

APPLICATION FOR FULL PLANNING PERMISSION

DELEGATED REPORT

APPLICATION REFERENCE:	PL/2025/08804
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	CAR PARK, LEIGH DELAMERE MOTORWAY SERVICES WESTBOUND, LEIGH DELAMERE
DEVELOPMENT DESCRIPTION:	Retrospective application for the creation of hard-standing areas and erection of equipment cabinets to facilitate an extension to existing EV charging hub.
RECOMMENDATION:	Approve with Conditions

PROPOSAL

Planning permission is sought for the extension of EV charging facilities at an established motorway service area.

The proposals comprise the erection of three equipment cabinets, two of which are to be placed close to the EV charging spaces, and a third (a transformer cabinet) in an adjacent location. The new cabinets will require the removal of areas of grass and the removal of several trees and the creation of areas of hardstanding. A separate area of replacement tree planting and grass laying has been identified on the submitted plans.

Little details has been submitted as to the appearance of the equipment cabinets themselves, but the application form confirms they are of GRP and painted metal construction, with cross sections suggesting a height of no more than c.2.2m.

The application makes it clear that planning permission is not sought for several other features shown on the submitted plans ("charging upstands", parking spaces, bollarding and other ancillary features), since they are regarded as permitted development. The application has been considered and determined on that basis.

The development has already been undertaken and the application is therefore submitted in retrospect.

SITE DESCRIPTION/CONTEXT

The proposal is located within and adjacent to the car park of the existing Leigh Delamere motorway service area.

The site consists of a previously grassed area immediately adjacent to the existing car parking area.

The application site is in an area at low risk of flooding. There are no other planning policy constraints covering the application site.

PLANNING HISTORY

Proposal / Summary
N/98/01956/FUL - Full planning permission Decision - Unknown Date: 12/11/1998 – EXTENSION TO AMENITIES BUILDING & FORMATION OF DRIVE-THRU FACILITY EXTENSION/DRIVE-THRU
13/05280/FUL - Full planning permission Decision - Approve with Conditions Date: 16/12/2013 – Installation of 1 Electric Vehicle Charging Point in Main Car Park
13/05281/FUL - Full planning permission Decision - Approve with Conditions Date: 16/12/2013 – Installation of 1 no. Electric Charging Point in Car Park Area
N/09/01846/FUL - Full planning permission Decision - Approved Date: 7/12/2009 – Installation of 1x3.9 tonne LPG storage vessel, compound, dispenser, 1.8m high palisade fence, armco barrier along three sides, ancillary external works and one off loading floodlight
N/09/01847/FUL - Full planning permission Decision - Approved Date: 7/12/2009 – Installation of 1x3.9 tonne LPG storage vessel, compound, dispenser, 1.8m high palisade fence, armco barrier along three sides, ancillary external works and one off loading floodlight
PL/2023/05184 - Full planning permission Decision - Approve with Conditions Date: 20/9/2023 – RETENTION OF ELECTRIC VEHICLE CHARGING HUB WITH ASSOCIATED WORKS AND INSTALLATION OF A FURTHER 6NO BAY ELECTRIC VEHICLE CHARGING HUB WITH ASSOCIATED WORKS
18/05637/PDENQ - PD Enquiries Decision - PD Rights Intact Date: 12/6/2018 – Planning History Search - Advertisement Consents in Particular
20/10899/FUL - Full planning permission Decision - Withdrawn by Applicant Date: 13/5/2022 – Erection of a 'drive thru' building together with associated 'drive thru' lane and associated signage.
21/00366/ADV - Consent to display an advertisement Decision - Withdrawn by Applicant Date: 13/5/2022 – Erection of a 'drive thru' building together with associated 'drive thru' lane and associated signage.
PL/2025/08804 - Full planning permission – Creation of hard-standing areas and erection of equipment cabinets to facilitate an extension to existing EV charging hub.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the

Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 34: Existing employment sites
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping;

Saved policies of the *North Wiltshire Local Plan*:

- NE14: Trees and development

ISSUES

The main issues that need to be addressed in this case include:

- Principle of development
- Scale and design
- Landscape
- Flooding
- Ecology

CONSULTATION RESPONSES

Kington St Michael Parish Council: No objection

Council Highway Engineer: No objection

Council Landscape Officer: No objection

Council Arboriculturist: No objection, subject to conditions:

A preliminary Arboricultural Impact Assessment accompanies this planning application with Tree Survey and Tree Constraints Plan. Unfortunately, the AIA is vague as no final site layout plan was provided at the time of writing this report along with Tree Protection Plan. The AIA states that:-

A final site layout plan will be required to confirm the total number of trees requiring removal to facilitate this project. The layout plan must show the proposed location for the EV charging bays and electrical infrastructure equipment, along with locations for parking, storage and welfare areas. Details

of the trees identified as requiring removal will be found in Appendix D – Arboricultural Impact Assessment Plan which can be produced when a final layout and design plan has been confirmed, and the report updated to a Full BS 5837 Arboricultural Report.

It is presumed that nine individual 'C' Category Crack Willows from G4 will require removal along with some minor pruning of trees within G2 to facilitate this proposal.

I do have concerns with regard to the open trench method to be used within the RPA of an 'A' category Oak tree. A trenchless method would be more appropriate to ensure no damage is caused to the rooting area of this tree. Further details to be provided as part of the AIA/AMS.

The National Planning Policy Framework (NPPF 2023) seeks to ensure that new development is sustainable and underlines the importance of green infrastructure, of which trees form an integral part. This includes recognition of the importance of trees in relation to the management of air, soil and water quality along with other associated ecosystem services and climate change adaption. The NPPF also seeks to achieve the protection and enhancement of landscapes and a net gain in biodiversity. Finally, it specifically identifies veteran and ancient trees and woodland as a highly valuable and irreplaceable habitat.

