILLE	5	1073	100	2.5	4	5,365	498
KINGSLEY	10	1085	101	2	4	10,850	1,008
WOODCOTE	12	1218	113	2.5	4	14,616	1,358
ALDERNEY	6	1225	114	2	4	7,350	683
RADLEIGH	4	1317	122	2	4	5,268	489
<b>David Wilson Total</b>	<b>50</b>					<b>54,359</b>	<b>5,050</b>
Gross Site Area		3.89 acres				1.57 ha	
Net Site Area		3.45 acres				1.40 ha	
Density (Based on Gross Area)		14.5 no. / acres				31.8 no. / ha	



# Proposed Street Scenes



STREET SCENE A



STREET SCENE B

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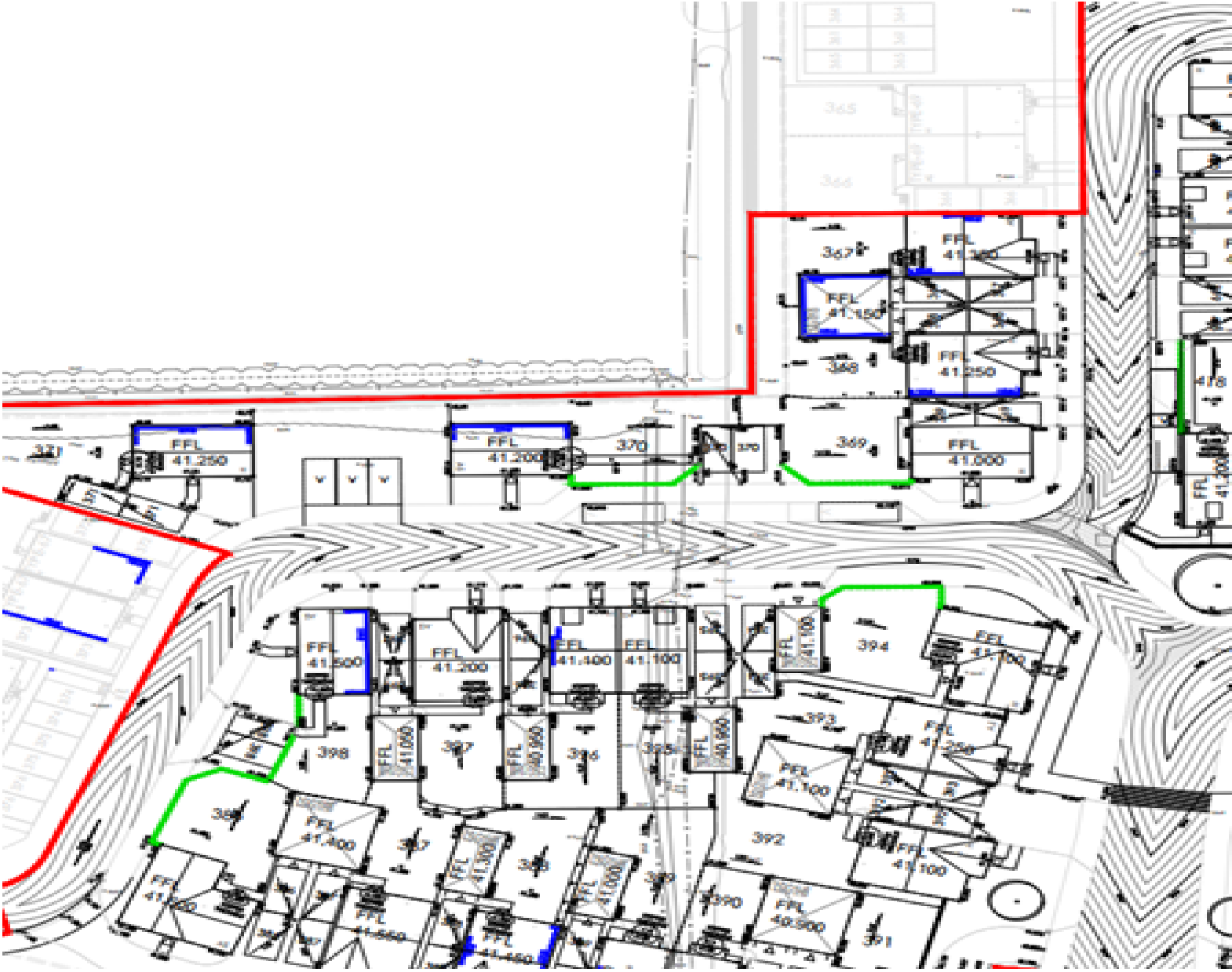
SITE SECTION A

