

Tuesday, 9th June, 2026

FOREST OF DEAN DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE

This meeting of the Development Management Committee was webcast live via the Council's website. A full recording of the meeting is available to be viewed at: www.fdean.gov.uk

Minutes of a meeting of the Development Management Committee held in the Council Offices, Coleford on Tuesday, 9 June 2026 at 2.00 pm.

Present

Chair Councillor David Wheeler

Vice Chair Councillor Patrick Kyne

Councillors Jonathan Beeston, Richard Burton, John Francis, Julia Gooch, Stuart Graham, Beth Llewellyn, Andrew McDermid, Gill Moseley, Mark Topping, Ian Whitburn and Clayton Williams

Officers

William Dodsworth,	Planning Officer
Leanne Drew,	Democratic Services Officer
Emma Hughes,	Principal Planning Officer, MRTPI
Lorna McShane,	Solicitor
Ryan Morgan,	Planning Officer
Clark Osell,	Democratic & Executive Support Officer Trainee
Clive Reynolds,	Development Manager MRTPI
Charlie Rowson,	Planning Assistant

1. APOLOGIES

Apologies were received from:

- Councillor Simon Phelps substituted by Councillor Ian Whitburn

2. MINUTES

The minutes of the Development Management Committee meeting held on 12 May 2026 were confirmed and signed as an accurate record

Proposed by Councillor Beth Llewellyn

Seconded by Councillor Richard Burton

Agreed by assent

3. URGENT BUSINESS

There was no urgent business

4. DECLARATIONS OF INTEREST

The Development Management Manager declared an interest in Item 5.4 and advised that he would leave the chambers during this Item.

Interest as Ward Members

- Councillors Nick Evans, Jonathan Lane, Adrian Birch regarding Item 5.1
- Councillor Jackie Dale regarding Item 5.2
- Councillors Shaun Stammers, Jackie Fraser, Trevor Roach regarding Item 5.3
- Councillor Stuart Graham and Di Martin regarding Item 5.4

Ward members serving on the Committee can ask questions and participate in the Debate on Planning Applications in their Ward but are unable to vote.

Ward members not serving on the Committee are able to make a statement of their views on Planning Applications in their Ward but are not permitted to take part in the questions or debate.

5. SCHEDULE OF APPLICATIONS

The Chair referred to the Schedule of Planning Applications in report PH.588 as prepared by the Development Manager, under the Town and Country Planning Act 1990 and, to the late material circulated before the meeting stating that due to the public interest in Item 5.3, the order that applications would be heard in was

Item 5.3

Item 5.1

Item 5.2

Item 5.4

For reasons of clarity, the items were recorded in the order of the agenda.

5.1. P1117/24/FUL - Old Ferry Inn Business Centre, Beachley

Please refer to the late material circulated prior to the meeting

This application was for the erection of 5 no. dwellings with associated parking and landscaping, partial demolition of rear extension to main building, construction of lifeboat tug storage shed and associated works.

The Planning Officer presented Item 5.1 of report PH.588 and stated that the application was presented to Development Management Committee as P1117/24/FUL.

Members were reminded they had been given the opportunity to visit the site on 2 June 2026.

Attention was drawn to additional and amended conditions and additional officer comments in the late material.

The Officer Recommendation was Delegated Permission as detailed in the Schedule and the Late Material.

Public Speaking

Object: None

Parish: None

Support: Olly Ansell, Agent on behalf of applicant, spoke to a written representation already submitted to the Council.

Ward Members Speaking

None.

Member Questions

Q: The Chair enquired about the Pill box. It states that it is a historic feature; however, is there any other information about it?

A: No. The Conservation Officer did visit briefly, however has had limited time to investigate any significant heritage value. The applicant is happy to retain it and there is some merit to keeping it, via a condition for the foreseeable future.

Q: At high tide, how far is the water from the gardens?

A: This information is not available, however in the last slide, where it depicted the Pill Box, a new flood defence wall has been erected since that photo was taken.

Q: Is there any more information on the tenure of the boat house?

A: Whilst the tenure is not something that is considered for this application, in the late material there is some additional wording that was included to reinforce the condition, to ensure it is retained for that purpose in perpetuity.

Committee Debate

Councillor Richard Burton proposed that they accept the officer's recommendation to grant **Delegated Permission** as detailed in the Schedule and the Late Material..

Councillor Ian Whitburn seconded the proposal.

Councillor Julia Gooch commented how lucky residents and visitors are to have Severn Area Rescue Association. This was supported by many in the room.

Councillor Moseley commented how pleasing it was to see this application and how it is a much-improved application over the previous one.

The Chair summed up what was to be voted on. That they are granting **Delegated Permission** as detailed in the Schedule and the Late Material and the amended conditions within.

RESOLVED:-

That they are granting Delegated Permission as detailed in the Schedule and the Late Material and the amended conditions within.

Voting was as follows:

For (13) Councillors Dave Wheeler, Patrick Kyne, Richard Burton, Mark Topping, Beth Llewellyn, Andrew McDermid, Stuart Graham, Clayton Williams, Julia Gooch, Jonathan Beeston, Ian Whitburn, John Francis and Gill Moseley

Abstain (0)

Against (0)

Total (13)

5.2. PI390/24/FUL - Jurovan, Yorkley Slade, Yorkley

Please refer to the late material circulated prior to the meeting

This application was for demolition of existing bungalow and construction of 2 no. self-build two storey dwellings and associated works.

