

Western Area Planning Committee

7 July 2021

HIGHWAYS ACT 1980 S.119

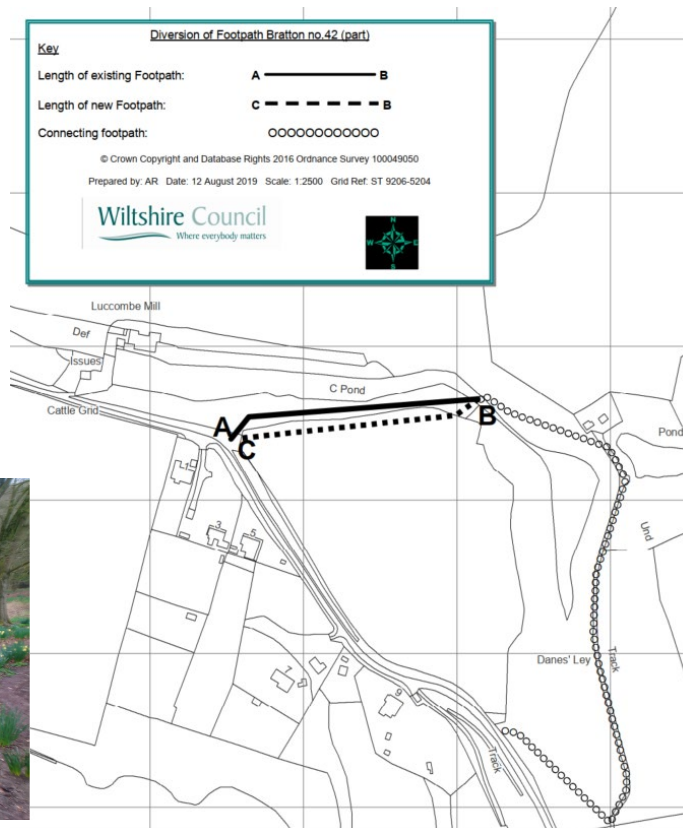
**The Wiltshire Council Parish of Bratton 42 (part)
Diversion Order and Definitive Map and
Statement Modification Order 2021**

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

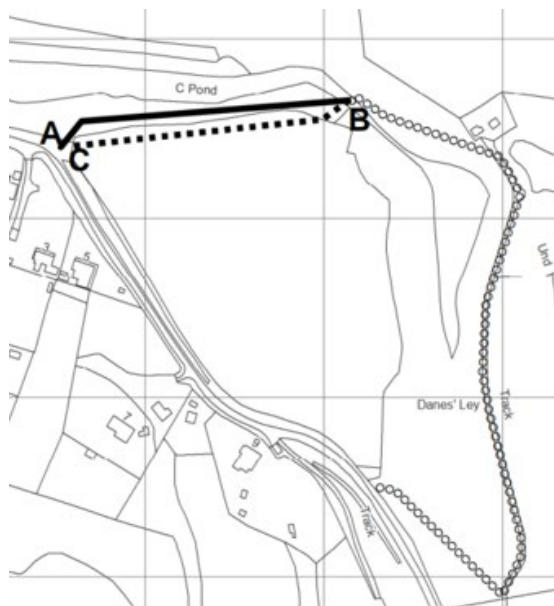
Point B



Point A



Point C



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

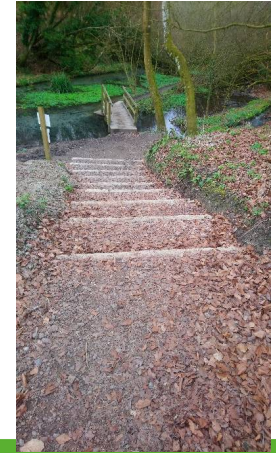
- S.119(6) - to do
 - an order cannot be confirmed unless it is satisfied that it is expedient so and:
 - (i) The new path will not be substantially less convenient to the public
 - (ii) Regard must be had to the effect of the new path on the use and enjoyment of the path as a whole
 - (iii) Regard must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



Proposed Route

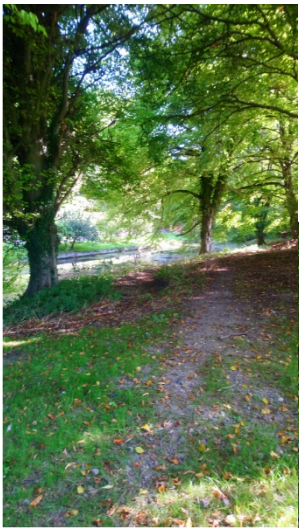


S.119 (6)(a) - Effect on the public enjoyment of the path as a whole

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

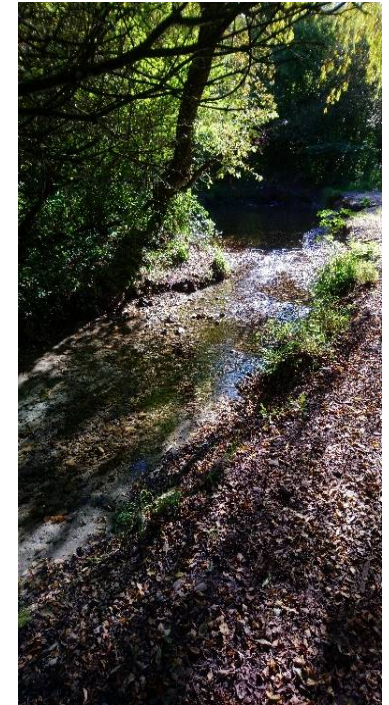
Current
Route

Proposed
Route



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.

