

1 June 2026

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Dear Councillor,

You are invited to attend a meeting of the **Development Management Committee** to be held in the Council Chamber, Council Offices, Coleford on **Tuesday, 9 June 2026 at 2.00 pm.**

If the business is not completed at the meeting, the committee will reconvene on the following Tuesday at 2.00pm.

Yours faithfully,

Democratic Services Officer

To: Councillors Jonathan Beeston, Richard Burton, John Francis, Julia Gooch, Stuart Graham, Patrick Kyne (Vice Chair), Beth Llewellyn, Andrew McDermid, Gill Moseley, Simon Phelps, Mark Topping, David Wheeler (Chair) and Clayton Williams

AGENDA

1. APOLOGIES

To receive apologies for absence

2. MINUTES (Pages 1 - 16)

To confirm and sign the minutes of the Development Management Committee meeting held on 12 May 2026.

3. URGENT BUSINESS

The Chair to identify any items of urgent business

4. DECLARATIONS OF INTEREST

To receive any declarations of interest in any matter to be discussed at the meeting. Members and officers are requested to identify the nature of the interest

5. SCHEDULE OF APPLICATIONS (Pages 17 - 168)

To consider the schedule of applications in report PH.588 as prepared by the Development Manager.

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

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

5.2 P1390/24/FUL - Jurovan, Yorkley Slade, Yorkley

Demolition of existing bungalow and construction of 2 no. self-build two storey dwellings and associated works

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

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)

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

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

9 June 2026
Development Management Committee

6. DATE OF NEXT MEETING

Sites' Inspection Panel: Tuesday 7 July 2026

Development Management Committee: Tuesday 14 July 2026

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Tuesday, 12th May, 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 Chamber, Council Offices, Coleford on Tuesday, 12 May 2026 at 2.00 pm.

Present

Chair Councillor David Wheeler

Vice Chair Councillor Gill Moseley

Councillors Jonathan Beeston, Julia Gooch, Patrick Kyne, Beth Llewellyn, Andrew McDermid, Sid Phelps, Simon Phelps and Ian Whitburn

Officers

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

1. **APOLOGIES**

Apologies were received from:

- Councillor John Francis substituted by Councillor Ian Whitburn
- Councillor Clayton Williams
- Councillor Trevor Roach

2. **MINUTES**

The minutes of the Development Management Committee meeting held on 14 April 2026 were confirmed and signed as an accurate record

Proposed by Councillor Beth Llewellyn

Seconded by Councillor Andrew McDermid

Agreed by assent

3. **URGENT BUSINESS**

There was no urgent business

4. **DECLARATIONS OF INTEREST**

None declared

Interest as Ward Members

- Councillors Patrick Kyne, Ian Whitburn and Clive Elsmore regarding Item 5.2

Ward members serving on the Committee are able to 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.587 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 the order that applications would be heard in was as detailed in the Schedule.

5.1. P0787/25/FUL - Bovone Farm, Tibberton, GL2 8EA

Please refer to the late material circulated prior to the meeting

This application was for the erection of a free-range poultry house and associated infrastructure.

The Principal Planning Officer presented Item 5.1 of report PH.587 and stated that the application was presented to the Development Management Committee as P0787/25/FUL.

Members were reminded they had been given the opportunity to visit the site on 5 May 2026.

Attention was drawn to a correction, a revised applicant representation, additional consultation responses, additional officer comments, an amended condition, and the revised recommendation in the late material.

The Officer Recommendation was **Delegated Permission** as detailed in the schedule and late material.

Public Speaking

Objection: None

Parish: None

Support: Ian Pick, Agent for the applicant, spoke to a written representation already submitted to the Council.

Ward Members Speaking

None

Member Questions

Q: Can the Case Officer explain how this application meets the official requirements of free-range chickens, as defined?

A: Free ranged broilers are defined by having continuous daytime access to outdoor areas for at least half of their life span. In this case from day 28 to day 56, the birds will have access to the external range area. There are guidelines around stock densities of no more than 13 chickens per square metre of indoor space. In this case it is 9 chickens per square metre, which is less than the square metre threshold.

Q: Ammonia is toxic to wildlife, water quality and directly to human health. An expansion of the unit will result in more emissions of ammonia. Please advise how the local authority will supervise and manage the order management plan that will be in place?

A: The main planning issue being looked at, in this respect, is preventing nutrients from ammonia which turn into nitrates, from reaching the water course in the first place. Whilst airborne ammonia can also contribute to nitrogen deposition more widely, that is generally diffused and a low-level pathway, rather than direct pollution, which is what is discussed in the late material with the scale assessment. In terms of the odour management plan itself, it was requested from Environmental Health, more so from a human health point of view. The Applicant is required to submit one to us, with details of how the emissions will be reduced at the source, through both good operational practices and alongside ongoing maintenance and monitoring strategies, which they will need to put in place. Part of the condition asks for ongoing monitoring at the site boundary, record keeping and a complaints procedure with named responsible persons, and that plan must be kept under review. So, it is for the applicant to set out what they are proposing to do, and if those details are acceptable, at that point we would look at discharging that condition. This will include details of the monitoring over a determined period of time, as well as sitting alongside other controls that are already secured, like the manure management plan and the drainage matters that seek to address the wider elements of risks towards water quality and ecology.

Q: How will this odour management order be managed? Will it be a retrospective review of the paperwork? Self-reporting?

A: Going forwards, yes, but the actual details of the odour management plan have not yet been received, this is what the condition is asking for. It will include details, which should any complaints are made due to odour, then the condition is in place to enforce against it. However, it is not something that will require direct monitoring from the Authority. The Applicant will submit the details to us, and they will need to comply with them. If any complaints are received in the future, at that point it will be investigated.

Q: Will intermittent measurements of ammonia levels be provided?

A: There is a requirement in the condition for ongoing monitoring at the site boundaries, but at what intervals, will need to be established through those details required in the condition.

Q: Would complaints go directly through to Planning Enforcement?

A: If it were a breach of the condition, then yes, it would go to Planning Enforcement. If it was specifically an odour issue, then it is more likely to be directed to Environmental Health in the first instance, however there could be an overlap if it is found that they are not in compliance with the details agreed through the conditions, so Planning Enforcement may then be involved.

Committee Debate

Councillor Sid Phelps accepted that within planning terms, there is nothing that can be done to prevent this application being permitted, however stated that producing more ammonia in a Nitrate Vulnerable Zone Area (NVZA) was unwise. Until the Local Plan is in place, which can prevent ammonia producing facilities in NVZAs especially and certainly the catchments of all the putrefied rivers, then there is nothing that can be done legally or planning wise to oppose this, which saddens me, because planning should be there to protect the environment as well as humans.

Councillor Moseley highlighted that questions were raised at the site visit regarding the NVZA and the measures in the report were explained. The map in the presentation shows an alarming graphic, with the flood zones of the River Leadon, however assurances have been given that the site is above that and therefore not in flood zone two or three. Alongside this, there are a lot of measures in place in terms of the runoff from the sheds, especially during rainfall, including a swale, an attenuation basin, and a management plan to try to stop any ammonia going into the NVZA, therefore much has been done to address these concerns. The site is quite remote and well screened, and Highways have raised no concerns with the slight increase in transport traveling to and from the site. There is a comprehensive Management Plan for the waste disposal and on the whole this application is acceptable.

Councillor Simon Phelps expressed understanding around concerns with intensive poultry units which are very unsavoury, however noted an ever-increasing population which needs to be fed. This is a free-range enterprise and therefore comes under higher standards of animal welfare and management than an ordinary intensive unit would. Whilst it lies within the NVZA of the River Leadon, this will in fact, place increased restrictions on any discharge that may arise from this establishment. Severn Trent Water Authority also discharge into the River Leadon and there are overflows recorded at intervals. It is farcical, that water companies seem to have a blind eye

turned to their inefficiencies in this large area despite it being a NVZA. Management Standards for NVZA are set by the Governments Department for Environment & Rural Affairs (DEFRA) and monitoring does take place. This type of establishment is a move in the right direction with poultry raising and warrants our support.

Councillor Beeston advised the committee of some prior experience of running a poultry farm and noted that if they are well managed and meet all requirements, which this application appears to have done, the application would have their support.

Councillor Julia Gooch proposed that they move to accept the officer's recommendation.

Councillor Simon Phelps seconded the proposal.

The Chair summed up what was to be voted on. That the motion is for Delegated Permission as per the recommendation in the schedule and the amended conditions within the late material.

RESOLVED:-

To grant Delegated Permission as per the revised recommendation and the amended conditions in the late material.

Voting was as follows:

For (7) Councillors David Wheeler, Patrick Kyne, Julia Gooch, Jonathan Beeston, Simon Phelps, Ian Whitburn and Gill Moseley

Abstain (2) Councillors Beth Llewellyn and Andrew McDermid

Against (1) Councillor Sid Phelps

Total (10)

5.2. P0997/25/OUT - Land at Perrygrove Road, Coleford, GL19 8QB

Please refer to the late material circulated prior to the meeting

This application was for a hybrid planning application comprising of full planning permission for a drive through restaurant, associated access, parking, landscaping and works. Outline planning permission (all matters reserved except for access) for a commercial building within use class B2, B8, E(g) ii) and/or E(g) iii).

The Principal Planning Officer presented Item 5.2 of report PH.587 and stated that the application was presented to the Development Management Committee as P0997/25/OUT.

Members were reminded that they had been given the opportunity to visit the site on 7th April 2026.

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

The Officer Recommendation was Delegated Permission as detailed in the schedule.

Public Speaking

Objection: None

Parish: Councillor Marilyn Cox, Coleford Town Council, spoke to a written representation already submitted to the Council

Support: Simon Firkin, Agent for the applicant, spoke to a written representation already submitted to the Council.

Ward Members Speaking

Councillor Clive Elsmore reported that substantial data had been collected over several years regarding traffic volumes through Coleford.

He noted that a traffic census undertaken at the town centre traffic lights indicated that approximately 120 HGVs associated with Suntory passed through the centre daily, rising to around 150 during the summer period.

It was further highlighted that these vehicles used a narrow route, including a sharp right-hand turn near Perrygrove Road, to access and exit the site, giving rise to concerns about the risk of a serious accident.

Member Questions

Q: Could Highways confirm if the entrance into Perrygrove Road is safe and sufficient for all vehicles accessing and exiting the site?

A: The Highways Officer advised that initially an objection was raised on this application, due to the lack of accessibility for pedestrians in the area. It has now been redesigned and there is now a full pedestrian route from all directions coming to the site, which means that people can access the site without driving, which is a benefit regarding a reduction in traffic levels. The junction with Perry Grove Road

and Tufthorn Avenue is deemed to be acceptable in terms of its width and the angle of approach to Tufthorn Avenue. It is a full 90 degrees and is between 5.5 and 6 metres wide, which is suitable for normal traffic. The servicing arrangements will occur out of hours, therefore large vehicles accessing the site such as refuse collection, deliveries, and the like, will not happen at the same peak hours that the restaurant will be operating. Therefore, there are no concerns that this road is incapable of taking traffic in a safe manner. A road safety audit was commissioned, at our insistence and that came forward without any reference to that junction, it mainly noted visibility out of the site access, rather than the two junctions of the existing highway and measures will be put in place to make sure the vegetation is managed by the applicant to ensure driver visibility is maintained in both directions when exiting the site. Therefore, the Highways Authority does not have any residual concerns about the safety of the existing junction and in fact matters of improvement to pedestrian accessibility have further made our case that the site can be accessed in a safe and sustainable manner.

Q: Can you clarify the creation of 35 new jobs? Will they be for the hot food outlet, or does it include the other units?

A: The breakdown of the jobs are for the hot food outlet only, and there are 35 employment opportunities comprising 12 full time and 23 part time positions.

Q: With regards to the travel plan, on page 41 there is a bond of £8,750 and a monitoring fee of £10,000. What is going to be monitored?

A: The Highways Officer advised the travel plan sets out the approach the applicant and the businesses will take in terms of making sure that they have done all they can to encourage staff to arrive onsite by other means than by private car, for example, using public transport, walking or cycling. They must document this as a percentage of staff that will abide by that number. The monitoring is for the Highways Authority to do, to ensure the businesses stick to it. If they do not, that is where the bond comes in to allow the Highways Authority to take proactive measures with the business to get them to do more to advertise, promote or possibly offer financial enhancements to staff who do not travel by car, to help reduce the number of vehicles, percentage wise, off the roads.

Q: Can you advise us of the proposed opening hours for the Hot Food Outlet?

A: The case officer advised that the proposed hours are between the hours of 10:30 am to 10:00 pm daily

Q: Whilst appreciating this application is for a drive through restaurant, in other areas this hot food outlet has establishments in the Town Centre's without a drive through. Coleford Town Centre has vacant shops so why couldn't this have been located in the Town Centre using a vacant shop?

A: The Case Officer advised that this is getting into the sequential test element, and there is a lot of case law around sequential testing for commercial developments. It is important to note that it is not a theoretical exercise, case law makes it clear that when assessing whether alternative sites are available in more sequentially preferable locations, it must be done so in terms of what is available at that time, having regard to the specific development proposed. Planning cannot force an Applicant to make a business decision that would not be viable. The drive through model was accepted as justified by the Inspector at the appeal stage, which is why it is accepted now. So, the sequential test was focused around sites that could accommodate the drive through restaurant. The previous scheme included two of them, and there was no justification as to why the two had to come through together. Therefore, the second has now been removed. Essentially, when looking at the sequential test, there is nothing in the test that requires schemes to be redesigned or downsized to fit alternative sites that may be available.

Q: The signpost proposed for this hot food outlet is 10 meters high? This is very tall and diagonally across from where a beautiful, sculpted deer has been located. Can you confirm that before the signpost can go up, it needs planning permission? What about if it is illuminated? and would it come to this Committee?

A: Signage requires separate advertising consent. It is proposed to be internally lit, so that would need to come forward as part of that application for advertisement consent. It would not necessarily come to committee; however, members do have the power to call applications in, and historically it has been specified in meetings for a certain application to come back in if there are concerns.

Q. If parking further down Perry Grove Road is going to be restricted, this will mean cars will be driving into the Forest to eat their takeaway. The Forest of Dean is a beautiful area, and a lot of hard work takes place to keep it clean. Is it possible to put restrictions in place, whereby the use of technology which can identify the registration of each car and mark the food packaging accordingly. Is this something that could be enforced?

A. It is not something which falls into the remit of this application. As part of the application, the issue of littering on the site has been looked at, and the applicant has put in a litter policy; however, littering off site is not something that can be controlled through planning.

Q. On page 66 of the report, paragraph 4 states an assessment of trip generation has been provided for the drive through and the industrial units, after applying accepted pass by and linked trips assumptions. Can Highways explain this in lay man's terms?

A. Pass by trips are vehicles that are on the network already and may or may not come into the site. Link trips are similar trips that are travelling to a destination such as the shops or a commute to work. Both of these categories are described because they are not classed as new trips on the network, so emphasis may have been put on

these to show that some people are already driving on the highways and therefore the amount of congestion overall on the network is not deemed to be significant.

Q. The AM & PM peak? What does that consist of?

A. Typically the AM peak is an hour in the morning, usually between 8am and 9am, and the PM peak is an hour in the evening usually between 5pm and 6pm. These peaks exhibit the highest amount of traffic on the highway network.

Q. The parking accumulation? The assessment indicated that the weekday parking accumulation of the two industrial units is expected to be three cars between the hours of 10am and 4pm and 1pm and 2pm on weekends. Can you explain what this means?

A. The assessment presented shows that there will be a count of the number of vehicles related to those two industrial units, which is the accumulation of three vehicles at any one time at its peak. They may or may not be the same vehicles, but it is an assessment of the average number over that period of time. The weekend number is lower, which may relate to the fact that the units may have reduced opening hours over the weekend and visiting customers will be in and out. To clarify though, this does not reflect the total number of vehicles that may arrive in one day.

Q. Are there any figures relating to the number and frequency of Heavy Goods Vehicles accessing Suntory? When visiting on the site visit there appeared to be very few, however they may arrive at staggered times.

A. The Case Officer advised there are no exact details for that site as it is the adjoining site. However, those vehicles are on the network already, and this assessment has been carried out for the additional traffic that will result from the development.

Q. The graphics on the application refer to a well-known trademarked food supplier, yet it appears to be indicated that they are not interested in the site? is this not counterproductive for the applicant to do this?

A. The Development Manager stated for clarification, it is not intended to infer that a well-known food supplier is not interested in this site; it is clear that they are. However, the Development Management Committee are being asked to consider the land use and not the user. Potentially, the owner of this site could change their mind and use a different operator, which would not require planning permission. In the future, different operators may use the site. So, you are considering granting permission for the usage, not the user. This is why the potential users' details are being put aside, and you are being asked to consider the principal of whether it is ok to have a restaurant and drive through.

Q. This may be a difficult question to answer, however is it possible to ask if any local tradesmen could be involved in the construction or landscaping of the proposal.

A. This cannot be conditioned, however the applicant's agent is here today, so potentially that is something they may take on board.

Q. Has it been considered that, if this application is passed, it will be the only fast-food drive through facility for the surrounding fifteen miles and if it is open until 10:00pm, people will come from further afield because there is no other fast-food outlet available late at night.

A. The Highways Officer agreed that this statement was undoubtedly true, however the levels of traffic that would be required from all of the areas you have identified, would have to arrive at all the same time for it to be a problem, which is an unlikely occurrence due to the dilution of traffic coming and going. However, it is a valid question and not one which was specifically addressed in the transport assessment, because it is difficult to come up with a scientific approach to what happens when it is the first restaurant of its type in a particular zone. It is not a question that has been pressed much further than the fact that these restaurants crop up all over, and there is a standard methodology by which they are assessed, and that was the methodology that was used here.

Q. With regards to the pole with the illuminated signage. There is a lighting condition on the site, therefore how will the additional lighting from the signage be considered?

A. Details of lighting are required by condition 19. Whilst some lighting details are available at this stage, due to addressing the habitats regulation assessment and that would still be applicable to ensure there is no excessive light spill or cause of disturbance from any illuminated sign as well. It would still be something that will need to be looked at in terms of whether that would be acceptable.

Committee Debate

Councillor Kyne stated that whatever decision is made today and let us assume that it is accepted today. These places do not age very well, and in five years' time, who knows who will own it? and will they be as concerned about the staff and litter? Therefore, the committee must be aware that this will be something that Coleford will be left with the consequences of. The proposed application will bring new jobs; however, the quality of these jobs are debatable. After speaking with residents in Coleford, the feedback was mixed and broadly split on age range. Younger people see the prospect of a new food venue, open till late as a real asset and a social meeting place during the day. Older residents have concerns about the noise, traffic and especially the litter. In 2021 the sculpture named the spirit of the forest was erected close to the location of this application and was designed to provide a welcoming gateway for foresters and visitors, if this application goes ahead, opposite this

sculpture you will have a 10-metre illuminated fast food pylon, which is not really in keeping. Also nearby is Puzzle Wood, one of the major tourist attractions of the Forest. Would this really be an appropriate welcome to the visitors there? This location is totally inappropriate.

Councillor Whitburn advised that from experience, when previously living in Mitcheldean, litter from these establishments was thrown out of cars, even when the nearest ones were in Gloucester, and required picking up regularly. This site is outside the Town Centre therefore it will not help the Town itself. Coleford will become a destination, and people will travel to Coleford because of it, therefore the traffic will increase, and the numbers predicted are very wrong.

Councillor McDermid noted this is exactly the wrong kind of economic development for Coleford. It contributes to the commoditisation of the town and makes it just like any other town up and down the Country instead of developing its distinctness. It props up the car economy, and as a green council this is not encouraged. The location is well away from the town centre which means it will compete with town centre businesses and car parks. A communication was issued by the Forest of Dean District Council drawing attention to the growing litter problem on roadside verges and it advised that last year 12,480 man hours were devoted to picking up litter by staff and volunteers, removing 200 tonnes of litter. This kind of fast-food restaurant is one end of a customer supply relationship with intensive poultry units which are a highly undesirable form of enterprise which should be discouraged.

Councillor Sid Phelps advised on page 73, there are dubious reasons given for the so-called positive economic environment and social effects, weighing in favour. Whilst it might be on an allocated site and advises the creation of 35 jobs, this does not appear to be accurate. Construction activity and economic gains, these are very short term, and will there be any forest companies involved? The matters that the officer reports that are weighing against the proposal are pretty substantial. The concerns regarding increased litter and supporting car culture. It is not needed in the forest.

Councillor Llewellyn advised no objection to a sit-down restaurant and added the additional employment would be welcomed, however could not support a drive through take away which would draw business away from the town centre and increase littering the area.

Councillor Simon Phelps noted that committee needed to recognise that at some point this site will be developed for some form of light industrial retail purpose. Coleford Town Council have expressed concerns about fast food not being encouraged in an out-of-town situation with figures of pre-diabetic concerns and obesity. However, neither the Government, the National Health Service (NHS) nor ourselves are at present vested with any powers to dictate diet to the population. Also, it appears that Coleford Town Council would not find it unacceptable if this premises were located in the Town Centre, so to some extent the Town Council demolish their own argument about health concerns. Litter has been remarked on

numerous occasions. My home is ten miles from Gloucester City limits, and fast-food litter is frequently deposited in the lanes around my home, so talking about a three-mile limit is just ridiculous. However, Highways have no objections to the site, therefore if the Committee vote against this application, what sort of position would the Council be in with regards to appeals.

Councillor Gooch advised that peoples diets, where they shop or what food they buy can only be controlled by self-regulation, education and listening to health professionals. In Gloucester, they have many cafes and restaurants, yet in Kings Square they often promote different food stalls including fast food, continental food markets, and others. Fast food should be an occasional treat and if people can obtain it locally, then they will not be travelling in their cars to Gloucester to get one.

