

## KIDMORE END PARISH COUNCIL

Minutes of a meeting of the Parish Council held the Diamond Jubilee Pavilion, Gallowstree Common Recreation Ground on Wednesday 15 September 2021 at 8.00pm and concluded at 9.55pm.

Present: Dr C D Aldridge (Chairman), T M Perchard (Vice-Chairman), Prof J W Almond, A P Bowley (from Minute 4.06), J M Ducker, A P Harland, I G C Pearson.

Also present: P H Dragonetti (district councillor).

Apologies for absence were received from Ms S Matthews, A Whyles, K Bulmer (county councillor).

### 4.01 MINUTES

The Minutes of the meeting held on 21 July 2021 were taken as read, confirmed and signed as a correct record.

### 4.02 REPORT OF COUNTY COUNCILLOR

In presenting his apologies for absence, Mr K Bulmer, the county councillor for the Goring division, had submitted a report covering

- the priorities for his Council's new administration;
- the housing of some refugees from Afghanistan in the County;
- his Council's councillor priority fund, which was open to new applications;
- the adoption by his Council of a policy on 20mph speed limit zones;
- his favoured methods of communication with parish councils.

### 4.03 REPORT OF DISTRICT COUNCILLOR

Mr P H Dragonetti, the district councillor for the Kidmore End & Whitchurch ward, spoke to his report, which covered

- his Council's operations, with specific reference to household refuse and waste collections: he regretted that the garden waste collection service remained suspended;
- the change to his Council's procedures for reference of planning applications to the Planning Committee;
- his Council's decision to prepare a Local Plan jointly with the Vale of White Horse District Council;
- the introduction of civil parking enforcement in the District on 1 November 2021.

Mr Dragonetti answered a question about the District Council's housing land supply: his Council stood by its position that it had a supply to cover 5.33 years.

### 4.04 OPEN SESSION

During the Open Session,

- Mr A R R McAslan asked whether the Council would discuss his letter relating to its response to his complaint at the meeting;
- Mr A Bowley of The Hamlet, Gallowstree Common advised that he was interested in serving as a parish councillor;
- Ms C Brook of Coopers Pightle, Kidmore End indicated an interest in the planning application relating to land between Coopers Pightle and Butlers Orchard, Kidmore End;
- Ms C Skinner of Reading Road, Cane End said that she was merely observing the

meeting.

#### 4.05 MEMBERSHIP OF THE COUNCIL

The Council was reminded that there were 2 vacancies for the office of parish councillor.

Mr A P Bowley of The Hamlet, Gallowstree Common had, by e-mail, provided some biographical details, which details had been circulated to each Member, in support of his interest in serving as a councillor.

RESOLVED: That Mr A P Bowley be co-opted, in accordance with Section 89 of the Local Government Act 1972, to fill the vacancy for the office of parish councillor caused by the resignation of Mr J A Swift.

*(Mr Bowley, being present, signed a declaration of acceptance of office, and joined the meeting.)*

#### 4.06 APPOINTMENT OF OFFICERS, SUB-COMMITTEES AND REPRESENTATIVES

(cf 3.05/21) The Council considered a report (21/22 - 10) of the Clerk, to enable it to make appointments to vacant offices.

RESOLVED: 1 That the following appointments be made, for the period to the next Annual Meeting

Allotments' Manager	Mr A P Bowley
Wells' Manager	Mr J M Ducker
Member of the Finance Sub-Committee	Mr A P Bowley
Representative on the Oxfordshire Association of Local Councils	Mr J M Ducker
Web Liaison Councillor	Dr C D Aldridge

2 That the office of BroadBand Liaison Councillor be discontinued, as no longer required.

#### 4.07 GALLOWSTREE COMMON RECREATION GROUND – CRICKET PRACTICE NETS

(cf 3.07/21) In accordance with the decision at the last meeting, the Clerk had drafted responses to the 4 questions posed by Mr A Bowley of The Hamlet, Gallowstree Common, about the cricket practice nets at the eastern corner of the Gallowstree Common Recreation Ground, and related matters. Following informal consultation with Members, the Clerk had sent the reply, as drafted, to Mr Bowley.

Mr Bowley advised that he had yet to hear from Mr I G C Pearson or the Playing Fields Committee in response to the 6 questions he had posed specifically to Mr Pearson, in his role as Chairman of the Kidmore End Playing Fields Committee.

Members were advised that the District Council had granted planning permission for the extension of the practice nets. No additional conditions had been attached to the approval.

#### 4.08 CANINE FAECES

(cf 3.08/21) In the absence of Ms S Matthews, it was

RESOLVED: That consideration of the report by Mr A R R McAslan and Ms S Mathews on dog fouling be deferred to the next meeting.

#### 4.09 GOVERNANCE ARRANGEMENTS

(cf 3.09/21) The Council considered the report by Mr A R R McAslan on governance arrangements, consideration of which had been deferred at previous meetings.

The model standing orders for the conduct of business, published by the National Association of Local Councils, had been circulated to Members prior to the meeting.

RESOLVED: 1 That, in principle, the model standing orders published by the National Association of Local Councils be adopted with effect from the Annual Meeting of the Council in 2022.

2 That a sub-committee, comprising the Chairman, Mr J M Ducker and Mr I G C Pearson, be established to make recommendations about which text to adopt where the model standing orders offer alternatives.

#### 4.10 TEMPORARY ROAD CLOSURES

(cf 3.10/21) With an e-mail, an officer of the County Council gave notice of the temporary closure, under the Road Traffic Regulation Act 1984, of Horsepond Road, Cane End on 21 September 2021, for cable repair work.

#### 4.11 TOKERS GREEN POND

(cf 3.11/21) Members recalled that details of the proposed site for a bench to be installed at Tokers Green pond had been circulated to them following the last meeting. No objections had been received,

RESOLVED: That the identified site for a bench at Tokers Green pond be approved.

#### 4.12 COMMUNITY INFRASTRUCTURE LEVY

(cf 3.12/21) The Infrastructure Claims Team of the District Council, in an e-mail, requested the Council to discuss formally whether it wished the District Council to continue to hold the Community Infrastructure Levy (CIL) monies due to the [Parish] Council. In this connection, Members recognised that, although the Council had produced a short-list of projects upon which to spend the CIL monies due to it, it had yet to decide with which projects to proceed. Accordingly, it was

RESOLVED: That, for the time being, the District Council be requested to continue to retain Community Infrastructure Levy monies due to this Council.

#### 4.13 NEIGHBOURHOOD DEVELOPMENT PLAN

(cf 3.13/21) The Council noted that the consultation on the submitted Neighbourhood Development Plan (NDP), under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, had started on 28 July 2021, and would end on 15 September.

The Senior Planning Policy Officer (Neighbourhood) of the District Council had, in an e-mail, submitted a shortlist of 4 candidates for appointment as examiner of the NDP, together with their profiles. She recommended the appointment of Mr A Ashcroft for the role. The recommendation had been circulated to Members, informally. No Member had disagreed with the recommendation. Accordingly, the Clerk had advised the District Council that the recommendation, to appoint Mr Ashcroft, was accepted.

RESOLVED: That the action of the Clerk be approved and confirmed.

#### 4.14 FORMAL COMPLAINT

(cf 3.18/21) Mr A R R McAslan, of Tokers Green Lane, Kidmore End, had, by letter, contested some points in the Council's response, as agreed at the last meeting, to his formal complaint about the special meeting of the Council held on 1 July 2021.

With the consent of the Council, the Chairman adjourned the meeting for 7 minutes to allow Mr McAslan to address Members, and discuss some aspects of his letter with Members.

The Council noted a copy letter from the Head of Planning of the District Council to Mr McAslan advising that the operation of the [parish] Council was not an issue for his Council, unless there were contraventions of the Members' Code of Conduct.

#### 4.15 PLANNING APPEAL IN NEIGHBOURING PARISH

(cf 3.20/21) Subsequent to the last meeting, the Clerk to Sonning Common Parish Council asked, by e-mail, whether the Council wished its name to be added to the letter from the Sonning Common Council to District Council, urging the latter to seek judicial review of the decision of the inspector, to allow, on appeal, development of land at Little Sparrows (between Blounts Court Road and Widmore Lane), Sonning Common for 133 continual care retirement units. Following an informal consultation, a majority of Members agreed, acknowledging that such action would accord with the Council's decision at the meeting in July 2021. The Chairman, therefore, agreed that the Council's name should be added to the letter.

The Council noted that the District Council had decided to make an application to the High Court for a judicial review of the inspector's decision.

RESOLVED: That the action of the Chairman be approved and confirmed.

#### 4.16 GALLOWSTREE COMMON RECREATION GROUND – PURCHASE OF LAND

(cf 3.27/21) The Clerk reported that completion of the purchase of the land between the Gallowstree Common Recreation Ground and New Copse would occur once the Council had paid the completion account submitted by its solicitors.

#### 4.17 FINANCE

##### (i) Balances

The Clerk reported that balances at the bank totalled £48,197.15.

##### (ii) Accounts paid

It was reported that, as a matter of urgency, and in accordance with Financial Regulation 5.2, the Chairman and Vice-Chairman had approved the following payments on 18 August 2021, because no meeting of the Council was scheduled to be held in August:

Oxfordshire Association of Local Councils – Course fees	£240.00
Ian Kendrick Ltd – Cutting highway verges	£954.00
The Henley College – Printing Parish Newsletter	£46.00
R F Penfold – Salary net of Income Tax	£146.00
HM Revenue & Customs – Income tax deducted	£97.33
Wicksteed Leisure Ltd – Repairs to swing at Gallowstree Common Recreation Ground	£1,051.49

RESOLVED: That the action of the Chairman and Vice-Chairman be approved and confirmed.

##### (iii) Accounts for payment

RESOLVED: That the following accounts, listed in the schedule under Financial Regulation 5.2, be approved for payment:

A P Harland – Bench and bulbs for Tokers Green pond (reimbursement)	£307.18
Caversham Solicitors Ltd – Completion account, purchase of land	£4,708.15
St John Ambulance – Medical and first aid cover for community event	£115.20
Moore – External auditor fee, 2019/20	£240.00
R F Penfold – Salary net of Income Tax	£146.00
HM Revenue & Customs – Income tax deducted	£97.33

#### 4.18 CONSULTATION ON PLANNING MATTERS

##### (i) Decisions

The Council noted that the applications for

construction of new single storey ancillary home office at Kees, Chalkhouse Green Road, Kidmore End;  
variation of condition 2 of permission for 2-storey 3-bedroom dwelling at rear of garden at Yew Tree Cottage, Horsepond Road, Gallowstree Common;  
extension of cricket practice nets to 20m and provision of additional cricket practice facilities at Gallowstree Common Recreation Ground (retrospective);  
single storey orangery extension at Manton House, Cane End;  
single storey double garage with storage above and studio at Chiltern Cottage, Chalkhouse Green

had been permitted conditionally and that the application for proposed side and rear extension at Felix Lodge, Wood Lane, Kidmore End had been refused.

##### (ii) Action of Plans Sub-Committee

RESOLVED: That the action of the Plans Sub-Committee in respect of the following applications, as set out in the register of action, be approved:

single storey double garage with storage above and studio at Chiltern Cottage, Chalkhouse Green;  
single storey orangery extension at Manton House, Cane End;  
demolition of existing dwelling and erection of 2 new dwellings at Holmsdale, Tokers Green Lane, Tokers Green;  
2 storey extension to existing dwelling, with additional basement plant room, at May Lodge, Park Lane, Cane End;  
new 4 bedroom dwelling at Oldfield House, Horsepond Road, Gallowstree Common;  
single storey rear extension at 3 Craysleaze, Kidmore End;  
side and rear extension at Felix Lodge, Wood Lane, Kidmore End;  
variation of conditions of permissions P20/S0999 and P18/S2795 to revise vehicular access on to Horsepond Road at Fox Heath Gardens, Cane End;  
proposed 2-storey infill extension, first floor extension to replace dormer and internal alterations at Thurlestone, Elm Road, Tokers Green (amended plan).

