



Development Control Committee Schedule 29/11/2016

Item No:	02
Application No.	S.16/1272/REM
Site No.	PP-05186116
Site Address	Land At, Chestnut Park, Kingswood, Gloucestershire
Town/Parish	Kingswood Parish Council
Grid Reference	374469,191823
Application Type	Approval of Reserved Matters
Proposal	Approval of reserved matters layout, scale, appearance, landscaping and access from appeal decision APP/C1625/W/15/3011370 (S.14/1927/OUT) for erection of up to 51 dwellings, ecological mitigation land, landscaping and associated works.





Development Control Committee Schedule 29/11/2016

Applicant's Details	Crest Nicholson (South West) Ltd C/O Agent, , , ,
Agent's Details	Mr Daniel Weaver Pegasus Planning Group Ltd, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol BS32 4QL
Case Officer	John Chaplin
Application Validated	22.06.2016
RECOMMENDATION	
Recommended Decision	Resolve to Grant Permission
Subject to the following conditions:	<p>1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site Location Plan of 03/06/2016 Plan number = C.0592_13</p> <p>Site Plan Proposed of 10/11/2016 Plan number = C.0592_01JK</p> <p>Landscape Plan of 04/10/2016 Plan number = BIR5304_02K</p> <p>Open Space Areas Plan of 04/10/2016 Plan number = BIR5304_03</p> <p>Proposed Plans and Elevations of 10/11/2016 Plan Pack number = CIR.C.0592_02B</p> <p>Highway Layout of 22/08/2016 Plan number = 1402-32-SK26 Plan number = 1402-32/SK24 Rev B Plan number = 1402-32/SP04 Rev C</p> <p>Parking Strategy of 10/11/2016 Plan number = C.0592_07B</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p>



Development Control Committee Schedule 29/11/2016

2. The dwellings hereby permitted shall be constructed using the approved materials schedule shown on drawings C.0592_03B & C.0592_04B submitted on 10/11/2016, unless a revised schedule of materials is submitted to and approved by the Local Planning Authority. The approved materials shall be retained in perpetuity unless otherwise approved by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance and visual amenities of the development and surrounding area, in accordance with Policies CP8, CP14, HC1 and ES7 of the adopted Stroud District Local Plan, November 2015.

3. No more than 36 of the dwellings hereby permitted shall be occupied until the on site Play Area has been provided in accordance with details which have first been submitted to and approved by the Local Planning Authority. The approved Play Area shall be retained in perpetuity unless otherwise approved by the Local Planning Authority.

Reason:

To provide play space on site to meet the needs identified by the Appeal Inspector in accordance with Policies ES12 and ES15 of the Stroud District Local Plan, adopted November 2015.

4. No dwelling on the development hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established and details of which submitted and approved by the Local Planning Authority.

Reason:

In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

5. No work shall commence on site until the highway improvements to the access/proposed road alignments approved under the linked Appeal App/C1625/W/15/3011372 (S.14/1928/FUL) have been completed in accordance with the approved details.



Development Control Committee Schedule 29/11/2016

Reason:

To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of the construction work and an on going safe and secure access for all during occupation of the development in accordance with Policies CP8, CP13, E112 and ES3 of the adopted Stroud District Local Plan, November 2015 and paragraphs 32 and 35 of the NPPF.

6. Prior to the proposed street or subsequent part thereof being opened to the public the visibility splays shown on drawing no. SK 24 B shall be provided at a height between 0.6 and 2m above the adjacent carriageway level.

Reason:

To ensure a safe and secure layout is provided in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015 and paragraph 35 of the NPPF.

7. Prior to works commencing on site details of vehicle speed reduction measures street surface treatment shall be submitted to and approved by the Local Planning Authority and shall then be constructed in accordance with those details prior to the occupation of any dwelling.

Reason:

To ensure a safe and secure layout is provided in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015 and paragraph 35 of the NPPF.

8. No more than 36 of the dwellings hereby permitted shall be occupied until a pedestrian link to the Village Hall/Playing has been provided on the site up to the red line in accordance with details which have first been submitted to and approved by the Local Planning Authority.

Reason:

To ensure a safe and secure layout is provided in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015 and paragraph 35 of the NPPF.

Informatives:

1. The above conditions should be read in conjunction with the conditions imposed on the earlier outline planning permission Appeal reference APP/C1625/W/15/3011370 (S.14/1927/OUT) and the associated unilateral undertaking.