Councillor Moseley advised that planning applications should be decided by heads and not hearts, however conceded shared concerns. The planning powers to restrict fast food applications cannot be used in this case, as it is not close enough to a school to apply the advice planning guidance. With health and obesity concerns, planning does not have the power to consider this. There do not appear to be any genuine planning reasons to reject this application, in spite of the concerns about littering, commodification or healthy eating and if it is refused, it will simply go to appeal and will likely be overturned costing the council lots of money and officers time in trying to defend it.

The Chair advised that the committee have had a very good debate on this application and thought Councillor Simon Phelps summed it up well stating it is a very difficult application to decide upon. A key issue is the Town Centre and whether it will draw economic development from it. The Case Officer has explained what the sequential test is, and that is what must be applied. It has been explained that the appeal decision is paramount, and the inspector said that it was reasonable for the business case to be done for a drive through. This fast-food outlet has other outlets in Ross-On-Wye and Hereford and neither of which are drive through, yet are very, very busy. Those constituents who have shared their views are split 50/50 with the younger generation for and the older generation against.

Councillor Julia Gooch proposed that they accept the Officers recommendation noting that everyone has a responsibility for themselves, for their health and diet and for disposing of their litter correctly.

Councillor Jonathan Beeston seconded the proposal.

The Chair summed up what was to be voted on. That they accept the Officers' recommendation for Delegated Permission as detailed in the schedule.

RESOLVED: -

That they accept the Officers' recommendation for Delegated Permission as detailed in the schedule.

Voting was as follows:

For (5) Councillors David Wheeler, Gill Moseley, Julie Gooch, Jonathan Beeston and Simon Phelps

Abstain (0)

Against (3) Councillors Beth Llewellyn, Andrew McDermid and Sid Phelps

Total (8)

The Meeting was suspended for a five-minute comfort break at 15.53.

The Meeting was reconvened at 15.58.

5.3. PI426/25/FUL - Land South Of Elmstone, Ledbury Road, Staunton, Gloucestershire GL19 3QA

Please refer to the late material circulated prior to the meeting

This application was for the erection of a dwelling with associated access from Chestnut Drive, private amenity space, and associated works.

The Planning Officer presented Item 5.3 of report PH.587 and stated that the application was presented to the Development Management Committee as PI426/25/FUL.

Members were reminded they had been given the opportunity to visit the site on 5 May 2026.

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

The Officer Recommendation was to Grant Permission as detailed in the schedule and the late material.

Public Speaking

Objection: None

Parish: None

Support: Elisabeth Lucas, Agent for Applicant, spoke to a written representation already submitted to the Council.

Ward Members Speaking

None

Member Questions

Q: It was stated that the Biodiversity Net Gains (BNG) cannot be achieved onsite but would be achieved off site. Can you advise where this will be?

A: The Case Officer explained that the Applicant and Agent will make a purchase into a nationwide credit bank which delivers BNG offsite. This may or may not be in Gloucestershire County.

Q: What are the specific characteristics of the Grade Two listed building nearby? Apologies if you cannot answer this, as it should have been asked beforehand.

A: This question would have been better asked of our Heritage Officer, however, from memory, it is a timber framed structure which is very rare in the Forest of Dean.

Committee Debate

Councillor Julie Gooch proposed that they accept the Officers Recommendation

Councillor Jonathan Beeston seconded the proposal.

Councillor Moseley advised an initial element of concern was the setting of Wayside Cottage, however on page 99 of the officers report it points out, it is already very constrained and there is a very limited amount of harm that could affect that building and the rural setting has largely been lost due to the surrounding twenty first century housing. There is a small buffer and as seen on the site visit, it is sufficiently far enough away not be affected by this building.

The Chair summed up what was to be voted on. That they are moving to accept the officer's recommendation as detailed in the schedule and the late material.

RESOLVED:-

That they are moving to accept the officer's recommendation to Grant Permission as detailed in the schedule and the late material.

Voting was as follows:

For (9) Councillors David Wheeler, Gill Moseley, Julia Gooch, Jonathan Beeston, Simon Phelps, Sid Phelps, Beth Llewellyn, Andrew McDermid and Patrick Kyne

Abstain (0) Councillors

Against (0) Councillors

Total (9)

6. DATE OF NEXT MEETING

Sites' Inspection Panel: Tuesday 02 June 2026

Development Management Committee: Tuesday 09 June 2026

The meeting ended at 4.11 pm

Minutes prepared by Leanne Drew
Telephone 01594 812204 Email leanne.drew@fdean.gov.uk

 Forest of Dean — DISTRICT COUNCIL —	DEVELOPMENT MANAGEMENT COMMITTEE 9 June 2026 PH.588
Subject	SCHEDULE OF APPLICATIONS
Wards affected	Tidenham; Pillowell; Mitcheldean, Ruardean & Drybrook; Cinderford East.
Accountable officer	Clive Reynolds, Development Manager. e-mail: clive.reynolds@fdean.gov.uk
Summary	To consider the schedule of applications as prepared by the Development Manager.
Recommendation	<i>That the applications are determined in accordance with the recommendations set out the individual reports.</i>
Corporate priorities	Priority 1: Thriving Communities - to foster resilient and inclusive communities that are motivated and competent to adapt to the challenges and opportunities posed by the climate and nature emergencies. Priority 2: Decarbonisation and nature recovery - for the Forest of Dean to have a protected and enhanced natural environment, and to be on target to be carbon neutral by 2030. Priority 3: Sustainable Economy - to foster economic prosperity while ensuring environmental sustainability and social well-being
Implications	None



DEVELOPMENT MANAGEMENT COMMITTEE

June 2026

SCHEDULE OF APPLICATIONS

9 June 2026

ADVICE TO APPLICANTS AND THE PUBLIC

The recommendation and reports of the Development Manager contained in this schedule may be changed as a result of additional information received by the Local Planning Authority between the time the schedule is prepared and the meeting.

BACKGROUND PAPERS

Background papers used in compiling this schedule comprise the following:

- a) The individual planning application (which may include supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority, and from members of the public and interested bodies, by the time of preparation of the schedule.
- b) The Town and Country Planning Act 1990, as amended, and related Acts, Orders and Regulations, Ministerial Letters and Statements, Circulars, the National Planning Policy Framework, Planning Practice Guide and the National Design Guide.
- c) Gloucestershire Waste Core Strategy.
- d) The adopted Core Strategy, Cinderford AAP and Allocations Plan.
- e) Supplementary Planning Guidance.
- f) Relevant decisions in relation to planning appeals and relevant decisions of the courts.
- g) Relevant Neighbourhood Development Plans.

These documents plus any additional information received by the Local Planning Authority after preparation of the schedule and before the meeting of the Authority, will be available for inspection during normal office hours, for a period of up to 4 years from the date of the meeting. Requests to see the above should be made to Ms Yvonne Hobbs, Council Offices, Coleford, Glos. GL16 8HG – yvonne.hobbs@fdean.gov.uk

ITEM	REF.	ADDRESS	RECOMMEND- ATION	CASE OFFICER	PAGE
01	PI117/24/FUL	Old Ferry Inn Business Centre Beachley	Delegated Permission	Ryan Morgan	20
02	PI390/24/FUL	Jurovan Yorkley Slade Yorkley	Delegated Permission	Ryan Morgan	54
03	P0672/25/OUT	Land North Of Carisbrook Road Mitcheldean	Delegated Permission	Emma Hughes	82
04	P0331/26/FUL	23 High Street Cinderford	Grant Permission	William Dodsworth	151

I. Old Ferry Inn Business Beachley

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

REFERENCE: P1117/24/FUL
24.10.2024 (Expiry Date: 17.04.2026)

APPLICANT:	AGENT
Certus Construction Ltd	Grassroots Planning
Old Ferry Inn Business	FAO Mr O Ansell
Centre	Bristol North Baths
Road From Buttington	Gloucester Road
Terrace To The Old Ferry	Bishopston
Inn	BS7 8BN
Beachley	
Gloucestershire	
NP16 7HH	

PARISH Tidenham

WARD Tidenham

WARD MEMBERS Cllr N Evans Cllr J Lane Cllr A Birch

CASE OFFICER Ryan Morgan

RECOMMENDATION: Delegated Permission

This application is presented to Committee at the discretion of the Development Manager for the following reason:

The application proposes residential development outside of a defined settlement boundary and therefore represents a departure from the Development Plan. A housing scheme has been approved on this site previously, however, given there are material differences between the schemes, it is considered necessary to ensure Members have the opportunity to consider this revised proposal.

Members have had the opportunity to visit the site on the 2nd June 2026.



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Scale: 1:2000
27 October 2025



PLEASE NOTE THIS MAP IS NOT TO SCALE



PLEASE NOTE THIS MAP IS NOT TO SCALE

I. THE PROPOSAL

This is a full application proposing the erection of five new terraced dwellings with associated parking and landscaping. In order to facilitate the development, the partial demolition of rear extension to main building of the former Inn will be required.

The dwellings will be self-contained and physically separate from the retained office section of the building and will be accessed via a new residential car park provided to the rear, with the primary car park to the north being retained for office staff.

Each dwelling would have similar layouts, each consisting of three bedrooms.

The dwellings each have balconies provided at first floor level as well as private gardens which are measured as follows:

Plot 1 $\approx 55.6\text{m}^2$

Plot 2 $\approx 60.6\text{m}^2$

Plot 3 $\approx 66\text{m}^2$

Plot 4 $\approx 77.2\text{m}^2$

Plot 5 $\approx 80.7\text{m}^2$

The new car park is also proposed to the south end of the site and will provide 10 new car parking spaces.

In addition to the residential units, the application would also deliver a new single storey garage/store to house the tugboat that the Severn Area Rescue Association (SARA) use for the launch of lifeboats. SARA is a volunteer lifeboat and inland search and rescue charity who are currently based to the south of the application site.

Key Differences from the Previously Approved Scheme:

1. Number of Dwellings:
 - *Previous Scheme:* Approved for 7 dwellings (5 apartments + 2 townhouses).
 - *Current Scheme:* Proposes 5 dwellings in a terraced form.
2. Design:
 - The new scheme is described as a higher-quality design, with traditional materials (red brick, render, slate roofs) and better integration with the site's character.
 - Improved amenity space for future occupiers, including larger gardens and additional landscaping.
3. Layout and Form:
 - *Previous:* Included conversion of part of the existing building.
 - *Current:* Proposes demolition of the south wing and construction of new-build dwellings, independent and detached from the existing office space.
4. Parking:
 - The new scheme reduces the parking amenity from 13 to 10.

5. SARA Tug Store:

- The tug store was part of the previous scheme and this application reaffirms its inclusion and clarifies that the land will be provided to SARA at no cost, contingent on planning approval.

Measurements

- Height to Ridge $\approx 9.9\text{m}$
- Height to Eaves $\approx 5.7\text{m}$
- Length $\approx 8\text{m}$ (9.22m inc. balconies)
- Length of entire terrace $\approx 28.85\text{m}$
- Width $\approx 5.6 - 5.9\text{m}$
- Gross Internal Area $\approx 120.5\text{m}^2$
- Footprint $\approx 53.07\text{m}^2$
- Footprint of the entire new build $\approx 263.9\text{m}^2$

Proposed External Materials

- Natural slate roof or hanging tile
- White render
- Natural stone to match stone on existing building
- Red brick
- Slate grey UPVC windows and doors

2. **SITE DESCRIPTION**

The site comprises the former public house, known as The Old Ferry Inn, (which has now been partly converted into office use), with a car park, hardstanding, and a garden to the rear. The part of the site that is subject to this application sits to the rear of the main part of the building and comprises a historic 3-storey rear extension. The existing building is of a traditional construction, rendered and painted to the external elevations under a pitched tiled roof.

