

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/07726
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Land North of Bath Road, Chippenham, SN14 0BJ
DEVELOPMENT DESCRIPTION:	Electric vehicle charging facility
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The site is located to the immediate north of the Chequers roundabout, which forms the major junction of the A350 and Bath Road. To the south the site is bound by the access spur road which serves both the fast-food outlet to the south, and the creche facility which is to the immediate west of the site. The access spur from the roundabout also serves the retail store set a little further to the east of the site, with an intervening area of mature soft landscaping which has footpath through it serving the residential estate to the north of the site. The dwellings at the end of the cul-de-sac Ayr Close form the northern boundary of the site.

The site does not fall within any heritage or landscape designations and there are no Public Rights of Way crossing the site. The landscaped area to the immediate east of the site forms an area designated as 'green corridor' in the Chippenham Neighbourhood Plan and also forms part of a 'Priority Habitat' designation. The site falls within flood zone 1 but it is located in any area susceptible to ground water flooding.

PROPOSAL

The proposal relates to the installation of an electric vehicle charging facility. The plans show a single point of entry and egress, with a circulation route within the site serving some 16no. charging stations (12no. single arm, 4no. double arm). In association with this infrastructure, transformer and data cabinets are shown towards the north of the site, with associated landscape works and the erection of acoustic fences along the northern and western boundaries, as well as retaining wall element along the eastern boundary and around the transformer and data cabinets. The facility will be operated by InstaVolt, who already operate a single charging station within the adjacent fast-food outlet car park to the immediate south of the site.

Revised plans and additional details were submitted during the course of determination to address consultee comments, in particular from the Highway and Public Protection Officers. Notably, the revised plans remove the Battery Energy Storage System from the plans, although a space is reserved for possible future BESS on the revised plans, shown set towards the north-east of the east of the site.

During the course of determination of this application, construction were commenced, with the consequence that any consultee comments requiring further detail which could have been dealt with by pre-commencement Condition (in particular, drainage, highway and ecology

matters) have been required to be adequately and fully addressed and resolved prior to formal determination of this application.

PLANNING HISTORY

The site and its immediately surrounding area has considerable planning history; the following applications relate solely to the application site:

Proposal / Summary
PL/2021/03002 Status: Closed Decision: Withdrawn Dated: 8 July 2021 For: Class E Use unit, with drive-thru, along with associated works including access, car parking, and landscaping
N/10/04602/FUL Status: Closed Decision: Approve with Conditions Dated: 28 August 2012 For: Proposed Improvements Including Extensions to the Foodstore, Carparking Deck and Associated Works
N/10/02387/FUL Status: Closed Decision: Approved Dated: 25 August 2010 For: Fencing to Recycling Area
N/08/02601/FUL Status: Closed Decision: Approve with Conditions Dated: 23 July 2009 For: Car Park Reconfiguration, New Staff Car Park and Store Extensions and Alterations
N/94/00301/OUT Status: Closed Decision: Approve with Conditions Dated: 27 May 1994 For: Outline – Development of retail building / service yard and associated parking including means of access retail building / parking / access
N/93/01467/OUT Status: Closed Decision: Refused Dated: 24 January 1994 For: Outline – Development of retail building / service yard and associated parking retail building / parking

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

- The Town & Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004

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 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 10 Spatial Strategy for the Chippenham Community Area]
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 52 Green Infrastructure;
- Core Policy 55 Air Quality;
- Core Policy 56 Contaminated Land;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;

North Wiltshire Local Plan 2011 (Saved Policies) ('NWLP')

- NE14: Trees, Site Features and the Control of New Development
- NE18: Noise and Pollution

Neighbourhood Plan: *Chippenham Neighbourhood Plan 2023 to 2038 ('CNP' Made: May 2024)*

- Policy SCC1 – Net Zero Carbon Development
- Policy SCC2 – Sustainable Design and Construction
- Policy GI1 – Protecting and Enhancing Biodiversity
- Policy GI4 – Green Corridors
- Policy GI5 – Trees, Woodland and Hedgerows
- Policy T3 – Electric Vehicle Charging Infrastructure
- Policy E1 – Circular Economy

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030
- Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)
 - Active travel infrastructure design standards 2022
 - Active travel parking standards and design guide 2022
- LTN1/20 – Cycle Infrastructure Design (July 2020)
- Air Quality SPD (July 2023)
- Wiltshire Housing Site Allocations Plan, adopted 25 February 2020

ISSUES

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

- Whether the development is acceptable in principle (CP 1 and 2)

- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)
- Whether there would be any harmful impacts upon protected species or priority habitats (CP 50)
- Whether there will be any land contamination / air quality issues (CP 55)
- Are there any other planning issues raised by the development?