The Planning Officer presented Item 5.2 of report PH.588 and stated that the application was presented to Development Management Committee as PI390/24/FUL.

Members were reminded they had been given the opportunity to visit the site on 2 June 2026.

Attention was drawn to an additional consultation response, an amended condition, additional officer comment, and the revised recommendation in the late material.

The Officer Recommendation was **Delegated Permission** as detailed in the Schedule and the Late Material.

Public Speaking

Object: None

Parish: None

Support: None

Ward Members Speaking

None

Member Questions

Q: Looking at the boundaries around and between both plots, can you confirm there is room to get access into the rear garden?

A: Whilst specific measurements are not to hand, there is certainly room to get access to the rear gardens.

Q: This application creates two 2-story buildings. Will the height be similar to the converted Chapel next-door and will it affect the people living on the other side of the road with overlooking?

A: When you view the street scene slide, you will see that it is lower than the converted Chapel. Also, there is no overlooking into the converted Chapel. The side wall is facing, and The Chapel's garden is on the other side of the building.

Q: They are closing one access driveway and opening another. At what point will this be done? Will they have construction vehicles using the old access?

A: The only control in effect is that they cannot occupy the dwellings prior to the existing access being removed. How they choose to utilise the current access and the replacement access during construction is up to them. It is not a big enough site to require a construction management plan.

Q: Can you advise what the blue squares are, depicted on the plans?

A: They are drainage soakaways.

Q: How will they get vehicle access to the garage?

A: They will not be using the garages for vehicles; they are general residential storage areas.

Q: There appears to be some land at the back of the boundaries. Is that forest waste?

A: Yes, that is forest waste.

Q: Are the two septic tanks digesters? As there does not seem to be enough room for a drainage field.

A: The entire drainage scheme has not yet been agreed and there is a condition requiring the full foul and surface water drainage details. In principle it is ok, but as yet, the finer details are still to be agreed.

Committee Debate

Councillor Richard Burton proposed that they accept the officer's recommendation and grant **Delegated Permission** as detailed in the Schedule and with the amended conditions in the Late Material.

Councillor Clayton Williams seconded the proposal.

The Chair noted that West Dean Parish Council's comments have advised that the access plays are not the best, and a vehicle parks regularly outside nearby flats which reduces visibility, however the Highways Authority have not issued any concerns.

The Chair summed up that they are voting to grant Delegated Permission as detailed in the Schedule and with the amended conditions in the Late Material.

RESOLVED:-

That they are granting Delegated Permission as detailed in the Schedule and with the amended conditions in the Late Material.

Voting was as follows:

For (13) Councillors Dave Wheeler, Patrick Kyne, Richard Burton, Mark Topping, Beth Llewellyn, Andrew McDermid, Stuart Graham, Clayton Williams, Julia Gooch, Jonathan Beeston, Ian Whitburn, John Francis and Gill Moseley

Abstain (0)

Against (0)

Total (13)

5.3. **P0672/25/OUT - Land North of Carisbrook Road, Mitcheldean**

Please refer to the late material circulated prior to the meeting

This application was for Outline application for the erection of up to 180 residential dwellings (including affordable housing) with public open space, landscaping and vehicular access points (all matters reserved except for means of access)

The Principal Planning Officer presented Item 5.3 of report PH.588 and stated that the application was presented to Development Management Committee as P0672/25/OUT.

Members were reminded they had been given the opportunity to visit the site on 2 June 2026

Attention was drawn to additional consultation responses, additional neighbour representations, additional applicant's representations, additional officer comments, reported in the late material and orally and the revised recommendation with revised conditions in the late material.

The Officer Recommendation was Delegated Permission as detailed in the Schedule and the Late Material.

Public Speaking

Object: Emma Jones, Local Resident, spoke to a written representation already submitted to the Council

Parish: Lee Cartwright, Vice Chair of Mitcheldean Parish council, spoke to a written representation already submitted to the Council

Support: Robert Devon, Agent, on behalf of applicant, spoke to a written representation already submitted to the Council.

Ward Members Speaking

Councillor Fraser highlighted that the site is Grade I agricultural land used for food production, identified as open countryside under Core Strategy CSP4. It lies outside the settlement boundary, and Mitcheldean's Neighbourhood Development Plan (NDP) (policy H2) does not support development in this location.

A proposal for 180 houses would have an unacceptable, detrimental impact on Mitcheldean's landscape character. Although classified as a large village, Mitcheldean would struggle to accommodate development of this scale, particularly given existing road infrastructure constraints and multiple pinch points.

Transporting primary-aged children to nearby villages due to limited local school capacity would not support cohesive community development, where children attend school together and families build local connections.

Councillor Trevor Roach reminded the Committee that a previous application for 120 properties on the site was refused in 2019 due to concerns about unsuitable countryside development, impact on the setting of the Grade I St Michael and All Angels Church, and poor access visibility from Abenhall Road, as reflected in the NDP.

In January 2026, the Government's national security assessment on biodiversity loss and ecosystem collapse warned that, without significant increases in food system and supply chain resilience, UK food security is unlikely to be maintained. A May 20, 2026, Climate Change Committee report further indicated that, without adaptation, high-quality farmland could decline from an average of 40% (1961–1990) to 10% by 2050. Traffic data does not account for congestion during school peak times (3:30–4:30 pm). The proposed drainage strategy mirrors others in the area that have proven ineffective. The application should be paused and reconsidered.

