Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/05469

Decision Date: 14 December 2023

Applicant:	Other . 11 - 59 High Road, East Finchley, London, United Kingdom, N2 8AW
Particulars of Development:	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.
At:	Land to the east of Hilperton Drive and the A361 roundabout and to the west of 63a, 63b and Units 1E And 1F at Paxcroft, Hilperton, Wilts, BA14 6JB

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s): (3)

1 The applicant has failed to provide sufficient information to fully determine the ecological impacts, including the extent to which the proposed development would impact upon priority habitat types, protected / notable species which are reasonably likely to be present and affected by the development, as a consequence, the application is not considered to be environmentally sustainable. The development conflicts with the principles of the Trowbridge Bat Mitigation Strategy and the Council cannot conclude beyond reasonable scientific doubt that the proposal would not adversely impact the features of the Bath and Bradford on Avon Bats SAC both alone and in-combination with other plans and projects. The development is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy and paragraphs 174 and 180 of the Framework.

2 The applicant has failed to provide sufficient information to enable the Council to fully assess the drainage impacts of the development; and, in particular whether the scheme would result in flooding elsewhere. In addition, the applicant has failed to

provide an appropriate Flood Risk Assessment as required by policy. The development is therefore contrary to Core Policy 67 of the Wiltshire Core Strategy and paragraph 167 of the Framework.

3 The Council is not satisfied the development proposal is acceptable pursuant to the resulting highway verge reduction which is cause for concern in highway terms, and the scheme failing to comply with the Councils adopted WCS Core Policy 41 on BREEAM standards.

Informatives: (1)

4 INFORMATIVE TO APPLICANT: As the proposal is in clear conflict with the policies of the development plan, the applicant is advised that the Council believes that any appeal against this decision would have no reasonable prospect of succeeding.

Accordingly, the applicant is advised that if an appeal is submitted the Council will be making an application for a full award of its costs incurred in dealing with the appeal, based on substantive grounds.

Parvis Khansari - Corporate Director, Place

NOTES

1. Appeals. If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).