##### (iii) Applications

The Council considered an application referred to it since the last meeting.

RESOLVED: That the comments set out in the Appendix be made on the application for erection of 4 detached dwellings with parking and on-site turning on land between Coopers Pightle and Butlers Orchard, Kidmore End for Mr E Madejski and Mrs J Twibill.

##### (iv) Tree preservation order

With a letter, the District Council's Head of Planning enclosed a copy of the South Oxfordshire District Council (Kidmore End Area) Tree Preservation Order number 21S16, covering 6 oak trees on the northern boundary of Goodacres, Tokers Green Lane, Tokers Green, which order had been made on 9 September 2021.

(v) Reading Golf Club

(cf 3.15(v)/21) The Council noted that Reading Borough Council's Planning Applications' Committee had refused the planning application to develop that part of the Reading Golf Club course within the Borough: the decision notice had been circulated to Members.

(vi) Joint South Oxfordshire/Vale of White Horse Local Plan

The District Council's Head of Planning, in an e-mail, drew attention to the joint Local Plan being developed by his Council and the Vale of the White Horse District Council, and, in particular, the call for land and buildings available for change – an invitation to landowners, agents, developers, community groups and others to submit potential development sites. This included sites for community and environmental uses. Submissions could be made until 30 September 2021.

(vii) Oxfordshire Plan 2050

(cf 3.15(viii)/21) The Council considered a report (21/22 – 11) about the Oxfordshire Plan 2050, a strategic planning framework upon which the principal authorities in the County were working. The Plan was designed to enable the authorities to realise their vision that in 2050 the people of Oxfordshire were living in sustainable communities with a high quality of life and strong sense of community. The Chairman had also circulated to Members a link to a webinar she had attended about the Plan.

Consultation had opened on the 5 key themes in the Plan, and would run to 8 October 2021, ie before the next meeting of the Council.

RESOLVED: That a working party, comprising the Chairman, Prof J W Almond and Mr A P Harland, be established to submit, on behalf of the Council, a response to the consultation on the Oxfordshire Plan 2050.

(viii) Oxford-Cambridge Arc

The Council considered a report (21/22 – 12) of the Chairman on the consultation by HM Government to inform its approach to the future of the Oxford-Cambridge Arc, which had been identified by the Government as a key economic priority. The consultation closed on 12 October 2021, ie before the next meeting of the Council.

RESOLVED: That a working party, comprising the Chairman, Prof J W Almond and Mr A P Harland, be established to submit, on behalf of the Council, a response to the consultation on the Oxford-Cambridge Arc.

#### 4.19 OXFORDSHIRE ASSOCIATION OF LOCAL COUNCILS

The Council noted updates for members published by the Oxfordshire Association of Local Councils in July and August 2021, with particular reference to paragraphs about the Trust for Oxfordshire's Environment, private access to local council recreation grounds, banking and consultation on Oxfordshire waste and recycling.

RESLVED: 1 That the Finance Sub-Committee investigate the provision of on-line banking

facilities.

2 That, as the closing date of the consultation is before the next meeting, the Chairman be authorised to respond, on behalf of the Council, to the consultation on Oxfordshire waste and recycling.

#### 4.20 JOHN HOWELL MP

By e-mail, John Howell MP offered to meet representatives of parish and town councils at meetings, between 4 and 11 October 2021, to discuss key issues.

RESOLVED: That the Chairman represent the Council at a meeting with John Howell MP, if one is arranged.

