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| **Logo, company name  Description automatically generated** | **KEMPLEY PARISH COUNCIL****Minutes of the Extra Ordinary Parish Council Meeting**Held on Friday 16th February 2024 at 7.30pm in Kempley Village Hall |

**Present:**

**Councillors:** Martin Brocklehurst (Chair),Robert Howson, Ricky Goodwin, David Lewis.

 **Officers:** Tim Dain,Clare Muir (Clerks)

**In attendance:** 12 members of the public

1. Apologies were received from: Cllr. Kim Reynolds, Cllr. Denise Wood,
2. Cllr. Goodwin declared that he has done agricultural work for the proposed builder, it was agreed this does not constitute a conflict of interest. There were no other declarations of interest or written requests for dispensations.
3. The Chair reminded everyone present that the Parish Council is a consultee only and that the final decision on this planning application will be determined by the FODDC, based on existing planning policies. The Parish Council can only make comment on the application as presented and cannot speculate more widely. He invited the clerk to summarise the relevant legislation relating to planning application P0094/24/FUL to aid the public discussion.

The clerk presented information taken from the Forest of Dean District Council (FoDDC) Allocations Plan 2006-26 (Page 212-213) and Core Strategy Adopted Version (Page 93-95):

* Kempley is classified as a ‘small village’ with some local services/facilities but generally very limited opportunity for additional development. Development proposals at villages will be required to comply with the Core policies and in doing so will take account of the scale, function and level of services accessible from their intended location and of the availability of public transport. Where appropriate, the defined settlement boundary will be a key determinant in judging the acceptability of proposals.
* Outside villages which have a defined settlement boundary - a further 236 additional dwellings are expected over the period to 2026.

The clerk reminded attendees of the KPC Community Led Plan 2017 (CLP), noting that this application is outside the Defined Settlement Boundary (DSB) specified in both the CLP and the FoDDC Allocations Plan 2006 to 2026.

The clerk reported a telephone conversation with the relevant Planning Officer on 14th February 2024:

* This application is outside the defined settlement boundary but adjacent to it.
* There is a known shortfall of land for new housing in the Forest of Dean and policy targets are not currently met. The DSB does not therefore have to be rigorously applied and all sites can be considered on their own merit.
* Housing adjoining settlement boundaries can therefore be considered favourably.
* This development follows "the linear pattern" of existing development.
* This development is to allow the elderly residents to move to more suitable bungalow accommodation.
* This application is for one dwelling only.
* The plot follows the line of the garden boundary of the dwelling across the road and this is considered favourably.
* Planners seek to bring about improvements to the local area where these might offset any negative aspects of development.
* To achieve such an improvement, the Planning Officer has requested the remaining land is planted as a traditional orchard. This could be made a condition of approval.
* Demolition of the existing derelict agricultural buildings has also been requested.
* This scheme does not require that any of the hedge line be removed and makes use of the existing site entrance.
* Overall, the Planning Officer considers this to be a good scheme, it is logical, contained and offers an improvement to the area.
* The Planning officer has emailed the developer offering specific guidance (this email can be found on the Planning website).

Members of the public were invited to contribute to an open forum, raising the following points:

* There is an earlier planning application (P1639/17/FUL) which contains a condition stating there would be no further development on this site. It appears this would have to be overturned to allow this development.
* Support was expressed for the applicants to achieve a bungalow to live in, but Parishioners are concerned that a developer is involved who wants to build on the adjoining paddock.
* A desire was expressed to support the applicants, but concern was also voiced over the process that has led to this application. Parishioners are concerned that a developer was involved who does not have the best interest of the village at heart and is seeking to weaken planning controls to secure wider development outside the defined settlement boundary.
* This is agricultural land outside the Defined Settlement Boundary. The Kempley Community Led Plan 2017 is against such a development. Whilst the Community Led Plan is a guidance document, it reflects the views of the village.
* Kempley offers no infrastructure to support further development in the village. Kempley Parish Council (KPC) are asked to oppose the development and to seek to reinforce existing planning controls that have been used to argue against other applications such as P1292/23/FUL. The same arguments are equally applicable here.
* Concern that the applicants had not fully appreciated the developer’s intentions and were unaware of the extent of the previous application P1343/23/FUL for 5 properties on this site. Concern that planning conditions previously imposed for no further development are now being disregarded. Such action weakens confidence that proposed planning conditions to require an orchard on the remaining land will be observed or enforced in the future. Concern that the bungalow can only be funded by developing the wider site. Concern that the orchard may not remain part of the property if The Laurels is sold, and that any new owners will seek to overturn the proposed planning condition.
* A suggestion was made that much of the concern about development of the paddock would be alleviated if the owners were prepared to offer the orchard as a community orchard.
* Concern that the DSB planning policy would be weakened if this development is allowed setting a precedent for development at other locations in the village.
* Concern for the impacts on water and sewerage infrastructure. There are water pressure issues affecting other properties locally, particularly at times of high demand in summer.
* Concern that the orientation of bungalow is at 90o degrees to other properties on the building line. Concern that the applicants are known to have stated they didn’t want this suggesting that others have drawn up these plans with insignificant input from the applicants.

