PLANNING STATEMENT

THE FORMER BEAR HOTEL, MARKET PLACE, CHIPPENHAM

CONVERSION OF UPPER FLOORS TO PROVIDE 5 NO. APARTMENTS AND 1 NO. MASISONETTE AND CONVERSION AND EXTENSION OF FORMER GARAGE TO PROVIDE SELF CONTAINED OFFICES

LONDON AND WILTSHIRE LTD



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

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CONTENTS:

		Page No:
1.	INTRODUCTION	1
2.	THE APPLICATION SITE AND SURROUNDINGS	2
3.	THE APPLICATION PROPOSALS	4
4.	RELEVANT PLANNING POLICIES	5
5.	PLANNING ASSESSMENT	11
6.	SUMMARY AND CONCLUSION	15

1. INTRODUCTION

1.1 This Planning Statement has been prepared by RAW Planning Ltd to accompany a Planning and Listed Building Consent application which is submitted on behalf of London and Wiltshire Ltd ("the Applicant"). The application relates to the former Bear Hotel, 12 Market Place, Chippenham, SN15 3HJ ("the Application Site").

1.2 Full planning permission and Listed Building Consent is sought to convert the first and second floor of the former Hotel to provide 5 no. apartments alongside a Maisonette and conversion and extension of an existing garage to provide a contemporary office space.

1.3 The Applicant purchased the application site in April 2022 following its unsuccessful marketing for over 9 months. The ground floor of the building has subsequently been refurbished and opened as a Tapas and Cocktail bar. This application seeks to repurpose the upper floors and former garage and bring them back into active use.

1.4 This Planning Statement is submitted in support of the application and provides a summary overview of the application proposals as well as identifying the Planning Policy Framework within which it should be considered. It should be read alongside the Heritage Statement, prepared by Heritage Planning Services.

1.5 Section 2 provides a description of the application site and the surrounding area. Section 3 sets out the development proposals. The Planning Policy Framework that is applicable to the application is provided in Section 4. Section 5 provides a reasoned justification for the development being proposed and Section 6 sets out a summary and conclusions.

2. THE APPLICATION SITE AND SURROUNDINGS

2.1 The application site is centrally located within the town centre of Chippenham occupying a corner location at the Market Place with principal north and west facing frontages.

2.2 The former Bear Hotel is Grade II Listed and the accompanying Heritage Statement sets out the Listing description. The accompanying Heritage Statement notes that externally the Hotel is largely unchanged from the early 20th century photographs and is considered to retain the mid 19th century principal elevations and layout. There is a double garage fronting Timber Street which the Heritage Statement considers is a replacement infill structure dating to the early 20th century. The former hotels courtyard is accessed from and faces onto Lords Lane.

2.3 Photos of the existing building are inserted below:





2.4 Internally the former hotel building is occupied by a recently opened Tapas restaurant and cocktail bar on the ground floor. The adjoining garage is vacant and the upper floors of the former hotel building are vacant having most recently been used as hotel rooms.

2.5 The application site is located in the settlement boundary for Chippenham and in the Market Place Conservation Area. The site is not subject to any other statutory or non-statutory designations.

3. THE APPLICATION PROPOSALS

3.1 Planning permission and Listed Building consent are sought for the renovation of the first and second floor interiors of the former Hotel to form five new apartments and a separate maisonette within the south west part of the building. The garage adjoined to the south west of the former Hotel is proposed to be converted to provide office space.

3.2 The application proposals would largely utilise the existing internal layout of the first and second floors with 3 self contained apartments provided at first floor level and 2 self contained apartments provided at second floor level. The apartments would be accessed via an existing central stairwell.

3.3 A maisonette would be provided in the south west part of the building adjacent to the former garage. An existing ground floor to first floor staircase in this part of the building would be extended to provide access to the second floor.

3.4 The garage would be converted and extended to provide a contemporary self contained office. The ground floor would provide a reception hall, meeting room and toilet and kitchen facilities. A new feature staircase would be created in the reception area leading up to a new first floor office space that would be timber panelled with a flat roof. The flat roof top is proposed to be used as a landscaped external seating area for the office users with a small section enclosed by glass walls and a solar panel roof to provide a small office space.

3.5 There is an existing large external enclosed yard area to the rear of the ground floor restaurant which is proposed to provide bin and cycle stores for both the apartments and the office space.

