

Application reference: 24/0237/FUL
TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
30.01.2024	30.01.2024	26.03.2024	26.03.2024

Site:

Hampton Wick Royal Cricket Club, Bushy Park, Hampton Hill, Hampton

Proposal:

Demolition of the remains of a former cricket pavilion

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Hampton Wick Royal Cricket Club
Ben Houghton
Hampton Wick Royal Cricket Club
Bushy Park
Park Road
Kingston upon Thames
Surrey
KT1 4AZ

AGENT NAME

DC Site Notice: printed on 31.01.2024 and posted on 09.02.2024 and due to expire on 01.03.2024

Consultations:

Internal/External:

Consultee

14D Urban D
LBRuT Trees Preservation Officer (North)
Sport England

Expiry Date

14.02.2024
14.02.2024
21.02.2024

Neighbours:

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD Application:88/2511
Date:29/12/1988 Erection of a new cricket pavilion.

Development Management

Status: PCO Application:24/0237/FUL
Date: Demolition of the remains of a former cricket pavilion following an arson attack

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has visited the application site if required to assess the application, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications,

observations during any site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The Hampton Wick Royal Cricket Club is located at the southeast corner of Bushy Park, with the King's Field to the south and the Royal Paddocks Allotments to the east.



Most of the site is occupied by the cricket pitch and is predominantly open. The cricket pitch is separated from the park by a timber post and rail fence and beyond a gravel path follows the perimeter. Some cricket nets are located at the southwest corner of the site. Along the east boundary with the allotments is a brick wall as well as some vegetation. The pavilion was located close to the boundary and wall. There is road access from Park Road to the north and a car park next to the pavilion.

The site has the following designations:

- Archaeological Priority (Site: Richmond APA 2.22: Bushy Park - Archaeological Priority Area - Tier II)
- Area Susceptible To Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 50%)
- Area Susceptible To Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 75% - SSA Pool ID: 178)
- Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
- Community Infrastructure Levy Band (Low)
- Conservation Area (CA61 Bushy Park)
- Historic Park / Garden (1 : Bushey Park)
- Increased Potential Elevated Groundwater (GLA Drain London)
- Listed Building (Grade: II Site: Royal Park Bushy Park Teddington Middlesex TW11)
- Metropolitan Open Land (Site: Bushy Park - MOL - LP 13)
- Registered Park / Garden. (Site: BUSHY PARK - Grade: I)
- Site Of Special Scientific Interest. (Bushy Park and Home Park - Land notified as an SSSI under the Wildlife and Countryside Act)
- Surface Water Flooding (Area Susceptible to) - Environment Agency ()
- Village (Teddington Village)
- Ward (Hampton Wick Ward)
- Ward (Teddington Ward)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks permission to demolish the remains of the cricket pavilion which was largely burnt down in December 2023.

The pavilion was built under permission 88/2511.

4. AMENDMENTS

No amendments were received.

5. CONSULTATIONS CARRIED OUT

There are no proximate neighbours to the site, therefore no neighbour consultations have been made.

Natural England – no objections

GLAAS – no objections

Royal Parks – no objections

LBRuT Ecology –

There are a number of bat maternity colonies recorded within the local surroundings at this site, which is a hotspot for bats in the borough, and the London Bat Group has reported local casualties of species such as Natterers bat which are less commonly encountered.

It is considered likely that the building in its original state was suitable for bat roosting, and given the numbers and diversity of bats present locally, if the building still has any remaining features which could be utilised by bats (such as cavity walls, window lintels, voids behind wooden cladding) then there is a good chance that bats would use it. Therefore, I would recommend that a preliminary bat survey is undertaken in order to be sure that nothing is overlooked.

Environmental Health – no objections

Land Contamination – no objections

Urban Design – No issues with demolition of the fire damaged pavilion. There is already a pre-app for the replacement pavilion.

