

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01086
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Unit 27, Borough Parade, Chippenham, SN15 3WL
DEVELOPMENT DESCRIPTION:	Proposed alterations including location of new mechanical system for kitchen extracting ductwork to the side of the building and fresh air system to the side of the building via weather louvre grills.
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The site is formed of an existing commercial unit within the central pedestrianised retail area of Borough Parade, which has ancillary / commercial uses at first floor level above the ground floor retail units. Unit 27, which is understood to have been vacant for a period of more than 2 years, is located at the end of the terrace of retail frontage and is bordered to the south-east by no.29 which is currently occupied by Waterstones; between the two retail frontages is doorway access to a private gym, which opens out to the rear behind a corridor access, wrapping around the application site. At first floor level is storage space which is understood to be partly vacant; access to that level is via a locked access to the rear. To the north-east is a small commercial / office space (which is used as management space for the retail units), beyond which is vehicular access to the servicing areas of the retail units, with a connecting roof link to the Wetherspoons public house on the opposite side of the vehicular opening.

The site is within the designated Chippenham Conservation Area and although there are listed buildings within the central area, there are none within close proximity of the site, the nearest ones being: 2 & 3 High Street (50m); New Town Hall / Neeld Hall (65m) and Avon Bridge House (65m, opposite side of the river). The site is located within flood zone 2.

PROPOSAL

The proposal seeks permission for the introduction of a mechanical system for extracting ductwork, which is proposed to be attached to the side of the building at ground floor level and project up to just below ridge height, as well as louvre grills surrounding the extraction vent at ground floor level to allow for air circulation. This application does not propose any formal change of use (and is considered further in this report below).

During the course of determination, a revised Certificate B was provided by the Applicant, confirming that all owners were suitably notified of the application.

PLANNING HISTORY

The site has been subject to the following planning applications previously (further applications for advertisement consent have been submitted relating to the Parade more generally, as well as Discharge of Condition applications):

Proposal / Summary
N/96/01305/FUL – REFURBISHMENT OF SHOP UNIT – Approved – 04/09/1996
N/95/00319/FUL - RETAIL AND COMMUNITY DEVELOPMENT – Approved – 24/04/1995
N/92/01262/FUL – RETAIL AND COMMUNITY DEVELOPMENT RETAIL – Approved – 12/11/1992

Of these, N/95/00319/FUL is of most relevance, this granted permission for: 'Retail and Community Development' and was not subject to any specific use class restriction.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Statutory Legislation:

- Town & Country Planning Act 1990

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 10 Spatial Strategy for the Chippenham Community Area;
- Core Policy 38: Retail and Leisure
- Core Policy 55 Air Quality;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;

Draft Wiltshire Local Plan Policies

The examination of the emerging Wiltshire Local Plan has been paused and the weight to be afforded to any part of the emerging plan can be no more than very limited. A decision on how to proceed will be made by the Council in May 2026.

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

- NE18: Noise and Pollution

Neighbourhood Plan:

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

- Policy SCC1 – Net Zero Carbon Development
- Policy SCC2 – Sustainable Design and Construction
- Policy TC4 – Development within Chippenham Conservation Area
- Policy TC6 – Design of Shopfronts and Advertisements

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Air Quality SPD (July 2023)

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) and would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether there will be any land contamination / air quality issues (CP 55)

CONSULTATION RESPONSES

WC Public Protection: No objection, subject to Conditions relating to noise and odour.

WC Estates Team: No objection.

Chippenham Town Council: No objection, subject to detailing / colour to match the surrounding gutters and drains.

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;
- A site notice displayed near the site;

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.

1no. representation was received in response to the application, this seeking to ensure that odour pollution is fully considered, in the context of the adjoining gym facility.

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, of which Chippenham is one.

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.

The introductory text to Core Policy 38: Retail and Leisure states that: *“The Core Strategy seeks to enhance the vitality and viability of the town centres in Wiltshire through policies promoting the regeneration of central areas...”*

Assessment and Conclusion

In that the proposal seeks to support a new and active user for a site within the central retail area of this principal settlement, the application is supported in principle by Core Policies 1, 2 and 38 (WCS).

Design and Impact on the Character and Appearance of the Area, including impact on Designated Heritage Assets

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.

Policy TC4 of the CNP relates to ‘Development within Chippenham Conservation Area’ and seeks to protect the character of this designated area. Policy TC6 is also of some relevance, seeking to ensure appropriate quality in the design of shopfronts.

Section 12 of the NPPF emphasises design that is:

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

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. In particular:

Paragraph 208 requires LPAs should “avoid or minimise any conflict” between the heritage asset’s conservation (which includes achieving its optimum viable use) and any aspect of a proposal.

Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable new

uses and of new development making a positive contribution to local character and distinctiveness.

Paragraphs 212 requires “*great weight*” to be given to an asset’s conservation “*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 213 advises that harm to the significance of a designated heritage asset should require “*clear and convincing justification*”.

Paragraphs 213-215(214-216) require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 220 advises that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm or less than substantial harm as appropriate.

The Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council’s Core Strategy Policy CP58 ‘Ensuring the conservation of the historic environment’ requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council’s Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to “demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

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 the Chippenham Conservation and is in a relatively prominent location within the retail parade – particularly when approached from the river, as shown on the photograph below, which is set alongside an extract from the proposed front elevation drawing:

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.

These policies guide the assessment of amenity impacts, which will be considered in detail under the below headings.