Member Questions

Q: Why is the loss of the best and most fertile land deemed only as modest weight in your conclusion?

A: The weight applied was based on professional judgement. Members were advised that alternative weight could be applied within the overall planning balance, provided clear justification was given.

Q: Given the National Planning Policy Framework (NPPF) hierarchy is to prioritise brown over green field land development, how is this compatible with quote 'the Local Planning Authority is charged with determining the application on its own merits'?

A: The NPPF (December 2024, paragraph 125(c)) requires substantial weight to be given to suitable brownfield land but does not impose a strict hierarchy. The application was to be considered on its own merits. Existing brownfield allocations in Mitcheldean were out of date due to the absence of a five-year housing land supply, engaging paragraph 11(d)(ii), and the tilted balance.

Q: If it is to be judged on its own merits, the fact that it is on a green field site, would that be considered a de-merit?

A: The report does identify that it is outside the settlement boundary. If members choose to give that weight, within their planning balance and the weight that you give to that, then that is your choice.

Q: Whilst having every sympathy with the residents of Mitcheldean and wishing to vote against this application, are there any realistic and valid planning reasons for refusal?

A: The Development Management Manager (DMM) advised that Members could refuse the application but would need to demonstrate that harm significantly and demonstrably outweighed benefits, given the tilted balance. Officers considered refusal unlikely to succeed at appeal.

The Chair directed members to pages 134–135 for further context.

Q: Very recently the Local Plan has been in discussion and the current strategic challenges that face the authority. What weight was given to housing land supply?

A: This was a key material consideration. As the Council could not demonstrate a five-year supply, housing policies were out of date and the tilted balance applied. So, the NPPF and paragraph 11(d)(ii) and the housing supply position is very fundamental to the application.

Q: What evidence is there that local schools, GP provision and highways infrastructure can accommodate 180 additional dwellings?

A: Evidence in the report, supported by statutory consultees Gloucestershire County Council-Education (GCC), National Health Service (NHS) and Highways Authority (HA) indicated impacts could be mitigated and our colleague from the HA is here today to answer any questions that you may have.

Q: Is there any information regarding delivery rates and how quickly these homes would contribute to the five-year housing supply?

A: There is information within the transport assessment, which indicates a likely start year. No assumptions have been made about the number of dwellings delivered per year.

Q: How many affordable homes would be secured through the Section 106?

A: The proposal is 40 percent, which is a policy compliant position. The scheme is for up to 180 homes, so if 180 are constructed, that would equate to 72 affordable homes. This information is referred to on page 131.

Q: Are the HA satisfied that the arrangements could accommodate both construction traffic and development traffic without severe impact?

A: Yes. This is a very strong test that the HA could apply against the development if it were deemed relevant, but in this case, there will be no severe impacts on congestion.

Q. Have all the drainage bodies confirmed there is sufficient capacity for foul and surface water disposal?

A. The Lead Local Flood Authority Officer (LLFAO) explained that through the use of sustainable drainage, the attenuation basin, and the restriction in the discharge rate of surface water leaving the site, that they were satisfied there would not be an increase in flood risk downstream. Foul water and sewerage would be under the Water Authorities remit.

Q. On a slide displayed earlier, it shows two outlines of the site, side by side, however, the outlines differ. Can you explain why the outlines differ and the implications?

A. Yes. As stated, the slide shows the same site picture with slightly different outlines. The picture on the left side shows a rectangular piece of land on the top, which is not shown in the picture to the right, outlined in black. That rectangular piece of land is outside of the allocation.

Q. The development plan settlement boundary and the Regulation 18 revised Local Plan, can you explain the terminology?

A. The development plan shown on the left of the slide, is the currently adopted local plan, which is our starting point for consideration. As previously explained, this is where the 11(d)(ii) paragraph comes in, as the NPPF is a material consideration. The picture on the right is what could be proposed through the Council's Local Plan until 2045. Please note however, this has not yet been adopted and has not gone through a public enquiry, so at this stage, the weight to be attributed to the picture on the right is limited. Planning applications should be considered in accordance with the development plan unless material considerations indicate otherwise. One of those material considerations is paragraph 11(d)(ii) of the NPPF, which sets out what you should do if your housing supply figures are considered to be out of date because you cannot demonstrate a 5-year supply.

Q. Is there a reason the perimeter of the area indicated differs?

A. The DMM advised that the boundary reflected the applicant's design approach, which is different to the shape of the draft allocation. It is the applicant's choice for how they designed an application for which they wish to achieve planning permission.

Q. The A40 is accessed by very narrow roads, and it does not appear to be included in the HA assessment response. These narrow roads just about allow two cars to pass each other, and anything wider requires a vehicle to stop. Has any consideration been made through the HA of that restriction and possible cause of further traffic congestion?

A. The Highways Authority Officer (HAO) advised assessment focused on key junctions. Additional routes were not assessed where trip thresholds were not exceeded, or safety concerns were not identified.