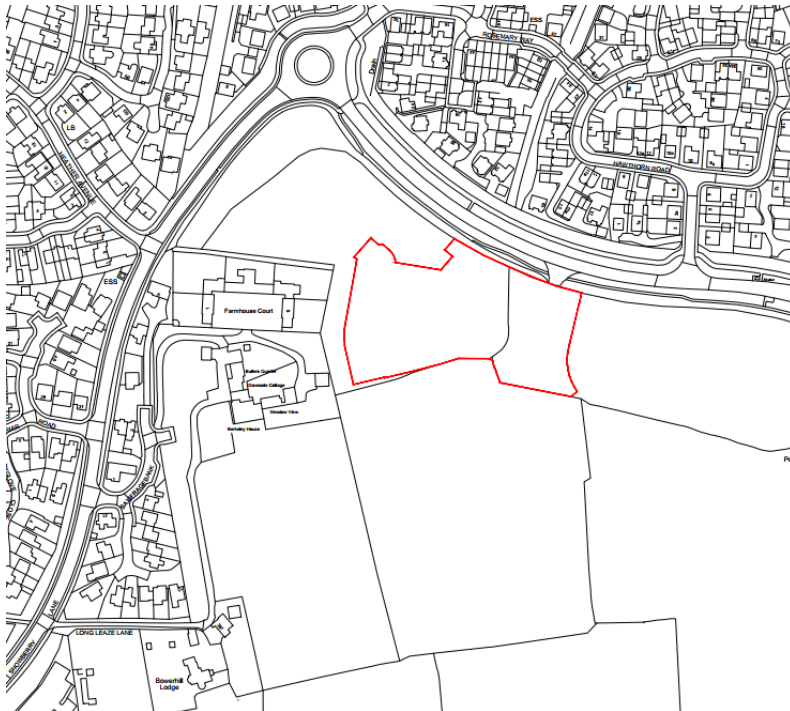
Officer Proposal

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

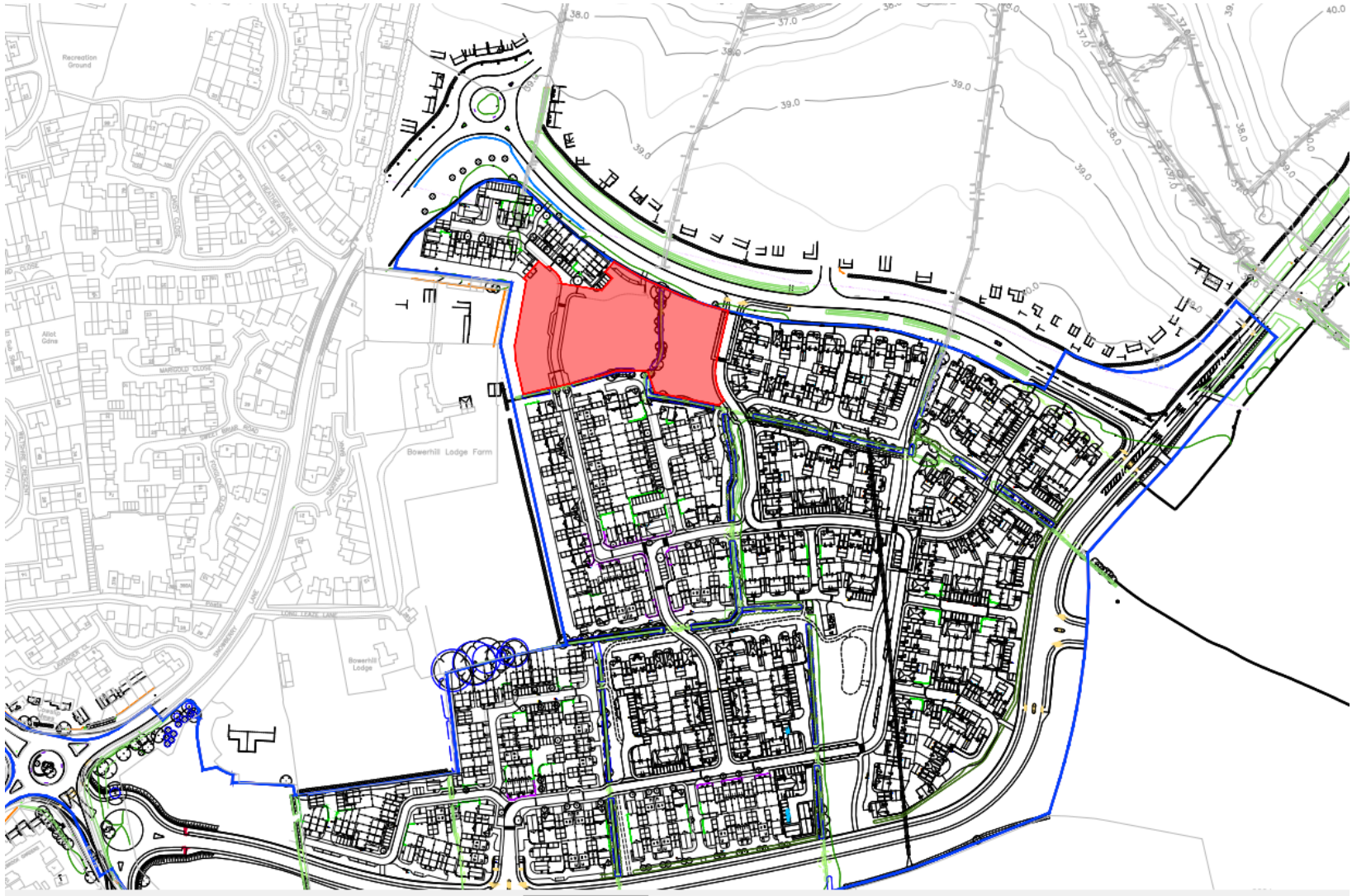


Site Location Plan



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)



Proposed Street Scenes



STREET SCENE AA



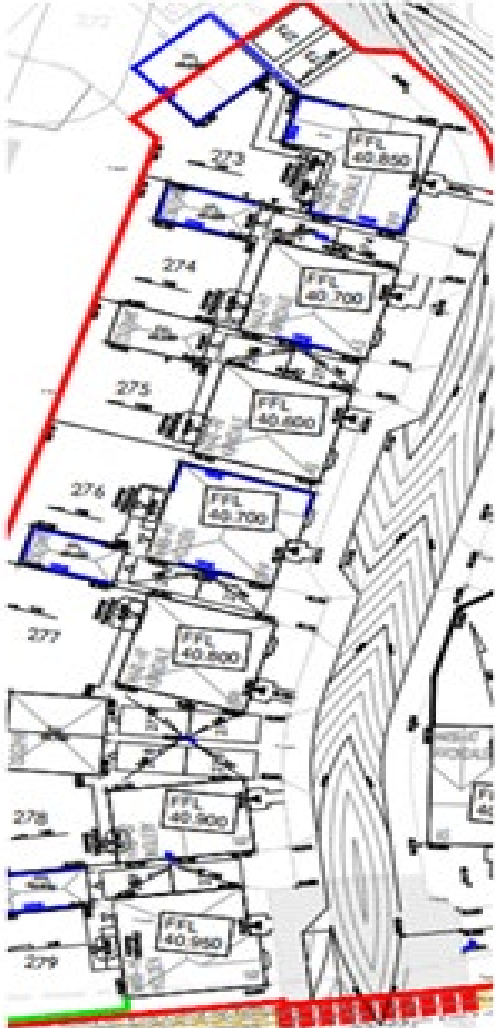