A Detailed Arboricultural Impact Assessment must form part of this application to demonstrate the impact this proposal will have on trees on site. The following should be included in this document:-

- A Construction Plan showing the dimensions, specifications and location of site access, excavations and required work zones and location of storage areas, site parking, welfare, access routes and all ancillary facilities.*
- A final Site Plan showing the layout and routing of the proposed EV charging bays and affiliated electrical infrastructure.*

Ideally, an Arboricultural Method Statement should also form part of this application but provided there is sufficient information provided within the Detailed AIA, I would be happy to condition an AMS.

REPRESENTATIONS

No representations have been received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of development

The proposal seeking retrospective permission for the erection of EV charging infrastructure to support an established motorway service area. The principle of such ancillary development to an established employment use is supported by policy CP34 to the Wiltshire Core Strategy.

Design and appearance

The proposal has seen the introduction of a new transformer and a range of charging points serving the parking spaces have been installed under permitted development rights. The appearance is typical of ancillary electrical equipment and is seen in the context of the wider service station environment. Information supplied as to the final appearance is somewhat scant, but there is sufficient to understand that the cabinets will be of a typical appearance and blend into existing car parking and EV infrastructure.

The proposal is considered against the contextualised location within the existing M4 service station. Due to the modest scale of the totality of the proposal, it is not considered that the proposal would result in an unacceptable impact upon the character or setting of the wider landscape.

As such it is considered that the scale and design are appropriate for the location and are acceptable. The proposal has complied with the requirements of policies CP51 and CP57 of the WCS.

Trees

The Council's Arboriculturist rightly observes that the submitted information is confusing and the Preliminary Arboricultural Impact Assessment being prepared in advance of the final layout being known to the applicant. Given that the development is retrospective, neither is it explained how existing trees were protected during the works. Despite a request for further information, the applicant has not responded.

Nevertheless, it is clear from the submitted tree survey plans that nine individual 'C' Category Crack Willows have been removed along with some minor pruning of trees to facilitate this proposal. There is also the potential for damage to have been caused to the RPA of an 'A' category Oak tree, depending on the method of construction used.

The Council's Arboriculturist raises some concerns over the proposal, but in this instance, none of the affected trees were protected. The submission makes it clear that additional compensatory tree are to be planted on land under the control of the applicant. However, no details of those trees have been supplied and it is therefore considered necessary to make

use of a planning condition which will require such to be provided within a reasonable timeframe (reflecting that the development has already been carried out).

Accordingly, and whilst acknowledging the valid concerns of the Council's Arboriculturist, and subject to the imposition of conditions, the proposal is considered to comply with the requirements of saved policy NE14 to the North Wiltshire Local Plan.

Amenity

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

Due to the location of the proposal and the relationship with the surrounding area, it is not considered that the proposal would result in any unacceptable impacts upon the amenity of the wider area. As such the proposal has complied with the requirements of CP57 of the WCS.

Highways and parking

Relevant policies include Core Policies 60 and 61 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan and Car Parking Strategy.

In this instance the Council's Highways Engineer has not raised any objection to the proposal and it is not considered to result in an unacceptable increase in vehicle numbers and the requisite number of parking spaces is unaffected. The proposal is considered to have complied with the requirements of CP60 and 61 of the WCS.

Ecology and biodiversity

The proposal will result in the loss of some grassland and several trees. The application includes provision for the compensation and net gain on land to the East of the application site, within the control of the applicant.

The submission includes a gain plan suggesting the following:

The design of the project has been created with the intention of achieving a minimum of 10% BNG. The project has been designed to minimise habitat losses, and will retain habitats where possible. To mitigate the loss of modified grassland, an area to the east will be set aside for habitat creation and enhancement. This will involve the planting of three small urban trees within an existing area of modified grassland.

There is no reason to believe that the net gain cannot be reasonably achieved and will be controlled through the mandatory requirements of the Environment Act 2021, as enforced through amendments to the Town and Country Planning Act 1990.

CONCLUSION

The principle of development is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the emerging Local Plan.

The proposal is broadly compliant with relevant local and national planning policies in respect of design, scale, amenity, landscape, highway safety, flood risk ecology and biodiversity, subject to the recommended conditions.

No material considerations have been identified that would significantly and demonstrably outweigh these benefits or indicate that permission should be refused, having regard to the assessment above and the representations received.

Accordingly, the proposal is considered acceptable in planning terms and in accordance with the Wiltshire Core Strategy, the National Planning Policy Framework, and all other relevant material considerations.

RECOMMENDATION: That Planning Permission be GRANTED, subject to conditions:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (drwg no. 7928_980)
Block Plan As Existing (drwg no. 7928_981)
Block Plan As Proposed (drwg no. 7928_982)
Elevations As Existing (drwg no. 7928_983)
Elevations As Proposed (drwg no. 7928_984)
(Received by LPA 6th January 2026)

REASON: For the avoidance of doubt and in the interests of proper planning.

Within three months of the date of this permission, or prior to the first use of the development hereby granted permission (whichever is the later), full and complete details of the proposed compensatory tree planting shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangement and species of trees to be planted along with the timing and arrangements for future maintenance. The development shall be carried out in accordance with the approved details.

REASON: In the absence of detail within the application as to the effect of the development upon existing trees, and so as to ensure that any tree removal undertaken is suitably compensated.

INFORMATIVE:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been

granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.