

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	23 April 2014		
Application Number	13/06672/FUL		
Site Address	56 New Road Chippenham SN15 1ES		
Proposal	Conversion of shop (A1) to Gym (D2) and erection of single storey extensions to side to create access and alterations to existing shop front		
Applicant	Mr T Gill		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Monkton	Unitary Member	Chris Caswell
Grid Ref	391848 173539		
Type of application	FULL		
Case Officer	Mandy Fyfe	01249 706638	Mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Northern Area Planning Committee because of a call-in by Cllr Caswell on the grounds of design, bulk, height and general appearance, environmental and highway impact grounds and loss of retail provision in an area where improved retail provision is much needed.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

The Town Council do not object but would prefer that a retail use is retained
There have been no letters received from any neighbours

2. Main Issues

The main issues in considering the application are:

- Principle of development Policies C3, HE1, HE4, R2 and CF2 of the adopted North Wiltshire Local Plan 2011 and Paragraphs 7,17, 19, 23, 56, 60, 61, 64, 65, 66, 128, 129, 131,132, 133, 134 and 137 of the National Planning Policy Framework 2012 and consideration of the National Planning Practice Guidance
- Loss of A1 retail space in Secondary Shopping area
- Loss of existing and replacement of shop front
- Erection of single storey extension and possible conflict with access to rear yard and 3No flats above
- Impact of scheme on adjacent heritage assets of listed building of 55 New Road, Grade II* railway viaduct and Chippenham Conservation Area
- Loss of amenity to flat units above as a result of noise transmission

3. Site Description

56 New Road is a C19 building constructed of natural rubble stonework and a slate tiled roof comprising of two units at ground floor: an estate agent occupying 56A and The Chippenham Bed & Mobility Centre for the rest of the ground floor as a A1 retail use. The majority of the shop unit away from main building is constructed of blockwork and there is an extensive area of flat roofs to the front and back of the former house element. To the north of the shop unit is a passageway just about wide enough for a vehicle to reverse down and a set of external stairs that lead up to 3No flat units on the first and second floors. Behind the shop unit is a small area that has been used as the rear access into the shop as well as some recent tipping. In addition to the external staircase, the occupiers of the flats have wheelie bin storage beneath the staircase.

To the north of the passageway which incidentally is not for the residents parking is a large blockwork wall of the side of the British Heart Foundation Charity shop and next door is the Brunei Public House. Both of these units have large single storey front extensions and are both Grade II listed. Beyond these two buildings is the Grade II* listed Western Arches of the Great Western Railway.

In addition to the whole area being within the Chippenham Conservation Area, this part of the town centre is also within the Secondary Retail Frontage area too.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/02772/FUL	Change of use from A1 to A2 use (56A)	Granted
07/02581/FUL	Convert apartment to 3No apartments and erection of external staircase	Granted

5. Proposal

The proposal is to change the use of an existing A1 use to a gym (D2) use of the ground floor of 56 New Road Chippenham which is currently being used for the sale of mobility equipment and beds. The proposal involves the conversion of the ground floor only by removing the central doorway and erecting a single storey extension in the passageway between No 56 and 55 New Road to create the new access for both the gym use and the entrance to the flats above which are reached by an external staircase. A second single storey extension is proposed towards the rear of the site to provide an enlarged ladies changing room area.

6. Consultations

Chippenham Town Council: No objection but Town Council would prefer this to remain as a retail unit.

Conservation Officer: This is a fine stone building (early C19) with a glazed shop front in the Chippenham Conservation Area and is in the setting of the grade II* railway viaduct. To the north of it is a pair of Grade II listed buildings (Nos 55 and 54). The proposal is to make alterations to the ground floor of the building to house a gym. The shop front will be altered by replacing the shop front with two fixed panes of glass onto the highway. An extension will also be constructed between the application building and No 55 to create a side access. Although the principle of a gym is supported, there is no need to make the external alterations and as such the alterations would detract from the special architectural and historic interest in this building as well as the adjacent heritage assets. Recommend refusal.

Highways: I note the lack of parking, but as stated there are public car parks and some on-street parking nearby. No highway objection be raised.