#### 4.21 TOKERS GREEN – PROPOSED 20MPH SPEED LIMIT

(cf Clerk's action 28) With an e-mail, a Technical Officer –Traffic and Road Safety of the County Council, responding to the Council's request in May 2021, enclosed a map setting out the extent of the proposed 20mph speed limit on roads in Tokers Green and asked for the Council's support for the scheme. He explained how the "terminal points" had been identified, in line with the current national guidance, and following consultation with his Traffic colleagues and the Thames Valley Police. The proposals were for a speed limit of 20mph to apply to the following roads in the Parish:

- Tokers Green Lane from a point just north of the Colonel's Pit to a point in Bardolphs Wood (where the present 30mph limit ends);
- Rokeby Drive from its junction with the A4074 road in Chazey Heath to its junction with Tokers Green Lane;
- Dysons Wood Lane from its junction with Tokers Green Lane to Lower Lodge;
- Gaskells End.

Members noted that the proposal included the part of Rokeby Drive in the Parish of Mapledurham. The Clerk reported that Mapledurham Parish Council had met on 14 September 2021, when it had expressed no objections to the proposals, provided that no cost of implementation fell to be met by that Council.

RESOLVED: That the County Council be advised that the proposed 20mph limit on roads in Tokers Green is supported in all particulars

#### 4.22 HOUSE NUMBERING

By e-mail, the GIS Team Leader & Street Naming and Numbering Officer of the District Council advised that 3 Hazelmoor Lane, Gallowstree Common had been demolished, and replaced by houses numbered 3A and 3B Hazelmoor Lane.

#### 4.23 PLAYING FIELDS COMMITTEE

The Council noted a report (21/22 - 13) by the Chairman of the Kidmore End Playing Fields Committee on the meeting of the Committee held on 8 September 2021.

#### 4.24 TRANSPORT COMMITTEE

The Chairman advised that she had referred to the Transport Committee an e-mail from Ms D Morton of Reades Lane, Gallowstree Common, who was concerned about vehicle speeds in Horsepond Road and Reades Lane and overgrown hedges.

The Vice-Chairman reported that he had, at the request of the Chairman and on behalf of the Transport Committee, responded to the County Council's survey about how the County's bus services might be

improved. He indicated that he had said that any bus service for 4 out of the 5 villages in the Parish (ie not Cane End, which was already well served) would be a great improvement.

The Clerk advised that the County Council had quoted £120 + VAT to undertake the further traffic speed survey in Gallowstree Common, as requested by the Council. As the budget for 2021/22 included provision of £6,000 for traffic management measures, the Clerk had accepted the quotation, in accordance with Financial Regulation 11.1(a)(ii).

RESOLVED: That the action of the Chairman and the Vice-Chairman in respect of the survey about bus services be approved and confirmed.

#### 4.25 EXCLUSION OF PUBLIC

RESOLVED: That the public be excluded from the meeting, pursuant to Section 100A(4) of the Local Government Act 1972, during consideration of the following item on the grounds that exempt information, under paragraphs of Schedule 12A of the Act shown below, would be discussed:

Item	Paragraph
Part 2 minutes	3

#### 4.26 PART 2 MINUTES

The Part 2 Minutes of the meeting held on 21 July 2021 were taken as read, confirmed and signed as a correct record.

**Comments on planning application for erection of 4 detached dwellings, with parking and turning, on land between Coopers Pightle and Butlers Orchard, Kidmore End**

The Council **OBJECTS** to this planning application, as this site is not deemed infill and has not been selected as an allocated site with the KENDP.

**Overview of the Kidmore End Neighbourhood Development Plan**

The Kidmore End Neighbourhood Development Plan (KENDP) was created to provide a local plan for housing development. The KENDP development started 4 years ago, and the plan is now at Regulation 16 stage, meaning that the Regulation 14 consultation has been completed, feedback considered, and the Regulation 15 version has been approved by Kidmore End Parish Council and submitted to SODC. The Regulation 16 consultation ends on 15<sup>th</sup> September 2015. Plans at this stage of development carry weight and our KENDP should be considered in relation to this planning application.

