Item No 02:-

21/03309/FUL

Badgers Hall
High Street
Chipping Campden
Gloucestershire
GL55 6HB

#### Item No 02:-

## Change of use of ground floor from Tea Room to unrestricted C3 residential use at Badgers Hall High Street Chipping Campden Gloucestershire GL55 6HB

	Full Application 21/03309/FUL
Applicant:	Paul Owen and Karen Pinfold
Agent:	SF Planning Limited
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Gina Blomefield Councillor Tom Stowe
Committee Date:	10th August 2022
RECOMMENDATION:	PERMIT

#### I. Main Issues:

- (a) Principle of Development
- (b) Impact on Listed Building
- (c) Design and Impact on Chipping Campden Conservation Area
- (d) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (e) Impact on Residential Amenity
- (f) Highways Safety

## 2. Reasons for Referral:

- (I) <u>Vibrancy, Vitality and Viability of the Local Economy and Community</u>
- 2.1 Badgers Tea Room is an established business based on the High Street in Chipping Campden Town Centre and as a Tea Room is one of the "main town centre uses" as defined in the NPPF. Chipping Campden is allocated as a Key Centre in the Cotswold Local Plan.
- 2.2 The Cotswold Local Plan recognises the importance of promoting, enhancing and maintaining an appropriate mix of uses in a town centre and that proposals relating to main town centre uses should:-

'Help maintain an appropriate mix of uses in the Centre and Contribute to the quality, attractiveness and character of the settlement including the Centre'

- 2.3 This commercial unit is located in the very heart of the Town Centre in a prime retail position on Chipping Campden's famous High Street which is very popular with tourists. Its position, next to the Co-op, provides a link along the High Street to further shops to the east of the town; its loss would sever this connection and disrupt the flow between the shops along the high street.
- 2.4 It has in the recent past been a well-known and popular business and an attraction that draws customers into the Town Centre to meet and socialise.

- 2.5 It adds to the variety of shops and services concentrated in the Town Centre bringing benefits to other businesses in the town, visitors and the local community, improving the economy of the town and the wider district.
- 2.6 The business is providing a service and experience which cannot be delivered online or by competition elsewhere, so this business should have a viable future in the town centre, providing local employment opportunities, particularly for young people for years to come. These jobs within the town will be easily accessible by local residents by walking or cycling from any area in the town, preventing people having to look further afield for employment opportunities.
- 2.7 As well as its current use as a Tea Room, the premises would potentially be suited to a wide variety of retail uses.
- 2.8 A change to residential use for this property would cause serious harm to the vibrancy, vitality, attractiveness and character of the Town Centre which has recently lost both of its banks and has narrowly avoided the loss of its Post Office which is now situated off the High Street.
- 2.9 As the Town Centre continues its recovery from the Covid pandemic, it is vital that prime retail locations such as this remain to ensure room for growth for local businesses and the local economy.
- (2) <u>Lack of Evidence of Robust Marketing of the property and business as a going concern</u>
- 2.10 Local Plan Policy 9.8.6 states:-

"The LPA considers that a robust marketing exercise is the most transparent way of demonstrating that retail facilities are no longer viable. To demonstrate that the marketing activity is proportionate and effective it should be undertaken continually for at least a 12-month period. All details of marketing activity and enquiries should be provided to the LPA together with full reasons why any offers have not progressed"

- 2.11 The property has been marketed by local estate agents, firstly from June 2018-August 2020 and then from February 2021 to now, and has a current guide price of £1,150,000.
- 2.12 The property is not necessarily being actively marketed with the business as a going concern; the property does not show up on search engine searches for "retail property Chipping Campden" or "commercial property Chipping Campden".
- 2.13 On the current estate agents website, it is not until the individual property is actually selected, that there is any mention of its current use. At this point the property is described as "Business Premises or Family Home (subject to necessary planning consents)"
- 2.14 It should be noted that there are low vacancies for retail use units in Chipping Campden. As is evidenced in Council Priorities Report Jan 2022 March 2022 page 64. "Cirencester has a town vacancy rate of 11%. The smaller towns within the District have much lower vacancy rates and none of these are of concern at this time, although we need to be mindful of the pace of change on the high street". Quite a number of shops in Chipping

Campden have changed owner or tenant recently and there seems to be a steady demand for these.