3.6 With the exception of the proposed first floor and roof terrace above the garage the principal elevations facing north east and south west would only be subject to sympathetic repair and restoration focussing mainly on window and door joinery.

3.7 Full details of the proposals are provided in the accompanying Heritage Statement.

4. RELEVANT PLANNING POLICIES

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is considered to be a material consideration which attracts significant weight.

4.2 This section refers to relevant national planning policy and guidance as well as Development Plan policies that provide the planning policy framework for this appeal that should be considered. It deals with the following layers of policy and guidance:

- National Planning Policy Framework (NPPF)
- The Development Plan (including Neighbourhood Plans)

National Planning Policy Framework (NPPF)

4.3 The NPPF outlines national guidance and the Government's policies on the many different aspects of planning. The latest version was published in September 2023.

4.4 Paragraph 2 explains that planning law requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.5 Paragraph 10 confirms that at the heart of the Framework is a presumption in favour of sustainable development.

4.6 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 goes on to state that for decision-taking this means:

> *"c) Approving development proposals that accord with an up-to-date development plan without delay; or*
>
> *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
>
> > *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*
> >
> > *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

4.7 Paragraph 11(d) should be read in conjunction with footnotes 7 and 8 of the NPPF which define "out-of-date" as including situations where LPAs cannot demonstrate a 5 year housing land supply and list "protected areas", including AONB's and designated Heritage Assets (including Conservation Areas).

4.8 Section 5 is entitled 'Delivering a Sufficient Supply of Homes'. Paragraph 60 sets out Central Government's objective to significantly boost the supply of homes, identifying that to support this objective it is important that a sufficient amount and variety of land can come forward where it is needed.

4.9 Paragraph 69 recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

4.10 Paragraph 74 requires LPAs to annually identify a minimum of five years worth of housing against the housing requirement set out in adopted strategic policies, or against the local housing need where strategic policies are more than five years old. It is widely accepted that Wiltshire Council cannot currently demonstrate a five year housing land supply.

4.11 Section 6 is entitled 'Building a strong, competitive economy'. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development.

4.12 Section 11 is entitled 'Making Effective use of Land'. Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.13 Section 12 is entitled 'Achieving well-designed places'. Paragraph 126 explains that good design is a key aspect of sustainable development. Paragraph 127 sets out that planning policies and decisions should ensure that developments will add to the overall quality of their area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

4.14 Section 16 is entitled "Conserving and enhancing the historic environment". Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

4.15 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more

important the asset, the greater the weight should be). Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.

4.16 Paragraph 206 states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Paragraph 207 continues to state that not all elements of a Conservation Area will necessarily contribute to its significance.

The Development Plan

4.17 The Statutory Development Plan covering the application site comprises the:

- Wiltshire Core Strategy (adopted January 2015)
- Wiltshire Site Allocations DPD (February 2020). There are no policies within the DPD relevant to this application.
- Chippenham Site Allocations Plan (adopted May 2017). There are no policies within the DPD relevant to this application.
- North Wiltshire Local Plan 2011 (saved policies)

Wiltshire Core Strategy (WCS) and Wiltshire Site Allocations DPD

4.18 The application site is located within the Settlement Boundary for Chippenham as defined in the Chippenham Site Allocations DPD. The site also lies within the Market Place Conservation Area and within the Town Centre Secondary Frontage Area (as defined by the North Wiltshire Local Plan saved policies).

4.19 The most relevant policies in the consideration of this application are as follows:

4.20 **Core Policy 1 (Settlement Strategy)** sets out the settlement strategy for Wiltshire directing development to Principal Settlements in the first instance. The Policy sets out the scale of development that will be appropriate at the different tiers of the settlement hierarchy. Chippenham is identified as a Principal Settlement which Core Policy 1 provides support for significant levels of jobs and homes.

4.21 **Core Policy 2 (Delivery Strategy)** sets out a housing requirement for Wiltshire of 42,000 homes over the Plan Period (2006 to 2026) with 24,740 dwellings directed to the North of Wiltshire HMA within which the application site lies. The Policy states that within the limits of development there is a presumption in favour of sustainable development at the Principal settlements.