Development Control Committee Schedule 29/11/2016

2. The applicant is advised that to discharge condition 4 that the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority (GCC) under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
3. Article 35 (2) Statement - Pre-application discussions took place on this project and the case officer has been in contact with the agent/applicant and the community, acting in a positive and proactive manner. Discussions included the landscaping, ecology, drainage, highways and appearance. Following the receipt of further details and revised plans the proposal was considered permissible.
4. If the adjacent landowner/Parish Council do not wish to accept the proposed link outlined in condition 8 the boundary fence can remain in place.

CONSULTEES

Comments Received

Parish / Town
 Policy Implementation Officer (E)
 Public Rights Of Way Officer (E)
 Development Coordination (E)
 Mr David Lesser
 Environmental Health (E)
 Development Coordination (E)
 Sport England
 South Gloucestershire Council
 Karen Colbourn
 Flood Resilience Land Drainage
 Severn Trent Water Ltd (E)
 Natural England (E)
 Historic England SW
 Sport England

Not Yet Received

Planning Strategy Manager (E)
 Arboricultural Officer (E)
 Wessex Water (E)

CONTRIBUTORS

OFFICER'S REPORT



Development Control Committee Schedule 29/11/2016

UPDATE FOR 29th NOVEMBER DCC

BACKGROUND

This application was considered at the DCC meeting on 25th October meeting. Members were favourably minded towards the layout and elevations. However it was also resolved that the application should go back to the DCC meeting on 29th November, to principally look at the following details:

The cricket net arrangements, which safeguard new houses from the adjacent cricket pitch.
Confirmation that the drainage ditch maintenance will not be prejudiced.
Affordable housing distribution
A footpath link to the village hall.
The type of play equipment may not be accessible for all users.

In terms of highway matters Officers were asked to write to the County Council to emphasise Members concerns about surfaces and treatments for adoption.

THE ISSUES

Since the last meeting officers have had meetings and ongoing dialogue with the Parish Council and the applicants.

Cricket net.

There is a unilateral agreement with the appeal decision covering some elements of the cricket net arrangements. Importantly this does not require the net ever to be taken down. The appeal Inspector did impose a condition requiring further details in the reserved matters; however a condition on extra details would not be enforceable once the builder has left the site. Instead a supplementary legal agreement is felt necessary to cover matters such as taking down netting after training/matches, samples colour of netting and the poles. Work is well under way with the drafting of this supplementary agreement.

Similarly the cricket netting has implications for the maintenance of a drainage ditch immediately adjacent to the south west boundary at the site. The ditch must be kept clear of debris which involves a tractor with a "bucket" every autumn. This is obviously important especially with 51 houses new houses. There was concern that the poles and netting would obstruct the use of the tractor and the manoeuvring of machinery. It has been suggested that the poles and netting could be removed in a similar way to a removable washing line into a sunken hole. This would allow unhindered access from the autumn to spring, which would also help the appearance.

Officers have also e-mailed Natural England to seek clarification if there is any conflict between the Parish Council's responsibility for maintaining the above drainage ditch and the newt license. The ditch is immediately adjacent to the newt mitigation area and the tractor would have to traverse it. Currently Natural England has not yet responded.

A copy of the newt license has been made available.



Development Control Committee Schedule 29/11/2016

Footpath link.

The appeal Inspector emphasised the need for permeability in the reserved matters submission. The Parish Council are concerned that the footpath connection towards the village hall currently shown would emerge into a parking area close to its road entrance. This is felt to be unsafe due to conflicts and visibility. They have suggested an alternative arrangement, with a raised timber walkway over the newt mitigation area across the centre of the site. This would join the edge of the playing field and is regarded as a potential desire line. The applicants are concerned that this would not be compatible with the newt license and feel their route is more implementable. These discussions are ongoing.

Affordable housing distribution.

The concern about the concentration of affordable units has been noted by the applicants. Amended plans have been received which relocate two of the dwellings.

Play equipment.

The accessibility and value of the proposed “logs” has been questioned. Officers feel that seating and equipment could be conditioned to allow widespread use.

The Parish Council have questioned the heights of the dwellings making particular reference to the outward views of Tyndale Monument. The open spaces should allow some outward views. The slab heights before/after do need to be conditioned.

The report to the 25th October DCC follows:

SITE

The application site is 1.90ha of land on the edge of Kingswood. The site is largely level, enclosed by a mix of hedges and trees. To the Southwest of the site is the Village Hall and the associated playing areas including Kingswood Cricket Club.

Vehicular and pedestrian accesses are proposed to connect to the existing Chestnut Park and Tyndale View with other existing dwellings also located on the boundaries to the East. To the North of the boundary site is located the Great Crested Newt (GCN) mitigation areas and allotment areas secured in the two phases of Chestnut Park.

The site is outside of the defined settlement boundary, is not within the AONB, or Conservation Area or any other designated landscape.

PROPOSAL

Approval of reserved matters layout, scale, appearance, landscaping and access from appeal decision APP/C1625/W/15/3011370 (S.14/1927/OUT) for erection of up to 51 dwellings, ecological mitigation land, landscaping and associated works

REVISED DETAILS

Clarification regarding the raising and lowering of the cricket protective net submitted on 07 October 2016.

Revised landscaping plan submitted on 04 October 2016.



Development Control Committee Schedule 29/11/2016

Additional highway details including Safety Audit, tracking/visibility splays etc submitted on 22 August 2016.

MATERIALS

Walls: Recon Stone Bekstone Oolite tumbled, Ibstock Leicester Weathered Red brick and Rough Cast Chalk Render.

Roof: Marley Edgemere (Smooth Grey) and Mendip (Smooth Brown)

Fenestration: Heritage green and cream

RELEVANT PLANNING HISTORY

S.16/2207/DISCON Discharge of condition 19 - Archaeology from appeal decision APP/C1625/W/15/3011370 (S.14/1927/OUT) for erection of up to 51 dwellings, ecological mitigation land, landscaping and associated works

S.16/1555/DISCON Discharge of conditions 10 - Noise mitigation scheme, 11 - Construction method statement, 13 - Tree and hedge protection, 15 - Ecological management plan, 16 - Ecological management plan monitoring and maintenance, 17 - Construction Environmental Management Plan and 18 - Surface water drainage from appeal decision APP/C1625/W/15/3011370 (S.14/1927/OUT) for erection of up to 51 dwellings, ecological mitigation land, landscaping and associated works.

S.14/1928/FUL Formation of vehicular access to serve proposed residential development - Allowed at appeal (APP/C1625/W/15/3011372)

S.14/1927/OUT Outline planning application for the construction of up to 59 dwellings, public open space, landscaping and associated works. - Allowed at appeal (APP/C1625/W/15/3011370)

CONSULTATION RESPONSES

Full details of all statutory consultations and public representations are available to view on the electronic planning file. A summary of the consultation responses and public representations also appears below.

Kingswood Parish Council: Objection

Accept the principle but do not consider the proposals are an acceptable scheme.

Full specification not submitted of the Cricket Net Mitigation.

Questions the multi-functional nature of the restricted access area, ecology, drainage and cricket net.

Density is unacceptably high for the surrounding area and not inkeeping with the Village.

Housing mix does not meet the identified need.

No onsite play space.

No footpath connection to Village Hall.

Lack of visitor parking and vehicle tracking.

Ecology information insufficient. Management arrangements insufficient.

Drainage, concerned about the management arrangements, access for ditch maintenance.

Further comment from Kingswood Parish Council: Objection still stands.

Highlights the adopted Village Design Statement, Character Assessment and Emerging NDP.

Drainage - Underground storage is not sustainable solution, contrary to Village design statement.



Development Control Committee Schedule 29/11/2016

Maintenance access to Parish drainage ditch not addressed/provided by the GCN licence or cricket net pole.

Informal play area is not suitable in its position, provision or future management.

Density, character and layout do not compare to adjacent developments.

Cricket net height ineffective. Net should be raised and lowered after each match, will this be enforcement?

Highways Concern – Insufficient information of shared space.

Sport England/The ECB: Specification of the protective fencing is acceptable but a holding objection to seek clarification regarding the management and maintenance of the cricket fence.

GCC Highways: Not yet received.

GCC PROW: The Public Rights of Way have been shown on the site plan and are not affected by the building proposals. While/if works is being carried out the footpaths must not be affected in any way. If the work cannot proceed without ensuring public safety then a temporary closure order should be sought via this department (GCC).

GCC LLFA: Do not wish to comment.

Historic England: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

SDC Environmental Health: Satisfied that the submitted site layout provides adequate protection to garden areas. The glazing specifications is required in the within Noise Mitigation Scheme required via condition.

SDC Drainage Engineer: Design solution acceptable but would prefer over ground solution

Natural England: No comment

South Gloucestershire Council: No comment.

Severn Trent Water: No comment

Wessex Waters: No comment received

Local Residents:

1 Support Comment - Approve of these houses being built. Really like to stay in the area.

In excess of 120 Objections received -

Including Kingswood Village Cricket Club, Village Hall Management Committee and Keep Kingswood a Village action group.

Increase flooding

Overcrowd pressure of school and facilities

Out of place and not in keeping with density of village



Development Control Committee Schedule 29/11/2016

Greenfield site, impact on wildlife including Newts
Impact of traffic and construction vehicles, noise disruption
Increase traffic and hazards
Existing estate unsafe with no pavements
Questioned over cricket net height and impact on character of the area.
Pedestrian link to village hall unacceptable. Safety and loss of parking spaces.
No or inadequate on site play space.
Concern regarding cricket net. Enforcement, maintenance and height.
Seeks to maximise profit for the developer.
Does not meet the needs or wants of the village. At odds with Neighbourhood Development Plan.

2 Comments - Retained trees and hedge on neighbours land. Accuracy of plan needs checking thoroughly.
Clarification regarding highway needed.
Need access to ditch maintenance

REASONS FOR DECISION

The reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions. The NPPF was published on 27 March 2012.

Full details of the NPPF is available to view at
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy.
- CP4 - Place Making.
- CP6 - Infrastructure and developer contributions.
- CP7 - Lifetime communities.
- CP8 - New housing development.
- CP9 - Affordable housing.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- HC1 - Meeting small-scale housing need within defined settlements.
- EI6 - Protecting community facilities.
- ES3 - Maintaining quality of life within our environmental limits.



Development Control Committee Schedule 29/11/2016

- ES4 - Water resources, quality and flood risk.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES12 - Better design of places.
- ES13 - Protection of existing open space.
- ES15 - Provision of outdoor play space.

Gloucestershire Biodiversity Action Plan.

The Kingswood Environmental Character Assessment and Kingswood Village Design Statement were adopted in October and December 2014 and are a material consideration.

Kingswood Neighbourhood Development Plan has progressed to a public hearing which took place in September. The NDP is noted but can only be given limited weight as the final examiner's report is awaited.

INTRODUCTION

The principle of residential development on the site has been established by the appeal decision allowing outline planning permission for no more than 51 dwellings.

The formation of the proposed access through the existing Chestnut Park was granted planning permission at appeal. Leave to judicially review the decision was declined.

This proposal therefore seeks consideration of the reserved matters with approval of the layout, scale and appearance of the buildings, the access thereto and the landscaping of the site being sort. The cricket protection net details are also part of this reserved matters application.

A separate discharge of condition application with the further required details has also been submitted but requires separate consideration from this reserved matters application.

DESIGN/APPEARANCE/IMPACT ON THE AREA

The Parish Council and local residents have concerns about the density and impact on the character of the area.

The proposed scheme provides 51 dwellings across the 2 fields that make up the site. All of the proposed dwellings are 2 storey but are a mix of detached and semi-detached properties with a variety of types, sizes and appearance.

The scheme has a varying character across the site. The village core area provides a greater density and is predominantly located towards the built-up centre of the Village side of the site. Whilst the local concern regarding the density is noted this allows a greater number of smaller size dwellings to be provided to meet the identified need outlined in the SHMA and NDP. Whilst the density is greater than the adjacent Chestnut Park development which does have larger dwellings this is not uncommon when looking wider in the village. With the



Development Control Committee Schedule 29/11/2016

principle of up to 51 dwellings already established on site at appeal, it is considered that this part of the site will not be overly prominent in wider views and the proposed density is unlikely to cause significant harm to the wider character of the village. The dwellings facing the open space and edge of the site are larger with a lower density to provide a more spacious rural feel suitable for the fringe of the village.

The scale, height and mass of the dwellings are considered comparable with the adjacent properties but the variety is maintained with the design and appearance. A simple pallet of materials is proposed which gives some variation but retains a common appearance through the development.

The appeal inspector considered the wider landscape impact and with the backdrop of the existing village including recent developments, the scheme does not appear incongruous. The open space also limits the urbanising effect on the edge of the settlement.

Open space has been included in the layout with ecological mitigation areas and enhance meadow retaining the hedge line which crosses the site. The entrance to the site goes through this meadow which does, to some degree, create a break between the existing dwellings on Chestnut Park and the proposed new dwellings.

Part of the site is prominently located adjacent to a well-used footpath which links the adjacent properties in Tyndale View, the village allotments with the centre of the Village. This and the connection to Chestnut Park provide permeability to the site. Potential for a future link to the Village Hall and playing fields would also be beneficial for new occupiers of the site and other nearby residents.

The central meadow and both the restricted access and unrestricted ecological mitigation areas whilst not the same as two undeveloped fields does continue some open space and a sense of rural character into the site. These provide informal spaces within the development and with the footpath link these connect with the network of other spaces, the community orchard, play space and allotments on the adjacent sites.

The density is greater, however, on balance; it is considered that the wider harm would be limited. The density of the scheme would not be overly apparent from wider public views. The scheme would be seen with the backdrop of the existing village but a direct comparison would not be evident. Whilst the local concern and proximity to the public use of the Village Hall and playing field is appreciated the site is not located in a designated or overly sensitive location, the site is not within the Conservation Area or AONB and therefore a character and design reason for refusal would be difficult to defend at appeal.

ECOLOGY

The ecological implications of the scheme were given great consideration during the appeal. The presence of Great Crested Newts (GCN) resulted in the need for suitable habitat and mitigation. The ecological mitigation areas plan (BRS.4973_38E) was approved at the appeal and the proposed layout is in accordance with this. The scheme provides a restricted access mitigation area along the ditch corridor, a new GNC dedicated pond, hedge zones but also an



Development Control Committee Schedule 29/11/2016

open access central hedge and enhanced grassland/meadow belt within the centre of the site.

An informal play space has been provided within the central enhanced grassland mitigation area. This takes the form of timber balance trim trail and pair of "balance" logs. Concern regarding the compatibility of play space within the mitigation area has been raised.

The agent has stated that the area of proposed mitigation exceeds the 5100 sq m approved by the appeal Inspector, even if the area of the play space is excluded. An overlay plan to demonstrate that the current scheme exceeds the approved ecological mitigation plan has been promised and should be available at the DCC meeting.

The central corridor is a fundamental part of the mitigation with the mature hedge acting as an important link which wildlife can use to navigate through the landscape. The mature hedge is maintained and additional planting will take place. This area has open access so residents are free to explore and use this open meadow space. The proposed informal play space has low level equipment and therefore does not need protective matting or surfacing and can be managed in an appropriate way to meet the ecological need of the meadow. Whilst the play space will have an impact, on balance, this is not felt to warrant a refusal as long as the extent of the mitigation area is maintained.

Our ecologist and the Parish Council have raised concern about the lack of clarity on the multi-purpose management of the ecological mitigation area along the drainage ditch. Approval of the details of the ecological management of the site including the mitigation areas are required via a condition on the appeal decision and forms part of the separate discharge of condition application. Therefore, whilst this concern is noted consent for the reserved matters cannot be withheld on ecological reasons of the multi functional use.

DRAINAGE

Discussions have taken place between the agent/applicant and Officers including technical input from our Drainage Engineer regarding the drainage solution for the site.

Our Drainage Engineer considers the proposed underground storage of attenuating surface waters to be a poor solution. The underground tank will be expensive to install and ongoing maintenance and possible costs of replacing the underground cellular storage every 20 years because it is silted up would be considerable and would have to be met by the developer, the Management Company and a service charge on future residents.

A pure drainage solution would be to provide a ground storage alternative by for example expanding the scope of the swales and providing an attenuation basin. This would have an implication on the wider ecological implications of the scheme as surface water drainage from for example roads does not easily mix with appropriate Newt habitat. The applicant/agent is not keen on investigating this option as it would involve changes to the Natural England approved license and significant amendments to the Newt mitigation and enhanced meadow which is part located above the proposed tanks.



Development Control Committee Schedule 29/11/2016

Whilst this is noted our Drainage Engineer has confirmed that with a constrained site and no alternative the submitted drainage scheme does comply with guidance in CIRIA C753, The SuDS Manual and therefore can be considered acceptable.

Whilst it is a shame that a more cost effective over ground alternative which does not impose an ongoing cost on residents for maintaining has not been progressed the submitted details will provided an effective drainage solution. The full details of the surface water drainage are controlled via condition and are under consideration in the separate Discharge of condition application.

The Parish Council and their contractor have raised concern about access to the adjacent drainage ditch for maintenance. The layout retains access to this area to allow the Parish Council to be able to clear the ditch. The multi-functional nature of this area is addressed in the ecology and cricket net sections of the report.

THE PROTECTIVE CRICKET NET

As required by condition 12 of the appeal decision, the proposal includes details of the protective cricket net. This provision was made within the unilateral undertaking submitted as part of the outline appeal and provided for a cricket protective net to catch cricket balls and avoid problems caused by the damage and risk of damage to properties and people on the development site which could prejudice the long term retention of this sporting facilities.

Concerns from the Parish Council and those who play cricket still remain and are noted. However, the effects on the cricket ground were considered during the appeal with technical, independent consultants providing input to demonstrate the predicted arc of ball strikes and the level of risk. The Labosport report data predicts the maximum distance a ball will travel before hitting the ground would be 63.73 metres.

With the ecological mitigation area being located between the cricket ground and the proposed dwellings, the Agent has confirmed that the layout results in the nearest dwelling being 80 metres from the stumps at the Southern end of the cricket square. It is acknowledged that a top edge or slice may take place which may result in the ball being hit a greater distance. The net will therefore provide some additional protection and reduce the risk or perceived risk. Sport England and the ECB have confirmed the specification of the protective fencing is acceptable.

The cricket season runs from mid-April to September with Kingswood Village Cricket club having approximately 15 home fixtures. It is proposed that the net will be raised and lower to take account of the timing and duration of cricket events by the Management Company with the Cricket Club giving the appropriate advanced warning. This can be controlled via condition. The Inspector's comments on the landscape impact are also noted. It is therefore considered that whilst the net will be visible, given the proposed dark colour, the limited thickness and weight of netting, the limited time it will be at maximum height and the village context, the impact on the wider character and setting will be temporary. The impact on the important views of the Cotswold Escarpment from the playing field and Village Hall will similarly be limited.



Development Control Committee Schedule 29/11/2016

The concern about the oppressive nature of the net on nearby residents has also been suggested. This will be greatest on the adjacent dwellings, which are part of the scheme and therefore any future occupiers would be aware of the net before moving in. Existing local residents are located further away and will have the built form of dwellings between. Whilst the concerns are appreciated with the built form in between, the limited time at full height and the consideration during the appeal it is considered the impact would not be sufficient to warrant refusal.

Sport England has questioned the mechanism for ongoing maintenance and replacement of the protective net. This is addressed in the unilateral undertaking and would be the responsibility of the Owner followed by a management company, which will be set up by the applicant. This will be funded by the use of a developer initial lump sum and service charge on future residents. The breach of this agreement could lead to enforcement action by the Local Authority.

The Parish Council raised concern that the net would impinge their ability to maintain the hedge and drainage ditch. This was addressed during the appeal and given the location and the demountable nature of the net, maintenance would not be adversely affected. The applicant is also willing to discuss a possible relocation of the ball stop net to within the cricket ground to allow a more convenient position for cricketers to gather any balls. This would require separate discussions and a planning application and whilst noted is not under consideration in this proposal.

Therefore, on balance it is considered that the proposed protective net does provide appropriate enforceable mitigation for the life-time of the development and as the Inspector concluded the continuation of cricket would not be put at material risk.

AFFORDABLE HOUSING

15 affordable housing units are proposed within the scheme which meets the 30% policy requirement and that outlined in unilateral agreement approved by the Appeal inspector. These include a mix of 1 bed houses, 2 bed flats, and 2 & 3 bed houses and also a mix of shared ownership and rented provision.

Our Policy Implementation Manager who leads on affordable housing is broadly satisfied with the tenure/dwelling mix. Whilst this could have been slightly improved an onsite mix has been provided and is broadly policy compliant.

The layout has resulted in a degree of clustering and concern regarding this and the parking particularly in the East corner of the site has been raised. Alternative layouts have been considered but with the need to provide parking close to the allocated dwelling, the mix of shared ownership and natural surveillance over the parking provided by the design of the properties, this layout and provision is considered acceptable.

The revised layout plan provides outside space for both the 2 bed flats and some provision for the 1 bed house. This is in addition to the other dwellings all having amenity/garden area.