The site lies within the parish of Tidenham and outside of a defined settlement boundary, the nearest being the Beachley and Sedbury settlement some 1km and 2.3km respectively.

The building is sited within the most southerly part of the Forest of Dean District Council area and is within close proximity to the Severn Bridge, a Grade I listed structure, with the River Severn to the east. The adjacent Severn Estuary is classed as a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Site of Special Scientific Interest (SSSI). To the south is the SARA rescue station. To the northwest is the MOD 1st Battalion 'The Rifles' training base ('MOD Beachley') including base camp housing; and immediately to the west are agricultural fields and a belt of hedgerows / trees.

Access to the site is provided by the Beachley Road, a Class 3 highway, which terminates shortly past the site.

3. PLANNING HISTORY

The following relevant planning history is associated with the site:

- PI530/22/FUL – Conversion of part of existing commercial building to provide x5 apartments with associated amenity space and parking. Erection of x2 attached townhouses with associated parking and amenity space. Erection of lifeboat tug store and erection of bin and cycle storage building. Construction of vehicular access. (REVISED SCHEME)
Granted Permission 15.11.2023

This permission is extant until 15.11.2026

- P0587/22/FUL – Conversion of part of existing commercial building to provide x5 apartments with associated amenity space and parking. Erection of x2 attached townhouses with associated parking and amenity space. Erection of lifeboat tug store and erection of bin and cycle storage building. Construction of vehicular access.
Refused 14.09.2022

Reasons for Refusal:

- 01. Insufficient evidence has been provided to demonstrate that the proposal will not result in a detrimental impact upon protected species, important habits and deliver long lasting biodiversity net gain and is therefore contrary to National Planning Policy Framework Chapter 15 (Paragraphs 174, 179, 180, 185), Circular 06/2005, Policies CSP.1 and CSP.2 of the Core Strategy and Policies AP1, AP7 and AP8 of the Allocations Plan.*
 - 02. The proposal has failed to demonstrate that there would be no adverse effects on the integrity of a Habitats Site, the Wye Valley and Forest of Dean Bat SAC and River Severn SAC and SPA, in accordance with the Conservation of Habitats and Species Regulations 2017, NPPF (paragraphs 179-182).*
 - 03. The site is located outside a defined settlement boundary therefore is considered to be located within the open countryside for policy purposes. The site is therefore considered to be in an unsustainable location due to the lack of services and reliance upon a private car contrary to Core Strategy Policies CSP.4, CSP.5 and CSP.16, Allocations Plan Policy AP.1 and Sections 4 and 5 of the NPPF.*
 - 04. The site would result in unacceptable living conditions for the occupiers of the proposed dwellings due to the limited garden sizes of the proposed townhouses, family sized dwelling, and is therefore contrary to Section 12 of the NPPF, Core Strategy Policy CSP.1, Allocations Plan Policy AP.4 and the Residential Design Guide.*
- PI556/18/FUL- Change of use of existing public house (A4) to business (B1) and storage and distribution (B8) including associated works and demolition of single storey extensions.

Granted Permission 27.11.2018

- P0611/11/FUL - Alterations and extensions to existing public house including erection of a smoking shelter and covered patio area. Demolition of outbuildings and construction of a two storey extension to form two apartments for holiday accommodation.

Granted Permission 2011

- P0897/07/FUL - Alterations and extension to existing public house including erection of a smoking shelter and covered area. Demolition of outbuildings and construction of a two storey extension to form two apartments for holiday accommodation (revised scheme).

Granted permission 2008.

- P1845/04/FUL - Alterations and extensions to existing building to create 4 apartments, including internal alterations to Public House. Alterations to vehicle access (re-submission).

Refused 2004.

- P0990/04/FUL - Creation of two new apartments within the existing building and erection of two new apartments (demolition of single storey outbuildings). Internal alterations to public house and alterations to vehicular access.

Refused 2004.

4. APPLICANT'S REPRESENTATIONS

A **Planning Statement** has been submitted which can be summarised as follows:

1.0 INTRODUCTION

The application proposes partial demolition of a rear extension, erection of 5 dwellings, associated works, and a lifeboat tug storage shed. It builds on a previously approved scheme and aims to deliver a higher-quality design. The site is partly occupied by Certus Construction and includes land to be provided to SARA for rescue operations.

2.0 SITE DESCRIPTION

The site comprises a former public house now partly converted to offices, with surrounding hardstanding and garden areas. It lies adjacent to the River Severn, M48 Bridge, MOD Beachley, and agricultural land. It is partly within Flood Zone 3 and near designated ecological sites.

3.0 THE PROPOSED DEVELOPMENT

The proposal includes demolishing the south wing, erecting 5 terraced dwellings with gardens and parking, and constructing a single-storey tug store for SARA. The dwellings are designed with traditional materials and include EV charging points.

4.0 PLANNING STATUS & SITE HISTORY

The site is outside the settlement boundary and partly in Flood Zone 3. It has a history of pub and office use, with previous applications refused and later approved for residential development. The fallback position supports residential use due to lack of commercial interest.

5.0 PLANNING POLICY

The proposal is assessed against the Forest of Dean Core Strategy (2012), Site Allocations Plan (2018), Draft Local Plan 2041, and the National Planning Policy Framework (NPPF). Relevant policies support sustainable development, housing delivery, and reuse of previously developed land.

6.0 ASSESSMENT AGAINST PLANNING POLICY

Issue 1: Principle of Development

The lack of a 5-year housing land supply triggers the NPPF's tilted balance, supporting residential development. The proposal improves upon a previously approved scheme and includes community benefit via the SARA store.

Issue 2: Sustainable Development

The site is accessible via cycling, bus, and train. Its proximity to services and inclusion in the emerging settlement boundary supports its sustainability.

Issue 3: Highways impacts

Access is via a quiet dead-end road. Visibility and safety have been assessed and deemed acceptable. No objections were raised previously.

Issue 4: Design and Amenity

The design improves site appearance and amenity over the fallback scheme. Materials and layout are sympathetic to the area, with adequate garden and bin/bike storage.

Issue 5: Heritage

Minor harm to the Grade I listed Severn Bridge is outweighed by public benefits, including housing delivery and site improvement.

Issue 6: Other Material Considerations

- Flood Risk and Drainage: Vulnerable development is steered into Flood Zone 1; the tug store's location is justified.
- Ecology: Updated surveys show no significant ecological concerns; proposed planting will enhance biodiversity.
- Noise: Mitigation measures ensure acceptable noise levels from the Severn Bridge.

7.0 CONCLUSIONS

The proposal addresses housing need, reuses brownfield land, and provides community benefit. It complies with relevant planning policies and should be approved under NPPF paragraph 11(d).

5. CONSULTATION AND NOTIFICATIONS

Parish Council

Tidenham Parish Council supports the application.

Conservation Officer

No objection, subject to conditions.

Historic England

Will not be commenting on this application.

Local Highway Authority

No objection, subject to conditions.

Sustainability (Ecology)

No objection subject to conditions, and revisions to secure further technical information and clarification is required to assess BNG.

Natural England

Final comments awaited at the time of writing to confirm agreement with the recommendations of the Sustainability Team.

Sustainability (Trees)

No objection, subject to conditions.

Environmental Health (Noise and Amenities)

No objection, subject to conditions.

Environmental Health (Air quality)

No objections.

Flood Risk Management

No objection on flood risk grounds, however, additional third-party agreements are required in relation to the proposed drainage scheme.

Environment Agency

No objection.

Gloucester Harbour Trustees

Request that exterior lighting be carefully designed to avoid obscuring or diminishing nearby navigation lights, due to the site's proximity to a critical navigational channel and the M48 Severn Crossing.

Welsh Water

No objection, subject to conditions.

NEIGHBOUR REPRESENTATIONS

No comments have been received in relation to this application at the time of writing; however, it is noted that a comment of support was received from the CEO of the Severn Area Rescue Association on the previously approved application, and it is considered that they are relevant to reinclude:

- SARA have been providing Lifeboat and search and rescue services from the Lifeboat Station at Beachley for many years. Along with His Majesty's Coast Guard we are the main users of the site beyond the planned development.
- We are very pleased that the developers consulted with us prior to submitting their application and were receptive to our concerns about any detrimental impacts to our access.
- Indeed, they were so accommodating of our position that they have included provision within the plans to improve our current facility with a Lifeboat Tug store.
- This facility will allow the accommodation of a designated lifeboat tug, used for the launch of our lifeboats, improving our response times and being of great benefit to the community.
- We will be pleased to see the southern aspect of the development which faces the lifeboat station improved, and we hold no reservations about the scale or scope of the proposed works.
- Indeed, we feel this will be a positive improvement to the area.
- In summary - we fully support the development.

6. POLICIES

National Policy

National Planning Policy Framework (NPPF):

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong, competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport

Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

Appropriate Assessment
Design
Effective use of land
Flood Risk and Coastal Change
Natural environment

Core Strategy

CSP.1 – Design and Environmental Protection
CSP.2 – Climate Change
CSP.4 – Development at Settlements
CSP.5 – Housing
CSP.7 – Economy
CSP.8 – Retention of Community Facilities
CSP.16 – Villages

Allocations Plan

AP.1 – Sustainable Development
AP.4 – Design of Development
AP.5 – Historic Character and Local Distinctiveness
AP.7 – Biodiversity
AP.8 – Green Infrastructure

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 (1) General duty as respects listed buildings in exercise of planning functions.

Supplementary Guidance

Residential Design Guide (1998)
Manual for Gloucestershire Streets (2020)

7. EVALUATION

The following issues are considered relevant in determining this application:

- Principle of Development
- Location

- Character, Appearance and the Impact upon the Setting of a Grade I Listed Structure
- Living Conditions
- Flood Risk and Drainage
- Highway Safety and Parking Provision
- Ecology
- Trees

Principle of Development

Paragraph 2 of the National Planning Policy Framework requires development to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Development Plan consists of the Core Strategy and the Allocations Plan.

The site is located outside of the defined settlement boundary and therefore, the site is classed as being within the open countryside for the purposes of planning. Development in the open countryside, particularly of housing, is strictly controlled by both local and national planning policy. Policy CSP.4 of the Core Strategy identifies that development should occur mainly in towns and villages; the purpose of this is to emphasise the need for sustainable development which is broken down into economic, social and environmental objectives.

If successful, the scheme would provide 5 additional houses, making a modest contribution to the housing land supply. Paragraph 61 of the NPPF sets out the Government's objective of *"...significantly boosting the supply of homes"* and paragraph 73 notes that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"*.

