

PLANNING STATEMENT

**APPLICATION FOR PRIOR APPROVAL FOR THE CHANGE OF
USE OF FIRST FLOOR FROM CLASS E TO RESIDENTIAL USE, AT:**



2 MARKET PLACE, CHIPPENHAM, WILTSHIRE SN15 3HE

**SCHEDULE 2, PART 3, CLASS MA OF THE GENERAL PERMITTED
DEVELOPMENT ORDER**

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

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1. INTRODUCTION

- 1.1 RAW Planning Ltd are instructed by MP2 Developments Ltd (the “Applicant”) to prepare a Planning Statement to support an application to ascertain whether the Prior Approval of the Local Planning Authority (LPA) is required for the proposed change of use of a commercial building to a residential use at 2 Market Place, Chippenham SN15 3HD (the “Application Site”) in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (the “GPDO”).
- 1.2 The building is unlisted, and positioned within the Chippenham town centre Conservation Area. It was historically occupied by HSBC bank until their lease expired in August 2023 and they vacated the premises. Many high street banks are not renewing leases where the branches are no longer commercially viable due to declining footfall.
- 1.3 On 26th November 2025, Class MA consent (PL/2025/06982) was granted for the change of use of the second and third floors into residential use comprising 4no. residential units.. The ground floor remains in extant Class E use.
- 1.4 The extant Class MA decision notice confirms that prior approval was only required in relation to the impact of noise from commercial premises to the intended occupiers of the development, and that prior approval was given. As such, it is submitted that the other three technical matters (contamination, highways and flooding) do not require prior approval.
- 1.5 This application seeks to change the use of the first floor within the Class E building to residential use comprising 2no. apartments.

2. REQUEST FOR PRIOR APPROVAL

- 2.1 Class MA of Schedule 2, Part 3 of the GPDO allows for development consisting of the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
- 2.2 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 introduced Class E which includes retail and offices amongst other town centre uses.
- 2.3 **Paragraph MA.1** of Part 3 of the Schedule 2 of the GPDO sets out the circumstances under which Class MA development is not permitted. The following paragraphs seek to demonstrate that the proposed development is permitted development, by addressing the circumstances set out in paragraph MA.1 using corresponding paragraph referencing (a-g):
- (a) The unit has been vacant since 15th August 2023 and has therefore been vacant for more than 3 months immediately prior to the date of this application.
 - (b) The unit was originally occupied by HSBC bank who had occupied the unit until their lease expired and they vacated in August 2023. The building was therefore occupied for a continuous period of at least 2 years prior to the date of this application by a use specified in sub-paragraph (2) of Paragraph MA.1 (i.e. Class A1 (shops).
 - (c) The unit subject of this application extends to 100.7 sq. m in floor area. Even with the previously approved Class MA PD at the second and third floors, the total floor area for change of use falls well beneath the maximum cumulative floorspace of 1,500 sq. m allowed for change of use under Class MA.
 - (d) The unit is not located within the curtilage of a site of special scientific interest, a listed building, a scheduled monument, a safety hazard area or a military explosives storage area.
 - (e) The unit is not located within an AONB, an area specified by the Secretary of State for the purposes of Section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site.
 - (f) The unit is not occupied under an agricultural tenancy.

2.4 Paragraph MA.2 of Part 3 of Schedule 2 of the GPDO states that:

“Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

- (a) Transport impacts of the development, particularly to ensure safe site access;*
- (b) Contamination risks in relation to the building;*
- (c) Flooding risks in relation to the building;*
- (d) Impacts of noise from commercial premises on the intended occupiers of the development;*
- (e) Where –*
 - (i) the building is located in a conservation area; and*
 - (ii) the development involves a change of use of the whole or part of the ground floor*
- (f) The provision of adequate natural light in all habitable rooms of the dwellinghouses;*
- (g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses*
- (h) Where the development involves the loss of services provided by –*
 - (i) a registered nursery, or*
 - (ii) a health centre maintained under Section 2 or 3 of the National Health Service Act 2006*

The impact on the local provision of the type of services lost
- (i) Where the development meets the fire risk condition, the fire safety impacts of the intended occupants of the building”.*

2.5 The following paragraphs deal with each of the matters for which prior approval may be sought.

(a) Transport Impacts of the Development, Particularly to Ensure Safe Access

2.6 Prior approval was granted for the change of use of the second and third floors from Class E to residential use on 26th November 2025 (ref: PL/2025/06982). No highway objection was raised to this application due to the building’s town centre location where and number of services and facilities are available. The highway officer commented as follows:

“Given the central location and the largely car free conversions already approved in the centre of Chippenham it is not thought appropriate to object on lack of parking.”