CONSULTATION RESPONSES

WC Highways: No objection subject to conditions relating to Construction Management Statement

WC Public Protection: No objection subject to Conditions regarding lighting; comments made regarding noise impact

WC Ecology: No objection subject to conditions

WC Drainage: No objection subject to conditions relating to Surface Water Drainage Strategy

WC Arboriculture: No objection

Chippenham Town Council: No objection in principle

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process. A total of 12no. representations were received in response to the application, all in objection and raising the following points:

- Already charging points in the area
- Ecological and landscape impact
- Traffic generation and impact (in particular with the on-going roadworks)
- Unsuitable location (next to nursery)

- A level footway is required / S106 contribution towards cycleway improvements (Cycle Chippenham)
- Noise, lighting and general disturbance

Points were also raised with regard to the fact that works were commenced prior to the grant of any planning permission.

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

Policy Context

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.
- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

Policy SCC1 of the CNP relates to achieving net-zero development, and Policy T3 relates specifically to the provision of electric vehicle charging infrastructure.

Assessment and Conclusion

Policy T3 (CNP) in particular, along with Transport Objective 2 and Chippenham Identity Objective 4, set a positive context towards supporting electric vehicle charging. The supporting text to this policy acknowledges that the provision of charge-accessible car parking spaces across Chippenham is inadequate and Policy T3 seeks to address this lack of provision.

The application site is located within a Principal Settlement and is thus generally supported by Core Policies 1 and 2. Policy T3 (CNP) also generally supports the provision of the type of infrastructure being proposed, and it is noted that the application is supported by the Town Council. The principle of the proposed development is therefore considered to be acceptable, subject to consideration of the specific technical impacts arising.

Design and Impact on the Character and Appearance of the Area

Policy Context

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

Assessment and Conclusion

The site is located within an urban and generally commercial setting, with the eastern side of the A350 at this roundabout junction being characterised by a mix of retail and fast-food outlets, as well as the neighbouring day-care facility.

The design of the proposed facility is of relatively standard format and is not considered to represent any particularly out-of-character form or appearance. It is noted that 2no. totem

style advertisement stands are proposed at the site frontage: a 2m high stand at the junction with the fast-food outlet, and then a 4m high stand at the immediate southern boundary of the proposed charging units. The latter is of some height, but it is set within the commercial setting and it is acknowledged that the retail store has a sign of similar height located closer to the roundabout on the same access spur. These signs are considered to be appropriately separated such as to not result in any particularly 'cluttered' appearance and are, on balance, considered acceptable.

Clarification was sought during determination regarding the eastern boundary detail, in response the Applicant confirmed that the perimeter of the built form is formed of 'Concrete Edging Strip', and in particular there is no retaining wall element.

Overall, the application is not considered to conflict with Core Policy 57 (WCS) or Section 12 of the NPPF.

Amenity

Policy Context

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.

Assessment

The nature of the application is such that it does not give rise to any issues of overlooking, loss of privacy, loss of light / overshadowing, or overbearing impact. However, the noise and lighting impacts arising from the facility have been given due consideration by the Public Protection Officer.

Although a Noise Assessment was submitted with the application, this was considered inadequate in terms of demonstrating that noise impact had been suitably and properly considered. As such, further information on noise impact was submitted during the course of determination, including confirmation as to the appropriateness of monitoring locations. Revised plans were submitted during the course of determination which removed the originally proposed BESS from the scheme, as per the plan extracts below:



Following consideration of this revised and further information (including details of the 'acoustic fence' along the western boundary), the Public Protection Officer confirmed that both the level of noise impact – with the -3dB below being achieved, with mitigation, and the submitted Construction Environmental Management Plan (CEMP) are acceptable.

In terms of lighting impacts, the Public Protection Officer requested that a Condition relating to the submitted details be attached to any permission. The Ecology Officer also commented regarding lighting and recommended a Condition restricting further / future lighting and together these Conditions are considered to provide sufficient control over the nature and extent of lighting installed at the site.

Conclusion

Based on the consultation responses received from the relevant technical consultees, and on the understanding that the necessary mitigation can be secured by way of Condition, it is considered that the application complies with Core Policy 57 (WCS), NE18 (NWLP) and paragraph 135 of the NPPF.