- 2.15 As the property has been on the market for over 3 years, questions must be raised as to whether the guide price is realistic to attract potential buyers, the nature of the property market would suggest that the property has been over-valued which in a supply and demand market would explain the lack of commercial interest in the business premises.
- 2.16 Therefore, the business premises have not been actively marketed in a robust way, in order to prove that it is no longer of commercial interest all that has been proved is that the business is not of commercial interest when marketed at a price of £1,150,000, there will be a lower price point at which this business and premises would become desirable for commercial activity. Therefore, it cannot be demonstrated that the retail facilities are no longer viable for a future business use.
- 2.17 Furthermore, the business is currently only trading part time with very restricted hours, so the figures as a going concern will not reflect a true expectation of its profitability as a tearoom. Seeing the continuing expansion of busy coffee shops there does seem to be an insatiable appetite for this type of hospitality offering
- (3) Significance of a Listed Building
- 2.18 Cotswold Local Plan Policy EN10 states:-

"Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm"

2.19 The building is currently being used as a recreational/hospitality unit on the High Street in the Town Centre of Chipping Campden and is a significant heritage asset being put to a viable use. Its loss as a retail/hospitality unit is contrary to the Local Plan Policy EN10'

### 3. Site Description:

- 3.1 The application site consists of Badgers Hall, a mid-terrace building located along Chipping Campden High Street within the town's Development Boundary and within the Town Centre Boundary of the town which forms a Key Centre in the districts retail hierarchy. The property has previously operated as a café within the centre of the town. The property has a formal gabled stone frontage facing onto the High Street.
- 3.2 The property is a Grade II\* Listed Building and lies within the Chipping Campden Conservation Area. The property is also within the Cotswold Area of Outstanding Natural Beauty.

#### 4. Relevant Planning History:

- 4.1 12/05519/FUL Re-open door on rear elevation Permitted 20/02/2013;
- 4.2 96.00977 Change of use from ladies dress shop to Tea Room ground floor only Permitted 09/05/1996.

## 5. Planning Policies:

- ENIO HE: Designated Heritage Assets
- ENII HE: DHA Conservation Areas
- INF3 Sustainable Transport
- TNPPF The National Planning Policy Framework
- DSI Development Strategy
- DS2 Dev within Development Boundaries
- EC8 MainTown Centre Uses
- ENI Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB

#### 6. Observations of Consultees:

- 6.1 Historic England: No objection.
- 6.2 Cotswolds Tourism: Objection owing to loss of town's tourism offering.

#### 7. View of Town/Parish Council:

- 7.1 Chipping Campden Town Council: Object. "Chipping Campen Town Council object to this application for the following reasons:
- It is in the main retail area in the Town and will have an adverse economic impact on the other businesses in the High Street.
- It has only been marketed since August 2021 so they haven't met the 12 month continuous marketing condition."

### 8. Other Representations:

- 8.1 Six letters of objection have been received, raising concerns of:
- i. Harm to the vibrancy and long-term viability of the High Street;
- ii. Increase in high street rents through reduced commercial space;
- iii. Loss of town amenity;
- iv. Lack of sufficient evidence of marketing and property overpriced within marketing;
- v. Improvements in local economy post-Covid indicate demand for retail units;
- vi. Loss of significant heritage asset;
- vii. Lack of off-street parking;

## 9. Applicant's Supporting Information:

## 9.1 Not applicable

#### 10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose 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.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

#### **Background and Proposed Development**

10.4 The application proposes the change of use of the building from a Tea Room (Class E) to a single residential dwelling.

