CASE OFFICER'S REPORT

Application Reference:	PL/2023/11100
Application Type:	Full planning permission
Consultation ends:	8th February 2024
Case officer:	Hilary Baldwin

Site Address:	31-33 High Street, Chippenham, Wilts, SN15 3EY
Proposal:	Installation of new shopfront
Recommendation:	Approve with Conditions

Proposal and Site Description

Proposal

The application seeks planning permission for the installation of an additional single door within the glazed shopfront of the retail space. The submission also seeks permission for a change of colour to the metal fenestration frames.

The proposed door would be a single door located within the second window from the western end of the building and be of a metal frame and glazed construction. The remaining fenestration and surrounds would be upgraded from a red colour to RAL 7016, which is anthracite grey.

Site Description

The application site comprises a large retail unit fronting onto the High Street and within a primary shopping location. The building has large, glazed windows at ground floor level with stone pillars between the shop windows and traditional timber windows at first floor level with pointed stone pediment details above.

Located within the centre of Chippenham, the site lies within the settlement boundary, the Conservation Area of Chippenham and adjacent to, and within close proximity to Grade II listed buildings. The site is also within a designated primary retail area. Set close to the road bridge over the River Avon, the site also lies within Flood Zones 2 and 3.

Policies

National Context:

National Planning Policy Framework (NPPF) 2023

Paragraph 11 – Presumption in favour of sustainable development
Paragraph 131, 135 - Function and form of development
Paragraph 173 - Planning and Flood Risk
Para 195 to 196 - Proposals affecting heritage assets
Para 200 to 203 - Considering potential impacts upon heritage assets

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 9 - Chippenham Central Areas of Opportunity
Core Policy 38 - Retail and Leisure
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 58 - Ensuring the Conservation of the Historic Environment
Core Policy 60 - Sustainable Development and Transport
Core Policy 67 - Flood Risk

The North Wiltshire Local Plan policies are replaced by policies in the Core Strategy. Those North Wiltshire Local Plan policies that are not replaced and remain saved are listed in Appendix D of the Core Strategy. The relevant saved policies are as follows:

R1 – Town Centre Primary Frontage Areas
R2 – Town Centre Secondary Frontage Areas

Key Issues
Principle of Development
Impact on Setting and Significance of Heritage Assets and Character and Appearance of the area
Impact on Adjacent Neighbouring Occupiers
Other Considerations

Relevant Planning History
There is planning history on the site in relation to the retail use of the site, but none that is considered relevant to the current application for an additional single doorway and change of fenestration colour.

Consultation Responses
Chippenham Town Council - No Objection.
Conservation Officer - No Objection
Archaeology Officer - No Objection
Environment Agency - No comments made.

Representations
No letters of representation were received in relation to the development.

Planning Considerations and Assessment
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:
The principle of commercial development in this location is considered acceptable and in line with Core Policies 1, 2 and 38. The existing A1 use exists alongside other A1 and A5 premises and is within a primary frontage area of Chippenham Town Centre.

The current (and retained) A1 use is along a main distributor highway within the town centre and is adjacent to existing retail uses which cumulatively make an important contribution to the vitality and viability of Chippenham.

Impact on the Area and Setting and Significance of The Heritage Assets

The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development.

Paragraphs 200 - 201 of the NPPF, advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and within Para 203, that the local planning authority should take account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and:
c) The desirability of new development making a positive contribution to local character and distinctiveness.

In this instance, the development relates to the insertion of a single doorway and change of colour from red to anthracite grey of the remaining fenestration surrounds. Whilst set close to the highway and public thoroughfare, the doorway is considered a minor visual change to the overall retail frontage. The door would still retain a large area of glazing and its design is commensurate with the existing doors to the east. The change in colour is considered a visual improvement over the existing red and would visually enhance the site. At present, the red colour is quite intrusive and jarring against the stone building and traditional buildings, whilst the grey would be a recessive colour and allow the stone pillars and first floor to be viewed as a whole building. This is particularly significant as the frontage can be clearly viewed from the wide bridge across the river and from the eastern end of the high street.

The Town Council has not objected to the proposal. Furthermore, there is no objection from the Council's Conservation Officer who considers that the submission has demonstrated that it is for a modest alteration and that on balance, the works would have a negligible impact upon the character and appearance of the Conservation Area and nearby listed buildings.

As such, the development is considered to lead to a neutral impact upon the setting and significance of the nearby listed buildings due to the degree of separation between the site and those assets and a neutral impact upon the designated Chippenham Conservation area. Conditions can be appended to any grant of permission that the development is constructed in accordance with the submitted drawings and supporting documentation. The development is therefore considered acceptable and in accordance with policies CP57 and 58 and the guidance and provision of the Framework.

Impact upon Adjacent Neighbouring Occupiers.

The site comprises a large retail unit and an additional doorway along the frontage is not considered to result in detrimental or additional impact as to justify a reason for refusal in this instance. It is noted that no letters of representation were received in relation to the proposed development.

Other Considerations

The site lies wholly within Flood Zones 2 and 3 on the Environment Agency's Flood Map for Planning, which means it has a high probability of flooding. Paragraph 173 and footnote 59 of the NPPF require applications in these locations to be supported by a site-specific flood-risk assessment. The paragraph states that development should only be allowed in areas at risk of flooding, where in the light of the assessment, it can be demonstrated that, among other matters, the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

The application has not been supported by a Flood Risk Assessment. However, the submission does not propose any change of use to the retail unit and there are other doors with the same cill height within the existing frontage, and which are also within the flood risk area. No change of floor level is proposed for the additional entrance door, which is demonstrated on the submitted plans.

In this instance, a pragmatic approach should be taken. The additional doorway would not add to the useable retail space within the existing unit and the additional doorway is not considered to be a contributor to additional flooding on the site or within the vicinity of the site. The building is already in existence with ground floor openings and the ground floor of the building is not for human habitation. A condition that the doorway and flooring is set no lower than existing is considered appropriate and can be appended to any grant of permission.

Subject to the use of a suitably worded condition, it is considered that the proposed development accords with Core Policy 67 of the WCSS and paragraph 173 of the NPPF.

Conclusion
It is considered that the proposed development would lead to a neutral impact on the nearby Grade II Listed Buildings and the setting and significance of the designated Chippenham Conservation Area. In accordance with the advice contained in the NPPF, this harm can be qualified as neutral. Paragraph 195 states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The principle of the aforementioned development in this location has already been accepted and the visual changes are considered acceptable, when taking into consideration the location of the site, its existing use and the criterion of both National and Locally adopted policies. As such, the proposal is considered to accord with Core Policies 2, 57 and 58 of the Wiltshire Core Strategy and the guidance and provision as contained within the Framework. It is therefore recommended that the application be approved subject to relevant conditions.

Conditions: (4)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

PR0119-P 100. Location and Block Plan. Received on 21 December 2023
PR0119-P 101. Existing Site Plan. Received on 21 December 2023
PR0119-P 102. Proposed Site Plan. Received on 21 December 2023
PR0119-P 105. Existing and Proposed Part Ground Floor Plan. Received on 21 December 2023
PR0119-P 201. Existing and Proposed Elevations. Received on 21 December 2023

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 Notwithstanding the details shown on the submitted plan, ref: PR0119-P 201, the new access door hereby approved shall be no lower than existing and all finished floor levels shall be at equal height or higher than existing.

REASON: In order that the development is undertaken in an acceptable manner in the interests of flood prevention.

Informatives: (4)

5 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

6 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.

7 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.

8 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.