- 2.7 It is considered that the parking provision to the rear is best suited to being reserved for continued use by the retained commercial unit, as this will provide the best possible chance for the unit to appeal to a wider range of prospective tenants and be let, enabling the commercial element to be brought back in to use. The reduction in the size of the commercial unit will likely result in less vehicle traffic to the site then when the building was occupied by HSBC staff.
- 2.8 Parking for employees at their place of work is extremely limited within the town centre and employees need to travel in versa the residents who are already conveniently located within the town centre and having direct access to other sustainable modes of transport. Furthermore, there is a cycle store included within the scheme which would encourage sustainable transport modes.
- 2.9 There are a number of services and facilities within walking distance from the application site within the town centre. Chippenham railway station is located approximately 0.5 miles north of the application site, and the bus station is 0.2 miles away. Chippenham railway station has direct links with Bath, Bristol and the west country; and Reading and London to the east. As such, both of these sustainable modes of transport are within a 10 minute walk. Furthermore, the site is positioned next to a Council controlled car park which would provide access to parking facilities if required.
- 2.10 The proposed change of use would not therefore result in any adverse transport or highway impacts.

(b) Contamination Risks in Relation to the Building

- 2.11 The application building comprises a vacant bank. There are no known contamination risks in relation to the building which already has permission to be in residential use at the second and third floors.

(c) Flooding Risks in Relation to the Building

- 2.12 The application building is located in Flood Zone 1 which has the lowest probability of flooding. In Flood Zone 1, the principle of residential development is acceptable.

(d) Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

- 2.13 As mentioned, the application building already benefits from prior approval for 4no. residential flats at the second and third floors, demonstrating that residential uses together with the Class E unit on the ground floor can operate alongside each other. In fact, it is a common feature of the High Street for residential properties to be located above town centre premises.

2.14 The change of use of the first floor to 2no. residential flats would not therefore be adversely affected by the retention of the ground floor as a Class E use.

2.15 The application is accompanied by a Noise Impact Assessment undertaken by Acoustic Consultants Limit reference:11496/JLY, to assess the noise impact of commercial premises upon the proposed flats. The report concluded that, subject to providing mitigation, as summarised below, noise levels can be brought to inside acceptable levels so not be detrimental to the amenity of the occupants.

It was recommended that:

- *the existing windows of traditional single-glazed sash window construction are replaced with double glazed window units where feasible.*

OR

- *Where the existing windows are protected by heritage constraints, a secondary pane could instead be installed internally, as these secondary glazing constructions typically provide a performance well in excess of the minimum set out in this report (see Section 6.4).*

With either of the recommended window constructions above, the predicted internal noise levels due to external noise are within the assessment criteria.

2.16 In regards to the construction method for noise separation between the retained commercial space on the ground floor and the flats at first floor level above, the Noise Impact Statement suggests the following mitigation method for first floor construction/upgrading

- *Floating floor within the dwellings above to comprise:*
 - o *18-millimetre tongue & groove flooring board (minimum mass 12 kg/m²).*
 - o *Minimum 70-millimetre timber battens.*
 - o *60-millimetre mineral wool between battens (33 kg/m³).*
- *Plywood deck or similar to provide minimum mass 10 kg/m²*
- *253-millimetre posi-joists with 100-millimetre mineral wool insulation (33 kg/m³) in the cavity.*
- *Two layers of staggered and sealed 12.5-millimetre plasterboard (minimum mass 16 kg/m²) fixed to the joists above with resilient bars.*

2.17 It is important to note that the floor separation method is a suggested approach only to confirm mitigation can be achieved in planning terms to satisfy MA.2 (d) of Part 3 of Schedule 2 of the GPDO and is not intended to be interpreted that this is the only construction method available to achieve appropriate acoustic upgrading.

2.18 Impact from noise between the commercial space on the ground floor and the flats at first floor level is to be mitigated via acoustic insulation and construction methods in accordance with Building Regulations Part E Resistance To Sound, as part of Building Controls assessment for certification.2.17.

2.19 Building Control are the authority in this regard and satisfying acoustic compliance will require an acoustic test being conducted which needs to and a pass certificate issued to confirm appropriate mitigation has been achieved between the floors. A copy of this certificate can be provided to the LPA to satisfy this condition (d) if required, however caution should be taken by the LPA with applying any condition linked to occupation in relation to this. By design, via Building Control compliance, occupation is not permitted until such time Building Control have completed their compliance checks, which include the signing off the acoustic compliance between the new residential floor and the commercial space.

2.20 The following condition wording is proposed to address this matter if it is considered that prior approval for the noise impacts is required:

The floor shall be upgraded so as to provide adequate resistance to the transmission of noise from the retained commercial premises to the residential accommodation, in accordance with the requirements of Part E (Resistance to the Passage of Sound) of the Building Regulations (or any successor regulation).

Compliance shall be demonstrated through submission to the Local Planning Authority of a copy of the relevant acoustic compliance certificate confirming that the approved works meets the required acoustic performance standards.

Reason: To ensure that the intended occupiers of the residential units are adequately protected from noise arising from commercial premises, in accordance with paragraph MA.2(d) of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015.

(e) The Impact of the Change of Use on the Character or Sustainability of a Conservation Area

2.21 The unit is located within a Conservation Area. However, as there is no change of use proposed to the ground floor, this criterion is not relevant but included for completeness.

(f) The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses

2.22 As part of the application, a Proposed Floor Plan is submitted along with an Internal Natural Light Report for the first floor. The front elevation windows which allow light into the lounge for Apartment 5, and the lounge and bedroom for Apartment 6 are, as seen in the image overleaf.



Image: Existing First Floor

- 2.23 The accompanying Report considers a total of 5no. habitable rooms within the 2no. proposed apartments using the BRE methodology set out in the good practice guide. The results demonstrate that all of the habitable rooms either achieve or exceed the BRE daylight targets. Both apartments include at least one habitable room capable of achieving 1.5 hours of sunlight on 21st March.
- 2.24 The report concludes, using the existing windows (including security bars to the rear elevation), that the proposed apartments comfortably satisfy the BRE guidelines and will benefit from good levels of natural light.

(g) The Impact on Intended Occupiers of the Development of the Introduction of Residential Use in an Area the Authority Considers to be Important for General or Heavy Industry, Waste Management, Storage and Distribution, or a Mix of Such Uses

- 2.25 The application unit forms a former bank and approved residential building within a town centre location. The site is not occupied by or in close proximity to any general or heavy industry, waste management or storage and distribution and as such the proposed change of use would not be impacted by such uses. Furthermore, the principle of residential use is deemed acceptable in this location by virtue of the extant prior approval.

(h) Where the Development Involves the Loss of Services Provided by a Registered Nursery or a Health Centre

- 2.26 The application unit would not result in the loss of a Registered Nursery or a Health Centre.

(i) Where the Development meets the Fire Risk Condition, the Fire Safety Impacts on the Intended Occupants of the Building

- 2.27 The proposed change of use is not considered likely to result in any additional fire safety impacts for the future occupants of the building.

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3. SUMMARY AND CONCLUSION

- 3.1 Overall, it is considered that the unit proposed for change of use under Class MA of Schedule 2, Part 3 of the GPDO comfortably meets the qualifying criteria and would not create any highways, contamination, flooding or noise issues for which Wiltshire Council should be concerned and it has been demonstrated that the 2no. proposed flats would have adequate natural light.
- 3.2 It is therefore considered that Prior Approval is either not required or that Prior Approval should be approved subject to the details submitted as part of this application.

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