## (a) Principle of Development

- 10.5 The application site lies within the town of Chipping Campden, a principal settlement as set out within the Cotswold District Local Plan. The site lies within the town's development boundary and as such, Local Plan Policy DS2 is of relevance.
- 10.6 Policy DS2 states that within the development boundaries indicated on the policies maps, applications for development will be permissible in principle.
- 10.7 Local Plan Policy EC8 outlines the Retail Hierarchy for main town centre uses within principal settlements. The policy outlines that the loss of main town centre uses will be resisted. Where the loss of a main town centre uses is proposed, evidence must be submitted to demonstrate that the property has been continually, actively and effectively marketed for at least 12 months and that the use is no longer of commercial interest.
- 10.8 The site lies within the development boundary for Chipping Campden and as such, the proposal is in accordance with Local Plan Policy DS2. The development will result in the loss of a main town centre use, within the key centre of Chipping Campden. Marketing information has been submitted demonstrating that the site has been on the market for sale between February 2021 until present, with an initial eight viewings and a further two viewings since August 2021. It is noted that the property has only been marketed for sale as a single unit, with options of subdivision not having been explored. Further information has been submitted outlining that it is not practical for the ground floor to be subdivided and as such, the property can only be marketed as a single unit. The application also outlines that the property was marketed in 2018; however, no evidence of this has been submitted. It is therefore considered that the site has been continually, actively and effectively marketed for a period of at least 12 months and it has been demonstrated that the use of the site is no longer of commercial

interest. The principle of the development is therefore considered to be in accordance with Local Plan Policies EC8 and DS2 and is acceptable in this regard.

#### (b) Impact on Listed Building

- 10.9 The host dwelling is a Grade II Listed dwelling. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 (I) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.10 Cotswold District Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.
- 10.11 The submitted heritage report outlines that the local history society has established that the Badgers Hall premises was originally a farmhouse known as 'Home Farm'. Residential occupancy of the building has been evidenced between 1776 1959, with this being the original, historic use of the building. In 1959 the building changed use to accommodate retail space at ground floor, which was later changed to a Tea Room in 1996. Reverting the building back to residential use would not therefore, harm the historic character of the building, with the proposed use being in keeping with the original and historic occupation of the building.
- 10.12 The application does not propose any physical alterations to the existing building in order to accommodate the proposed change of use. As such, there will be no impact on the fabric of the listed building itself, and any harm would arise from impact to the Conservation Area through change of use (this issue is assessed in the following section of this report).
- 10.13 The proposed development would support the building being retained within a viable use, and will therefore contribute towards sustaining the significance of the heritage asset. Overall, it is considered that the proposed development will preserve the significance of the listed building and is acceptable in this regard.

## (c) Impact on the Chipping Campden Conservation Area

- 10.14 The site lies within the Chipping Campden Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.15 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.16 Local Plan Policy ENTI states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they preserve

and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features. Development in conservation areas will not result in loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the conservation area.

- 10.17 NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.
- 10.18 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.
- 10.19 The application site constitutes a prominent building within the street scene, incorporating characteristic front gables and traditional fenestration. The proposed development would not require any external alterations to the building and as such, would not result in any change to the street scene. Moreover, as noted previously, the building will preserve the significance of the listed building and thus, will also preserve its status within the conservation area. Whilst the change of use could result in some alterations to the character of the town, as the property was converted for commercial use in the latter half of the twentieth century, this would not be out of keeping with the historic character of the site or area, given its original occupancy as a dwelling. Overall, it is therefore considered that the proposed development will preserve the character of the Conservation Area.

#### (d) Impact on the Cotswolds Area of Outstanding Natural Beauty

- 10.20 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.
- 10.21 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.22 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.
- 10.23 The proposed development will be located within the built up centre of Chipping Campden and will not result in any external alteration or extension to the building. Subsequently, there will be no encroachment of urban built form into the open countryside. The development will therefore preserve the qualities of the AONB and is acceptable in this regard.

### (e) Impact on Residential Amenity

- 10.24 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.
- 10.25 The development will not result in any extension or additional windows and as such will not result in any additional overbearing impact, overshadowing or overlooking of neighbouring dwellings. The existing building is currently in residential use at first and second floor and the change of use of the ground floor will form a single residential dwelling. The development will utilise the modest rear courtyard associated with the existing residential use of the site. Whilst modest in scale, it is noted that the site is situated within a town centre location and thus, benefits from easy access to nearby amenities. The development is therefore considered to preserve the amenity of neighbouring dwellings and provide sufficient amenity provision to support the proposed dwelling.

### (f) Highways Safety

- 10.26 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.
- 10.27 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:
- (a) appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.28 No private off street parking is proposed as part of the development. Whilst the nature of the use will change, there is unlikely to be an increase in vehicular movements associated with the site, as there will be no increase in residential units as the first and second floors are currently within residential use. Moreover, the site lies within a sustainable town centre location, with amenities accessible by walking and by bus which can be accessed along the High Street. Subsequently, the proposed development will proposed sustainable transport modes and is therefore acceptable in this regard.

#### Other Matters

10.29 This application is CIL liable and there will be a CIL charge payable. Section 143 of the

Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

#### II. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

## 12. Proposed conditions:

1. The development shall be started within 3 years from the date of this decision notice.

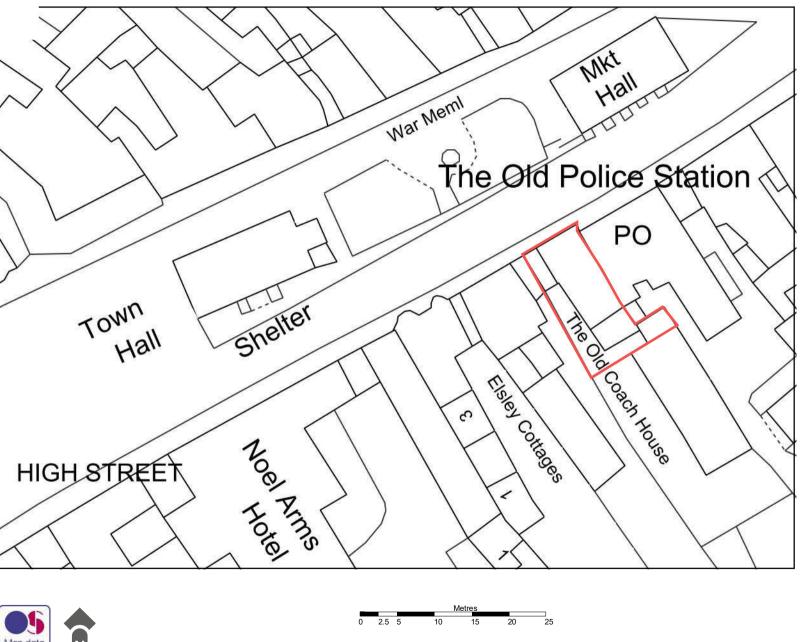
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Site Location Plan (Order No. 337649 Submitted 25/08/2021); Block Plan (Drawing No. S2710 - 1).

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

#### Informatives:

I. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at <a href="https://www.cotswold.gov.uk/CIL">www.cotswold.gov.uk/CIL</a>