# Previously Approved Ground Levels





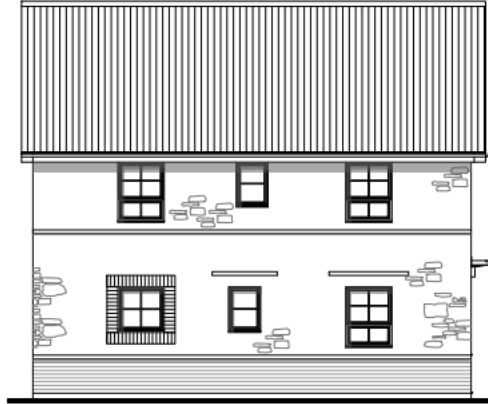
# Proposed Ground Levels



# Elevations for House Type Alderney brick, render & stone and Ellerton



FRONT ELEVATION



SIDE ELEVATION

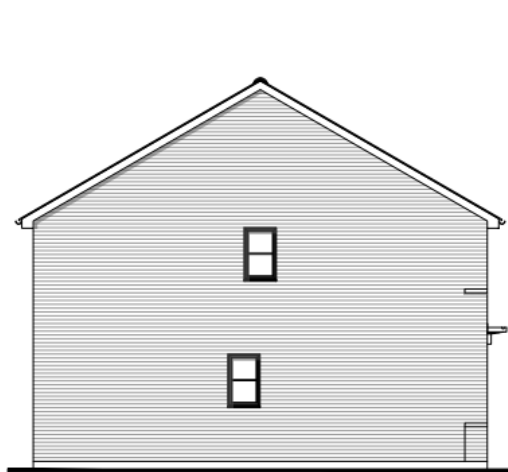


REAR ELEVATION

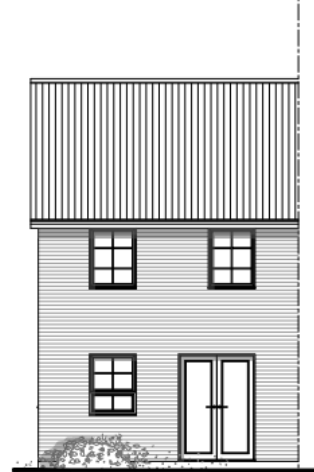
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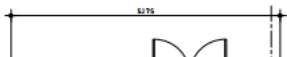
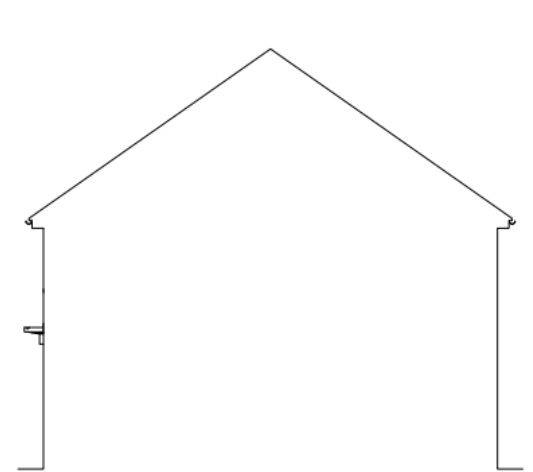
FRONT ELEVATION