STREET SCENE BB



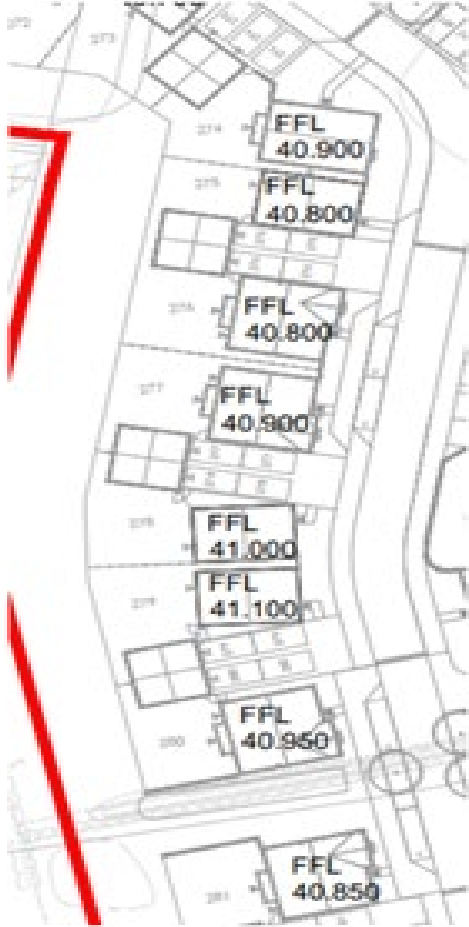
SITE SECTION

Approved and Proposed FFL along western site boundary

As Approved



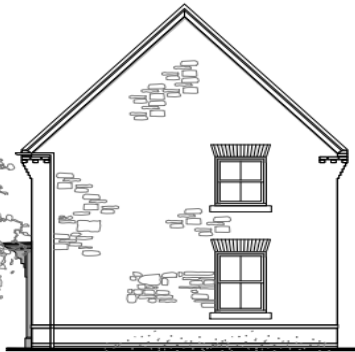
As proposed



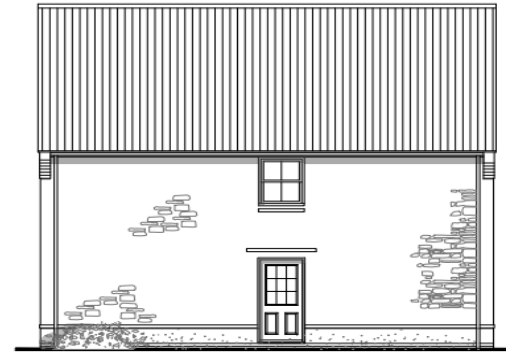
Proposed Elevations of House Types – Hadley and Archford