Trees –

Conservation Area CA61 Bushy Park provides statutory protection to trees at the site. There are two publicly owned Lime trees on the opposite side of the road to the entrance of the site which could be impacted by turning vehicles entering and leaving the site. There are several significant trees on the site that are likely to be affected by construction works. LP16 in the local plan requires the protection of existing trees during development. We require an Arboricultural Impact Assessment and Arboricultural Method Statement with site access and materials storage considered in relation to trees. This would consider ground compaction and direct damage from vehicles.

6. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

GG1 Building strong and Inclusive communities
GG3 Creating a healthy city
D4 Delivering good design
D5 Inclusive Design
D11 Safety, security and resilience to emergency
D12 Fire Safety
D14 Noise
G1 Green infrastructure
G4 Open space
HC1 Heritage conservation and growth
S5 Sports and recreation facilities

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan>

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	
Impact on Designated Heritage Assets	LP3	Yes	
Archaeology	LP7	Yes	
Impact on Amenity and Living Conditions	LP8	Yes	
Floodlighting	LP9	Yes	
Local Environmental Impacts, Pollution and Land Contamination	LP10	Yes	
Green Infrastructure	LP12	Yes	
Impact on Metropolitan Open Land	LP13	Yes	
Impact on Biodiversity	LP15	Yes	
Impact on Trees, Woodland and Landscape	LP16	Yes	

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This will be addressed in more detail in the assessment below if/where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Issue	Draft Local Plan Policy
Local character and design quality/ Design process	Policy 28/ Policy 42

Designated Heritage Assets	Policy 29
Archaeology	Policy 33
Amenity and Living Conditions	Policy 46
Floodlighting and other external artificial lighting	Policy 43
Local Environmental Impacts	Policy 53
Green and Blue Infrastructure	Policy 34
Green Belt, Metropolitan Open Land and Local Green Space	Policy 35
Biodiversity and Geodiversity	Policy 39
Trees, Woodland and Landscape	Policy 42

These policies can be found at :

https://www.richmond.gov.uk/media/fomccpcf/publication_local_plan_low_resolution.pdf

Supplementary Planning Documents

Development Control for Noise Generating and Noise Sensitive Development
Hampton Wick and Teddington Village Plan

These policies can be found

at: https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

Bushy Park Conservation Area Statement

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

Determining applications affecting a Listed Building

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i. Principle of demolition, impact on Metropolitan Open Land and heritage assets
- ii. Archaeology
- iii. Impact on neighbour amenity
- iv. Trees and biodiversity
- v. Fire Safety

i. Principle of demolition, impact on Metropolitan Open Land and heritage assets

Policy Context

In Chapter 12 of the NPPF, Paragraph 134 advises that poorly designed developments should be refused, especially where designs do not reflect local design policies, guidance and supplementary planning documents. It also says that significant weight should be given to designs which reflect local character, or to ones which are innovative designs in achieving high levels of sustainability, or which help improve the general standard of design in an area and fit in with the 'overall form and layout of their surroundings'.

In Chapter 16 of the NPPF, Paragraph 199 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on to say in Paragraph 202 that, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

Paragraphs 147-151 of the NPPF give guidance on development in Green Belt and Metropolitan Open Land (MOL) areas with the aim of keeping land permanently open, that is free from all forms of built development. Paragraph 149 states that most new buildings are inappropriate development in these areas, but gives a list of exceptions.

Policy G3 of the London Plan makes clear that 'Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt: 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt 2) boroughs should work with partners to enhance the quality and range of uses of MOL'

Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings'.

Policy D4 of the London Plan states that the ' design of development proposals should be thoroughly scrutinised' and that 'design quality development should be retained through to completion'.

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

Policy LP3 states that development should conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough, particularly in relation to designated heritage assets.

Policy 13 of the Local Plan states that "Metropolitan Open Land will be protected and retained in predominately open use... appropriate uses within Green Belt or Metropolitan Open Land include public and private open spaces and playing fields, open recreation and sport, biodiversity including rivers and bodies of water and open community uses including allotments and cemeteries."

Analysis

The site is in a Conservation Area and immediately adjacent to the wall of Bushy Park which is a listed structure. The existing building is greater than 50sqm and therefore planning permission for its demolition is required in this instance.

It is important to note that the existing building has been severely damaged by fire. The roof and first storey has been destroyed and what remains of the ground floor is beyond repair.

