

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Tewkesbury Cricket Club Swilgate Ground Gander Lane Tewkesbury
Application No:	21/01020/FUL
Ward:	Tewkesbury Town South
Parish:	Tewkesbury
Proposal:	Extension to existing pavilion.
Report by:	James Stanley
Appendices:	Site location and Block plan Existing Elevations Proposed Elevations and Roof Plan Existing Floor Plan Proposed Floor Plan
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** This application relates to the Tewkesbury Cricket Club pavilion, a single storey building that has been built upon stilts due to flooding, raising it to the height of a two-storey building. It is constructed from facing brickwork with a hipped pavilion style roof and a large projecting balcony on the front elevation. It is located within the Swilgate recreation area, and falls within the Tewkesbury Conservation Area, Flood Zones 2 and 3, and is within an Important Open Space.
- 1.2** This application seeks to erect a front extension to the pavilion over the existing balcony, increasing the floor space the equivalent of approximately 50% of the existing floorspace. The extension would comprise two flat-roofed elements extending out on either end of the elevation. Lantern rooflights would be erected on each flat roofed element to light the internal space created. A pitched roof would be erected over the central part of the extension to incorporate a front gable and clock. A narrow balcony would be incorporated along the front elevation forward of the proposed extension, together with a stepped access and a ramped access to the side and rear (as existing).
- 1.3** The Head of Development Services has requested that the application be considered by the Planning Committee on account of the impact on a community asset.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
21/00119/FUL	Extension to existing pavilion.	WDN	26.03.2021

3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

3.1 National guidance

National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

- Policy SD4 (Design Requirements)
- Policy SD8 (Historic Environment)
- Policy SD14 (Health and Environment Quality)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HEN2 (Conservation Area: Setting and Impact)
- Policy LND5 (Important Open Spaces)

3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

- Policy HER1 (Conservation Areas)
- Policy LAN4 (Locally Important Open Spaces)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 Tewkesbury Town Council – No objection.
- 4.2 Conservation Officer – No objection.
- 4.3 Sport England – In support of the application.
- 4.4 Land Drainage – No objection.

5.0 PUBLICITY AND REPRESENTATIONS

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2 The application has not received any representations.

6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4 A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design. This is consistent with the NPPF (2021) which places increased emphasis on the creation of high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve.
- 7.2** This proposal seeks to erect a front extension onto the existing pavilion, with the roof composed of two, large flat roof sections and a central projecting gable. Although the extension would be constructed in matching materials and would respect the general scale of the existing building, the two large flat roofed elements would appear a bulky addition that would not respect the character and appearance of the pavilion. The design of the extension is not therefore considered to constitute high quality design as set out in JCS Policy SD4 and Section 12 of the NPPF.
- 7.3** Officers suggested an amendment which would have satisfactorily resolved the roof design, but this option was not considered acceptable to the Applicant on account of the additional cost that would be incurred.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.4** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 7.5** The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy SD14 of the JCS.

Impact upon Heritage Assets

- 7.6 Tewkesbury Cricket Club is located within Tewkesbury Conservation Area (which is a designated heritage asset). In determining planning applications, Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal must also be assessed against section 16 of the NPPF, JCS Policy SD8, Local Plan Policy HEN2 and MMTBP Policy HER1.
- 7.7 The Conservation Officer has been consulted and deems that the proposed work would not have an undue impact on the Conservation Area or any other surrounding heritage assets.

Impact upon Important Open Spaces

- 7.8 Local Plan Policy LND5 and MMTBP Policy LAN4 requires that any new development that takes place must not adversely affect the character and appearance of the Important Open Spaces. Saved Policy LND5 states that proposals which would adversely affect their character and appearance will not be permitted. MMTBP Policy LAN4 states that development resulting in an adverse effect upon the open character and appearance of a Locally Important Open Space will only be permitted where it would result in benefits to the community that would outweigh the importance of the open space.
- 7.9 The pavilion is very visible in the context of the public open space that it occupies, and it is considered that the poor design approach would have an undue affect upon the appearance of the Important Open Space contrary to Local Plan Policy LND5
- 7.10 It is noted that the application relates to a community used building. Although the proposal would benefit the community, it is deemed that the design would have an adverse impact on the character and appearance of the important open space, contrary to saved Policy LAN5. The benefit is not considered to outweigh the negative impact to the Locally Important Open Space that is caused through the design contrary to MMTBP Policy LAN4.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposed extension is not of an acceptable high standard of design and would be unduly harmful to the appearance of the existing pavilion and the surrounding area and would not accord with relevant policies as outlined above. Therefore, it is recommended the application be **refused**.

Reasons:

1. The proposed extension, by reason of its design would result in a bulky addition that would not respect the character and appearance of the existing pavilion and would result in unacceptable harm to the character and appearance of the original building. The proposed development would therefore be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (November 2017) and the advice contained within the National Planning Policy Framework (2021).
2. The proposed extension, by reason of its design would adversely affect the character and appearance of the Locally Important Open Space. The proposed development would therefore be contrary to saved Policy LND5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policy LAN4 of the Emerging Tewkesbury Borough Local Plan 2011-2031.

INFORMATIVE:

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.