4.22 **Core Policy 10 (Chippenham Community Area)** identifies Chippenham as the Principal settlement and makes provision for a total of 5,090 dwellings n the community area over the Plan Period, including 4,510 in Chippenham.

4.23 **Core Policy 34 (Additional Employment Land)** provides in principle support for Use Class B1 (offices) (now Use Class E) in Principal settlements.

4.24 **Core Policy 40 (Hotels, bed and breakfasts, guest houses and conference facilities)** states that proposals for the change of use of existing bed spaces provided in hotels or public houses or conference facilities to alternative uses will be resisted, unless it can be clearly demonstrated there is no longer a need for such a facility in either its current use or in any other form of tourism, leisure, arts, entertainment or cultural use.

4.25 **Core Policy 57 (Ensuring high quality design and place shaping)** requires a high standard of design in all new developments with development expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

4.26 **Core Policy 58 (Ensuring the conservation of the historic environment)** states that development should protect, conserve and enhance the historic environment. Designated heritage assets should be appropriately enhanced in a manner appropriate to their significance, including the special character or appearance of Conservation Areas.

North Wiltshire Local Plan Saved Policies

4.27 The policies of relevance to the application proposals are as follows:

4.28 **Policy R2 (Town Centre Secondary Frontage Areas)** seeks to allow a variety of uses within town centre secondary frontage areas providing the proposals do not individually or cumulatively undermine the vitality or viability of the town centre. The supporting text recognises that growth in sectors such as offices can also contribute towards sustaining activity in these centres.

4.29 **Policy R7 (Upper Floors in Town Centres)** provides in principle support for the use of upper floors of existing premises within town centres for residential use, providing the use does not jeopardise the retail use of the ground floor. The Policy supporting text also states that encouraging residential uses

in shopping areas can add to the vitality and viability of the centre, increasing activity and providing a mixture of uses which reduces the need to travel in the interests of sustainability.

Other Material Considerations

The Chippenham Neighbourhood Plan

4.30 The Chippenham Neighbourhood Plan was submitted for Examination in June 2023 followed by a Regulation 16 Consultation that ended on 5th September 2023. The Plan is now awaiting Examination by an Independent Examiner. Whilst the Plan is at an advanced stage it can still only be afforded limited weight.

4.31 The application site is located within the area identified as the 'Upper Market Place'. An Indicative Parameters Plan is included within the Neighbourhood Plan to guide future development which includes the downgrading of the highway around the Bear Hotel to provide a shared space.

4.32 Draft policies relevant to the application proposals include Policy TC4 (Development within Chippenham Conservation Area) which states that development within the Conservation Area or which would affect its setting will be permitted where it:

a) Preserves or enhances the special character or appearance of the Conservation Area

b) is of high quality design that makes a positive contribution to local character and distinctiveness

c) maintains or enhances positive views, and/or where possible eliminates or reduces the effect of negative views identified in the Chippenham Conservation Area Character Appraisal

d) Retains those heritage assets which make a positive contribution to the significance of the Conservation Area

e) Accords with the development guidelines in the relevant character area in the Chippenham Conservation Area Management plan SPG; and

f) secures the enhancement proposals for the relevant character area in the Chippenham Conservation Area Management Plan SPG where appropriate.

Chippenham Conservation Area Character Appraisal

4.33 A Chippenham Conservation Area Character Appraisal is being prepared as part of the Chippenham Neighbourhood Plan and as such is currently also in draft form. The Appraisal identifies the application site as lying within the Market Place Character Area.

4.34 The application building is identified as a 'positive landmark or focal point' and the view towards the building from the Market Place is identified as a 'positive view'. The Bear Hotel is identified as a fine Neo Gothic building, although the façade is highlighted as not being in the best condition and would benefit from a restoration scheme.

5. PLANNING ASSESSMENT

Principle of Development

5.1 The application site is located within the settlement boundary for Chippenham which is identified as a Principal Town in the Wiltshire Core Strategy. Core Strategy Core Policy 1 identifies Principal Towns as being suitable to accommodate significant levels of new homes and Core Policy 2 sets out a presumption in favour of sustainable development at the Principal Settlements. Core Policy 34 also supports the principle of new office development in Principal settlements.