Demolition is defined as a form of building operations according to the Town and Country Planning Act 1990 and therefore constitutes development.

The NPPF defines what constitutes appropriate development in the Green Belt and Metropolitan Open Land. In particular, Paragraph 154c. states that 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

It is thought that the proposed demolition of the pavilion would be an alteration to the building, and it would not increase its size. In fact, it would increase the openness of the site. Therefore, it is thought to be an appropriate form of development in Metropolitan Open Land.

Given the state of the existing building, it is accepted that it cannot be salvaged and that, in its current condition, does not contribute positively to the character of the Bushy Park Conservation Area or the setting of the listed park wall. Consequently, its demolition would not harm these heritage assets or local character.

In view of the above, the proposal can be said to comply with the aims and objections of Chapter 12, 13 and Chapter 16 of the NPPF, policy G3, D4 and policy HC1 of the London Plan and policies LP1, LP3 and LP13 of the Local Plan.

ii. Archaeology

Paragraph 194 of the NPPF states that 'where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Policy HC1 of the London Plan states that 'development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes'.

Local Plan Policy LP7 states that the Council will seek to protect, enhance and promote its archaeological heritage. It will take the measures required to safeguard the archaeological remains found and refuse planning permission where proposals would adversely affect archaeological remains or their setting.

The application site is located in an Archaeological Priority Area. Given that no excavation is proposed as part of the demolition, it is not considered likely that the application would disturb archaeological remains and the submission of a desk-based assessment is not considered necessary in this instance. No objection has been received from the Greater London Archaeology Service on this basis. Consequently, the proposal is considered to comply with Paragraph 194 of the NPPF, policy HC1 of the London Plan and policy LP7 of the Local Plan.

iii. Impact on neighbour amenity

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

The application site is located some distance from the nearest residential properties. However, the park and allotments next to the site are in use. It is thought that the demolition may cause some disruption to the users of these neighbouring sites. However, the disruption is likely to be for a limited period of time. The demolition of would also result in the removal of a potential hazard which would be beneficial.

The application has been reviewed by the council's Environmental Health team who have not objected to the proposal.

On balance, therefore, the proposal would not detract from the amenity and living conditions of neighbouring site users and would comply with policy LP8 of the Local Plan.

iv. Trees and Biodiversity

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough. Local Plan policy LP16, subsection 5 requires;

"That trees are adequately protected throughout the course of development, in accordance with British

Standard 5837 - Trees in relation to design, demolition and construction, Recommendations (2012).”

The application has been reviewed by the Council’s Ecology and Arboricultural Officers. They recommended submission of further information.

Further information was provided by the applicant on the 22nd March 2024. This included a revised arboricultural report and tree protection plans. These are thought to adequately demonstrate how the trees on the site would be protected during the demolition work.

It is noted that the site is in an area with high bat presence and activity. While it is unlikely that any bat roosts survived the fire, it is thought that there is a possibility some bats may have roosted in the remains of the pavilion subsequently. It is thought that the possibility can be covered by a condition, that, in the event a roost or other signs of bats are discovered during the demolition process, the applicant should be constrained to submit further information and a course of action agreed.

It is also thought that other conditions, such as the restriction on lighting during the demolition process can be applied to the development so as to limit the impact on wildlife.

v. Fire Safety

Policy D12 Fire Safety of the London Plan Part A requires all development to demonstrate the highest levels of fire safety. All non-major applications require the submission of a Fire Safety Strategy, unless reasonable exemption has been demonstrated.

The applicant has not submitted a Fire Safety Strategy. However, in this case this is not considered to be necessary as the policy is concerned with the fire safety arrangements for new buildings which this application would not involve. It is therefore considered to be a reasonable exception to the need to meet the criteria of Policy D12.

Any work carried out will need to fully comply with Building Regulations as necessary. A planning permission, if granted, is *not* a consent under the Building Regulations.

8. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London’s CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team

9. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant planning permission subject to condition

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
 (*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): JPH

Dated: 25/03/2024

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:26/03/2024.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES