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

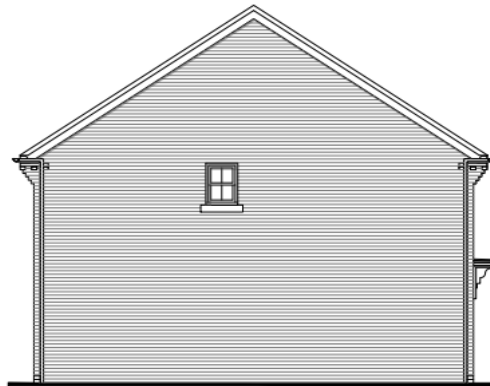


SIDE ELEVATION

Plot numbers: 224h, 228



FRONT ELEVATION



SIDE ELEVATION

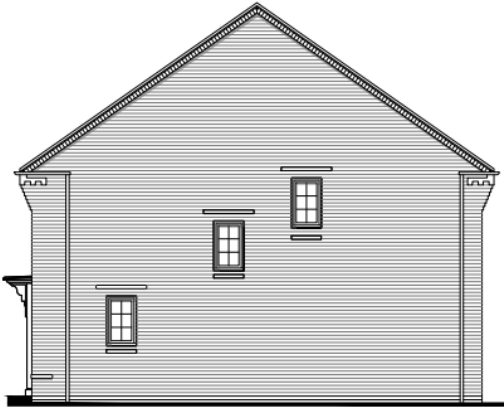


Plot numbers: 239 and 240h

Proposed Elevations of House Types – Ingleby & Kirkdale



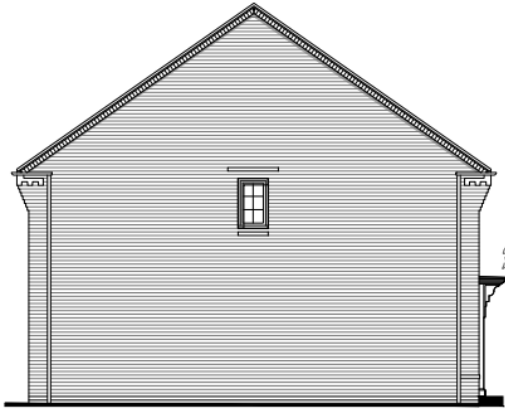
FRONT ELEVATION



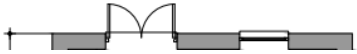
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Plot numbers: 226 and 278



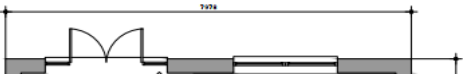
FRONT ELEVATION



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



FRONT ELEVATION



SIDE ELEVATION



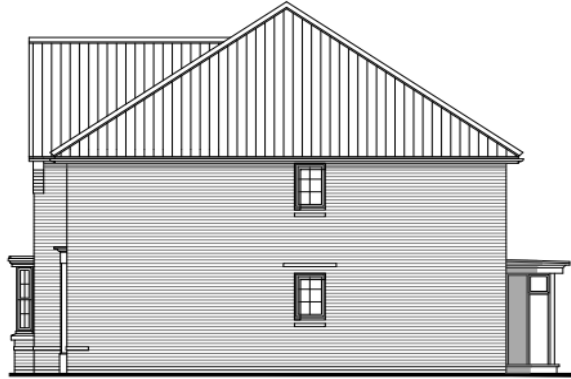
REAR ELEVATION



Proposed Elevations of House Types – Holden & Cornell



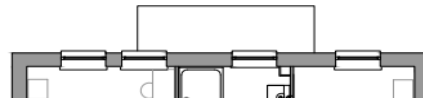
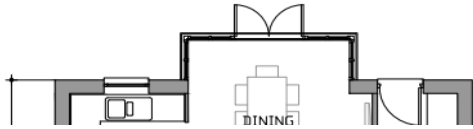
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



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



FRONT ELEVATION



SIDE ELEVATION

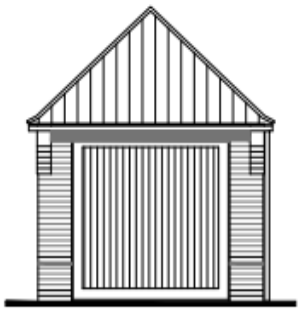


SIDE ELEVATION

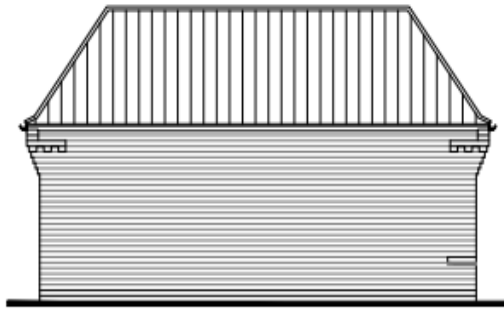


Plot numbers: 229h

Proposed Garages (also for 21/01111/REM)



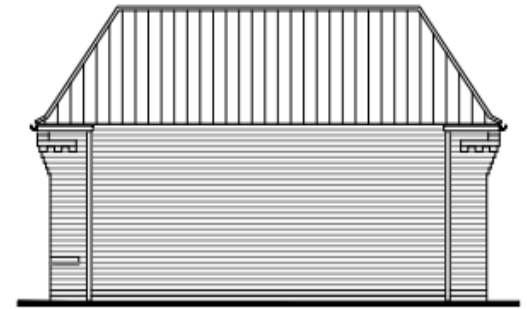
FRONT ELEVATION



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)