Environmental Health: *(original comments)* In principle I do not have an outright objection to this application. However the proposals will cause conflict in use between the three flats upon the upper floor and the commercial premises –Gym that is proposed on the ground floor. This use has a potential to create noise though; crashing of weights; music; screams from the users and has the potential to be open in late evenings and weekends. In order to prevent a loss of amenity to the flats through noise and to ensure protection of the business from unnecessary enforcement action, it will be necessary for the applicant to undertake a noise assessment. The noise assessment should be undertaken to determine the effectiveness of the sound insulation between the ground floor and the first floor. Wiltshire Council would expect the scheme to provide protection that achieves reasonable standards for both bedrooms and living rooms as defined by British Standard 8233:1999 Table 5 (i.e. Living rooms=reasonable=40dB and Bedrooms=35dB).

(Additional information following the non-submission of a noise assessment by applicant prior to determination): Following a conversation from the applicants planning consultant Mark Willis on Tuesday. Concerns were expressed that they were unable to undertake and provide a noise report whilst the ground floor was occupied by the current tenants.

The agent has agreed and understands why we require a noise report in order to specify the standard of works required to protect the flats from noise created by the Gym, although he was hoping that they could delay the work until after the property was vacated.

The Environmental Health Officer does not think this request is unreasonable and is happy for a condition to be placed upon the permission that stipulates that the premises has to undergo a noise survey and identify mitigation prior to the occupation of the new business proposed.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Planning Policy

Adopted and saved North Wiltshire Local Plan 2011

Policies: C3, HE1, NE18, HE4, R2 and CF2

National Planning Policy Framework 2012

Paragraphs: Paragraphs 7, 17, 19, 23, 56, 60, 61, 64, 65, 66, 69, 120, 128, 129, 131,132, 133, 134 and 137

National Planning Policy Guidance

8. Planning Considerations

- Principle of development
- Loss of A1 retail space in Secondary Shopping area and issues over new shop front
- Erection of single storey extensions and possible conflict with access to rear yard and 3No flats above
- Impact of scheme on adjacent heritage assets of listed building of 55 New Road, Grade II* railway viaduct and Chippenham Conservation Area
- Loss of amenity to flat units above as a result of noise transmission and highway grounds

Principle of development

56 New Road is sited on the west side of the road and is within the Chippenham Secondary Retail Area, as well as the Conservation Area and is adjacent to a Grade II listed building and within the setting of the Grade II* Western Railway Arches footway. The ground floor is currently used as the Bed & Mobility Centre and Michael Anthony's estate agents. The A1 use extends right to the back of the shop with the estate agent only taking up about a third of the shop floor.

Above this and set back from the flat roofed shop front is a stone building typical of the nineteenth century with a prominent bay window. To the north side of the building is a narrow vehicular access to the rear of the site that may have been used for unloading in the past which backs onto the Ivy Lane one way system separated by a blockwork wall. An external timber staircase leads up to a terrace and access to the 3No apartments in the original buildings first and second floors. The original building is constructed from coursed Bathstone which has been painted and rendered with a slate roof, whilst the flat roofed frontage of the application unit has a blockwork wall fronting onto the side access. At the front there is a central access into the shop, but it is significantly recessed into the shop floor with two glazed display areas fronting onto the footway. The estate agent's unit has a flush glazed shop front.

On the other side of the access way is one of a pair of Grade II listed buildings of 55 and 54 New Road that were houses built in late C18 or early C19 and occupied in 1847 by Rowland Brotherhood (who was IK Brunel's principle contractor for the Great Western Railway).

The proposal is to convert the ground floor of the A1 use to a gym (D2) as the owner considers that this is a more viable use than the bed shop. The floor area measures some 472m². To the side of the building is an accessway that is used for parking of vehicles as well as being the access to the 3No flats over. Internally there is currently an office, WC and storage around the back and side walls of the unit. There are also three steel pillars which will be retained.

Externally it is proposed to remove the existing shop front arrangement and replace with a wholly glazed front with two single vertical glazing bars dividing the shop front into three equal glazed panels would project forward from the existing sloped frontage and sit flush with the footway. To the side where the current access to the flats is; a small single storey extension would be erected with self-closing glazed doors to the front and back at the front of the unit flush with the altered shop front. The rear glazed doors would be for the users of the flats only.

Beyond this near the back of the site a second single storey extension would also be constructed to facilitate a large ladies changing area with a new access door. At the rear of the building a further extension is proposed to provide the enlarged area for the men's changing rooms.

It should be noted that the front facing extension would have pitched roof with a depth of roof slope the same as the existing fascia sign but the two other additions would have flat roofs slightly below that of the terrace belonging to the flats, so as not project above the flat roof.