Highways Impacts and Parking

Policy Context

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling

and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Where necessary, Transport Assessments or Statements should be submitted to evaluate impacts and identify mitigation. Planning conditions or legal agreements may be used to secure off-site improvements, travel plans, or contributions to sustainable transport infrastructure.

Assessment

In response to the originally submitted plans the Highway Officer confirmed acceptability of the scheme in principle but also identified a number of issues with the scheme, including potentially conflicting vehicle movements as well as an over-engineered and problematic arrangement at the access. Alongside these comments, both Cycle Chippenham and the Town Council made representations that a level footway crossing (Dutch or 'Copenhagen' type) would be preferable.

Revised plans and additional detail has been provided during the course of determination, which included a revised access arrangement as well as swept path analysis which demonstrate acceptability in terms of vehicle movements, with the level of traffic generation arising not considered to be significant. The Highway Officer also concludes that: *"The provisions for access including the extension to the footways and replacement crossing facilities are now deemed acceptable..."* and raises no highway objection, subject to a Construction Traffic Management Plan (CTMP). Given the works commenced during determination of the application, the Applicant has been required to provide the necessary CTMP prior to any determination of the application. This was duly provided and, following some subsequent amendment, the Highway Officer confirmed acceptability of this document, which can be suitably enforced by way of Condition.

In terms of the suggested level footway crossing, the Applicant was unwilling to provide this and the Highway Officer confirmed that the arrangement at the entrance in the revised plans – with the merging of the separate entry and egress points as originally proposed – was satisfactory, and would not give rise to any justifiable objection / reason for refusal.

It is noted that Cycle Chippenham has maintained that a financial contribution towards upgrading of cycle infrastructure through S106 contribution is appropriate; this is dealt with in the CIL / S106 section below.

Conclusion

The points of objection raised on highway safety and transport are acknowledged. In particular, the access arrangement and need for a level crossing has been fully explored with the Applicant and Highway Officer, with the access arrangement having been improved during determination. Whilst the level crossover has not been shown, the Highway Officer has confirmed acceptability of the proposed design and this is not considered to be a defensible reason for refusal of the application.

Based on these conclusions, there is not considered to be any conflict arising with Core Policies CP60, 61, 62 and 64 (WCS), Policies T1, T2 and T3 (CNP) and Section 9 of the NPPF.

Ecology and Biodiversity, including Arboricultural Impacts

Policy Context

The ecological impact of development is a key planning consideration, especially for larger schemes. Proposals must assess and address potential effects on:

- Protected species
- Priority habitats
- Ecological networks
- Green and blue infrastructure

Core Policy 50 of the Wiltshire Core Strategy requires development to:

- Avoid harm to ecological assets.
- Deliver measurable Biodiversity Net Gain (BNG), in line with the Environment Act 2021.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

The Green & Blue Infrastructure Strategy (2022–2030) promotes nature recovery, ecosystem services, and habitat connectivity through development.

Unless exempt, National policy requires a minimum of 10% Biodiversity Net Gain (BNG) for major developments, demonstrated via:

- Biodiversity Metric calculations
- Ecological assessments (e.g. PEAs, Phase 1 surveys, protected species surveys)

Assessment

The site is located immediately adjacent to a designated Priority Habitat which runs along the eastern boundary of the site and through into the residential estate to the north; this also forms a 'green corridor' designated as such in the Chippenham Neighbourhood Plan. There are a number of trees across the site and also rooted outside the red-edge area but within close proximity of the site boundary.

In response to the originally submitted documents and details the Ecology Officer requested further information, in particular in relation to capturing the necessary baseline Biodiversity Net Gain data. Environmental and landscape works are proposed at the site, most notably the reduction in the landscaped screening to the east and west of the site; however, landscape enhancement works are also proposed and can be suitably captured by way of condition. Further information was provided in revised documents and details and following re-consultation the Ecology Officer confirmed no objection, subject to compliance conditions and a restriction on any external lighting.

A number of representations have made reference to the ecological impact of the proposal. However, whilst the land to the immediate east of the site does hold some specific ecological and amenity value, the site itself has generally formed more a part of the urban environment and is not considered to hold any great ecological value. That notwithstanding, Core Policy 50 requires no net loss of biodiversity and the submitted Landscape and Environmental Management Plan shows additional planting within the site.