Q. Would that of extended to the junction with the A40 which is a mile away?

A. Reading the transport assessment, there may have been some initial thoughts about assessing the A4136 North-East towards the A40 where there is a signalised triangular junction. The A40 at that location is managed by National Highways and my understanding is that they did not respond to the requests for junction signal data so it could be added into the transport assessment by the applicant.

Q. Can you explain the ways that flooding can be alleviated in this particular instance?

A. The LLFAO advised there is no requirement on the developer to improve existing flooding situations, they must however, not make them worse. An assessment of the site was made including calculations to assess the rate that surface water will leave the site. The strategy proposes that surface water would be controlled through attenuation and restricted discharge rates, designed to accommodate extreme events and climate change. Through those proposals and reasons, it has been demonstrated that this site will not worsen the risk of flooding.

Q. A development on Owen Farm, Coleford had flood alleviations which failed quite significantly, so what guarantees are there that these would work?

A. The LLFAO advised they can only assess what the applicants are proposing, and it is deemed adequate for this site. A condition has been recommended to look at the details of the drainage, so there will be more information to study and analyse when they come to discharge that condition. Once the condition is discharged, construction of the drainage will then come under building control.

Q. Recently travelling down Plump Hill at 8am, the traffic down to the mini roundabout was absolutely rammed. With reduced places in schools, people living on this site will be travelling by car to take their children to school and to travel to work. 180 houses may potentially have 360 cars, resulting in 720 movements? Do you think the roads, including those which are narrow and have poor visibility at their junctions are suitable?

A. Developers are required to produce a ratio of the number of dwellings multiplied by the number of trip rates for each, in the am & pm peak hours. In this instance, the am peak is between 8:00am to 9:00am and the pm peak is between 4:30pm to 5:30pm. This generates a ratio, usually under one, of vehicle movements out from the development in the morning and back into the development in the evening, in the peak hours. Generally speaking, it is around 0.5 per dwelling, therefore two dwellings equal one car effectively, this is nationally recognised highways and transport analysis. These numbers are then fed into the system to analyse and assess a junction or

roundabout, and that is added to the existing traffic information for that peak hour. If that number is below a certain threshold, then it is deemed to be acceptable and within capacity, and the HA has noted that in all circumstances, those numbers were acceptable and therefore mitigations cannot be insisted on at the junctions that have been assessed.

Q. Can you clarify which junctions were assessed on this application?

A. The site access point on Carisbrook Road and the T Junction between Carisbrook Road and Bradley Court Road. Both were assessed as acceptable. The major one was the Abenhall Road junction (A4136) and the Roundabout (B4224 & A4136) and both operated within capacity.

Q. How are the queues measured at the roundabout? From the stop line or further back up the road (B4224) where cars are waiting to get through a single pass point to the roundabout junction?

A. The queues are based on the number of stationary vehicles at the stop line of the roundabout going backwards. It would, however, take into account any other platoon of cars that were stopped further back as well. The numbers presented to us do not give any cause for concern in terms of severity.

Q. Mitcheldean is an area where there are a series of bottle necks going through the place, a very busy area. There only needs to be the slightest glitch anywhere within the area and it can cause significant tailbacks. Is it sensible to apply the national standards to an area where there are multiple issues from where drivers leave one queue only to join another queue?

A. There are other measurements that could have been used, which are journey times between two points. If you pick a point at the end of where things are bad to the point where the next junction that you want to assess is, how long does it take a vehicle to travel between these two selected points, that would be an alternative measurement to determine whether or not that whole link works in a satisfactory way. This was not done in this instance; however, it is another tool that could be used.

Q. Whilst this Council actively seeks to encourage greater use of public transport wherever possible, at the top of page 95 it says that there is to be qualitative analysis of local pedestrian, cycling, and public transport. Why is it not a quantitative one?

A. The Case Officer advised that at the top of page 95, the second bullet point refers to what is a factual precis of the standing advice from Active Travel England (ATE), so by their very nature as a body, they are looking to promote active forms of travel, so that is why they refer to pedestrian, cycle and public transport. This is what their standing advice says, it is not an evaluation.

The Chair clarified to the member that the bullet points come from ATE and all that Officers can do is to explain that this is what ATE state, regardless of whether the Officers agree or not.

Q. It states that there will be 40 percent affordable housing on this site, which is very high. Previous sites have been whittled down on affordable housing and the viability aspect. Will this actually be achieved?

A. The applicants have offered us 40 percent affordable housing, which is the policy compliant offer. They have agreed to do that. It would not be appropriate to speculate to what may happen in the future.

Q. On page 96, the information from Gloucestershire Wildlife Trust, bullet point three, states there is an over-reliance on “residents packs” to manage behavioural impacts. Can you explain this to me? Do they mean to manage the bats behaviour?

A. The idea of this, is to seek to influence the behaviour of the people who live on the site and when they are undertaking recreational activities, to give them the information that steers them and influences their behaviour in a particular fashion. That is the idea of a homeowner pack. Not to influence the behaviour of the bats but to influence the behaviour of the people who would be living on the site.

Q. How would ecological impacts (e.g. bats) be managed?

A. Following advice from our Ecology Team, conditions will require lighting assessments and ecological mitigation, subject to further consultation and approval.

Q. Would Highways also be conforming to this whilst the area is being built on? So, any construction work would also be subject to those restrictions? because in the winter it gets dark at 4:30 pm.