The new additions would add a further 118m² in the form of 39m² for the front addition, 42.6m² for the ladies changing room addition and 36.3m² for the men's changing area. This would give an overall floor area of 590m².

It is therefore considered that the front facing extension with its proposed glazed double doors would present an attractive frontage onto New Road. The ridge height would be the same as the fascia depth and be read as extension to the shop front. The submitted additional plan of 6th February shows that the overall fascia would include that of the single storey extension too, so that it would be read as being part of the shop front.

Loss of A1 shop unit in Town Centre Secondary Frontage Area and issue of existing shop front

56 New Road is within the Town Centre Secondary Frontage Areas as set out under Policy R2 of the Local Plan. This states that proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (A1, D1 and D2) uses will be permitted within defined town centre secondary frontage areas in Chippenham subject to specific criteria that the uses do not (i) individually or cumulatively undermine the vitality or viability of the town centre; (ii) is consistent with the scale and function of the town centre and (iii) consideration is given to ensuring that the proposals do not eliminate separate access arrangements to the upper floors which could be used for residential, community or employment uses.

Paragraph 23 Chapter 2 of the National Planning Policy Framework 2012 deals with ensuring the vitality of town centres. To support this scheme, the Framework states that there should be 'a range of suitable sites to meet the scale and type of retail, leisure... etc development in town centres and these needs should be met in full and not compromised by limited site availability'.

It is not considered that there is a need to apply the sequential test for this use as the D2 leisure use is specified in the adopted and saved Local Plan policy R2. As for the other gym uses in the vicinity, there is a second very small gym/workout area located further down New Road but this has a limited floor area and is attached to a beauty salon. The nearest other gym off New Road is in Union Road and is a designated Ladies Only gym which leaves the Olympiad as the nearest communal use gym. It should also be noted that the first floor is to be retained as three flat units as existing.

It is noted that the applicant considers that the viability of the retail use is of concern due to the existing shop front arrangement, so a town-centre gym would be more financially viable as it will be served by public transport links and there are plenty of town centre car parks available too. Indeed over the last few years, there have been several sales at this premises which appear to confirm that the retail use is struggling to be a viable business here. It should also be acknowledged that it is Government Policy to note the changing roles of town centres following the economic downturn.

Nevertheless it is acknowledged that this part of the secondary retail frontage in New Road is dominated on the other side of New Road with A3/A4 users at ground floor with residential above. On this side of the road there is a pub and charity shop as well as estate agents next door. Moreover the change of use from A1 to D2 is acceptable under the adopted Local Plan and it is considered that users to the gym may also do other retail/food/leisure shopping before or after using the facility thus increasing footfall in this area. The scheme is therefore considered to comply with the policy.

One further point that is considered relevant here is that the existing A1 retail unit has an unusual shop front glazing arrangement, in that the entrance door is significantly set back from the frontage so that the areas either side are narrow and have limited display space clearly visible from the footway. It is only when one gets into the body of the shop that the merchandise is clearly visible to view and this factor has clear implications in the current retail environment, although it is acknowledged that a change in shop front design to a central flush or slightly inset door way would overcome this issue for the existing use.

Erection of single storey extensions and possible conflict with access to rear yard and 3No flats above

As can be seen from the plans, it is intended to erect three single storey extensions of which two would be in the existing side access and the third would be at the rear of the store. The one fronting the footway which would have double doors front and back would in addition to providing a pair of large double doors further down the side of the building for the gym itself, also provide a further pair of double doors in the rear wall for the pedestrian access only for the occupiers of the

flats. The fascia that is above the existing shop front would be extended to the access doors too. The agent considers that the current situation which although allows vehicles to park down the side also makes the entrance to the only access to the external staircase vulnerable too. He considers that the use of key code access double doors only would be safer. It is also noted that there is an extensive flat roof in front of the flats above the rear part of the shop unit that appears to be part of the access to the flats.

However there is the question of how the flat users would dispose of their rubbish as the current wheelie bins would appear to be wheeled down to the entrance of the side access when required but the new extension would prevent this as the bins would get in the way of users to the gym.

The agent has been asked to provide information on waste storage for both the flats and also the proposed gym use too.