5.2 Policy R2 of the saved North Wiltshire Local Plan seeks to allow a variety of uses within town centre secondary frontage areas within which the application site lies. The main purpose of the Policy is to support the vitality and viability of the town centre. The application proposals do not include the ground floor of the main part of the building which is occupied by a Tapas restaurant and cocktail bar and as such the main frontage of the building would continue to contribute to the vitality and viability of the town centre. Saved Local Plan Policy R2 allows shops, financial and professional services, food premises, leisure facilities and night clubs in defined town centres. The North Wiltshire Local Plan was originally adopted in 2006 and therefore significantly pre-dates the recent changes to the Use Classes Order in which Use Class E was created (replacing the majority of former use classes A1, A2, A3, B1, B2, D1 and D2). The uses referred to in Policy R2 now largely fall within Use Class E which also includes offices and as such the introduction of offices to the ground floor within the existing vacant garage unit is considered to comply with the spirit of Policy R2. The creation of a new active frontage within the town centre secondary frontage area would support the vitality and viability of the town centre.

5.3 Saved Local Plan Policy R7 also provides in principle support for the use of upper floors of existing premises within town centres for residential use, providing they don't jeopardise the retail use of the ground floor. As already set out the ground floor of the premises is already in use as a bar and restaurant and as such the conversion of the upper floors to residential use would not affect the ability for the ground floor unit to remain in active use. The conversion of the former garage space to an office would also not be jeopardised by the proposed apartments which would have separate access points.

5.4 Wiltshire Core Strategy Policy 40 seeks to retain bed spaces in hotels and public houses unless it can be clearly demonstrated there is no longer a need for such a facility in either its current use or in any other form of tourism, leisure, arts, entertainment or cultural use. Following the closure of the former Bear Hotel the application site (including the ground floor restaurant) was marketed by Leisure Property Specialist Fleurets. The property freehold was marketed from 22nd February 2021 until the premises became under offer on 7th December 2021. A Marketing Report is submitted as part of the planning

application which sets out the marketing process, the interest received and feedback received from interested parties who did not proceed.

5.5 A total of 1,110 parties downloaded details of the premises and Fleurets' Buyer Alert system notified 6,088 parties of the sale. The premises were also advertised by an onsite For Sale Board and through Fleurets' website as well as Rightmove and Businesses For Sale. 15 parties viewed the premises with these primarily being developers looking at alternative use opportunities on either part or all of the premises. The premises were placed under offer to one party interested in operating the premises as a gallery but they did not have the funds to proceed. The main concerns expressed by prospective purchasers, investors/developers and operators included the costs of repair/refurbishment, possible structural issues, the risk of obtaining planning permission and the fact the premises are Grade II Listed and within a Conservation Area and the restrictions these designations bring. In summary, the Marketing Report demonstrates that the premises were robustly marketed by a market leader Leisure specialist and that there was no interest from proceedable parties who wished to re-open the premises as a hotel. The proposals are therefore considered to satisfy Core Strategy Policy 40.

5.6 As illustrated on the submitted Existing Floor Plans the former Bear Hotel had a managers flat at first floor level plus a large breakfast room and kitchen plus only 7 bedrooms, 4 of which have shared bathroom facilities. The presence of shared bathroom facilities would also add to the lack of desirability to continue the very small hotel offering as a going concern.

5.7 In summary, the proposals to convert the upper floors of the application building to apartments and the conversion of a vacant adjoining garage to offices are considered to comply with relevant adopted Development Plan policies include Core Strategy Policies 1, 2, 34 and 40 and saved North Wiltshire Local Plan Policies R2 and R7.

<u>Heritage Impact</u>

5.8 A Heritage Statement is submitted in support of the application. The Heritage Statement acknowledges that the principal elevations of the application building will be restored and repaired as necessary, which will have a positive impact on the physical appearance of the Grade II Listed building and will enhance the Market Place Conservation Area, meeting an objective of the draft Chippenham Conservation Area Character Appraisal. The Heritage Statement also identified that with the exception of the dogleg stair noted in the listing description, there are no fixtures and fittings of note and partitions and doors are modern additions. As such, the minimal removal of existing materials to form the new layout are considered to have a negligible impact on the historic fabric.