The KENDP proposes one small, allocated site and organic growth through infill development.

**Site allocation with the KENDP**

The site in this planning application, named CFS10 in the draft KENDP, was put forward by the landowner during the Call for Sites Process but has not subsequently been selected as a proposed allocated site within the KENDP. CFS10 is one of two sites in Kidmore End village which have been assessed in detail as part of the KENDP process. The other is CFS8 which is on Tokers Green Lane.

When the site assessment process was completed by independent consultants, AECOM, in November 2018, CSF10 was RAG rated as Red. This was updated in April 2019 and the RAG rating was changed to Amber, due to a change in the tree preservation order on the site. The site, CSF10, was reviewed again in November 2020 and the RAG rating remained as Amber.

CFS8 has been RAG rated Green by AECOM and has been selected as the proposed site for the allocation of 3 – 4 smaller (2 – 3 bedroom) houses.

The call for sites process and site assessments are documented in Appendices B1, B2, B3 and B5 of the draft KENDP which can be accessed via this link: <https://www.southoxon.gov.uk/south-oxfordshire-district-council/planning-and-development/local-plan-and-planning-policies/neighbourhood-plans/emerging-neighbourhood-plans/kidmore-end-neighbourhood-plan/>

A summary of the call for sites process and site assessment results can be found in the KENDP Appendix B3 Housing Requirement and Allocation Paper via this link: <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/07/B3-Housing-Requirement-and-Allocation-updated-March-2021.pdf>

Page 39 of the Housing Requirement and Allocation Paper provides the following update from March 2021 and summarises why CFS10 has not been chosen as the allocated site in the KENDP:

*A supplementary report, The Kidmore End Facilitation Report, September 2020, (see KENDP Appendix B5) was produced by AECOM to provide advice to the Steering Group relating to new information provided by the landowner of one of the sites considered in the original Site Assessment– site reference CFS10.*

*This report set out a brief review of the previous assessment, considered the new information provided and provided advice to the Steering Group in terms of the implications of the new information on the suitability of site CFS10 as a Neighbourhood Plan allocation in light of the new information.*

*The report states that the loss of visual amenity as a result of development and the landscape contribution the site makes to the AONB mean the site is not considered to be free of constraints and therefore would not warrant a 'green' rating in the assessment. The conclusion of the review was that the new information that has been made available since the 2018 and 2019 AECOM report would change the rating of the site from 'red' (not suitable for development) to 'amber' (potentially suitable for development if the identified constraints could be resolved or mitigated). This is the same conclusion that has been reached and documented by the Steering Group in the Housing Requirement and Allocation Paper (2019, 2020).*

*The AECOM assessment concludes that CFS8 is agricultural land and CFS10 is of woodland character.*

*The site offered by the landowner for consideration within the NDP at Regulation 14 doesn't have any trees with TPOs however the site is surrounded on three sides of the site by trees and there is a TPO on 2 trees on the landowner's larger site, and 7 TPO's on the abutting land of the cemetery.*

*As demonstrated by an aerial map of Kidmore End village (Figure 4), CFS10 is on the edge of the village going to open countryside and is part of a green swathe of land made up of the churchyard, school playing field, the cemetery, the play area, CFS10 and the surrounding woodland and then open fields. This site is surrounded on three sides by woodland and forms an important link between the green space within the village and the open countryside beyond. Its important contribution to village character would therefore render it of higher sensitivity if developed than a small piece of agricultural land ie. CFS8.*

*In conclusion the correspondence from the owners of CFS10 (during Regulation 14) has been considered by the NDP Steering Group and the information updated and the findings of the original report from the AECOM assessment remains the same; that CFS8 is the only green site.*

## **Infill**

Kidmore End village is a Smaller Village within the SODC Local Plan 2035 and is situated within the AONB. Other than allocated sites within neighbourhood plans, Policy H16 of the SODC Local Plan states that development should be limited to infill and the redevelopment of previously developed land or buildings.