Paragraph 83 of the NPPF states that, in order to promote sustainable development in rural areas, housing should be located where it will *"enhance or maintain the vitality of rural communities"*. It goes on to say that where there are groups of smaller settlements, *"development in one village may support services in a village nearby"*.

Paragraph 84 of the NPPF specifies that isolated homes should be avoided in the open countryside subject to a limited number of circumstances, however, whilst the site is significantly divorced from the nearest settlement boundary, it is not considered to be *'isolated'*, since it is near to other facilities and housing developments, and is served by a class 3 highway that was historically used to access the Severn Ferry. The application is therefore not subject to consideration in relation to the exceptions outlined within paragraph 84 of the NPPF.

The application site would constitute Previously Developed Land, and it is acknowledged that support is given to the development of brownfield sites within the NPPF. Specifically, paragraph 125 advises that *"Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes, c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, d) promote and support the development of under-utilised land and buildings, especially if this would"*

help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

Paragraph 128 advises that local planning authorities “*should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework”.*

The site gained approval in 2018 for the pub to be converted into offices (B1) and for storage and distribution (B8). Core Strategy Policy CSP.7 outlines that sites with an employment use are generally expected to remain so unless justification is provided; in some circumstances a mixed use can also be considered. This current application proposes the demolition of existing offices to accommodate the five new dwellings but would retain the offices currently in use and occupied by the applicant. If successful, the site would become a mixed use consisting of light industrial and residential.

Information has been provided by the applicant to demonstrate that a marketing campaign has been carried out for the offices for ten months unsuccessfully. During the period of marketing undertaken by NP Linnells Property Consultants, no tangible enquiries on either a freehold or leasehold basis, either as existing, or on refurbished basis was received, indicating that the new offices in this location may have limited viability. NP Linnells noted that “*the response to the marketing initiatives has been disappointing, but not totally unexpected in this location and in the current market with alternate accommodation available”.* In light of this information, the principle of the conversion of the commercial units can be given support due to the adequacy of the justification provided.

The proposal for 5 new dwellings outside of a settlement boundary will be a clear conflict with Policies CSP.4 and CSP.16 of the Core Strategy. These policies seek to guide new development to locations within settlement boundaries, as well as paragraphs 83 and 84 of the NPPF which promote appropriate and sustainable development in rural areas.

5-Year Housing Land Supply

Notwithstanding the above, it is relevant that the Council is currently unable to demonstrate a five-year land supply for housing which, at the time of writing, stands at less than 2 years. Consequently, paragraph 11d of the NPPF is applicable. However, it remains that the spatial strategy is sound and is consistent with the NPPF which itself seeks to ensure development is sustainably located.

Paragraph 11d states:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.*

In this instance, the decision maker should no longer be rigidly bound by the defined settlement boundaries, but should consider whether the site is sustainably located on its own merits e.g. being well-related to a settlement in terms of accessibility, whether the site would allow alternate modes of transport, and whether an application adheres to the ethos of sustainable development.

The policies referred to within I I d)(i) are those relating to: *habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change.*

The application has been confirmed by the Council’s Sustainability Team to engage the Habitats Regulations and is therefore considered '*habitats development*'. The evaluation of the harm upon the ecological matters will be undertaken later in this report and advice will be provided as to the implications in relation to the tilted balance later in the report. The site is also within the setting of the Grade I Listed Severn Bridge; the impacts of which shall also be considered within a later section of this report.

Density

Section I I of the NPPF seeks the effective use of land, within this, it is necessary to consider whether the density of development is acceptable. Core Strategy CSP.5 sets out a guide of 30 dwellings per hectare as a starting point for considering suitable densities of development. This policy acknowledges that higher density schemes have the potential to be considered acceptable when located within a town centre and/or comprise of flats. In terms of this site, the size of the site is 0.47 ha. On the basis of 5 dwellings this would calculate as dwellings 10 per hectare. Due to the open countryside setting and the nature of the site and its existing buildings, a lower density is deemed to be acceptable in this instance and would not conflict with the aims and objectives of policy CSP.5.

Lifeboat Tug Store

It is noteworthy that the application proposes a lifeboat tug store at the top of the slip way to the River Severn for the Severn Area Rescue Association (SARA). This is to be subsidised to the rescue service at no extra cost to allow them to provide an efficient service. It is outlined within the Planning Design and Access Statement that the revenue gained from the residential development would allow the land to be provided to SARA at no cost. As this would be a clear improvement to a community facility, the application would conform to CSP.8 of the Core Strategy.

Summary

In summary, it is acknowledged that the part of the proposals to construct the five new dwellings will conflict with policies CSP.4 and CSP.16 which seek to concentrate new development mainly to settlement boundaries. Therefore, such an application would not be supported by the Development Plan in principle. However, the tilted balance pursuant to paragraph 11d of the NPPF is engaged and will be assessed and will be done so within the planning balance after a full assessment of other matters such as design, impacts upon the character of the area, ecology, highways, landscape and drainage have been considered.

Location

With regard to the site's location, it is located approximately 1km from the nearest settlement boundary of Beachley, however, occupants of the dwellings would be required to travel some 2.3km or 5m into Sedbury or Chepstow, respectively, in order to access services and facilities essential for day-to-day living. There is a bus service (761) operating between Chepstow and Beachley which provides access to Sedbury and Chepstow 6 times a day Monday to Saturday. The nearest bus stop on Beachley Road can be accessed via a formal and well-lit footway via Old Coach Road requiring approximately a 525m walk. It is, however, more likely that any occupants wishing to use this bus service will walk directly to the bus stop via Beachley Road requiring only a 130m walk. While this shorter route is well-lit, it would require walking some 100m on the highway. Therefore, this is a less-than-ideal situation; however, it is acknowledged that this section of highway is lightly trafficked, being a no-through road that currently only serves the offices and the SARA facility.

A cycling assessment has been undertaken by the applicant which shows that Sedbury is within a 20-minute cycle ride, whilst the main centre of Chepstow, including the railway station, is within a 30-minute cycle. Whilst these are not completely unreasonable travel times, it is considered that this is unlikely to be a regular choice of travel for occupants of the dwellings, particularly for elderly or disabled occupants, and during adverse weather or periods of darkness.

It is therefore considered that while occupants would not be entirely dependent on private motor vehicles, realistically, this is likely to be the primary mode of transport used as occupants are unlikely to be encouraged to alternative means i.e. bus and cycle for the reasons outlined above. It is, however, noted that a dedicated cycle store will be erected within each of the plots for two cycles, and six electric vehicle charging points installed within the car park to encourage sustainable travel options.

Character, Appearance and Impact upon the Setting of a Grade I Listed Structure

The site is a former public house which has been partially converted into offices following approval in 2018. It is clear from the appearance of the building that it has been subject to multiple extensions and alterations during its lifetime. As part of the 2018 application some of these historic poor-quality extensions were demolished.

The five new dwellings will be provided through new building works to the rear (south) of the building, which will be facilitated by the demolition of the existing southern section of the building which has permission for office use. The development will be most visible from the passing highway and the footway on the north side of the listed Severn Bridge which towers over the site and dominates the skyline above. The roof of the dwellings would be stepped and set down from the height of the main building, and it is therefore not considered that it would dominate the existing building, which itself consists of varied aspects and ridgelines.

The proposed materials are considered to be acceptable choices for the site and location and with two dwellings being finished in red brick to provide variety from the white render finishes which are the primary finish for the existing building and three of the five dwellings. It is noted that the footprint of the new dwelling will largely follow the footprint of the now demolished single storey extensions and therefore does provide some offset to the scale of the works.

The Conservation Officer (CO) outlines that the proposal will result in a minor change to the setting of the Grade I Listed Severn Bridge but will not directly affect its significance as a Grade I Listed designated heritage asset. The bridge is seen from the north by users of Beachley Road and views through the visual pinch point adjacent to the site will be constricted by the erection of the further extension to the former Inn and current business centre. There will be minor harm to significance of the bridge arising from the loss of this view at the approach to the bridge.

In addition to the impact upon the setting of the listed bridge, it is considered that the former Old Ferry Inn should be regarded as a non-designated heritage asset because it is an important reminder of the former crossing point of the river.

Following submission of a detailed heritage statement, the Conservation Officer acknowledged that the document provided sufficient analysis of the Old Ferry Inn's history, architectural evolution, and its setting relative to the Severn Bridge. The statement confirmed that the original core of the building would be retained and that the later 19th-century extension proposed for demolition had limited heritage value due to extensive alterations. Consequently, the overall harm to the Old Ferry Inn was assessed as minor negative change, and the impact on the Severn Bridge's setting was considered negligible, with some improvement to views from Beachley Road compared to the previously approved scheme.

While the Conservation Officer maintained some reservations about the design, these were deemed capable of being addressed through conditions. Specifically, conditions were recommended requiring samples of walling and roofing materials, and detailed specifications for windows and doors, to ensure a high-quality finish consistent with local plan policies AP.4 and AP.5. Additionally, the CO advised applying Condition 12 from the previous approval to secure heritage enhancement works to the retained building, offsetting the harm caused by the loss of the later extension. Subject to these conditions, the Officer confirmed no objection on heritage grounds.

The application also proposes the erection of a boat tug garage which shall also serve as a new bat roost. The external materials shall consist of render and slate which will be in

character with the main building, the proposed extension and surrounding area. The Conservation Officer holds no objections to this building.

In accordance with paragraph 215 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, it is considered that the proposals would constitute minor 'less than substantial harm' upon the grade I listed structure for the reasons above.

The main public benefits of the proposal will involve the provision of five dwellings to the housing supply, the improvement of a community facility and the visual improvement to the western elevation of the building which makes an important contribution to the street scene and the setting of the grade I listed Severn Bridge. As the harm is considered to be on the lower end of the 'less than substantial harm' scale, it is considered that these main public benefits in this instance will outweigh the identified minor harm to the heritage asset.

Due to the location of the plot within the open countryside, and to ensure the continued protection of the character of the dwellings, the designated and non-designated heritage assets, the site and amenity of adjoining properties, permitted development rights will be removed in regard to house extensions, roof alterations and additions, the erection of porches, new outbuildings and hard surfacing.

In conclusion, given the appropriate design, scale and materials involved in the development proposal, it is considered that there would be no adverse impacts introduced to the character and appearance of the surrounding area. Although less than substantial harm would be introduced to a designated heritage asset, it is considered that the public benefits identified above will cumulatively outweigh this degree of harm. The proposal will therefore comply with the National Planning Policy Framework, the National Planning Practice Guidance, Policy CSP.1 and CSP.4 of the Core Strategy, AP.1, AP.4 and AP.5 of the Allocations Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Forest of Dean Residential Design Guide.

Living Conditions

The dwellings, and Plot 5 in particular, would be sited adjacent to the existing offices; however, this is considered to be a low-intensity commercial use and is therefore unlikely to give rise to persistent or adverse noise impacts. In this context, it is noted that the site is already influenced by background environmental noise, notably from traffic associated with the Severn Bridge, as well as exposure to weather conditions given its proximity to the river and estuary.

The nearest neighbouring properties to the site are located on Church Road, approximately 110m north, and the properties on Wyvern Road 220m southwest and will be unaffected by the development.