A. Condition 11 talks about a Construction Environmental Management Plan relating to biodiversity and Point f) asks for information about location and timing of sensitive works and mitigation to avoid harm to biodiversity features.

Q. There is a bus stop nearby. How frequent is the public transport now and are there any plans to enhance it in the future?

A. The Highways Officer advised that the current bus service is hourly and there are no plans to increase this.

Q. The Chair asked for clarity to where the hourly bus service travelled?

A. The Case Officer directed members to Page 113, second paragraph, which gives in-depth information about the services available both on weekdays and weekends.

Q. Currently there is an application to remove affordable housing from a housing application in my ward. If this application had not put forward 40 percent affordable housing, would this application be recommended for approval?

A. The Case Officer advised that before reaching that position, the applicant would be expected to demonstrate why they could not provide 40 Percent, given that it is the policy compliant position. This would involve them submitting evidence and a viability assessment, which would be independently assessed by a third party. Then, whatever the result was, would flow into consideration of the planning balance. Without exact figures, I cannot tell you whether it would have influenced the recommendation, because that is not the situation before us.

Q. Has this application been viability assessed to provide 40 percent affordable housing?

A. No, because they are offering a policy compliant position and there is no requirement for them to do so.

Q. Every child should be entitled to a school placement in the village where that child's home is, not to be transported several miles away. What information do we have from Gloucestershire County Council (GCC) that Mitcheldean should be having a new school?

A. The Case Officer advised that the response from GCC does not ask for a new school. They are only considering the impact of this development not wider school planning or programme building.

Q. What are GCC Proposing? Are they saying they want money to provide school transport to transport primary aged children out of Mitcheldean?

A. In essence yes. Because the school planning area is not just Mitcheldean. They recognise that the closest primary school in Mitcheldean is unable to expand. On Page 130, paragraph 5, identifies for school planning purposes, areas are identified which include a number of primary schools, in this case the relevant school planning area is Mitcheldean and Longhope.

Q. On page 93, the mitigation section, there are three points that are proposed by the applicant to mitigate the potential traffic problems. Please can you explain how any of those three points will actually help?

A. The Highways Officer advised that the keep clear markings allow for vehicles to get in and out of Abenhall Road better than they currently do. The alterations to the signals on the Puffing Crossing on New Road, is about optimising the detectors that are on the top of the signal heads, which detect the presence of pedestrians at the crossing. In most circumstances, those will trigger effectively the red light for the cars if the button has been pressed and there is somebody waiting to cross. Potentially the

timings can be altered to allow the signals to revert back to green once the pedestrians have crossed the road. There is also the ability for additional queue detection loops to be put into the carriageway, so if a queue does form, then the lights, when they turn green, will stay on longer, depending on whether or not there is a vehicle on top of that queue detector, some distance back from the crossing, so you can flush out that queuing traffic before the signal turns red.

Q. Does Highways have any traffic moving figures for when Rank Xerox was running?

A. No.

Q. Do you have any figures for the current traffic moving on and off this industrial site?

A. No.

Q. In 2018 when the first planning application was presented on this site, the Planning Officer at the time labelled it a blot on the landscape. What has changed from then to now?

A. The Case Officer advised that they could not comment on that statement. On page 109, paragraph 6, it mentions the changes which are material to the consideration of this application. The report clearly acknowledges that there will be impacts both in terms of visual harm and harm to the landscape of the character of the area, however now, you have to weigh those considerations against the benefits of the scheme and make a conclusion as to whether those issues, amongst others, significantly and demonstrably outweigh the benefits.

Q. There are mentions that there could be a roman road there. Will there be a historic dig?

A. The County Archaeologist response is identified in the report on page 89. The recommendation from them is to secure a condition to secure an appropriate programme of work to further identify significant archaeology and where necessary to excavate and record remains prior to development taking place.

Q. On the previous application in 2018, one of the grounds given for refusing the application was the impact it would have on the local heritage assets, especially the Grade I listed church, however on this application it does not appear to carry any weight at all? Can you explain this? Is it just because the Heritage Officers are different people?

A. On page 120, there is information which talks specifically about this topic. The Conservation Officer had regards to those previous comments and do not reach the same professional conclusion. It goes on to consider what can be seen as views and considers that, in the context of the plans we have before us now. The conclusion

reached was one that considers there is no discernible level of harm or loss of significance to the church. This is a matter of judgement and professional expertise. It is important in terms of assigning weight because it then influences how conclusions are reached. So, the conclusions that Officers have reached, because it is neutral in the balance, you can proceed to determine in accordance with the tilted balance. If the conclusions were different, you would have to follow different sections of the NPPF, because different sections, depending on the weight that you give to harm to heritage assets, leads you down a different road. In this case the Conservation Officer has reviewed the previous comments, has looked at the previous scheme and their professional view is, that it would not cause a discernible level of harm, hence why it is neutral in the balance.

Q. Part of the Conservation Officers response is the likely position of where the buildings would be and yet there is no condition to secure that? It does not sound reassuring.

A. This is an outline application only. Layout, appearance, scale, and landscaping are reserved for future consideration. This means a subsequent application for those matters will be submitted either as a whole or separately. However, more importantly it means that more consultation will be carried out, so there will be further opportunities to seek the views of the Conservation Officer and remember we have the Ecological Parameters Plan. There is also an additional safeguard because the reserved matters have to come forwards, which will be the subject of a formal application, should outline permission be granted.