SIDE ELEVATION



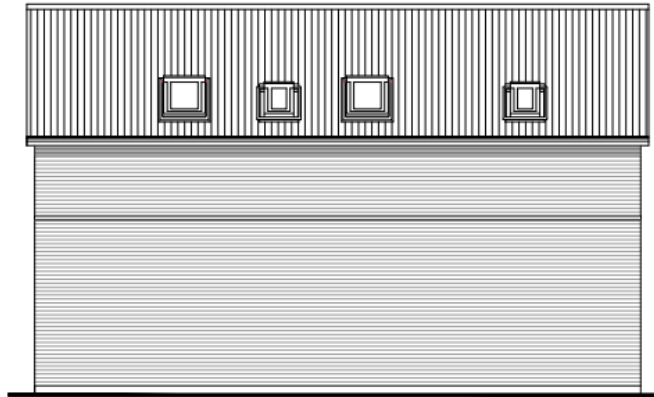
REAR ELEVATION



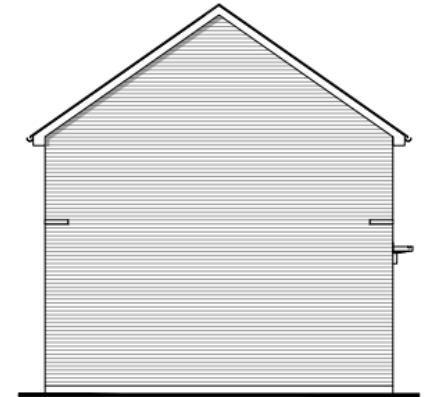
# House Elevations – House Type Alverton & Kingsley (brick and stone)



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

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Plot numbers: 415



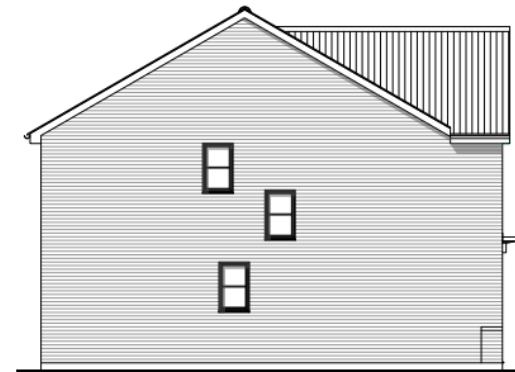
FRONT ELEVATION



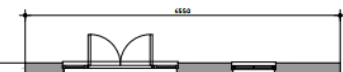
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



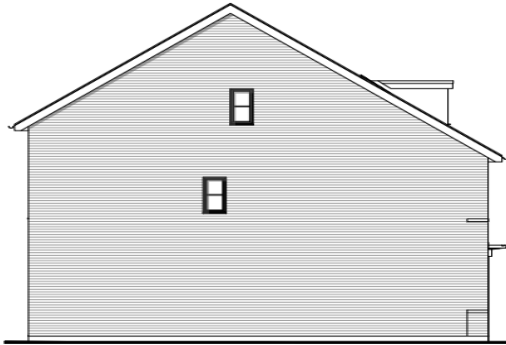
Plot numbers: 367, 368h, 387,  
388, 397, 407h, 410 and 426



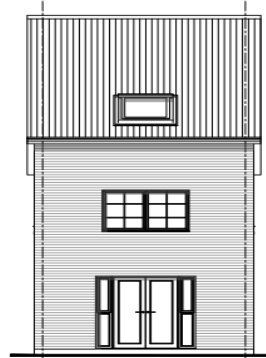
# Proposed Elevations of House Types Kingsville and Moresby (both in brick and render)



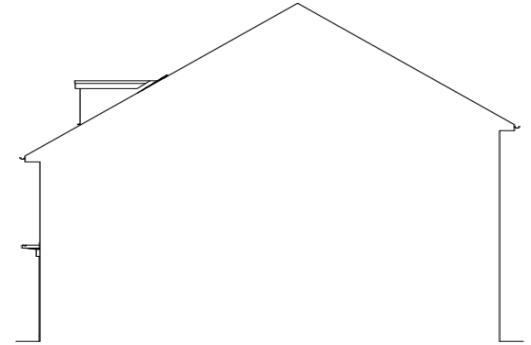
FRONT ELEVATION



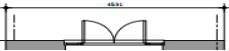
SIDE ELEVATION



REAR ELEVATION



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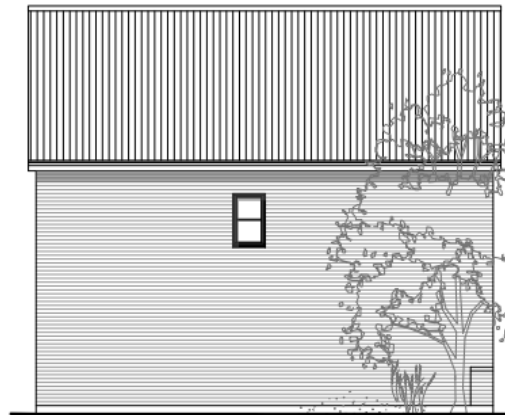
Plot numbers: 408h and 409