Development Control Committee Schedule 29/11/2016

HIGHWAYS

The vehicle access to the site is from the existing Chestnut Park and the submitted details remain as approved by the appeal Inspector when he granted a separate full planning permission. The scheme proposed the same junction and continues the single road through the development following a shared surface principle.

Technical input from GCC Highways is awaited and will be reported to Committee.

The submitted highway information, including the geometry and landscaping details show a shared space approach with provision and width appropriate to allow pedestrians and other users with for example wheelchairs/pushchairs to safely move about the site. This appears to be in line with Manual for Gloucestershire Streets but the input from GCC will provide confirmation. The tracking of the junction and turning area also appears to work.

The scheme provides 95 parking spaces and 7 visitor spaces, which provides an average of 2 per dwelling. In addition 27 dwellings have garage spaces which can also be used for parking. Whilst this is over the requirement in the Local Plan given the local pressure highlighted by local residents this is considered appropriate.

Concerns about the nature of shared surface streets in the existing Chestnut Park development have been raised by local residents. The lack of pedestrian provision is noted. However, these are outside the application site and with the appeal inspector already addressing the safety concerns of the highway network leading to the site access, there is no new evidence to justify withholding planning consent on highway or pedestrian safety. A safety audit has been carried out and the scheme did not fail to meet the NPPF paragraph 32 severe impact threshold.

The agent intends the road to be adopted by GCC. With the apparent adoption issues within the existing Chestnut Park highway this has been queried with GCC Highways. Whilst a response on this particular issue is still awaited from GCC Highways for highway safety and amenity reasons, a condition has been proposed to approve the management and maintenance until such time as the streets are adopted.

The desire for a pedestrian link directly to the Village Hall has been shown on the submitted plans with the hard landscaping indicating a path. However, with local opposition and concern about the safety of a path entering the car park, this path has remained closed off with the continuation of a fence along this boundary. Pedestrian links remain through the existing Chestnut Park, Tyndale View and the footpath into the Village.

RESIDENTIAL AMENITY

Due to the proposed layout, orientation and ecological mitigation areas on site and the gardens of the existing neighbouring properties, space and distance is created between the proposed and existing dwellings.

The noise mitigation scheme required by condition 10 will be formally assessed during the separate discharge of condition application. However, the noise assessment has been submitted and the layout and design have included mitigation of noise from the Village



Development Control Committee Schedule 29/11/2016

Hall/playing field. The proposed dwellings adjacent this boundary will have a higher noise glazing specifications and the main garden areas of the plots nearest the village hall have the built form of the properties as a sound buffer with the glazing specifications. Construction Method Statements are also required via the conditions set out at the appeal.

Therefore, whilst any new development will have an impact on existing residents it is considered that the proposed scheme does not give rise to such a material detrimental impact on the amenities currently enjoyed by local residents.

CONTRIBUTIONS

The outline permission appeal included an off-site recreation contribution of £64,723 for refurbishment/improvements of the adjacent Village Hall/playing fields and a library contribution of £11,564 towards improved provision at Wotton under Edge Library.

The open space, drainage and cricket net will be managed and maintained by the Management Company (Gordon & Co) with an on-going service charge on future residents.

PLANNING BALANCE AND CONCLUSION

Following the lead of national guidance, planning policies provide a pro-growth/pro-development agenda. Where there is no clear policy reason indicating that the scheme should be refused, the decision maker is required to assess the impacts of the development and whether these significantly and demonstrably outweigh the benefits.

The concerns regarding the scheme have been discussed above, and whilst the scheme does not provide the optimal result, the proposal does provide solutions. Further technical details also still require approval via separate discharge of conditions applications. The site is not located within a designated Conservation Area or the AONB.

It has to be acknowledged that the scheme would bring forward a level of benefits associated with additional housing, affordable housing and jobs/economic growth allied with the construction and occupation of the houses. The appeal inspector has also already determined the principle of development and that the scheme can be considered a sustainable.

A balanced judgement is therefore required.

With the principle established and development constrained by the consideration and assessment of the appeal Inspector, it is considered that subject to the further details required via condition, the benefits of providing this sustainable development with the associated open and affordable housing would outweigh the harm.

Therefore, on balance, subject to GCC Highways comment and confirmation of the ecological area, Officers recommend that members resolve to grant approval for these reserved matters in accordance with the above conditions.



Development Control Committee Schedule 29/11/2016

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.