It should also be noted that the second extension further beyond the staircase would effectively block any rear access for the flats to access Ivy Lane in the event of a fire as well as the users of the gym as the two new access doors would be through ladies and men's changing rooms. The submitted plan actually indicates that a means of escape onto Ivy Lane is indicated in writing, but it is not actually shown on the plan itself. The agent has been asked to submit a revised plan showing the position of the access onto Ivy Lane.

Policy C3 of the Local Plan requires that there is a need to ensure access into and within the site is safe and minimises risk from crime and is convenient and attractive to pedestrians, cyclists and people with disabilities.

It is acknowledged that the new access would minimise the risk from crime with the key-coded access to the rear of the front extension, but instead of two accesses as now – New Road and Ivy Lane, there would only be one that would need to involve accessing a building to get out onto New Road.

The design of the extensions is also a fundamental requirement of the National Framework too as set out in P 56, 60, 61 and 64 and although the new access may appear to be visually acceptable, it would need to be functionally acceptable too. The agent has been asked to provide information on the means of escape for the occupiers of the flats that is separate from the New Road entrance.

Impact of scheme on Chippenham Conservation Area

The property to the north of the passageway is a Grade II listed building currently housing the British Heart Foundation charity shop and the Brunel PH beyond. It would appear from the information submitted that the extensions are not intended to be physically attached to the side wall of the BHF shop. Nevertheless from a street scene point of view, the front single storey extension will give the appearance of a joined up appearance.

In terms of the Local Plan policy HE1, there is a requirement that all development needs to preserve or enhance the character or appearance of the area. So gaps between buildings are considered important where they provide attractive views. It is acknowledged that the single storey extensions would remove the gap between these buildings, but the existing view between them is usually filled with vehicles and the back blockwork wall fronting onto Ivy Lane. So although it is considered unfortunate in principle, the loss of view to the existing alleyway is not so detrimental as to be considered totally unacceptable. The Conservation Officer makes the point that although she does not object to the change of use to the gym, she is concerned that the scheme proposes to block up the high level windows and doors of the current building which is part of its character and detail, but these works could be undertaken anyway without permission as it is not a listed building. Taking all these points into consideration the view is taken that the scheme would preserve this part of the conservation area.

In terms of the Framework guidance, under Paragraph 138, it states that “not all elements of a Conservation Area would necessarily contribute to its significance”. Furthermore it is already acknowledged that the view from the passageway between No 56 and 55 is generally unattractive due to the parked cars and blockwork beyond, so the new extensions in themselves would not detract from the significance of the conservation area.

With regard to the proposed shop window arrangement which now includes 2No glazing bars instead of two as was originally proposed, the scheme need to be taken in the context of the estate agent's next door and the charity shop on the other side of the passageway. It is considered that would be in proportion with these shop fronts and as such would be considered to preserve the appearance of the overall shop front in terms of Policy HE1 and contribute to its significance in terms of the Paragraph 138 of the Framework.

Impact of scheme on adjacent heritage assets of listed building of 55 New Road, Grade II* railway viaduct

There are also in this case the concerns raised by the Conservation Officer in respect of the development on the significance of the heritage assets of 55 and 54 New Road. Under Policy HE4, permission would only be granted where a development which would affect its setting would have to preserve or enhance it. The Conservation Officer makes the point that the new extensions would affect the natural light ventilation into the listed buildings; however there do not appear to be any side windows facing onto the passageway from No 55. She also considers that there is no need for the extensions or to make the external alterations to the shop front either as they would detract from the special architectural and historic interest of this building as well as the adjacent heritage assets.

The Conservation Officer also considers that the development would be contrary to Paragraph 131 of the Framework as it would not sustain or enhance the significance of the heritage, are not necessary for the viable use of the asset or would it contribute to the economic viability of the area and nor would it make a positive contribution to the local character and distinctiveness.

Furthermore she also takes the view that the less than substantial harm that would be caused by connecting the building to No 55 – the heritage asset would not be outweighed by the public benefit of the proposal and it is not necessary to secure its optimal viable use as set out in Paragraph 134. It is also considered that by blocking the space between No 55 and 56 and removing or simplifying the opening in the ground floor, the development would remove some of the elements that make a positive contribution to the area and would be contrary to Paragraph 137 hence why the Conservation Officer has recommended refusal for the scheme. It was certainly agreed that the proposed two large sheet glass panels would have resulted in a negative contribution to the street scene, but this has been overcome with the use of two glazing bars.