FRONT ELEVATION



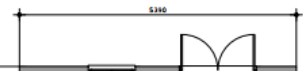
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Plot numbers: 370, 371h,  
398 and 401h

# Proposed Elevations of House Types Redleigh & Woodcote (both in brick and stone)



FRONT ELEVATION



SIDE ELEVATION



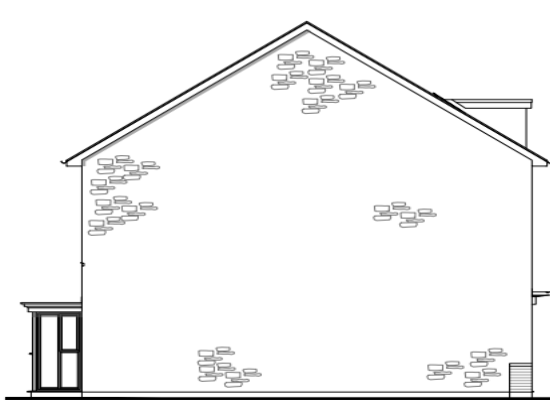
REAR ELEVATION

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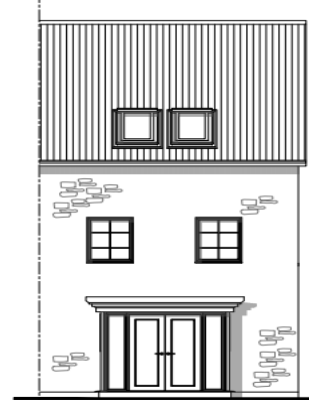
Plot numbers: 425 and 427



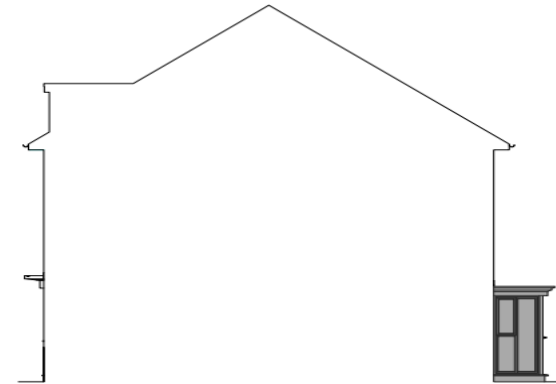
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



Plot numbers: 412h, 413, 420h, 421, 422h and 423

Application Site in middle ground with the Spa Road Medical Centre partly shown on far left.

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# Application Site in middle ground



Photo taken from the rear car park of the Spa Road Medical Centre looking SE towards application site in middle ground and beyond.





# Proposed Site Layout for 50 Units (instead of 48)

Drawing: RP2 PL-03 Planning Layout							
Housestype	No's	Sq.ft	Sq.m	Storeys	Bedrooms	Total Sq.Ft	Total Sq.m
<b>BARRATTS</b>							
<i>Open Market</i>							
ALVERTON (3x6)	1	750	70	2	2	750	70
ELLERTON	4	830	77	2	3	3,320	308
MORSBY	8	855	79	2	3	6,840	635
KINGSVILLE	5	1073	100	2.5	4	5,365	498
KINGSLEY	10	1085	101	2	4	10,850	1,008
WOODCOTE	12	1218	113	2.5	4	14,616	1,358
ALDERNEY	6	1225	114	2	4	7,350	683
RADLEIGH	4	1317	122	2	4	5,268	489
<b>David Wilson Total</b>	<b>50</b>					<b>54,359</b>	<b>5,050</b>
Gross Site Area		3.89 acres				1.57 ha	
Net Site Area		3.45 acres				1.40 ha	
Density (Based on Gross Area)		14.5 no. / acres				31.8 no. / ha	





# Western Area Planning Committee

7 July 2021