5.9 With regards to the proposed garage redevelopment, the Heritage Statement identifies this as one of the later elements of the site, dating back to the early 20th century. Whilst the building is identified as

having historical and evidential value, the overall significance of the structure is lower than that of the principal Hotel range. The form of the existing garage doors will be incorporated into the design, echoing the historic use of the building. The proposed design of the upper floors is noted as being unashamedly contemporary in style and appearance, taking inspiration from the existing contrasting design of the garage annexe. Whilst arranged across three storeys, the building will remain subservient in scale to the historic Hotel and the contrast in materials will clearly define the structure as a high-quality modern addition to the street scene. The garage will occupy a prominent location within the Market Place Conservation Area and the design is considered to respond directly to the need for high quality development needed to improve the streetscape to the rear of the application building, as identified in the draft Chippenham Conservation Area Appraisal. CGI's of the proposed office within the existing garage are included within the accompanying Heritage Statement.

5.10 In summary, the application proposals would bring back into use the upper floors of the Grade II Listed former Bear Hotel within the Market Place Conservation Area which in turn would facilitate external repairs and restorations to the building delivering public realm improvements enhancing the significance of both the Grade II Listed building and the Conservation Area. The conversion and associated improvements to the garage building would also provide a high quality modern addition to the street scene within the Conservation Area and would enhance the heritage significance of the Listed Building particularly to the side and rear. The proposals would therefore comply with Core Strategy Policy 58 by enhancing the significance of both the Grade II Listed building and the Conservation Area.

Highway Impact

5.11 The application site is located within Chippenham Town Centre opposite the Bus Station and within easy walking distance of the train station. The site is also within walking distance of a number of public carparks. The site does not benefit from onsite car parking, however future residents and users of the office would have good access to public transport and public car parking.

5.12 The proposed Site Plan also shows how secure cycle parking can be provided within the existing courtyard area to the rear of the existing restaurant and proposed offices.

Residential Amenity

5.13 Flats 1 and 4 would benefit from views directly onto the Market Place and as such there would be no overlooking of habitable rooms in these flats. Likewise, flat 5 would predominately look west towards the library building with the bedroom looking across the internal courtyard towards the proposed roof level office extension. The presence of the plant room would however obscure any views between the bedroom of flat 5 and the office. Flat 6 would have a similar arrangement as flat 5 with windows predominantly facing west and a bedroom window facing into the courtyard towards the office

extension. Flat 2 and the bedroom of the maisonette would have windows facing into the courtyard and as such could be obscured glazed at the lower level if the LPA considered this would be beneficial in terms of providing acceptable level of residential amenity between proposed properties.

5.14 The proposed apartments would need to meet Building Regulations standards and as such noise emissions between the ground floor restaurant and proposed apartments will be addressed at this stage with noise mitigation measures between floors incorporated if necessary.

6. SUMMARY AND CONCLUSION

6.1 Planning and Listed Building Consent is sought to convert the first and second floor of the former Hotel to provide 5 no. apartments alongside a Maisonette and conversion of an existing garage to provide a contemporary office space.

6.2 The application site is located within Chippenham Town Centre where the principle of new residential development and offices is acceptable under Core Strategy Policies 1, 2 and 34.

6.3 A Marketing Report is submitted as part of the application setting out the extent of marketing that took place of the premises prior to the applicant purchasing the building. The Report demonstrates that the premises were robustly marketed by a market leader Leisure specialist and that there was no interest from proceedable parties who wished to re-open the premises as a hotel. The proposals are therefore considered to satisfy Core Strategy Policy 40.

6.4 The application proposals would bring back into use the upper floors of the Grade II Listed former Bear Hotel within the Market Place Conservation Area which in turn would facilitate external repairs and restorations to the building delivering public realm improvements enhancing the significance of both the Grade II Listed building and the Conservation Area. The conversion and associated improvements to the garage building would also provide a high quality modern addition to the street scene within the Conservation Area and would enhance the heritage significance of the Listed Building particularly to the side and rear. The proposals would therefore comply with Core Strategy Policy 58 by enhancing the significance of both the Grade II Listed building and the Conservation Area.

6.5 The application site is located opposite Chippenham bus station and within easy walking distance of the train station. The site is also within close proximity of a number of public car parks and cycle parking is proposed within the existing courtyard as part of the proposals. The proposals would therefore support sustainable transport modes.

6.6 For the reasons set out above it is therefore respectfully requested that planning permission is granted.



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