Site Location Plan

Badgers Hall, Chipping Campden, GL55 6HB

#### Map Information

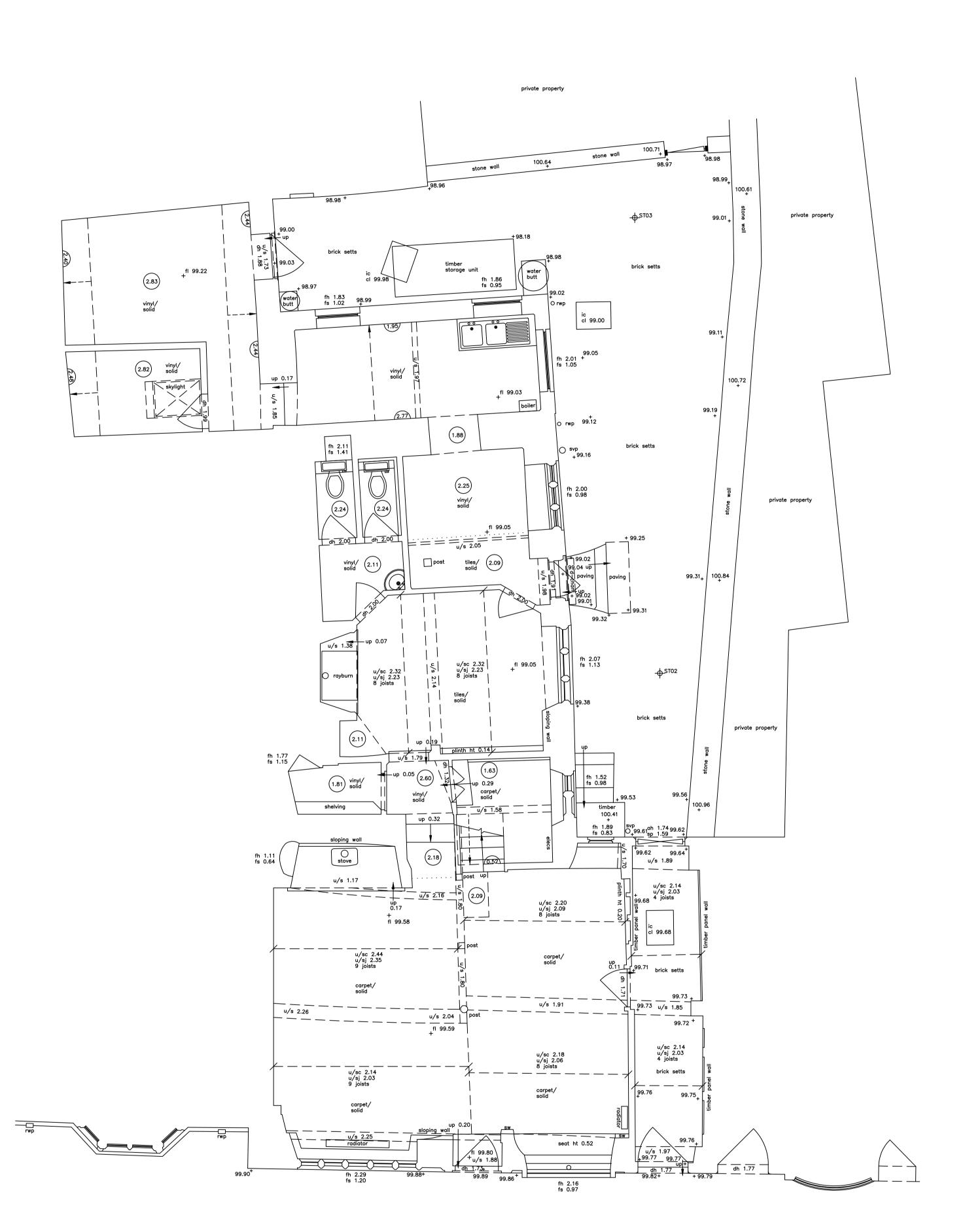
1:500 Scale: 18/08/2021 Date: Reference: 1902 Badgers Hall

Order No: 337649





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GROUND FLOOR PLAN & COURTYARD TOPO

**NOTES** 

GENERAL NOTES :-

ALL LEVELS ARE IN METRES RELATED TO AN ASSUMED DATUM LOCATED ON STATION ONE AS SHOWN. (value 100.00 m). THIS DRAWING HAS BEEN PRODUCED WITH A PLOT SCALE ACCURACY OF 1:50

BUILDING SURVEY KEY :-

# — pipe diameter

a/b — air brick

ab — alarm box

ah — arch head height

bd — back drop

bk — brick

conc — concrete

cr — cable riser

db — fuse box

dh — door height

dp — depth

e/mtr — electricity metre

elec — electricity

f/p — fire place

fh — floor to head height

fl — floor to sill height

g/mtr — gas metre

g/mtr — gas metre gr — gas riser hd — hand dryer htr — heater

hwt — hot water tank
ic — inspection cover
il — invert level
mh — manhole cover
OSBM — ordnance survey bench mark
q/tiles — quarry tiles
rad — radiator
rl — roof light
rwp — rain water pipe
sfc — soil filled chamber
sh — floor to sill height
sp — arch springing point height
sp — soil pipe
sw — sloping wall
sus.c — suspended ceiling
svp — soil vent pipe
t.rail — heated towel rail
TBM — temporary bench mark
tl — threshold level
toc — top of cap
top — top of pipe
tot — top of tank
u/s — underside height
UTL — unable to lift
vp — vent pipe
wf — water fountain
wfc — water fountain
wfc — water filled chamber
wp — waste pipe