It is acknowledged that there would be some impact on the adjoining listed building by joining up the two buildings. However the single storey extension is low key in terms of design due to a ridge height that would match the fascia in terms of depth. The new shop front would be in proportion to the rest of the building and be quite similar in design terms to the large glazed shop front of No 55 too.

Furthermore neither the proposed shop front nor the extension would project forward of the existing footway, so in terms of impact on the Grade II* Western Arches, the view would be similar to the existing views from both at footway level and from passengers.

The comments of the Conservation Officer have been considered in this report, but the view is taken that as this is not a listed building and the extensions would not affect the fabric of the fairly modern single storey extensions that have been added to both 55 and 54 to make them into large open plan units down stairs, that this scheme would result in substantial harm to the significance of these designated heritage assets.

Loss of amenity to flat units above as a result of noise transmission and highway grounds

The Environmental Health Officer was concerned about the transmission of sound to the residents of the three flats above as the new use of gym tends to result in increased noise from machines and clients in general. He requested a noise assessment be submitted prior to determination.

The agent did submit detail for upgrading the ceiling of the ground floor to aid with the airborne sound system of the construction that would use a FIBREfon MICRO 50 suspended ceiling system normally constructed 100mm depth to improve the airborne sound performance of the construction. However he also made the point that a sound test could not be carried out as the flats above are occupied and would have already been insulated to Part E of the Building Regulations, although this would need to be confirmed by Building Regulations. He went on further to advise that it is good practice to acoustically insulate the construction even though a sound test may not be required. There is also a suggestion to use DECKfon Ultralay 5mm to be bonded to the slab to minimise noise impact here too.

The Environmental Health Officer discussed this with the agent and it has now been agreed that subject to permission being granted, the applicant will submit a noise assessment and mitigation prior to commencement works, so this would be dealt with via a condition instead.

With regard to the relevant policy in the Local Plan – NE18 there is a requirement that development would only be permitted where it would not generate harm to public health by way of in this case noise from the new use. Whilst there is separate legislation under the Public Protection Acts that means that users of a unacceptably noisy premises can be closed down, the Council has to consider such noise uses as part of the Planning Acts too and allowing for such a use without any mitigation measures and noise limits would be clearly contrary to the Local Plan.

As for the Framework, there is a requirement under Paragraphs 61 and 120 that require good design and the need to prevent the unacceptable risks from pollution to ensure that new development is appropriate for its location.

Subject to the proposal being granted and subject to a condition requiring a noise assessment and any mitigation measures be satisfactory to the Environmental Health Officer, the scheme is considered acceptable.

Finally with regard to the issue of highway impact grounds; it should be noted that the three flats do not have any parking provision in the side accessway which suggests that the parking that takes place here is associated with the shop for deliveries or other unrelated users.

Highway Officer's have not raised any objections to the loss of parking in this accessway either as there is on-street and public parking available here. It is also considered that parked cars may have resulted in obstructions for the users of the flats and for their refuse/recycling too.

In terms of the relevant policy C3 of the Local Plan requires that there is sufficient parking where necessary but this is a town-centre site and there is sufficient elsewhere. As for the framework and planning guidance, Paragraph 69 states that there is a need to provide safe and accessible developments containing clear and legible pedestrian routes. The scheme is considered to achieve this.

9. Conclusion

This development is considered to be sensitive in both considering the heritage assets and the environmental health impacts, but it is within the Secondary Frontage Area for Chippenham Town Centre and as such the change of use from A1 to D2 is permissible as are the alterations to the shop front itself.

Having considered the heritage asset and environmental health issues with the permitted change of use as per the Local Plan policy, the scheme is considered on balance to be acceptable in this location and subject to the appropriate conditions.

10. Recommendation

Planning Permission be GRANTED subject to the following 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 & Country Planning Act 1990 as amended by the Planning & Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the formal noise assessment as required by the Environmental Health Officer email dated 06.02.2014 and mitigation measures (if any) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and decibel rating.

REASON: In order to prevent loss of amenity to the flats through the noise and to ensure the viability of the business from unnecessary enforcement action from Public Protection.

3. No development shall commence on site until details of the materials to be used for the external walls and roof have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of this part of the Conservation Area and adjacent Listed Buildings.