Q. Can the HAO confirm that no investigational consideration was given to the form of Bradley Court Road and Ross Road and therefore no particular consideration given to the difficulties of the junction at Lea line and at The Lea? This development is on the northern side of Mitcheldean, and traffic will not just go through the village and the pinch points, it will go through Bradley Court Road to Lea Line and turn right, which is not the best of junctions.

A. The transport assessment shows the two road in the immediate vicinity of the development were assessed and described in detail. The next piece of work was to determine where the traffic would go and a distribution analysis was included in the transport assessment and as a result, the numbers proposed to go in those directions were not deemed to be significant, as a result of routine preferences based on work that is done from the census, detailing where people live and where they work. They also used the local housing estate opposite, comprising of 170 dwellings, to determine where typically people drive to, including going to work and other activities and then they would imprint that onto the development here to determine if that pattern would result in significant amounts of traffic going in different directions. This was done not only for the capacity of the network, but also to determine if those roads needed to be surveyed any further than what was actually done.

Q. Why have transport assessment not been done for both the Bradley Court Road route if traveling to Newent or indeed Longhope and for Carisbrook Road leading through the lanes if travelling to Hereford? Why haven't all the route into Mitcheldean been assessed?

A. There is a threshold over which a junction or a link would be assessed and that is thirty additional vehicles movements in the peak hours. If those routes did not pass that threshold, there would be no need to assess them. For a development of 180 units, a figure of around 60 outgoing trips in the morning was shown in the transport assessment, approximately 1 per minute, therefore when you distribute that across the whole network, it would be surprising if 30 of those trips were going in that one particular direction, therefore that route would not form part of the assessment.

Q. To clarify, are you saying the assessment deems that only sixty people will have a car and drive to work and everyone else either does not work, own a car or travel out of Mitcheldean?

A. No, that is not how the assessment is done. It is based on the typical patterns of travel in a morning or evening, not everyone leaves their home and gets onto the road network at the same time, so there is a peak hour during which those assessments are done, and in that peak hour, it has been determined that there are going to be a number of trips onto the network, then they are distributed and split depending on the routes that they take. It is a ratio based on the number of houses multiplied with the ratio gives us the number of trips out of that development in the peak hour.

Q. Reading the first two sentences at the top of page 112 in paragraph 1, how does this development maintain or enhance the vitality or this particular community?

A. When more people are living in an area they are contributing to the local economy, using the local community facilities which could in turn increase demand elsewhere. Using local facilities in shops, this is how something maintains the vitality of a rural community, and please note it just has to maintain it, it does not have to enhance it. It is also important to note that this is only one paragraph of the NPPF which should be considered holistically.

The Chair clarified to the Committee that they do not have the power to refuse this application, because of new Government legislation. The Chair invited the Development Management Manager to elaborate on this recent change to make it very clear.

The DMM explained to the Committee that this was discussed at the end of the previous Development Management Committee. If an application for housing developments of over 150 dwellings is recommended for refusal, the matter must first be referred to the Secretary of State to decide whether to call it in. If it is called in, then it effectively goes to a Planning Appeal, and the Council would have to defend

its planning decision. The call in process is not a way of absolving the Council of its responsibility in making the decision. The Council would need to demonstrate its decision and defend it at appeal, which is likely to be a public enquiry, and the Council would need to provide its evidence as to why it felt the scheme was acceptable as a refusal.

Committee Debate

Councillor Williams asked whether, if members were minded to refuse the application, there would need to be very strong reasons for doing so?

The Chair advised that exceptional reasons would be required.

Councillor Kyne recognised that the decision was difficult and that all views expressed were understandable. It was recognised that applications of this type could be considered in the short term; however, they also needed to be considered in the medium to long term. The concerns regarding the shortage of building land were considered relevant, but from a planning perspective, the application met the necessary criteria. Frustrations were expressed regarding the lack of provision for dentists and doctors, and concerns were raised about bussing young children to school.

Councillor Francis expressed concern about limitations imposed by current legislation and the perceived lack of ability to refuse.

Councillor Llewellyn advised that, having considered all aspects of the application, they felt unable to support the application, however observed that it appeared difficult to oppose it, therefore would abstain.

The Chair clarified that members could vote against the application, provided robust planning reasons for refusal were identified. After which the matter would be referred to the Secretary of State.

Councillor McDermid opposed the application, citing loss of Grade I agricultural land and food security concerns, also noting it was disproportionate to the scale of the community.

Councillor Graham raised concerns and objections regarding setting a precedent if approval is granted and identified alternative nearby brownfield sites. Opposition was not about development in this area in principle, just on this grade I agricultural land. It was further stated that members were responsible for representing residents' interests but were constrained by current legislation.

Councillor Whitburn expressed thanks to the Planning Officer for a comprehensive report. Concerns were raised relating to traffic, flooding, school capacity, and heritage impact, and a proposal for refusal of this application was put forward.

Councillor Beth Llewellyn Seconded the proposal.

Councillor Burton supported a refusal based on countryside impact and loss of agricultural land. Concern was also expressed that the Council should not acquiesce to the imposition of national planning policies by the Government.

Councillor Moseley advised that refusal was unlikely to succeed at appeal due to the tilted balance and policy context, and highlighted potential financial risks.