SERVICES KEY :-

$\vdash$	strip light
$\boxtimes$ $\otimes$	light
	wall light
EML	emergency light
•	spot light
0	pull cord
V	vent/extractor
무 sw	switch
у; Ц	light switch
۲ ۲	fused switch
15 150	isolator switch
ᅩᇸᅮᆚᄱᅩᄰᅩᄰᅩᄝᅩᅮᅮᇎᆍᆍᅮ	cooker switch
Ý	fuse
R	blank socket
Ÿ	single socket
딲	double socket
□ cs	ceiling socket/fuse/switc

AK IN ACP alarm keypad intercom alarm control panel SPK speaker PROJ projector CCTV closed circuit tv network point heat detector fire alarm siren fire brakeglass fire sprinkler water fire extinguisher co2 fire extinguisher powder fire extinguisher

fire extinguisher

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SURVEY CONTROL :-STATION EASTINGS NORTHINGS LEVE 10000.000 5000.000 100.000 ST02 10000.000 5019.481 99.391 5028.570 98.986 ST03 9999.499

card access point (swipe vard)

INDICATIVE **NORTH** 

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Project BADGERS HALL TEA ROOM, HIGH STREET, CHIPPING CAMPDEN, GL55 6HB

Title GROUND FLOOR PLAN AND COURTYARD TOPOGRAPHICAL SURVEY Date NOVEMBER 2021 Revisions Scale 1:50@A1

Dwg No S2710 - 1 Surveyor PJS Checked MW

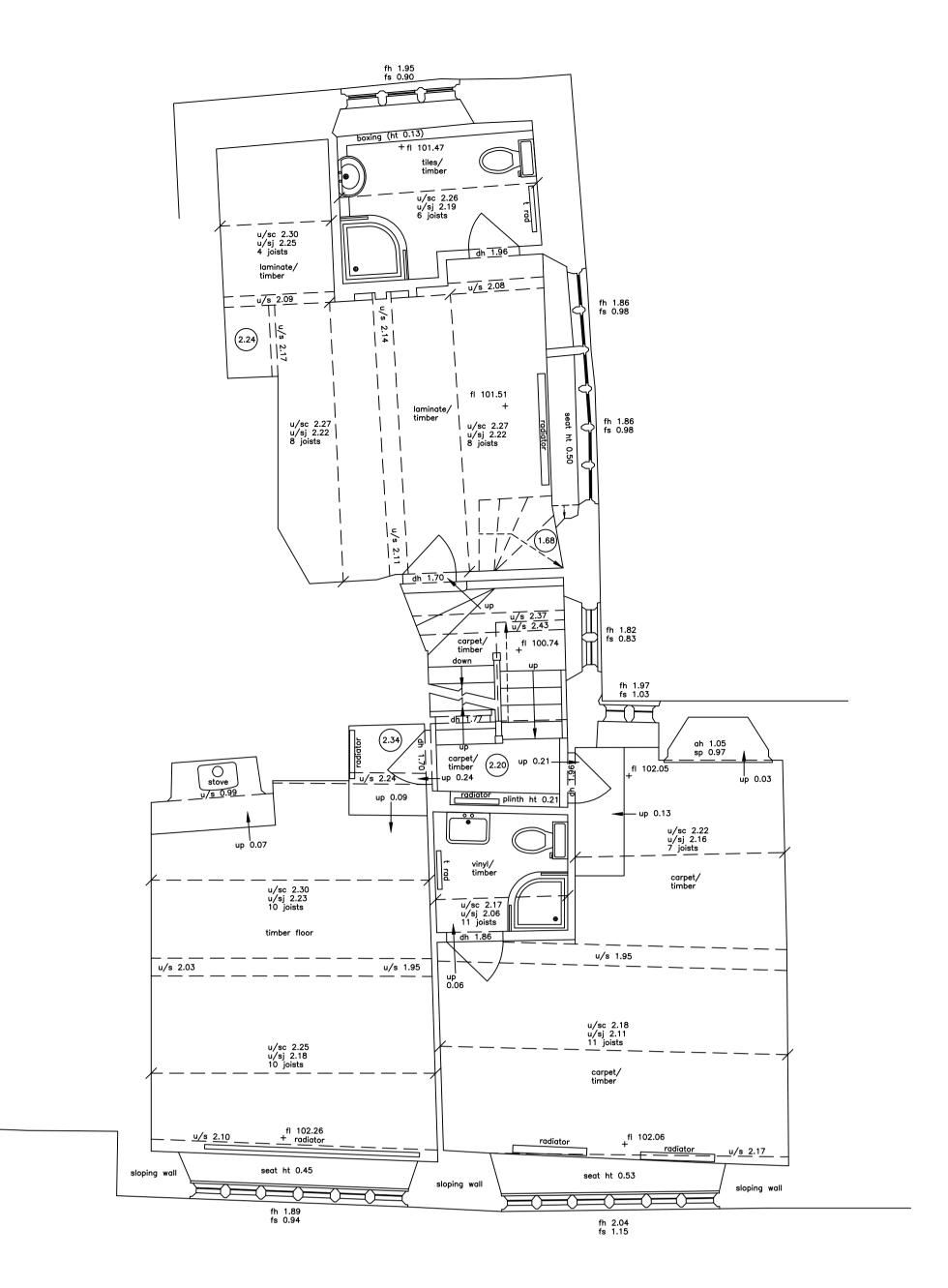
TOPOGRAPHICAL (LAND) SURVEYORS / UTILITY SURVEYORS BUILDING MEASUREMENT SURVEYORS / 3D LASER SCANNING