**Items For Consideration**

1. Councillors proceeded to discuss the planning application:
* ***P0094/24/FUL*** *The Laurels, Kempley Green, Kempley, Dymock. Erection of detached bungalow with associated parking, landscaping and works (revised scheme)*

The clerk reminded councillors of their responsibilities under the Parish Council’s adopted Planning Applications Policy:

1. *Assess whether the application is either Low Impact or High Impact to the community.*
2. *Alert the community of High Impact applications.*
3. *Ensure that the timing of the consultation permits views to be given by the community, and a decision made by the Council, at a scheduled meeting.*
4. *Consider representations made.*
5. *Allow the Officer Responsible to undertake relevant liaison, be the point of contact for third parties, and to convey the decision to the FoDDC.*
6. *Ensure that the decision is made and recorded at a Parish Council Meeting.*
7. *Provide a response to each high impact consultation.*

Councillors agreed that the adopted policy has been appropriately applied and confirmed that P0094/24/FUL is a High Impact application.

The clerk reported that there are 2 public comments and 2 consultee comments on the Planning website. The public comments both support the proposed development and come from properties that also adjoin the DSB. A consultee comment from Gloucestershire County Council Highways does not oppose it, and a consultee comment from the Health & Safety Executive does not oppose in terms of distance from existing major hazards or pipelines.

* Councillors expressed support for the existing planning policies that preclude development outside the DSB. Cllrs were concerned that the planning officer was proposing to ignore this planning policy because of a wider shortfall of new housing developments in the Forest of Dean which could have repercussions elsewhere in the village. Concern was expressed that conditions relating to a previous planning approval, i.e. that there will be no future development of the site, may not be observed.
* Councillors acknowledged there is a public concern that a developer is involved and is not being transparent over future intentions for development of the paddock.
* Councillors expressed a desire to ensure that the orchard, if it is to be a condition of planning approval, offers robust protection against further development of the site and offer substantial amenity benefit to the community. It was suggested that the orchard might be given over to KPC control.
* Concern was expressed that the plot size and orientation of the proposed building is not mitigated by the proposed amenity benefits. If approved, Councillors will look to Planners to reduce the size of the plot ‘footprint’.
* Cllrs noted that the applicants had expressed concern that a planning condition requiring a hedge around the property would create maintenance obligations on the current owners and that a boundary fence was preferred. Cllrs suggested that they were open to the idea that the Parish Council could accept responsibility to develop the newly planted orchard as a community orchard and manage the boundary hedge around the proposed property. This would relieve the current applicants of the responsibility to manage the hedge (which was preferred) and the orchard.
* Cllrs suggested that a Section 106 Planning Agreement was required to secure the development of a community orchard . This would be legally binding and offer greater assurance to prevent future undesirable development and resolve some of the public concerns whilst allowing the applicants to achieve their aim. Costs implications would need to be considered unless funding by the applicants/developer is made a condition of approval.
* Councillors acknowledged that ‘Biodiversity Net Gain’ requirements for domestic properties will be implemented from April 2024 and that the idea of a community orchard would meet the spirit of this legislation.

Councillors concluded that appropriate steps to gain the views of the local community have been taken and that they are in a position to vote on their support, or otherwise for the application. Councillors acknowledge public support for the applicants to achieve their goal of improved housing and a widespread desire to assist them in achieving this. However, Councillors also acknowledge the level of concern that this application is causing in the village.

***Councillors resolved*** ***unanimously*** to oppose the application due to the risk of negative repercussions for the village.

***Councillors resolved unanimously*** that this opposition could be removed if the application were to demonstrate a reduced footprint, maintenance of the soft landscaping and the orchard be secured in perpetuity through a Section 106 Planning Agreement.