In terms of arboricultural impacts, it is noted that a number of trees have been proposed for removal, and in addition a number of retained trees are required to be protected during site construction works. The application is supported by an Arboricultural Impact Assessment and related Tree Protection Plan and, having reviewed this technical detail, the Arboricultural Officer has confirmed no objection to the application. Compliance relating to those documents can be suitably encompassed within the wider ecological compliance condition.

In terms of Biodiversity Net Gain, it was clear at the time of submission of the application that the application did not meet any of the exemption criteria (and was confirmed by the Applicant on the submitted application form). Although some works have started on site prior to the grant of permission, it is pertinent that there are anti-avoidance provisions in the BNG legislation and guidance concerning habitat degradation and the assessment of the biodiversity baseline, intended to prevent developers avoiding BNG obligations by altering a site before permission is granted. As such, it is considered that the mandatory BNG requirements and relevant Conditions apply to this application – a Biodiversity Metric and Condition Assessment sheets have been submitted to allow for BNG assessment.

Conclusion

With the imposition of recommended necessary and appropriate Conditions, the application is not considered to give rise to any conflict with Core Policy 50 (WCS), Policies GI1, GI4 and GI5 (CNP), NE14 (NWLP), or Section 15 of the NPPF.

Flood Risk and Drainage

Policy Context

Core Policy 67 of the Wiltshire Core Strategy and NPPF paragraphs 170–182 require:

- Avoidance of increased flood risk.
- Use of appropriate mitigation measures.
- Application of the sequential and exception tests for developments in Flood Zones 2 or 3.

Sustainable Drainage Systems (SuDS) are required for all major developments and must:

- Manage runoff near its source.
- Improve water quality.
- Support biodiversity and amenity.
- Be integrated into the site layout and green infrastructure.

Assessment

The site falls within flood zone 1 although the Drainage Officer has confirmed that the site is located in an area susceptible to ground water flooding¹. The application was supported by a Drainage Strategy, but the initial response from the Drainage Officer outlined how this does not cover the necessary detail and as such further detail was requested. This covered detail such as flow routes and rates and the attenuation tank, but also to runoff and effluent management and control on site, and was originally requested by way of pre-commencement condition. However, with the works on site having commenced during determination, this additional technical detail has been required to be provided to confirm acceptability prior to determination of this application.

In response to the comments from the Drainage Officer, additional information was submitted, in the form of a Groundwater Flood Risk Assessment and a Technical Note addressing the points made by the Drainage Officer and setting out the relevant technical details and responses, in particular relating to hydraulic calculations, overland flow routes and discharge rates.

Conclusion

Following receipt of the additional information, the Drainage Officer confirmed that the proposed drainage details and solution is acceptable, and confirmed no objection, subject to completion / construction in accordance with these details. As such, the application is not considered to give rise to any conflict with Core Policy 67 (WCS) or the NPPF in terms of flood risk and drainage.

Environmental Considerations (Noise, Air Quality, Contaminated Land, etc.)

Policy Context

Core Policies 55 and 56 of the Wiltshire Core Strategy require:

- Development proposals to avoid unacceptable environmental impacts.
- To provide appropriate mitigation where risks are identified.

The NPPF and Planning Practice Guidance (PPG) reinforce this by stating that proposals should:

- Prevent development that contributes to or is exposed to unacceptable pollution.
- Ensure developer responsibility for safe development on contaminated land.

Wiltshire Council's Air Quality SPD (2023) provides detailed guidance, especially near Air Quality Management Areas (AQMAs) and encourages mitigation such as:

- EV charging infrastructure
- Green buffers
- Sustainable transport options

Assessment

Noise impacts have been considered as set out above in this report. There are not considered to be any materially adverse air quality impacts arising. However, in terms of contamination, the Public Protection Officer has recommended that, particularly given the proximity of the

¹ As per the Strategic Flood Risk Assessment (2019)

neighbouring daycare nursery use, a condition that should any contamination be discovered during works, that it is suitably and appropriately dealt with.

Conclusion

With that recommended condition attached, there are not considered to be any further environmental constraints or impacts which would warrant or justify a reason for refusal of the application.

CIL & S106 CONTRIBUTIONS

CIL

This is a charge that local authorities can impose on new developments in their area. The money generated through the levy will contribute towards the funding of infrastructure to support growth and is payable upon commencement of development. Although the site would fall under CIL charging zone 1, for the proposed use – and as there is no floorspace being proposed, the sum equates to £0.