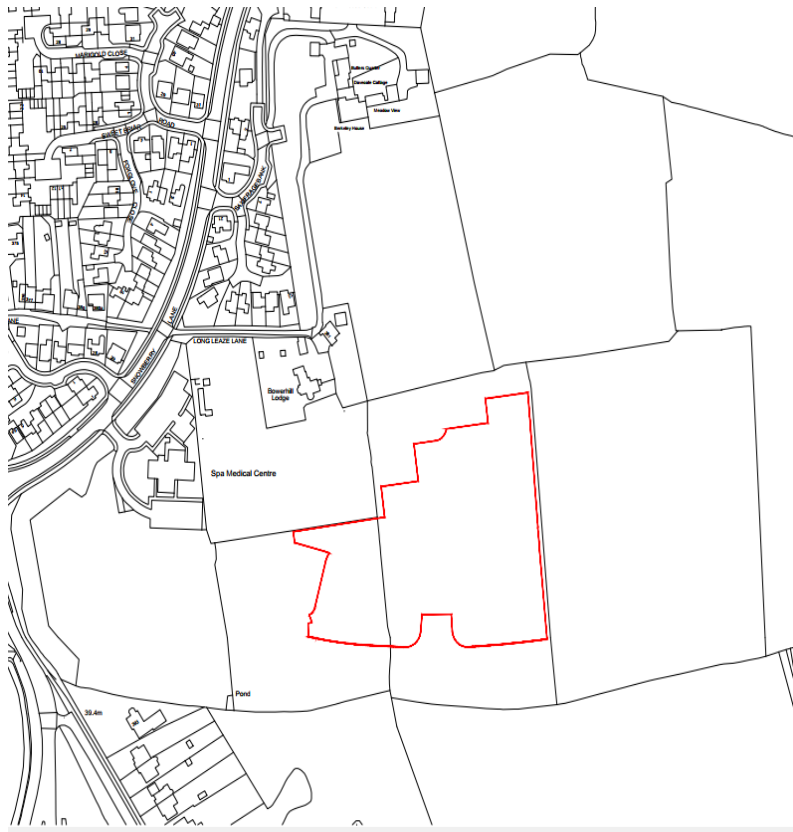


Unit #	1	2	3	4	5	6	7
Model	H433 - CORNELL	H442 - KIRKDALE	H456 - AVONDALE	H469 - HOLDEN			
Count	1	7	6	5			
Sq. Ft.	1374	1354	1491	1539			
Area	128	126	139	143			
Count	2	2	2	2			
Area	4	4	4	4			
Sq. Ft.	1,374	9,478	8,946	7,695			
Count	128	881	831	715			
David Wilson Total	25						
Total sq. ft.					33,321		3,096
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		

