Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Outline Planning Permission (Some Matters Reserved)

Application Reference Number: PL/2023/11219

Decision Date: 21 August 2024

Applicant:	Stone Developments Wiltshire Ltd Grange Cottage, 125 Ashton Road, Hilperton, Trowbridge, Wiltshire, BA14 7QY
Particulars of Development:	Erection of 4No dwellings (Outline application with all matters reserved except for Access and Layout).
At:	133 Yarnbrook Road, West Ashton, Trowbridge, BA14 6AF

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): (4)

1 The proposal would result in an intensification of vehicular movements associated with four dwellings onto the National Primary Route Network and would utilise an inadequate existing vehicular access point. The use of this access for the additional movements would not assist with the traffic flow or reduce risk to the National Primary Route Network. The intensification of use of this access would result in highway safety concerns whereby it would increase the risk of hazards and inconvenience to all user of the public highway.

The proposal would therefore result in unacceptable impacts on highway safety in this location and the development is therefore contrary to Core Policy 57 (ix) and (xiv), Core Policies 61 and 62 of the WCS and guidance contained within the National Planning Policy Framework (2023).

2 The applicant has failed to provide sufficient information to determine ecological impacts, including the extent to which the proposed development would impact upon bats associated with the Bath and Bradford-on-Avon SAC; and, as a consequence, the application is not considered to be environmentally sustainable. The proposed development therefore does not comply with Core

Policy 50 of the Wiltshire Core Strategy, Policies 6a and 8 of the West Ashton Neighbourhood Development Plan (2021), the adopted Trowbridge Bat Mitigation Strategy Supplementary Planning Document or advice contained in the National Planning Policy Framework (2023). The proposal is also in contravention of the Habitats Regulations and must be refused in accordance with paragraph 186(a) of the National Planning Policy Framework (2023).

3 Paragraph 165 of the National Planning Policy Framework (2023) seeks to direct development away from areas of high flood risk with Paragraph 167 qualifying that decision makers should take account of all sources of flood risk. Paragraph 168 affirms that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

The Wiltshire Council Strategic Flood Risk Assessment (SFRA) identifies that the site is in an area at risk from surface water flooding whereby a sequential test is required. A sequential test has not been submitted with the application and therefore, there is insufficient information to enable the decision maker to ascertain whether there are sequentially preferable sites with a lower flood risk that could accommodate the proposed development.

As such, the proposed development conflicts with the requirements within the SFRA and NPPF to conduct sequential testing for sites at risk from groundwater flooding. Accordingly, the scheme is contrary to Core Policy 67 of the Wiltshire Core Strategy and to national policy contained within the National Planning Policy Framework (2023), notably, Chapter 14 on Planning and Flood Risk as it cannot be concluded that the development will not lead to increased flood risk to people and/or property.

4 Notwithstanding the lack of sequential test submitted, the applicant has submitted an unacceptable Drainage Strategy whereby the proposed strategy does not adequately consider flooding from other sources, including surface water flooding. There has been a failure to demonstrate that the strategy would provide attenuation for the site-based run-off and the orifice diameters proposed would have an unacceptable risk of blockage on site. The attenuation proposed is also considered undersized to meet climate change requirements.

As such the submitted drainage strategy does not adequately demonstrate that surface water runoff can be safely managed on site and would increase flood risk elsewhere. The proposal is therefore in conflict with Core Policy 67 of the Wiltshire Core Strategy and guidance contained within the National Planning Policy Framework (2023).

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)).