S106 CONTRIBUTIONS

Core Policy 3 advises that *‘All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development.’* This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 58 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Highways

NPPF paragraph 109 (f) supports the provision of suitable infrastructure. Sustainable transport measures are also listed at infrastructure priority theme 1 under Core Policy 3 of the adopted WCS. Core Policy 60 and 61 of the WCS encourage the sustainable, safe and efficient movement of people and goods. The Wiltshire Local Transport Plan contains a number of policies to support active travel, including:

- Policy SO2 (to provide, support and promote a choice of sustainable transport alternatives);
- SO13 (to reduce the need to travel, particularly by private car) and,
- SO14 (to promote travel modes that are beneficial to health) of the Wiltshire Local Transport Plan 3.

The supporting text to Policy T1 within the Chippenham Neighbourhood Plan at paragraph 9.14 sets out that new development places additional pressure and demand on the existing cycle network. Therefore, developer contributions will be sought for high priority improvements to the cycle network where a major development is proposed. The policy itself considers financial contributions in the context of major development.

The Revised Wiltshire Planning Obligations Supplementary Planning Document, October 2016 sets out that development generating significant trips will have an off-site impact. Mitigating measures might include planning obligations to facilitate modal shift, such as improvements to cycle infrastructure. However, mitigation in the form of conditions is the preference. Furthermore, planning obligations may be sought regardless of the size of the development proposed, depending on the site related circumstances. However, developments not requiring a transport assessment are unlikely to need to provide off-site works. Smaller developments will help reduce their limited impacts through the use of CIL receipts.

In this case, the proposal is for an electric car charging facility and for which the scale and nature of the development is not considered to merit a transport assessment. This is not a major development. This indicates an obligation is unlikely to be reasonable.

The Council's Highways Officer has not stated that a contribution towards off-site cycle infrastructure is necessary and in this instance the scale of impact is not considered to be significant. Given the policy context and nature and scale of this proposal, it is not considered to be an evidentially robust position that contributions towards off-site cycling infrastructure is, in this instance, either **necessary** to make the development acceptable, or **directly related** to the development proposed.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

the relevant policies of the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

In weighing the planning balance, the following factors have been considered:

The principle of development is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the Chippenham Neighbourhood Plan (CNP). In particular, there is strong policy support for this type of proposal through Policies SCC1 and T3 (CNP), which seek to achieve net-zero development, and to support the provision of electric vehicle charging infrastructure respectively.

The proposal is compliant with relevant local and national planning policies in respect of energy and sustainability and scale and design. Matters of amenity – particularly in terms of noise impact, highways, ecology and drainage have been resolved during the course of determination to the satisfaction of the relevant consultees, and to the point where there is not

considered to be any outstanding policy conflict arising. These relevant technical details can be appropriately secured by way of Condition.

The development would deliver clear benefits, including the provision of a more sustainable form of vehicular energy, which weigh positively in the overall planning balance.

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 proposed development is considered acceptable in planning terms and in accordance with the Wiltshire Core Strategy, the Chippenham Neighbourhood Plan, the National Planning Policy Framework, and all other relevant material considerations. The benefits of the scheme are judged to outweigh any identified harms, which can be appropriately mitigated through planning conditions or other controls.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions:

1. The proposed development is permitted in accordance with the following approved plans and the details set out within the following documents:
 - 10829-0001_02. Rev. A: Location and Block Plan
 - 10829-0001_01-PL. Rev. F: Planning Site Layout –received 18/03/2026
 - 25113-LHC-00-XX-SH-L-9402 P2: Softworks Plan – received 21/01/2026
 - 25113-LHC-00-XX-SH-L-9402 P2: Softworks Schedule – received 21/01/2026
 - 25113-LHC-00-XX-DR-L-9201 P1: Landscape Details – received 21/01/2026
 - 2508-020 VS01: Visibility Splays at Site Access – 21/01/2026
 - 2508-020 SP02: Swept Path Analysis of Key Charging Bays – received 21/01/2026
 - EVD160KUC05 20240911: Parameters of the Manual (Single Arm) – 21/01/2026
 - EVD160KUC01_V04: Parameters of the Manual (Dual Arm) – 21/01/2026
 - 001_11-03 RevA: Equipment Elevations – RMC 1250 (950) – With Roots – received 21/01/2026
 - 001_79 Rev.A: Equipment Elevations – Litter Bin – received 21/01/2026
 - 001_61-02 Rev C: Equipment Elevations – Signage – 3.8m Totem – received 21/01/2026
 - 001_48 Rev A: Equipment Elevations - 6' x 6' Slatted Fence Panel – received 21/01/2026
 - 001_21 Rev D: Lamppost 3m – received 21/01/2026
 - 001_61_01 Rev F: Equipment Elevations – Signage – 2m Totem – received 21/01/2026
 - 001_59 Rev B: Equipment Elevations – CCTV – Including cabling details (underground) – received 21/01/2026
 - 001_10: Proposed Equipment Elevations and Plan – TR7 Substation
 - 001_29: Proposed Equipment Elevations and Plan – BYD 160kW Charger
 - 001_58: Proposed Equipment Elevations and Plan – BYD 160kW Single Arm Charger – received 21/01/2026