Councillor Graham asked whether it was possible to refuse the application and cite the reasons for refusal at a later date, noting concern that it was unfair and unrealistic to expect this to be done immediately.

The DMM explained that this is not how the system of making decisions at Development Management Committee works. The Committee were responsible for making planning decisions; if unable to do so, an application could be deferred. However, any decision made, must be made in the Chamber, and if Members chose to refuse an application, the reasons for refusal had to be fully understood and articulated at that time rather than at a later date.

Regarding an earlier comment about the risks of appeal, the DMM advised that two larger housing schemes in Newent and Lydney had been defended by the Council at appeal and both had been unsuccessful. In the DMM's professional opinion, if the current application proceeded to appeal, the developer was likely to highlight that the site had been shown as allocated for development in two of the Council's Regulation 18 submissions, and that this would be a significant consideration.

Councillor Francis advised that, whilst there was disagreement with the application, sufficiently robust and constructive reasons for refusal that would be upheld by Government could not be identified, which presented a difficulty. An apology was offered, and it was questioned how sufficiently substantive reasons for refusal could be found that would stand up at appeal.

Councillor Topping advised that the most significant reason for refusal would be the loss of Grade I agricultural land and more weight must be given to this. Whilst this limited area would not make a substantial difference to overall food security, the principle of building on Grade I land is unacceptable. Greater weight should be given to protecting such land, given the importance of food security, and that compliance with Government requirements should be questioned in this context.

Councillor Gooch sought clarification on the site's inclusion in Regulation 18; the Chair confirmed Full Council approval on two occasions.

Councillor Williams asked the DMM, if the application were deferred, what the relevant timescales would be, and whether there was a risk that the agent might withdraw the application, resulting in the loss of Section 106 funding?

The DMM advised that they could not speak on behalf of a developer. Once an application moved beyond the agreed extension of time, the developer had the right to appeal for non-determination. In such circumstances, an Inspector would determine the acceptability of the application and whether the Council would receive the proposed contributions. It was noted that this would present a risk. If a deferral were proposed, a strong and justifiable reason would be required. It was further advised that, if the developer considered that the Committee found most of the scheme unacceptable and that deferral would only delay a refusal, there would be little incentive for the developer to wait. Members were advised that, unless there were compelling reasons for deferral acceptable to all parties, a decision should be made based on the application as presented.

The Chair clarified that the expiry date for the application was 26 June 2026, which was before the next scheduled meeting of the Development Management Committee.

The Chair commented that Members were in a difficult position for the reasons expressed. Concern was raised regarding the Highways assessment process. Based on local knowledge, it was considered unlikely that most traffic from the site would travel through the centre of Mitcheldean and instead, the use of Bradley Court Road towards Lea Line or routes into The Lea were considered more probable. It was noted that the junctions at both Lea Line and The Lea were substandard. Whilst the professional opinion of the Highways Authority was acknowledged and accepted, it was suggested that there was scope for further detailed examination of these routes.

The Chair also reminded Members that, in their role on Full Council, consideration would be given to the Local Plan. If Members wished to withdraw potentially allocated sites in the new Local Plan, it would be necessary to identify approximately twenty-five similar sites to this one across the Forest to meet housing requirements, if Glynchbrook were removed, noting that today's particular site was already allocated.

The Chair called a five-minute recess and reminded Members not to speak to members of the public in the gallery during this time.

The meeting was paused at 16:35 and reconvened at 16:45.

Councillor Whitburn referred to a previous planning appeal in Mitcheldean, where the Planning Inspector had attached significant importance to the setting of the church. It was therefore considered that the setting of the Grade I listed church and the conservation area remained a highly significant factor.

Councillor Topping noted that, in seeking further evidence and professional opinion regarding the value of the land, reference could be made to the Government's own report, which could be presented if the matter were considered by the Secretary of State.

The Case Officer drew the DMM's attention to Reason 8 at the bottom of page 86, noting that further advice might be required regarding its handling in an appeal scenario, particularly in relation to Section 106 matters.

The DMM agreed and advised that, as no Section 106 agreement had been completed, required contributions (including affordable housing and infrastructure) were not secured and this constituted an additional reason for refusal.

The Chair clarified that Reason 8 at the bottom of page 86 should therefore be included as part of the refusal reasons.

The Chair advised the Committee that they are voting to refuse the application for the reasons outlined.

- The proposal was considered to represent unsustainable development in the countryside due to its location outside the settlement boundary, where new residential development was restricted by local and national policy. It was therefore contrary to policies CSPI, CSP4 and CSP5 of the Core Strategy, policy API of the Allocations Plan, and guidance within the National Planning Policy Framework.
- The proposal was contrary to policies CSPI, CSP4 and CSP5 of the Core Strategy, policy API of the Allocations Plan, and the National Planning Policy Framework, in that it would result in a suburban form of development within a rural location on best and most versatile agricultural land. This was considered to adversely affect food security and to be out of character with the surroundings, resulting in unacceptable harm to the character and appearance of the area.
- The proposed development failed to properly account for, and would cause unacceptable harm to, the significance of the designated heritage asset, namely the Grade I Listed Church of St Michael and All Angels. On balance, this harm was considered to outweigh the benefits of the application.
- The proposal fails to make provision for affordable housing, serviced plots for sale to self and custom builders, provision, laying out, management and maintenance of all open space on the site outside private gardens and including the attenuation pond should it not be adopted by a statutory body e.g. Severn Trent, the laying out, equipping of the trim trail and combined LEAP and LAP and contributions to deliver additional capacity at Mitcheldean surgery, primary education, libraries, travel plan, home to school transport, bus stop improvements, monitoring Biodiversity Net Gain via a Section 106 Legal Agreement where there are recognised shortfalls which would place an unacceptable burden on existing local services and infrastructure. As

such, the proposal would be contrary to Policies CSP.1, CSP.4, CSP.5 and CSP.9 of the Core Strategy, policies API and AP7 of the Allocations Plan and the advice in the National Planning Policy Framework.