***Councillors resolved unanimously*** to request FoDDC Planning consider a Section 106 Planning Agreement to protect the proposed orchard and for this to be made a condition of any planning approval.

The following response will be submitted to the FoDDC Planning Department:

*Kempley Parish Council thanks you for the opportunity to comment on the Planning Application referenced above.*

*The Parish Council supports the applicants’ goal of achieving more suitable housing to meet their needs and is keen to support them in finding a resolution. However, the application in its current form does not meet the criteria for development under the FoDDC Core Strategy nor Kempley’s Community Led Plan 2017 as it is outside the Defined Settlement Boundary. Furthermore, existing planning conditions were set to prevent further development of land that has agricultural status and should remain in agricultural use, located at the heart of the village.*

*As a consequence, we are minded to oppose the development unless:*

* *The impact of the building on the village vernacular can be significantly mitigated by reducing the overall footprint/land take of the development;*
* *Soft landscaping using hedges is deployed along the development boundary, and*
* *A formal Planning obligation is put in place through a Section 106 Planning Agreement that relates to the remaining land between the development and the houses at Wantridge that:*
* *confirms the development of a new orchard on the property; and*
* *removes the remaining buildings still standing on the land.*

*The purpose of such a Planning Agreement is to secure net biodiversity gain, in an area of Gloucestershire rich in wildlife value, at the heart of the Golden Triangle, which itself is a growing tourist attraction within the County. It is essential to demonstrate that substantial benefit accrues to the community from any development outside the development boundary and that such benefit is legally secure.*

*The Parish Council therefore formally requests that the FoDDC consider a Section 106 Agreement that would allow the development of a community orchard along with the transfer of responsibility to manage this orchard to the Parish Council. The Parish Council would also be prepared to enter into discussions with the owners over a possible transfer of ownership of the land (subject to a lease back to the current owners for their lifetime) to secure long term benefit for the community, as part of any such agreement. Such an agreement would have no detriment to the current owners and would alleviate concerns they may have on maintenance obligations. The Parish Council would happily work with FoDDC to raise a Section 106 Agreement and to work with applicants to find a positive solution.*

*This is the unanimous view of the Parish Council following careful consideration at an extraordinary meeting held on 16th February 2024.*

*Public opinion at the meeting was that the applicants are supported in their goal but there are significant concerns over the wider implications for development both at this site and more widely in the village of Kempley.*

*For your information in 2016 and 2017 the Council carried out a wide-ranging consultation to canvas views of the community. The consultation involved village meetings and a questionnaire circulated to all with responses forming the basis of “Our Kempley Community-led Plan”, September 2017 (the CLP). The responses showed that concerns regarding future development in Kempley featured strongly.*

*In the resulting CLP, which is available on the Parish Council website* [*www.kempleyparishcouncil.org/community-info/*](http://www.kempleyparishcouncil.org/community-info/)*, your attention is drawn to:*

* *The Forest of Dean District Council (FoDDC) Allocations Plan (2015) features Kempley Green as a distinct area of consolidation within the dispersed rural area of Kempley as a whole. FoDDC has defined a Designated Settlement Boundary (DSB) as shown on the map. The village is considered to be almost fully developed within the DSB with only one or two tiny areas still appropriate for infill development. The key issue stated in the Allocations Plan (2015) is to “protect the surrounding countryside from inappropriate development” and it is proposed that “the plan will continue a tight control on further development”.*
* *With that background, combined with a number of comments from villagers, it is clear that any development within the DSB and, indeed, outside of this but within the village as a whole will be contentious.*
* *At the meetings there was hot debate on the potential of development outside of the DSB and comments received then and since that typify the fierce sense of protection villagers feel about the locality, and*
* *A particular attribute of Kempley Green is the way that the characteristics of a hedged country lane are carried through the Kempley Green settlement with green hedging forming boundaries to village gardens.*

*The Council therefore considers a requirement for hedging to boundaries to be an important requirement of a consent for a development / alteration to a means of access.*

*The Council hopes that all the above is clear. If any reply is made, please ensure a copy is sent to the Parish Clerk:* *clerk@kempleyparishcouncil.org**.*

*This response is made in accordance with the Council’s Planning Applications Policy, as adopted on 18th September 2023.*

*Regards*

*For Kempley Parish Council*

1. Date and time of next meeting: **Monday 18th March 2024 at 7.30pm**

 **Kempley Village Hall**

With no further business the meeting closed at: 20.55

Signed (Chairman) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_