Infill development is defined in the Local Plan as '*the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.*'

The Planning Officer response to the pre-application in September 2020 confirms that this is not infill land as it does not meet the infill criteria in the SODC local plan.

Therefore, as the site is neither an allocated site, or infill, there are no grounds to support development on this site.

## **Observations regarding the planning application documentation**

### The proposed development

The pre application papers describe 3 dwellings. The application is for 4 dwellings. There are discrepancies in different documents in the type of dwelling from market housing to self-build. In all documents the houses are to be 4 bedrooms plus, which is out of kilter with the community views established in the draft KENDP, which is for smaller, more affordable dwellings of 2 – 3 bedrooms.

Only two of the proposed houses follow the building line along Coopers Pightle. The further two appear as back land development and have no continuity with any frontage.

The papers say that the dwellings will link to mains drainage, however, there is no mains drainage in the village of Kidmore End.

No details of how the access to the site or the junction with Chalkhouse Green Road have been submitted to enable the landscape and visual impacts as well as highway practicality of the development to be assessed. These need to show what vegetation will be removed in the verge outside Little Orchard including where the proposed bin stores will be situated and how these will affect visual amenity.

A public footpath runs along the edge of the site, it runs along the road which is unadopted and not private to Chalkhouse Green Road. This footpath is not mentioned in the documents.

#### Landscape Statement

The application is supported by a Landscape Statement (not a LVIA) which is not in accordance with the Landscape Institute's Guidance for Landscape and Visual Impact Assessment. Local Plan Policy ENV1.1 bullet 4 requires development proposals within an AONB to submit a LVIA. The current Landscape Statement is therefore unacceptable.

The Planning Statement makes no mention of the important national guidance under Chapter 15 and paras 174 to 176 re the weight given to protecting the AONB.

In preparing the appropriate LVIA to GLVIA standards, the applicant needs to:

- Assess all viewpoints which include the cemetery, the playground, the public right of way for its whole length from Chalkhouse Green Road to Butlers Orchard, the surrounding residential areas and road users. There are views out from the site to open countryside to the south-west so any views from Tokers Green Lane also need considering.
- Consider winter and summer views.
- Take into account potential height of the houses.
- Loss of understorey vegetation (assuming that the TPO areas and adjoining hedgerows are not affected).
- Effects of both the housing layout and the proposed access.
- Impact on the character of the site.
- Impact on the character of the immediate area and the AONB (the assessment of the site should be considered in the context of its role as part of the AONB).

A new LVIA should take into account the emerging Green Spaces at the cemetery and the playground. The cemetery character is described as *Part of linked open spaces between Butlers Orchard and the village centre/ Open setting to adjacent houses and school together with adjacent wooded area [i.e the site]*

The Aecom Report November 2020 which agreed that the site should be amber still states: *It remains the case that the impact of development on the site in terms of loss of visual amenity and the landscape contribution the site makes to the AONB are considered to be significant constraints to development.*

The Landscape Statement agrees that the site is surrounded by a mature and fairly dense woodland on 3 sides, and by mature trees and a mature beech hedge to the north. These belts of vegetation create a well-established and strong boundary edge to the existing village (the houses on Butlers Orchard and Coopers Pightle; the playground at Butlers Orchard and the cemetery). With the views of open countryside through the tree cover to the south-west and wider wooded setting to the site, the site has the appearance of extending into open countryside beyond the well-defined edge of the village.

The current openness of the site provides visual amenity to a number of houses, the footpath, users of Coopers Pightle, from the cemetery (especially in winter), and from the playground as well as a sense of nearby countryside in views from Chalkhouse Green Lane down the cul de sac; all of which have an edge of settlement character and appearance.