The dwellings would each benefit a private garden. The Council's Residential Design Guide recommends that family dwellinghouses are provided 100sqm on the private side of the house to the rear. The size of the gardens range from 55.6m² to 80.7m², and while this is

significantly below the 100m² guidance, some leniency can be afforded depending on the specific circumstances of each case.

It is noted that the size of the gardens formed a reason for refusal of a previous scheme on this site, which proposed private amenity spaces of approximately 20m² per dwelling and was clearly insufficient to provide an acceptable level of amenity for future occupants.

It is acknowledged that the site is constrained by its narrow form between the eastern and western boundaries, and that circulation space is required to provide access to the dwellings and their respective gardens. As such, the layout of the proposed dwellings is considered to be logical, following the footprint of existing and previous extensions and reading as a coherent and associated part of the main building.

While the garden sizes fall below the 100m² guidance set out in the Residential Design Guide, they are materially improved from the previous refusal and are proportionate to the scale of the proposed dwellings, each of which has a footprint of approximately 53.07m². In addition, each dwelling would be served by a first-floor balcony of approximately 4m², with 1 metre high dividing privacy screens, which will be secured and retained by condition.

Due to the close relationship between the dwellings, there will be some overlooking into and across gardens from the first-floor windows and particularly the balconies, although this is not considered to be any more harmful than the levels of overlooking typically found between semi-detached houses generally. It is important to note that the proposal would not introduce any overlooking to any existing amenities and that the levels of overlooking would be clear to any potential future occupant.

Due to the topography of the site which slopes to the south, the terrace would consist of three stepped sections consisting of Plot 1 in the first, Plots 2 and 3 in the second, and Plots 4 and 5 in the third. Plots 4 and 5 would also be stepped down from the main offices.

Overlooking from the ground and first-floor windows of the existing offices on the south elevation has been considered given the distance to the gardens of Plots 4 and 5 within 21m of these windows. The submitted plans show that Plot 5's north boundary would consist of a wall with a height of 2.35m that would extend the length of this boundary; this would acceptably mitigate overlooking from views from the office windows. Although the office use of the building is not entirely free from overlooking potential, its operational pattern generally results in intermittent occupancy rather than the continuous domestic presence associated with residential use. While this does not eliminate overlooking potential entirely, it does mean the risk of harmful overlooking is comparatively lower.

The north boundaries between each plot would consist of a 1.8m high fence, which would be acceptable in terms of securing adequate privacy to the garden areas. It is considered necessary to ensure that this boundary treatment is secured and retained via condition. In addition, it is also considered important to ensure that the privacy screens/balustrades of each of the balconies are fitted with either opaque and/or translucent material on the north and south facing panels, in order to preserve some privacy between the dwellings. This will be secured via condition.

New planting and boundary treatments will contribute to mitigating any remaining overlooking between the Plots and the offices and will be secured via condition.

The Environmental Health Officer (EHO) initially raised concerns about the proximity of the proposed dwellings to the M48 and requested a revised Noise Impact Assessment (NIA) and a robust ventilation strategy, noting that trickle ventilation is inadequate for mitigating overheating when windows must remain closed due to noise. The EHO later identified inconsistencies in the revised NIA, particularly regarding garden noise levels and the need for mechanical ventilation. Following further clarification from the acoustic consultant, the EHO withdrew the objection subject to conditions, including full implementation of mitigation measures, submission of a noise validation report by a qualified acoustician, and ensuring Building Control is informed of the ventilation and overheating details.

It is noted that the Air Quality Officer has raised no objection. However, it was advised previously that, should asbestos be identified, to prevent the release of and exposure to harmful airborne asbestos fibres, any work involving disturbance or removal of this material should be conducted by persons trained in the safe handling of non-licensed asbestos (CAT B) or, where licensed asbestos is present, licensed asbestos contractors. As matters relating to asbestos are dealt with under separate legislation, it is considered that an advisory note will suffice in this instance.

Overall, it is considered that, with the imposition of appropriate conditions, the proposal would not result in unacceptable or adverse impacts upon the living conditions of future residents or neighbours. The proposal is therefore considered to accord with the aims and objectives of the National Planning Policy Framework, National Planning Policy Guidance, Policy CSP.1 of the Core Strategy, Policy AP.4 of the Allocations Plan and the advice in the Residential Design Guide.

Flood Risk and Drainage

The eastern edge of the site lies within Flood Zones 2 and 3, adjacent to the River Severn. A Flood Risk Assessment (FRA) has been submitted in support of the application, which confirms that all residential development and associated access will be located within Flood Zone 1, with the exception of the proposed tugboat store, which is classed as water-compatible development and appropriately located within the lower part of the site.

The FRA demonstrates that the proposed finished floor levels of the residential units would be set in excess of 3 metres above the modelled tidal flood levels, and that safe access and egress can be maintained for the lifetime of the development. On this basis, the Environment Agency has raised no objection to the proposal on flood risk grounds.

With regard to surface water drainage, the submitted strategy proposes the discharge of surface water runoff to the adjacent tidal River Severn, alongside the use of permeable paving within the car parking areas to promote infiltration at source. The Flood Risk Management Officer has reviewed the submitted information and confirmed no objection in principle to the approach. However, it is noted that the proposed outfall would require separate consent from the Environment Agency, and any connection to the public sewer network would require agreement under Section 106 of the Water Industry Act 1991.

Welsh Water has confirmed that there is capacity within the public sewerage network to accommodate foul flows from the development and has raised no objection subject to conditions, including the requirement that surface water shall not discharge into the public sewer system. The Environment Agency has similarly confirmed that it has no objection to the development in flood risk terms, subject to the FRA findings.

Notwithstanding the above, the Council's Flood Risk Management Officer has advised that formal confirmation of the Environment Agency permitting and any relevant sewerage undertaker agreements should be provided in principle prior to determination, on the basis that the drainage strategy relies on third-party approvals and that, in their view, a condition should not be imposed where there is insufficient certainty that it can be discharged.

In considering this position, it is material that an extant planning permission exists for residential development on the site under application PI530/22/FUL, where a similar drainage strategy was deemed acceptable and secured via pre-commencement condition. Given that this scheme can still be implemented, this fallback position attracts significant weight and given that a condition-based approach has previously been accepted by the Local Planning Authority in relation to this site.

Furthermore, both the Environment Agency and Welsh Water have confirmed that they have no objection to the development in principle, subject to the relevant consents being obtained through separate regulatory processes. As such, there is no substantive evidence to indicate that the proposed drainage strategy would be unacceptable or incapable of being implemented.

Taking these factors into account, it is considered that there is a reasonable prospect that the necessary third-party approvals can be secured and that the drainage details can be satisfactorily addressed through a suitably worded pre-commencement condition. The applicant has also been made aware of the risks associated with this approach, namely that failure to obtain the necessary approvals could prevent the condition from being discharged and the development from being implemented.

Subject to the imposition of a pre-commencement condition requiring the submission and approval of a full surface water and foul drainage scheme, the proposal is therefore considered to be acceptable in respect of flood risk and drainage and accords with the aims and objectives of Chapter 14 of the National Planning Policy Framework and the Planning Practice Guidance.

Highway Safety and Parking Provision

The application site benefits from an established access onto Beachley Road, which also served the previously approved residential scheme (PI530/22/FUL). Under that permission, the Local Highway Authority (LHA) accepted the principle of residential development at the site, including the use of the existing access arrangements, albeit with some concern regarding the interaction between refuse vehicles and the adjacent Severn Area Rescue Association (SARA) slipway. These concerns were assessed at the time and were ultimately

considered to represent a very low risk, occurring only briefly on a weekly basis, and did not warrant refusal of that scheme.

The current proposal seeks to revise the scheme to provide five dwellings, compared to the previously approved seven units, and retains the same general access arrangement. The proposal includes the provision of 10 on-site parking spaces, equating to two spaces per dwelling, alongside cycle storage and EV charging provision (secured under separate legislation). While this represents a reduction in overall parking numbers compared to the previous scheme, it reflects the reduced number of dwellings proposed.

The LHA has undertaken a full assessment of the proposal and raises no objection subject to conditions. It is noted that the proposed development is expected to generate a modest level of traffic, with approximately 25 two-way vehicle movements per day and three movements during each peak hour. This level of traffic is not considered to result in a severe impact on the local highway network.

Furthermore, there is no recorded history of personal injury collisions within the vicinity of the site over the most recent five-year period, and the existing highway network is considered to operate safely. The proposed access arrangements remain acceptable, subject to appropriate visibility splays and the securing of a Section 184 licence for works within the public highway.

Subject to the imposition of planning conditions to secure the approved details and a construction management plan, the proposal is not considered to have an unacceptable impact on highway safety or to result in severe residual cumulative impacts on the road network. The development therefore accords with Policy CSP.1 of the Core Strategy and Section 9 of the National Planning Policy Framework.

Ecology

The application has been supported by an updated Ecological Impact Assessment (February 2026), a Shadow Habitats Regulations Assessment, updated mitigation and enhancement plans, and a revised Biodiversity Metric. These documents have been reviewed by the Council's Biodiversity Officer, who initially raised concerns regarding a number of matters including bat impacts, habitat loss, lighting, and Biodiversity Net Gain (BNG).

Following the submission of updated information, the Biodiversity Officer now raises no objection in principle, subject to conditions and a legal agreement to secure biodiversity enhancements.

All pre-commencement conditions have been agreed in writing with the applicant.

Bats and Protected Species

Updated surveys confirm the presence of a low conservation significance roost of common pipistrelle bats within the part of the building proposed for demolition, as well as previous evidence of brown long-eared bats. The identified roost will be lost; however, the submitted

mitigation and compensation strategy, including the provision of replacement roosting features and a dedicated bat loft within the retained building, is considered acceptable.

The Biodiversity Officer is satisfied that, subject to the implementation of these measures, the development is capable of meeting the three derogation tests set out in the Conservation of Habitats and Species Regulations 2017. An appropriate European Protected Species licence will be required from Natural England prior to the commencement of works.

Habitats Regulations Assessment

The site lies within the Zone A of the Bat SAC, and survey evidence confirms activity from lesser horseshoe bats using the site for commuting and foraging. The proposed mitigation, including the provision of a bat loft and control over lighting, is considered acceptable. The removal of rooflights from the western elevation is welcomed in reducing potential light spill, and further details of lighting will be secured via condition.

The potential effects of drainage and construction activities on the designated estuary have been considered. Subject to the implementation of standard pollution prevention measures and the submission of a Construction Environmental Management Plan (CEMP-B), no adverse effects on the integrity of the designated sites are anticipated. The Biodiversity Officer has confirmed that this approach is acceptable, noting that drainage matters will be addressed through separate consenting regimes.

Biodiversity Net Gain

The Biodiversity Officer confirms that, even allowing for minor corrections to the submitted metric, the development is capable of delivering a biodiversity net gain of approximately 22.02%, which exceeds the statutory 10% requirement.