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

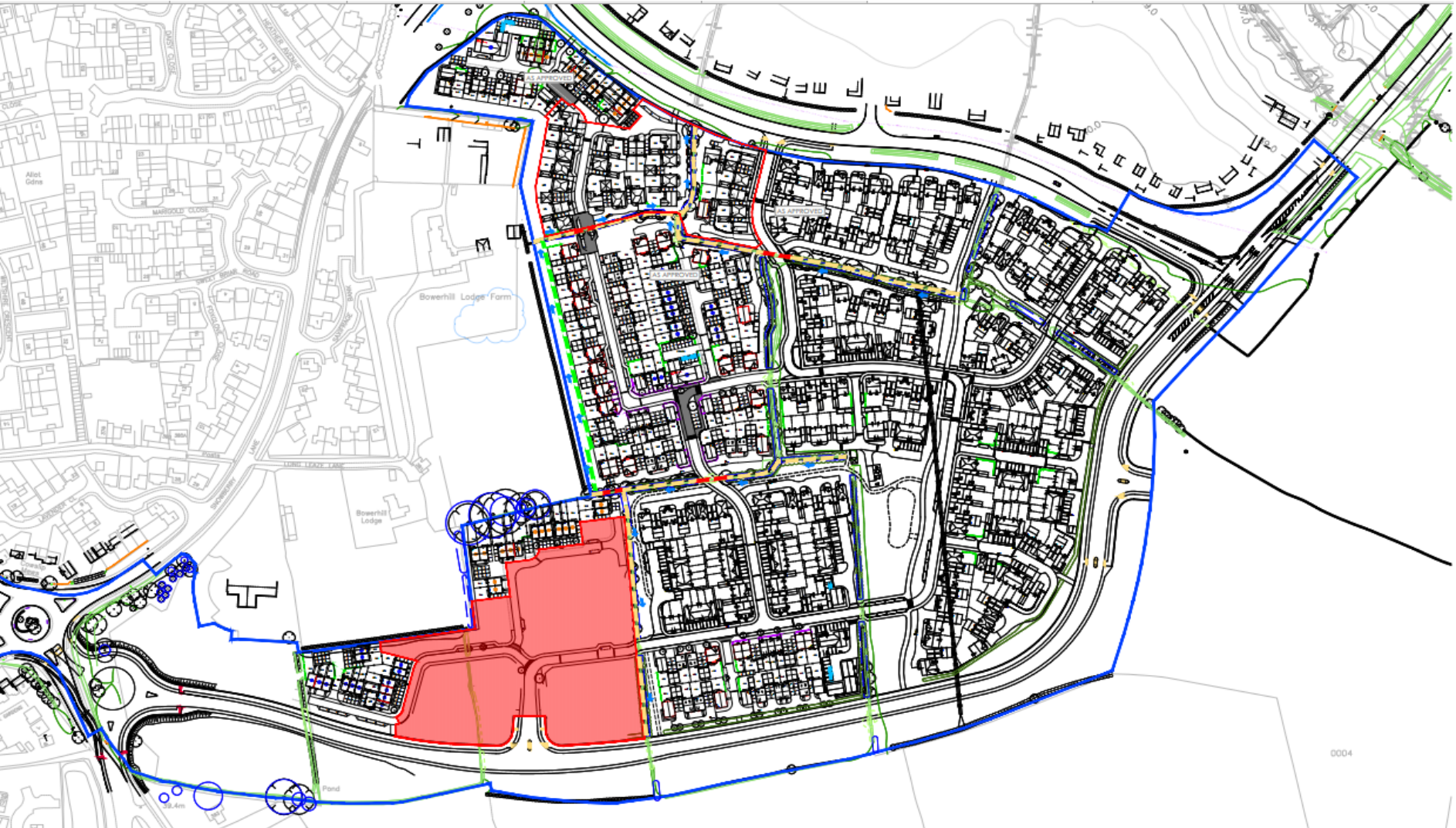


Site Location Plan



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
 Revision: 1

Housestype	No's	Sq.ft	Sq.m	Storeys	Bedrooms	Total Sq.Ft	Total Sq.m
BARRATTS							
<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
David Wilson Total	50					54,359	5,050
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