The KENDP character study includes view 8 from the footpath across the site looking to the wooded edge of the site – this rare view would be lost. It says:

*View type:- Enclosed woodland view. View from footpath 266/10/10 alongside the cemetery southwards to Long Copse. This view focuses upon a central area of woodland known as Long Copse. This is part of a wider woodland area protected by tree preservation orders, with the southern portion being ancient woodland. It is a well enclosed view with numerous specimen and veteran trees. It is the only example of a woodland of this type within the settlement.*

### Ecological Report

The Ecological Report submitted as part of the pre-application is dated April 2020 after all the plants/trees and top soils were removed from the site, as shown on the photo on the front of the report, downgrading the quality of the land. The report does not give a true picture of the ecology of the land/site in the present day. The site was cleared in the recent past and so has been downgraded in quality. The landowner had to replace the topsoil and since that time, plant growth has started and the land is scrubbing up again and rewilding, creating an open space of rough grassland and scrub which does not detract from the AONB or the setting of the village.

There is green space from St John the Baptist churchyard, to the school field, cemetery and then this land which reaches the edge of the village and open countryside. To build in this plot would destroy this green space to the wider open countryside, which is not in keeping with the criteria of the AONB.

According to the Chilterns Management Plan 2019 – 2024, the single purpose of AONB designation is 'to conserve and enhance the natural beauty of the area'. All public bodies have a legal duty to 'have regard' to the purpose of conserving and enhancing the natural beauty of an AONB. This planning application does not conserve or enhance the AONB.

### Transport Report

The pre planning decision report includes comments from the Highway Liaison Officer relating to access and parking with regards to the SOCS Policy CSM1 and the SOLP 2011 Policies D2, T1 & T2.

*"After reviewing the supplied plans/documentation the Highway Authority has the following comments, as submitted the Highway Authority is likely to recommend Refusal to the proposal due to the following:*

- The 'red-line' area does not abut the Highway and travels across third party land which is not within the control of the applicant or the Highway Authority therefore access rights will need to be granted.*
- The 2.0m setback distance when looking towards the righthand side on egress is likely to cross the neighbouring boundary of 'Gabriel's'.*
- In addition a 2.0m setback is used in very lightly trafficked locations, the Highway Authority considers a 2.4m setback more appropriate in this location however this does not provide suitable visibility splays in accordance with standards*

The Transport Statement included with the planning application does not discuss the village school and the traffic generated by the school. Since Covid there has been an increase in the number of vehicles as car sharing was not permitted in government guidelines. There is not a school car park for parents and therefore traffic is a problem along Chalkhouse Green Road at both drop off and pick up times. There are very limited pavements in the village of Kidmore End, pedestrians walk on the roads.

Paragraph 2.3 states 'The drive is 104 metres long, 4.5 metres wide and leads off Chalkhouse Green Road via an 8.5 metres wide bell-mouth junction.' The road is 4.5 m wide as it emerges into Chalkhouse Green Road.

Paragraph 4.4 states 'there is good visibility on both approaches, drivers and cyclists would be fully aware of an overhanging bonnet from a reasonable distance and be able to manoeuvre round it without undue

difficulty.' Leaving Coopers Pightle the site lines are challenging looking along the roads in both directions, there are hedges each way.

#### SODC 5 Year Land Supply

The application states that SODC does not have a 5-year land supply. SODC published its 5-year land supply report in June 2021 with a land supply of 5.35 years. Regardless, the question of whether or not SODC has a 5-year land supply is not relevant for this application as the site is within AONB (see NPPF 2. Achievable Sustainable Development paragraph 11.)

#### **Conclusion**

In conclusion this site was submitted to the KENDP call for sites process and was assessed and not selected for allocation for the above stated reasons. The outcome to date of the Neighbourhood Plan should be respected and consulted with current planning applications. To act now on a site that has already been consulted on would render this process pointless and a waste of money, time and commitment by all those involved.

The land is not infill and so does not meet the criteria for organic development within a smaller village. It is also situated on AONB land and would not conserve or enhance the natural beauty of the surrounding area.

Taking all of these points into account the Council does not believe that this planning application is appropriate and request that it be refused planning permission.