However, the Biodiversity Officer advises that the proposed onsite biodiversity gains are significant in terms of the Biodiversity Net Gain Planning Practice Guidance because the required gain is achieved through the creation of medium distinctiveness habitats, including the conversion of existing ruderal vegetation along the estuary boundary into mixed scrub in moderate condition. As a result, the onsite biodiversity gains must be secured for a period of 30 years through a Section 106 agreement, together with a Habitat Management and Monitoring Plan, a Biodiversity Gain Plan condition and a landscaping condition. The Biodiversity Officer also confirms that a monitoring contribution of £3,110 will be required in accordance with the Council's published fees.

Updated and fully accurate metric calculations, together with habitat baseline and post-development plans, will be required at the discharge stage when the Biodiversity Gain Plan is submitted.

Summary

Subject to conditions requiring the implementation of the submitted mitigation strategy, a Construction Environmental Management Plan for Biodiversity, a detailed internal and external lighting strategy, a Biodiversity Gain Plan, a Habitat Management and Monitoring

Plan, and a detailed landscaping scheme, together with a Section 106 agreement to secure the significant onsite biodiversity gains for 30 years, the proposal is considered acceptable in ecological terms. On that basis, the development is not considered likely to result in an adverse effect on the integrity of the Wye Valley and Forest of Dean Bat SAC or the Severn Estuary SAC, SPA and Ramsar site, and would comply with Policies CSP.1 and CSP.2 of the Core Strategy and Policies AP.1, AP.7 and AP.8 of the Allocations Plan.

Trees

The application site includes a small number of trees located along the northern boundary, as identified on the submitted plans. These trees were also present at the time of the previously approved scheme (PI530/22/FUL) and are proposed to be retained as part of the current application. Given their position adjacent to existing hardstanding and the limited extent of works in their vicinity, it is not anticipated that the proposed development would result in harm to these trees.

The current proposal does not introduce any significant changes in relation to tree impacts when compared with the fallback scheme, and no tree survey or arboricultural protection plan has been deemed necessary in this instance.

In addition to the retention of existing trees, the application includes proposals for new planting, as detailed within the submitted Tree and Planting Schedule and associated planting plans. This includes a mix of ornamental planting and shrub groups appropriate to the site's coastal location, together with specifications for planting, aftercare and establishment.

The Council's Tree and Countryside Officer has reviewed the submitted information and raises no objection to the proposal subject to a condition to secure the implementation and ongoing maintenance of the approved landscaping scheme to ensure successful establishment. However, as a more comprehensive landscaping condition is recommended, the final planting details can be further reviewed by the Tree Officer at the discharge of condition stage.

8. CONCLUSION AND PLANNING BALANCE

Weighing in favour of the application is the provision of five dwellings on a previously developed site, making a modest but valuable contribution towards the Council's housing supply. The development would deliver economic benefits during both construction and occupation phases, and would represent the effective reuse of brownfield land in accordance with national planning policy.

The proposal would also secure the provision of a lifeboat tug store for the Severn Area Rescue Association, representing a clear community and safety benefit. In addition, the development would deliver measurable biodiversity enhancements, achieving in excess of the required 10% Biodiversity Net Gain, secured through a legal agreement and long-term management plan.

The proposal is considered to preserve the character and appearance of the site and surrounding area, and, while resulting in a minor level of less than substantial harm to the

setting of the Grade I listed Severn Bridge, this harm is outweighed by the identified public benefits of the scheme. The proposal would also provide acceptable living conditions for future occupants, notwithstanding some shortfall in private amenity space, which is considered justified given the site constraints and improvements over the previous refused scheme.

The proposal is considered acceptable in respect of highway safety, ecology and flood risk. In particular, whilst surface water drainage relies on third-party approvals, it is noted that the Environment Agency and Welsh Water raise no objection in principle, and that a similar approach has previously been accepted under the extant fallback permission. As such, and subject to appropriate pre-commencement conditions, it is considered that there is a reasonable prospect that an acceptable drainage solution can be secured.

Weighing against the proposal is the site's location outside a defined settlement boundary, where new residential development is generally resisted due to sustainability concerns, including reliance on private vehicle use. The proposal would also result in a degree of less than substantial harm to a designated heritage asset. The proposed gardens also fall below the standards set for family dwellings within the Councils Residential Design Guide.

However, it is a material consideration that an extant planning permission exists for an alternative residential scheme involving a greater number of dwellings, thus, establishing the principle of residential use in this location. Whilst the current scheme differs in form and layout, this fallback position attracts significant weight in the overall planning balance.

Furthermore, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. As a result, the relevant policies for the supply of housing are considered out-of-date, and the tilted balance pursuant to paragraph 11(d) of the NPPF is engaged.

In applying paragraph 11(d)(i), it is concluded that the application of policies relating to habitats sites and designated heritage assets does not provide a clear reason for refusal, as the identified impacts have been appropriately mitigated and would not result in unacceptable harm.

With regard to paragraph 11(d)(ii), it is considered that the adverse impacts of the development, when assessed against the policies in the Framework as a whole, do not significantly and demonstrably outweigh the benefits of the proposal.

Therefore, on balance, the proposal is considered to represent a sustainable development in accordance with the National Planning Policy Framework, Policies CSP.1, CSP.2, CSP.4, CSP.5 and CSP.16 of the Core Strategy, and Policies AP.1, AP.4, AP.7 and AP.8 of the Allocations Plan.

9. RECOMMENDATION:

It is recommended that DELEGATED AUTHORITY be given to the Development Manager to GRANT PERMISSION subject to the completion of a Section 106 planning obligation securing the long-term management, monitoring

and delivery of Biodiversity Net Gain for a period of 30 years, together with the Council's ecological monitoring contribution of £3,110, and the recommended conditions set out within this report.

If the necessary planning obligation is not secured by 12th June 2026 or such later date as may be agreed through a further extension of time, DELEGATED AUTHORITY be given to the Development Manager to REFUSE the application.

Conditions:

01. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

02. The development hereby permitted shall be carried out in accordance with the approved plans listed in the table below.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Notwithstanding the submitted details, before above ground works commence (including vegetation clearance) a lighting design strategy for all external and internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour.
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g., timer operation, passive infrared sensor (PIR)); and
- vi. Lighting contour plans for both horizontal and vertical planes.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed.

Reason: To safeguard rural character from increased light pollution (CSPI) and maintain the existing value of biodiversity on and adjacent to the site to protect foraging/commuting bats in accordance with the Conservation of Habitats and Species

Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 15), NPPF chapters 12 and 15 (particularly paras 130, and 185), CSPI, CSP2, API, AP.7 and AP.8.

04. Notwithstanding the submitted details, prior to commencement of the development hereby permitted (including demolition, ground works and vegetation clearance) a Construction Environmental Management Plan - Biodiversity (CEMP-B) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including relevant measures that show how waste and other pollutants will be safely stored. This can be provided as a set of working method statements for habitats and species (bats, nesting birds and the Severn estuary);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. Details of any external lighting required during construction phase;
 - vi. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vii. A non-native invasive species protocol (e.g. for Japanese knotweed);
 - viii. The times during construction when specialist ecologists need to be present on site to oversee works;
 - ix. Responsible persons and lines of communication;
 - x. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
 - xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and Environment Agency Pollution Prevention Guidelines and best practice.

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15 (Paragraphs 174, 179, 185), Circular 06/2005, policies CSP.1 and CSP.2 of the Core Strategy and policies AP.1, AP.7 and AP.8 of the Allocations Plan.

05. The development shall be completed in accordance with the recommendations in Section 5.8 and sections 5.13 – 5.32 of the consultancy report (Ecological Impact Assessment, Grass Roots Ecology, Ref I 196, February 2026) and Plan GRE 3: Ecological Mitigation & Enhancements Plan Revision G (Grassroots Ecology, 5th May 2026). All the recommendations shall be implemented in full, according to the timescales laid out in the recommendations and thereafter permanently retained.

Reason: To ensure that roosting, foraging and commuting bats, nesting birds, and the Severn estuary SAC, SPA and Ramsar are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSPI and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

06. Prior to the occupation of the dwellings hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted drawing ref. '13249/002 Rev. C'. A minimum entry width of 4.1m shall be provided and any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. The area of driveway within at least 5.0m of the carriageway edge of the public road shall be surfaced in bound permeable material and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists, and vehicles in accordance with the National Planning Policy Framework.

07. The development hereby permitted shall not be occupied until the cycle stores have been constructed and made available in accordance with drawing ref. '13249/002 Rev. C'. They shall thereafter be permanently maintained for this purpose.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with the National Planning Policy Framework.

08. Notwithstanding the provisions of Part 1 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D and E), other than such development or operations indicated on the plans hereby approved, shall be carried out. SEE NOTE: INFORMATION ON GPDO 2015.

Reason: The Local Planning Authority wishes to safeguard the character and appearance of the area and would wish to properly consider the effect of any future changes, in accordance with Core Strategy Policy CSP.1, AP.1, AP.4 and AP.5 of the Allocations Plan.

09. Prior to the commencement of development, a full foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage system, together with a management and maintenance plan for all drainage assets and an exceedance flow routing plan for flows above the 1 in 100 year plus 40% climate change event. The scheme shall also demonstrate that no surface water or land

drainage arising from the development shall be allowed to connect, directly or indirectly, to the public sewerage network. The development shall thereafter be carried out in accordance with the approved details prior to first occupation and shall be maintained in accordance with the approved management and maintenance plan thereafter.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

10. Prior to the first occupation of the dwellings hereby approved, the first-floor balconies as shown within drawing ref. 'Proposed Elevations Rev. B' shall be fitted with privacy screens to each of the north and south facing elevations, constructed of opaque and/or translucent materials.

The screens shall thereafter be permanently retained and maintained.

Reason: To ensure an acceptable level of privacy is maintained between the proposed dwellings in the interests of the amenity of future occupiers, in accordance with Policy AP.4 of the Allocations Plan.

11. Prior to first occupation of the dwellings hereby approved:
- a) The full extent of the roadside boundary wall within the red line area shall be carefully raked back using hand tools and repointed using traditional lime mortar matching the colour and texture of the historic mortar surviving within the core of the wall.
 - b) The west wall of the former Old Ferry Inn facing the road shall be redecorated and the render repaired.
 - c) The rainwater goods on the west elevation of the Old Ferry Inn shall be replaced or repaired and connected to an appropriate storm water drainage system.

Reason: To achieve the public benefit of enhancing the setting of the Grade I Listed structure when viewed from the lane and to avoid damage to the roadside stone boundary wall in accordance with the National Planning Policy Framework, the National Planning Practice Guidance, Policy CSP.1 of the Core Strategy, AP.5 of the Allocations Plan and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. The proposed tugboat garage shall be constructed and ready for use no later than 3 months following the first occupation of the residential accommodation hereby approved.

Reason: To ensure that the proposed improvement to a community facility is secured within a reasonable timeframe in accordance with CSP.8 of the Core Strategy.

13. The Biodiversity Gain Plan submitted for approval must be in accordance with any biodiversity or ecological information submitted with the planning application and implemented in accordance with the approved details.

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSPI and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan.