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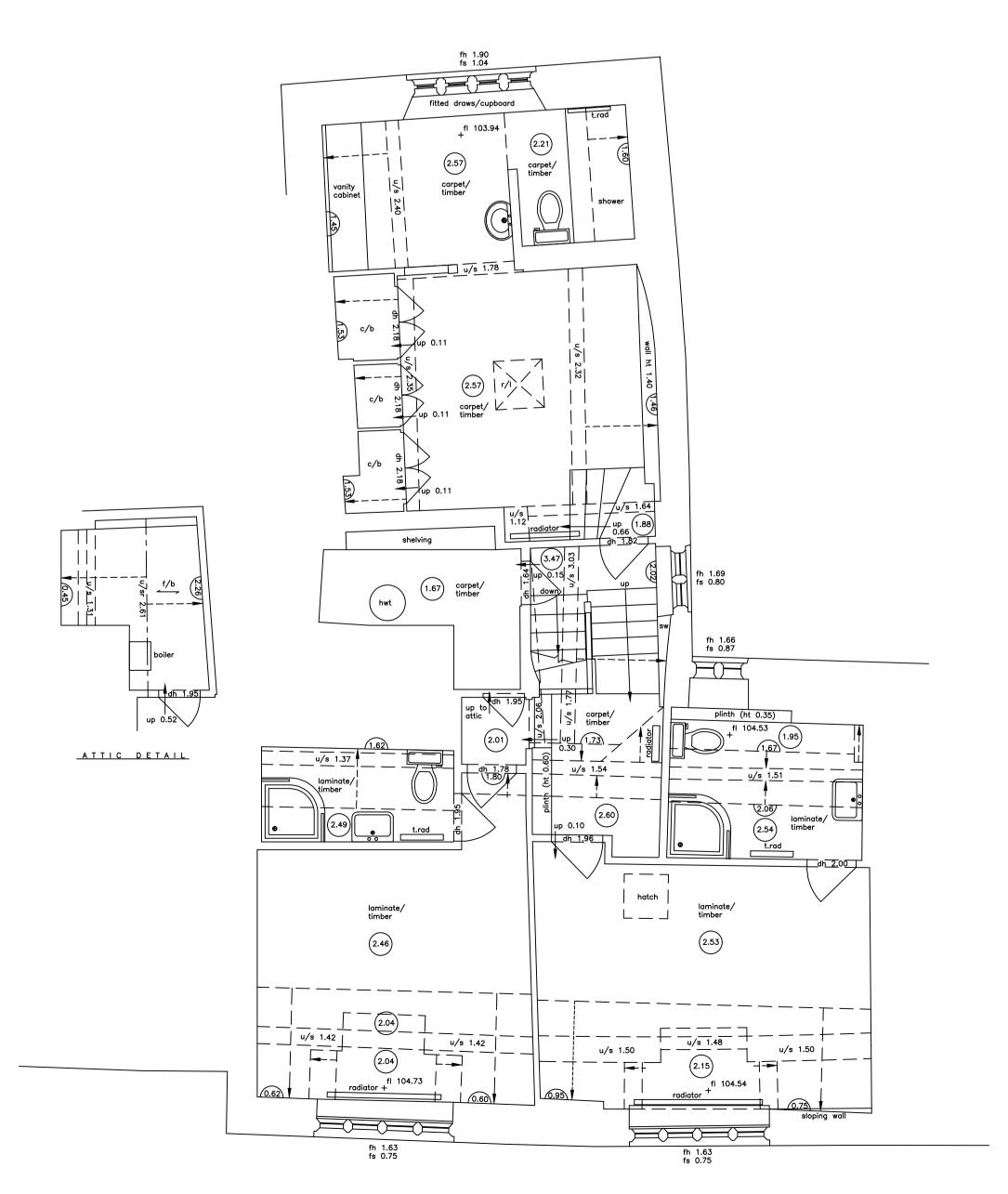








