Planware

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Wiltshire Council

County Hall

Bythesea Road

Trowbridge

BA14 8JN

Date: 21/07/2023

Dear Sir/Madam,

Unit 2A, Hathaway Retail Park, Chippenham, SN15 1JG

This letter supports an application by Aegon UK Property Fund Ltd for the change of use of Unit 2A from Class E to a mixed restaurant and takeaway (Sui Generis).

The application is accompanied by:

- Site Location Plan
- Site Block Plan
- General Arrangement Plan
- CIL Form

The proposal seeks to provide greater flexibility within the use class to re-let the unit and also provide a broader range of uses within the wider side, adding to the retail and leisure offering.

The Application Site

Hathaway Retail Park is located to the north of Chippenham Town Centre, just north of the train station. The application site comprises Unit 2A at Hathaway Retail Park, is currently operated by Bensons for Beds.

The unit has a GIA of 676.5sqm and benefits from shared access to the rear service yard and wider use of the shared car park.

Site History

The original planning permission for the retail park, 87/03079/OUT, contained a planning condition (4) restricting the sale of food, with the exception of confectionary, without the prior grant of planning permission. This states:

'*the premises shall not be used for the sale of food other than confectionary without the prior grant of planning permission'*

In 2015, application 15/01532/VAR was approved to allow up to 20% (136sqm) of unit 2A to be used for the sale of food to be consumed off the premises.

Similarly, in 2021, application 21/01414/VAR was approved allowing 151sqm of floorspace within Unit 1B to be used for the sale of food to be consumed off the premises.

There are no other restrictions on the site in terms of use of the building within Class E.

The Proposal

This application seeks the change of use of unit 2A from Class E to a mixed restaurant and takeaway (Sui Generis). The proposal seeks to allow flexibility for the unit to operate as a restaurant with a higher level of takeaway. This will remove the historic restriction under Condition 4 from Unit 2A.

A small area has been left to the rear of the unit within the redline to allow for the potential of rear wall mounted extraction equipment, should the future tenant require. It is envisaged that this will be conditioned, so that a design can be worked up in future, when a tenant is identified.

Use Class Order

On 1st September 2020, the Use Class Order was amended to incorporate a number of uses into Class E, including A1, A2 and A3. A4 and A5 uses are now Sui Generis.

National Planning Policy

The NPPF was published on 20th July 2021.

Chapter 2 outlines the broader objective of achieving sustainable development through the three pillars, with the presumption in favour of sustainable development being defined in detail in Paragraph 11. This states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

Paragraph 81 outlines that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It confirms that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant to allow businesses and landlords to adapt to evolving business models and relevant shifts within the market.

Local Planning Policy

The Wiltshire Local Plan includes, the Wiltshire Core Strategy incorporating saved policies from district local plans, Chippenham Site Allocations Plan, Wiltshire Housing Site Allocations Plan, Minerals and Waste Plans and made Neighbourhood Plans.

The site is located within the Settlement Framework Boundary for Chippenham. It is located within the Town Centre Secondary Frontage Area, in line with Policy R2 and within the Chippenham Central Areas of Opportunity, in line with Core Strategy Policy 9.

A key principle of developing within the Chippenham Central Area is providing a retail destination of choice, as outlined in Core Strategy Policy 9. This outlines that retail proposals will be supported, providing it is clearly demonstrated how the proposal will strengthen the retail offer of the town.

Saved Policy R2 of the Local Plan supports the provision of food premises within Town Centre Secondary Frontage area of Chippenham, so long as they do not impact the vitality or viability of the town centre, are consistent with the scale and function of the centre and consideration is given to ensure proposals do not eliminate separate access arrangements to upper floors, which could be used for other uses.

Highways

The existing Retail Park has a total of 382 car parking spaces. These are split across three parking areas. The customer car parking is provided within two car parks accessed from Foundry Road. These comprise of 68 spaces on the northern side of Foundry Road and 281 spaces in the car park on the southern side of Foundry Road. There is a further 33 car parking spaces predominantly for staff which are located to the rear of the retail units. There is a service yard which is currently utilized for Unit 2A which is located to the rear of the Retail Park and is accessed via the staff car park from Foundry Road.

The proposal would likely result in a relatively small increase in traffic would have likely have no material impact on the road network and would not justify any further assessment. The proposal would likely result in a slight increase in parking demand in the region of a few vehicles which would have no material effect on the large existing car park. The proposal would utilise the existing service yard which is suitable for articulated vehicles up to 16.6m and could therefore easily accommodate the delivery requirements for a future tenant.

Assessment

As detailed within the site history above, permission was granted in 2015 to partially relax the controls around the sale of food from unit 2A.

The site falls within the Town Centre. Saved local Policy R2 supports the provision of food premises in this location. It is noted that the proposal provides for a restaurant on site, whilst also

allowing for takeaway. This allows customers to dine in, or takeaway, at the customers choice. This will allow a number of joint and linked trips to the retail park and help strengthen the range and diversity of retail offering in this location, further enhancing the sites overall vitality and viability, aligning with the objectives of Policy R2.

The proposal does not seek any physical works and has no impact upon the access of any separate units. The use aligns with the existing retail function. The proposal therefore does not impact the scale or function and therefore fully accords with the second and third limb of Policy R2.

The proposal will help diversify the retail park, increasing the retail offer, whilst providing additional jobs. This will strengthen the overall retail offering in this location, in accordance with the objectives of Core Policy 9.

The change of use will facilitate an increase employment opportunity within the site. Whilst a tenant is not yet identified, in line with the employment density matrix, the proposal will provide a more employment dense use, from retail warehouse (1 per 90sqm) to restaurant (1 per 15-20sqm).

The site is located within an existing retail park with a large car park and existing service yard. The proposal will not have an impact upon the wider highways network.

It is proposed to provide a detailed HVAC design by way of a suitably worded condition, once a relevant tenant is identified.

The proposal complies with both local and national planning policy and should therefore be approved without delay, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Yours Faithfully,

Benjamin Fox

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