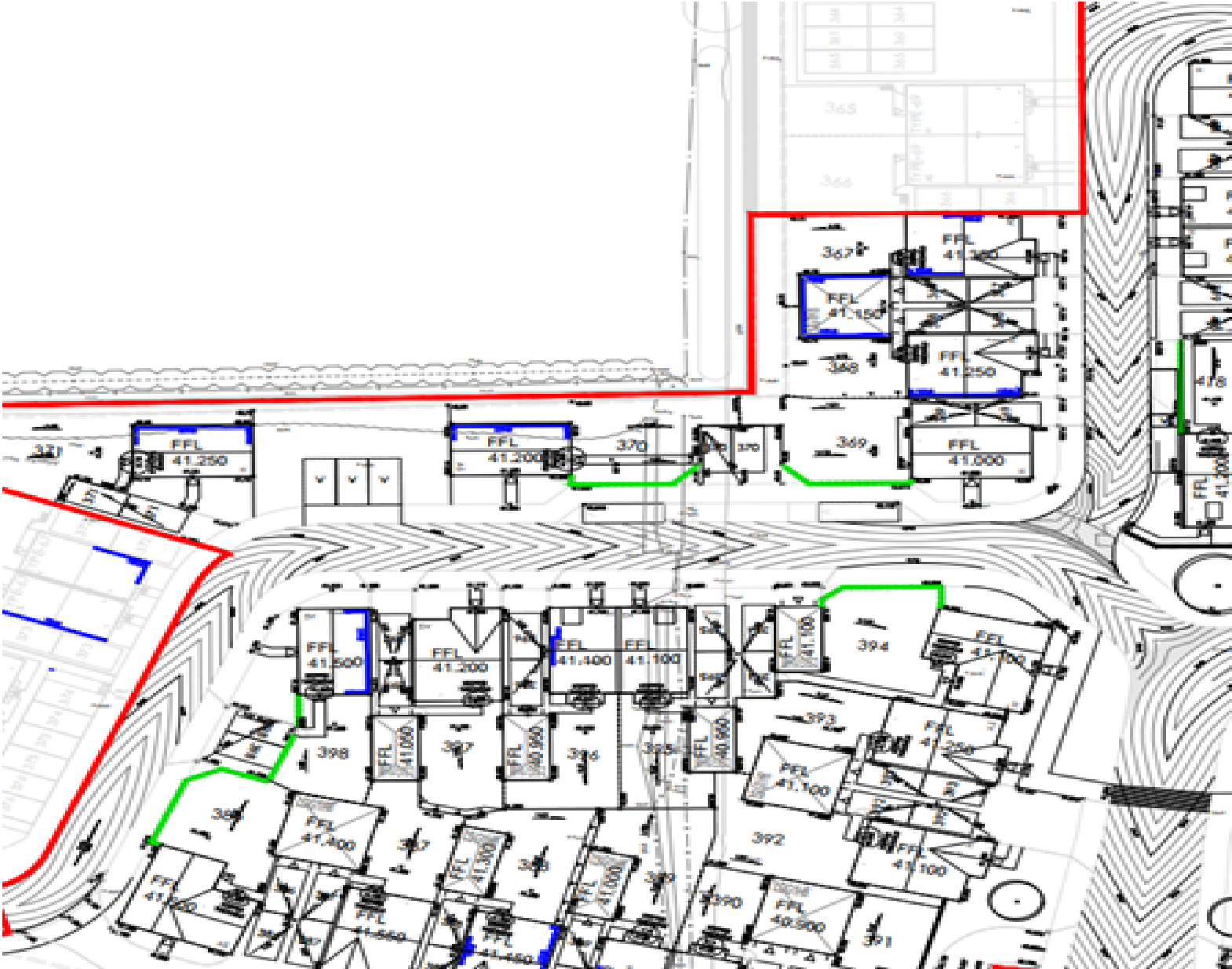


SITE SECTION A

Previously Approved Ground Levels



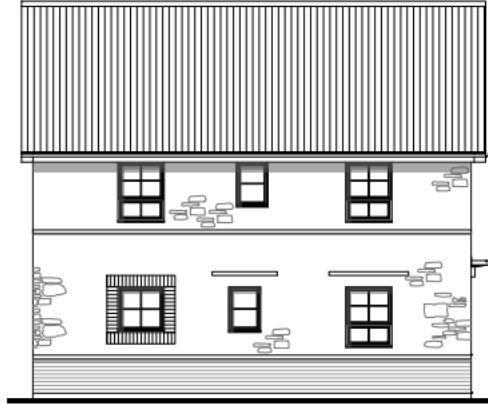
Proposed Ground Levels



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



FRONT ELEVATION



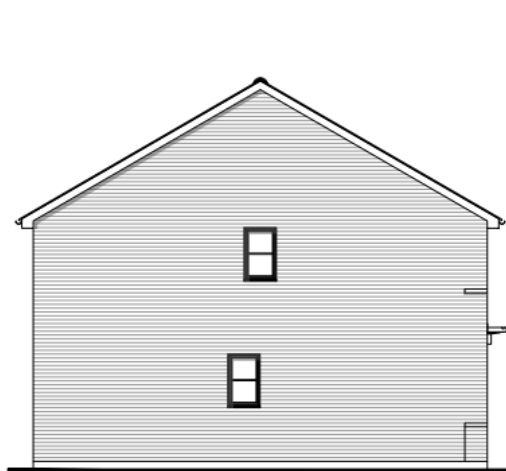
SIDE ELEVATION



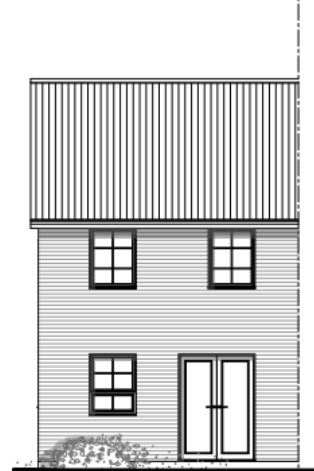
REAR ELEVATION



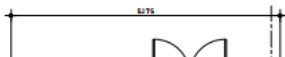
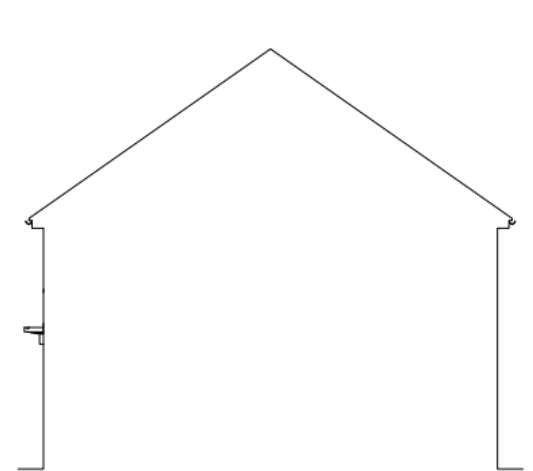
FRONT ELEVATION



SIDE ELEVATION



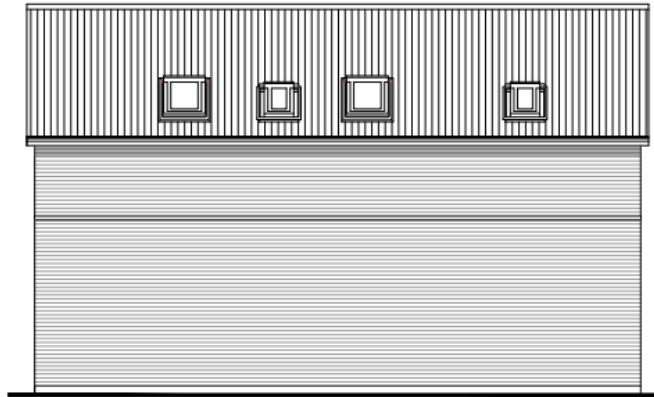
REAR ELEVATION



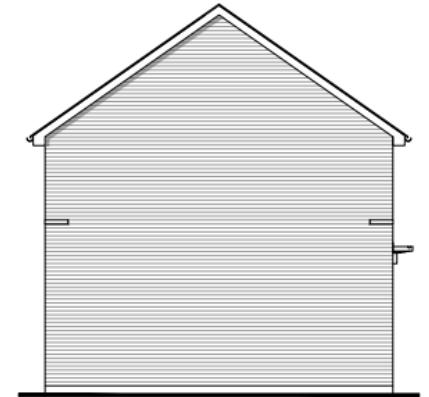
House Elevations – House Type Alverton & Kingsley (brick and stone)