Loss of light / overshadowing / overbearing impact / overall sense of enclosure

There are no overlooking or loss of privacy arising, and the loss of light / overshadowing impacts are not considered to be of such magnitude as to warrant a reason for refusal. In terms of overbearing impact and sense of enclosure, whilst the flue will be visible from the first floor window of the adjacent building, that view is already relatively restricted by the existing building, and the flue is set back from the frame of the window. As such, although the flue will be clearly visible from that opening, the impact is not considered to be to an extent which would lead to conflict with Core Policy 57 (WCS) in these regards.

Noise

The application is supported by a Noise Impact Assessment and the Public Protection Officer has been consulted on the application. Their response confirms that the submitted details are acceptable in terms of noise levels, but have recommended that the specifications are suitably conditioned to ensure the installed facility meets the details, and limits, set out in the submitted details.

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 and Conclusion

The site is not located within an AQMA and the odour generated would not be incongruous for a town centre location. Mindful of the adjacent gym use (and as highlighted by third party representations), it is noted that the Unit is entirely sealed from that immediately adjacent

occupier and the Public Protection Officer has confirmed that the flue and proposed extraction would be sufficient and appropriate, and with the flue rising to sufficient height, to minimise any impacts arising. A condition to ensure the system is installed in accordance with the approved details can be added to any permission, and this is considered suitable mitigation given the acceptability of the submitted details and impacts.

Based on the above, the application is not considered to give rise to any conflict with Core Policies 55 and 56 (WCS), and Saved Policy NE18 (WNLP).

Other Issues

As noted above, this application proposal does not include any change of use of the building, so would not of itself permit any activities or uses which fall outside of the lawful Use Class of the building, which is considered as being Planning Use Class E (its last active, lawful, use being retail, with no further restriction). An Informative can be added to any permission to this effect.

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 principle of development is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy (WCS) and the Chippenham Neighbourhood Plan (CNP).

The proposal is broadly compliant with relevant local and national planning policies in respect of design, scale and appearance, in particular CP57 (WCS) and TC4 (CNP), subject to the recommended conditions and any necessary mitigation measures. The amenity impacts of noise and odour have been suitably mitigated through the use of appropriate conditions and the Public Protection Officer has not raised any objection, subject to these conditions being attached to any permission. As such there is no conflict arising with CP55 and CP56 (WCS) and Saved Policy NE18 (NWLP).

The proposal does lead to some minor – ‘less than substantial’ heritage harm arising, which does lead to some conflict with CP58 (WCS) and TC4 (CNP). In the context of paragraph 215 of the NPPF, this heritage harm is balanced against the public benefit of enabling and facilitating this vacant retail unit to come back into active use, thus delivering public benefit to the central area of the town, which weighs positively in the overall planning balance.

Accordingly, the proposal is considered acceptable in planning terms and in accordance with the Wiltshire Core Strategy, the National Planning Policy Framework, and all other relevant material considerations.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions

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:

- 01 – Location Plan and Site Plan
 - 02 – Existing Ground Floor and Roof Plan
 - 03 – Existing Front and Side Elevations
 - 04 – Proposed HVAC Ground Floor & Roof Plan
 - 05 – Proposed HVAC Section A-A & Floor Plan
 - 06 - Proposed Side Elevation
 - 07 – Proposed Front Elevation
 - AV Mounts Specifications
 - Isolators HES 3 Specifications
 - G4 Prefilter Specifications
 - Electrostatic Air Cleaner ESP 5000B Specifications
 - Air Clean Carbon Filter Specifications
 - Installation Report
 - Kitchen Extract Fan GBW 560 Specifications
 - R02 Rectangular Silencers Specifications
 - Fresh Air Fan - Ruck 315 Specifications
- (received 16/02/2026 unless otherwise specified)

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

3. The installed flue / ductwork shall be powder coated and/or painted in matt black, such as to match the existing gutters/drains within Borough Parade.

REASON: In order to comply with Chippenham Neighbourhood Plan Policy TC4 and in the interests of visual amenity and mitigating harm to the designated Chippenham Conservation Area.

4. The development shall be carried out, installed and fully equipped in accordance with the specification set out in the Noise Impact Assessment (DAA Group, dated 6th February 2026 Issue 01), including the implementation of the mitigation measures set out at sections 5.5 and 6.0 of that report.

A Post-completion Report detailing and photographic evidence of the mitigation measures, including installation of the attenuators and noise vibration pads and the sound insulation scheme having been satisfactorily implemented, shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of the building.

The sound insulation measures shall be retained and suitably maintained thereafter for the lifetime of the development.

REASON: To ensure a satisfactory standard of living environment for incoming occupiers.

5. The equipment and flue, including the odour filtration system and filters, shall be installed in full accordance with the Odour Control Assessment (Fan Rescue Ltd, OD657710, dated 09/02/2026). The development will be carried out fully in accordance with the kitchen extraction, kitchen fresh air and high-level odour control system.

REASON: To ensure a satisfactory standard of living environment for incoming occupiers.

6. Should the extract flue become unnecessary or not required at any future point, within 3 months following that date it shall be removed in entirety and the building returned to its original state and condition, with materials and finishes to match those of existing undisturbed surrounding areas.

REASON: In the interests of preserving the character and appearance of the designated conservation area.

INFORMATIVES

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 is advised that this permission authorises the proposed works only and does not relate to any change of use of the building. In particular, it should be noted that hot-food takeaway does not fall within any specific use class ('sui generis'), and as such would not fall within the lawful use.

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.