RESOLVED:-

That they are voting to refuse the application for the reasons outlined.

Voting was as follows:

For (7) Councillors Richard Burton, Mark Topping, Beth Llewellyn, Andrew McDermid, Ian Whitburn, John Francis and Gill Moseley

Abstain (3) Councillors Dave Wheeler, Julia Gooch and Jonathan Beeston

Against (2) Councillors Stuart Graham and Patrick Kyne

Total (12)

The Chair confirmed that the application was refused and therefore will now be passed to the Development Management Manager to refer to the Secretary of State.

Councillor Stuart Graham's vote was recorded as against; however, he requested the minutes record that he intended to vote for refusal of this application.

The Chair addressed the Committee advising that they had taken 3 hours to determine the first application and they have 3 more applications to be considered. They have a choice to either suspend standing orders for 1 hour, if they are confident that they can finish the remaining applications in that time, or they can defer until next Tuesday?

It was proposed that they suspend standing orders for 1 hour. Agreed by assent.

5.4. P0331/26/FUL - 23 High Street, Cinderford

This application was for Change of Use of Shop (Class E) to hot food takeaway (sui generis) and installation of extraction equipment.

The Planning Officer presented Item 5.4 of report PH.588 and stated that the application was presented to Development Management Committee as P0331/26/FUL.

Members were reminded they had been given the opportunity to visit the site on 2 June 2026

The Officer Recommendation was **Grant Permission** as detailed in the Schedule.

Public Speaking

Object: None

Parish: None

Support: None

Ward Members Speaking

None

Member Questions

Q: Can you advise if the public's diet is a planning consideration?

A: No, not what they eat, however there is guidance in the NPPF that talks about obesity and how that should be drawn into consideration, therefore a slightly different and nuanced continuation of the point that you have made.

Q: Has that been considered?

A: Under the principles of development section, paragraph 97 of the NPPF states that applications for hot food takeaways should be refused if they are within walking distance of schools and where young people congregate, unless the location is in a designated Town Centre, therefore, yes this has been considered.

Q: Can this be refused based on the loss of a retail unit within the Town Centre?

A: The Policies in the Core Strategy seeks to reinforce suitable uses within Town Centres and this is considered to be a suitable use. We can only determine what is in front of us, not what we might prefer. If members were minded to refuse the application, you would need to identify what harm resulted in that and why it was contrary to your policies.

Q: The property above is residential? Looking at the position of the flue between the two dormers, does it come up through the residential building?

A: Yes, the property above is residential. No, the flue does not come up through the residential building, it is externally mounted on brackets, it is not between the two dormers it is in front.

Q: Are the proposed opening hours compatible with the neighbouring residential properties in the area?

A: Environmental Health have been consulted, and they consider them appropriate and the takeaway next door has the same opening hours, and this has been conditioned.

Q: Dominos, the takeaway next door to this application, have an obligation to control vermin inside their premises but not outside their premises, therefore they do not. The Golden Lion Pub, on the other side of Dominos, do take proactive measures with vermin, however, have noted an increase in the numbers of vermin in the area since the opening of Dominos. Has this been a consideration for this application? As having two fast food outlets next door to each other, and if they leave waste at the rear of the building, will attract vermin?

A: It has not been explicitly considered in this application. Complaints about rats or issues about waste is a statutory nuisance complaint. Environmental health have different legislation they can enact and act upon to deal with those complaints.

Committee Debate

Councillor Clayton Williams proposed to accept the Officer Recommendation to **Grant Permission** as detailed in the Schedule.

Councillor Patrick Kyne seconded the proposal

The Chair advised Councillor Graham that as there was some concern whether the building for this application fell within the boundary of Cinderford East or not, and therefore within his ward, it would be advisable to not cast a vote.

The Chair summed up what was to be voted on. That they accept the Officers recommendation to **Grant Permission** as detailed in the Schedule.

RESOLVED:-

That they accept the Officers recommendation to Grant Permission as detailed in the Schedule.

Voting was as follows:

For (12) Councillors Dave Wheeler, Patrick Kyne, Richard Burton, Mark Topping, Beth Llewellyn, Andrew McDermid, Clayton Williams, Julia Gooch, Jonathan Beeston, Ian Whitburn, John Francis and Gill Moseley

Abstain (0)

Against (0)

Total (12)

6. DATE OF NEXT MEETING

Sites Inspection Panel

Tuesday 7 July 2026

Development Management Committee

Tuesday 14 July 2026

The meeting ended at 5.46 pm

Minutes prepared by Leanne Drew

Telephone 01594 812204 Email leanne.drew@fdean.gov.uk