FIRST FLOOR PLAN



SECOND FLOOR PLAN

## **NOTES**

GENERAL NOTES :-

ALL LEVELS ARE IN METRES RELATED TO AN ASSUMED DATUM LOCATED ON STATION ONE AS SHOWN. (value 100.00m). THIS DRAWING HAS BEEN PRODUCED WITH A PLOT SCALE ACCURACY OF 1:50

## BUILDING SURVEY KEY :-

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UTL — unable to lift
vp — vent pipe
wf — water fountain
wfc — water filled chamber
wp — waste pipe

## SERVICES KEY :-

$\leq$	light
	wall light
EML	emergency light
•	spot light
0	pull cord
V	vent/extractor
부 S <b>W</b>	switch
٦ ا	light switch
구 당	fused switch
ᆠᇓᆍᆚᄱᅩᄝᅩᅷᇌᅩᅜᇷᅩᅜᇎᄯᆠᇸᅮ	isolator switch
Ę.	cooker switch
Ý	fuse
B	blank socket
Ÿ	single socket
<b>Ļ</b>	double socket
□ cs	ceiling socket/fuse/switch

AK IN ACP intercom alarm control panel SPK speaker PROJ projector CCTV closed circuit tv 全 network point fire alarm siren fire brakeglass fire sprinkler water fire extinguisher co2 fire extinguisher powder fire extinguisher

fire extinguisher

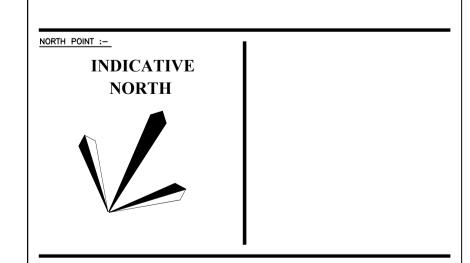
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alarm keypad

RVEY	CONTROL :-		
ION	EASTINGS	NORTHINGS	
T01	10000.000	5000.000	

STATION	EASTINGS	NORTHINGS	LEVEL
ST01	10000.000	5000.000	100.000
ST02	10000.000	5019.481	99.391
ST03	9999.499	5028.570	98.986

card access point (swipe vard)



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Project BADGERS HALL TEA ROOM, HIGH STREET, CHIPPING CAMPDEN, GL55 6HB FIRST, SECOND AND ATTIC FLOORPLANS

NOVEMBER 2021 Scale 1:50@A1 Dwg No S2710 - 2 Surveyor PJS

TOPOGRAPHICAL (LAND) SURVEYORS / UTILITY SURVEYORS BUILDING MEASUREMENT SURVEYORS / 3D LASER SCANNING

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