(received 25/09/2025 unless otherwise stated)

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

2. The development shall be carried out in full accordance with the measures and details set out in the submitted Construction Traffic Management Plan (CTMP) [2508-020/CTMP/01A – March 2026] – received 25/03/2026.

REASON: In order to ensure appropriate highway safety.

3. The development hereby approved shall be carried out in complete accordance with the hereby approved Construction Environmental Management Plan (CEMP) ['Chippenham Hub – EV Charging Development'] – received 14/05/2026.

REASON: Core Policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achieved.

4. The development will be carried out in strict accordance with the following documents:
 - Ecological Impact Assessment and Biodiversity Metric Assessment. August 2025. EcoLogic Consultants Ltd. Report Ref. 250405 rev01;
 - The Statutory Biodiversity Metric. 23 July 2025. rev02;
 - The Statutory Biodiversity Metric -Technical Annex 1: Condition Assessment Sheets and Methodology. 09 May 2025;
 - Horizontal Illuminance (lux). 4182-DFL-ELG-XX-LD-EO-13002-S3-P02;
 - Lighting Strategy. 16 October 2025. Designs for Lighting. Project No. 4182. Doc Ref. 4182-DFL-ELGXX-RP-EO-13001. Rev. P02;
 - Lighting Parameters. 16 October 2025. DFL-UK. 4182-DFL-ELG-XX-CA-EO-13002-S3-P02;
 - Landscape Environmental Management Plan P2. 13 January 2026. LHC Design. Ref. 25113-LHC-00-00-RP-L-0001;
 - LEMP Appendices A & B: 25113-LHC-00-00-RP-L-0002. Revision P2;
 - Arboricultural Method Statement & Tree Protection Plan. 19 September 2025. NB Tree Management.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity and amenity.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. No external light fixture or fitting, other than those hereby approved, will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

7. The development hereby approved shall be carried out in complete accordance with the hereby approved drainage documents:
- Groundwater Flood Risk Assessment – Amazi Consulting – AM1017 GW FRA Rev0 21 April 2026 – received 02/06/2026
 - Technical Note – Electric vehicle charging facility – Amazi Consulting – AM1017 Tech Note 12 May 2026 – received 02/06/2026

The details as approved shall be implemented prior to first use of the development and thereafter be permanently retained.

REASON: To ensure that the site and development is adequately and appropriately drained and flood risk is minimised.

8. The development hereby approved shall be carried out in complete accordance with the hereby approved noise impact assessment document:
- 11627_InstaVolt_Bath_Road_Chippenham_NIA_19022026_CP – RevA (received 18/03/2026)

The details as approved shall be implemented prior to first use of the development and thereafter be permanently retained.

REASON: To ensure appropriate levels of amenity, in accordance with Core Policy 57

9. Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: To ensure that appropriate levels of amenity are achieved.

10. In the event that contamination is found at any time when carrying out the approved development, the Local Planning Authority shall be notified immediately. Development shall cease in the affected area and a written method statement detailing the nature of the contamination and the proposed remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out in accordance with the approved details. Following completion of the remediation, a verification report confirming that the site is suitable for its permitted use shall be submitted to and approved in writing by the Local Planning Authority before development recommences in the affected area.

REASON: To ensure compliance with Core Policy 56 and to reduce the risks associated with land contamination

INFORMATIVES

This planning permission does not permit the installation of any Battery Energy Storage (BESS) facility on the site. Whilst there is 'space reserved for possible future BESS' shown on the approved plans, the details of this will require separate planning permission, which will allow for consideration of any specific impacts arising from that particular facility, as well as any necessary mitigation measures.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this

consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

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.