4. The following plans and documents were taken into account in the consideration of the application:

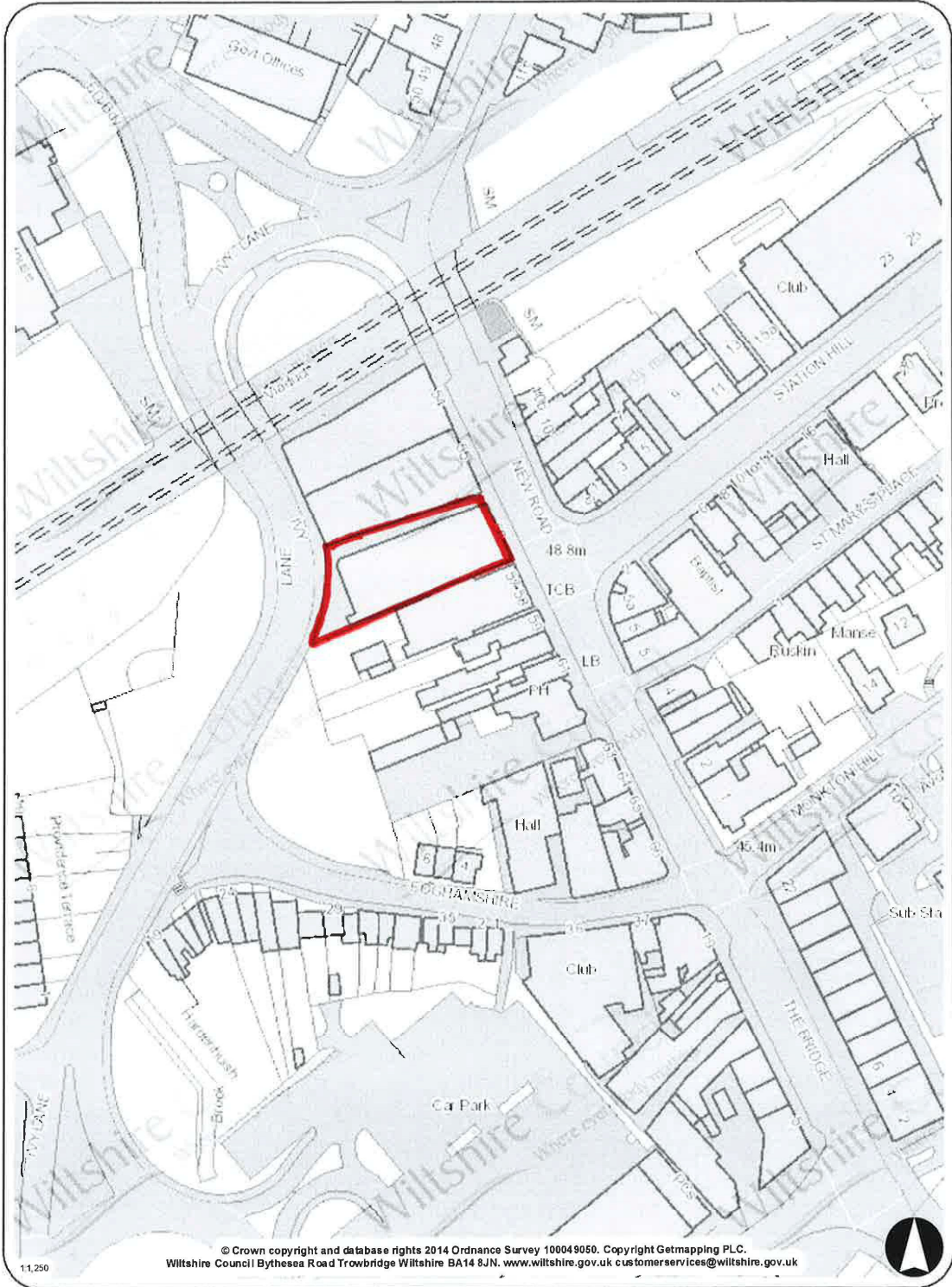
Dwg No: 2472/01 Various	Dated 06.12.2013
Dwg No: 2472/02A Plans and elevations as existing	13.12.2013
Part Superseded Dwg No: 2472/03A Plans & elevations as proposed	13.12.2013
Revised Dwg No: SK.01 New shop front with two glazing bars	06.02.2014
Additional Information on Ceiling Treatments	21.03.2014

INFORMATIVES TO THE APPLICANT:-

1. 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 of 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 it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 2006.

2. This permission does not permit the display of any advertisements which require consent under the Town



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