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

Plot numbers: 415



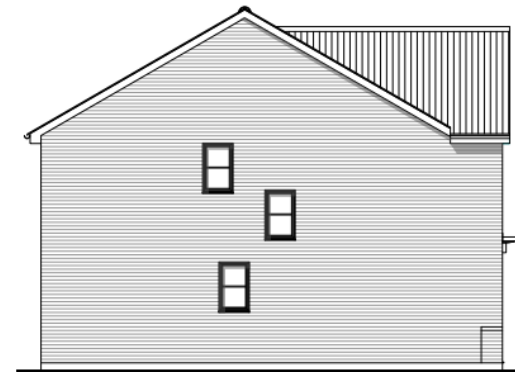
FRONT ELEVATION



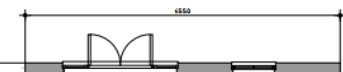
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

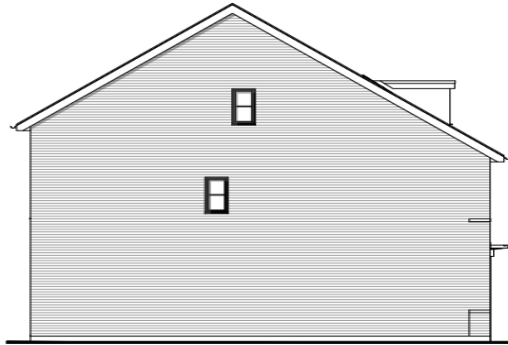


Plot numbers: 367, 368h, 387,
388, 397, 407h, 410 and 426

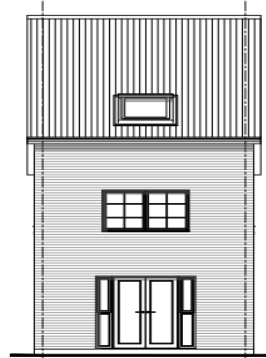
Proposed Elevations of House Types Kingsville and Moresby (both in brick and render)



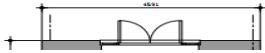
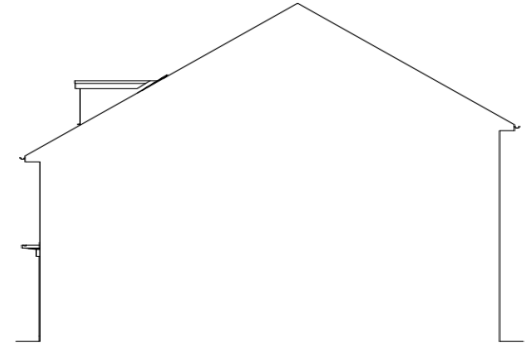
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



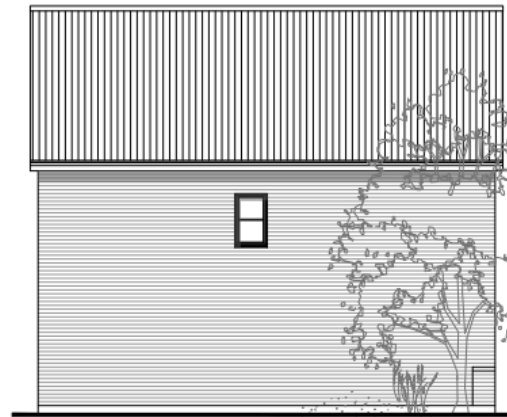
Plot numbers: 408h and 409



FRONT ELEVATION



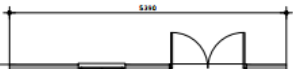
SIDE ELEVATION



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

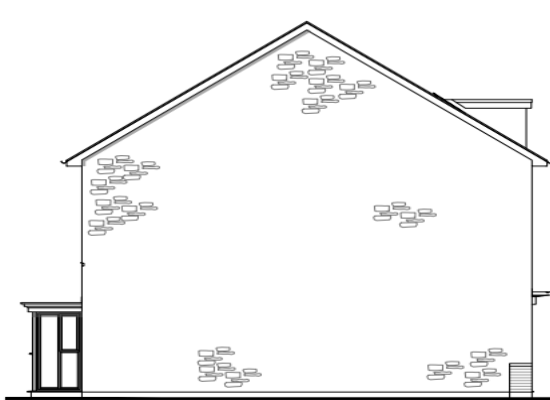


REAR ELEVATION

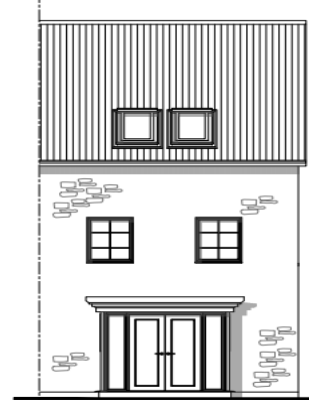
Plot numbers: 425 and 427



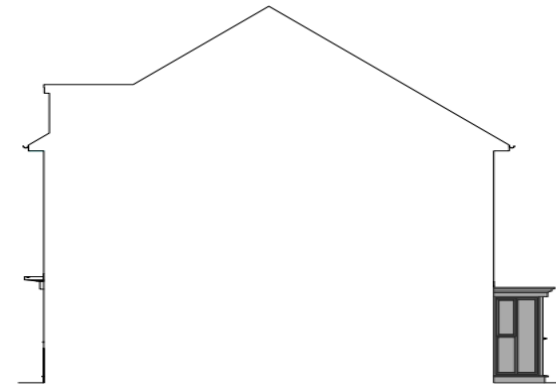
FRONT ELEVATION



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.



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
 Revision: 1

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Western Area Planning Committee

7 July 2021