14. The development hereby approved shall not commence until a 30-year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall include, but not necessarily be limited to the following:

- i. Description and evaluation of all habitats and other biodiversity features to be managed;
- ii. Aims and objectives of management (including those related to species);
- iii. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- iv. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- v. The management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan, for a period of 30 years from the completion of development;
- vi. Preparation of a works schedule, including annual, biennial or other specific timeframe(s) works schedule;
- vii. Details of the monitoring required to measure the effectiveness of management;
- viii. Details of the timetable for each element of the monitoring programme;
- ix. Mechanisms of adaptive management to account for necessary changes within the work schedule to achieve the required targets; and
- x. Submission of Biodiversity Monitoring Reports on years 1, 2, 5, 10, 15, 20, 25, and 30 for habitats to achieve biodiversity net gain, with biodiversity reconciliation calculations at each stage.

The HMMP shall be implemented in accordance with the approved details, and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements works have been completed.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To secure the delivery of at least a 10% biodiversity net gain for the required 30-year period and appropriate management of all habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSP1 and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan.

15. Notwithstanding the submitted details, prior to above ground works (including site clearance) a scheme for hard and soft landscaping of the site (using native species of local provenance and incorporating existing flora) and including the means of enclosure and the materials to be used for hard surfacing, shall be submitted to and approved by the Local Planning Authority. The scheme shall include, but not be limited to:
- i. A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with any Construction Environmental Management Plan- Biodiversity.
 - ii. A plan showing areas to be managed as public open space including a final state topography plan, where appropriate.
 - iii. Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control
 - iv. Details of surfacing, boundary treatments and landscaping structures including design, location, hedgehog accessibility, size, colour, materials and openings.

If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Development shall be carried out in accordance with the approved scheme, HMMP and Biodiversity Gain Plan and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

Reason: In accordance with the principles of good design and the incorporation of biodiversity in and around developments and its enhancement in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSP1 and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

16. The development hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures set out in the approved Noise Impact Assessment dated 20/01/2025 and prepared by Acoustic Consultants Limited. All

identified mitigation measures shall be fully implemented prior to the first occupation of the development and shall thereafter be retained and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that acceptable internal and external noise levels are achieved for future occupants, in accordance with the National Planning Policy Framework, Planning Practice Guidance and Policy AP.4 of the Allocations Plan.

17. Prior to the first occupation of the development hereby permitted, a noise validation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate compliance with the noise criteria set out in the approved Noise Impact Assessment and confirm that all mitigation measures have been correctly implemented and are effective.

The validation report shall be undertaken by a suitably qualified acoustician, accredited by the Institute of Acoustics (IOA) or the Association of Noise Consultants (ANC).

Reason: To ensure that the development achieves the required noise standards and to protect the amenity of future occupiers, in accordance with the National Planning Policy Framework, Planning Practice Guidance and Policy AP.4 of the Allocations Plan.

18. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with the Forest of Dean Local Plan Policy CSP.1 and Allocations Plan Policies AP.4 and AP.5, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

19. Prior to the installation of any external door or window as part of the development hereby approved, product information detailing the materials, manner of opening and finish shall be submitted to the Local Planning Authority and approved in writing. Only the approved products shall be used.

Reason: To ensure that, in accordance with the Forest of Dean Local Plan Policy CSP.1 and Allocations Plan Policies AP.4 and AP.5, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

20. No development shall take place, including any demolition works, until a Construction Management Plan (CMP) or Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition and construction period.

The Plan/Statement shall include, but not be limited to, the following details:

- A 24-hour emergency contact number;
- Hours of operation;
- Parking of site operatives' and visitors' vehicles (including measures to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for the loading/unloading and storage of plant, waste and construction materials;
- Measures to prevent mud and debris being carried onto the public highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles on site;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of the safe operation of the adopted highway and the amenity of the surrounding area during the demolition and construction phases of development, in accordance with the National Planning Policy Framework.

NOTES

1. In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. In addition, in order to secure sustainable development which will improve the economic, social and environmental conditions of the area, negotiations have been undertaken to ensure that ecology, noise and drainage issues had been addressed.
2. For clarification under Restriction of Permitted Development Class A of the Town and Country Planning (General Permitted Development) Order 2015, relates to house extensions, Class B relates to roof alterations and additions, Class C relates to other roof alterations, Class D relates to the erection of porches, Class E relates to buildings, swimming pools, etc.
3. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 – Clause 27 (1)).
 - Code for sustainable homes - A step-change in sustainable home building practice.
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1)).

- CIRIA C753 SuDS Manual 2015.
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
4. Due to the age of the building, a refurbishment asbestos survey would be advisable prior to the works commencing. Should asbestos be identified, to prevent the release of and exposure to harmful airborne asbestos fibres, any work involving disturbance or removal of this material should be conducted by persons trained in the safe handling of non-licensed asbestos (CAT B) or, where licensed asbestos is present, licensed asbestos contractors. Please refer to the Control of Asbestos Regulations 2012, and the HSE website <https://www.hse.gov.uk/asbestos/index.htm> for further information.

5. Need for EPS licence

The application site contains a roost(s) for bats. Bats are protected by law. Prior to undertaking any works a European Protected Species Licence, administered by Natural England will be required.

6. General protected species

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

7. Forest of Dean District Council's Precautionary Method of Working Forest of Dean District Council's Precautionary Method of Working document can be found here: <https://www.fdean.gov.uk/media/wjth1ruj/biodiversity-specification-1-precautionary-method-of-working.pdf>

The construction of the vehicular access will require works within the public highway, including the extension of a verge and/or footway crossing. Prior to the commencement of any such works, the applicant must obtain the necessary permission from Gloucestershire Highways.

Applications should be submitted to:
highwaylegalagreements@gloucestershire.gov.uk.

8. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY THE FOREST OF DEAN DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan in writing.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Forest of Dean District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

The Gloucestershire Local Nature Recovery Strategy (LNRS) has been published by Gloucestershire County Council. This strategy must be used to inform the Strategic Significance Multiplier in the Statutory Biodiversity Metric or the Small Sites Metric, depending on which version has been submitted. As part of your discharge of condition application the biodiversity metric will need to be updated to refer to the published LNRS. Please speak to your project ecologist for further advice or alternatively, you can engage with the Council's pre-application advice service: [Get advice on your planning application – Forest of Dean District Council](#).

10. You are advised that a legal agreement dated the () under Section 106 of the Town and Country Planning Act, 1990, relates to this site.
-

2. Jurovan Yorkley Slade Yorkley

Demolition of existing bungalow and construction of 2no. self-build two storey dwellings and associated works

REFERENCE: PI390/24/FUL
05.09.2025 (Expiry Date: 12.06.2026)

APPLICANT:	AGENT
Ms J Roberts	Simple Plans
Jurovan	FAO Mr J Donovan
Yorkley Slade	1 Clay Road
Yorkley	Berry Hill
Gloucestershire	Coleford
GL15 4SB	GL16 7GB

PARISH West Dean

WARD Pillowell

WARD MEMBERS Cllr J Dale

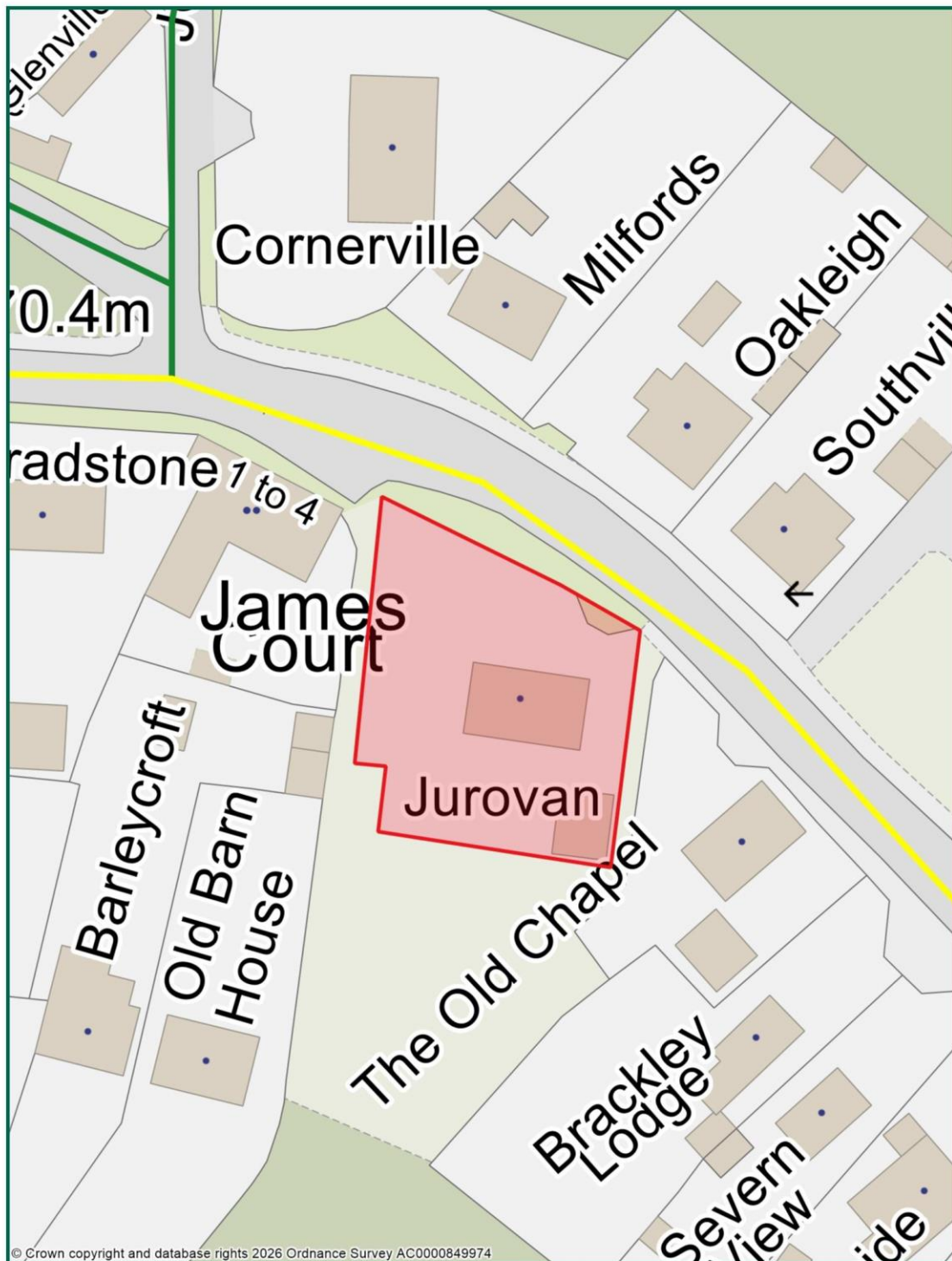
CASE OFFICER Ryan Morgan

RECOMMENDATION: Delegated Permission

This application is presented to Committee following a referral by Councillor Jackie Dale for the following reasons:

Loss of privacy to surrounding properties. Loss of light and their 'right to light'. Concern over exit on a blind bend. Loss of a single-story property which is suitable for older people.

Members have had the opportunity to visit the site on the 2nd June 2026.

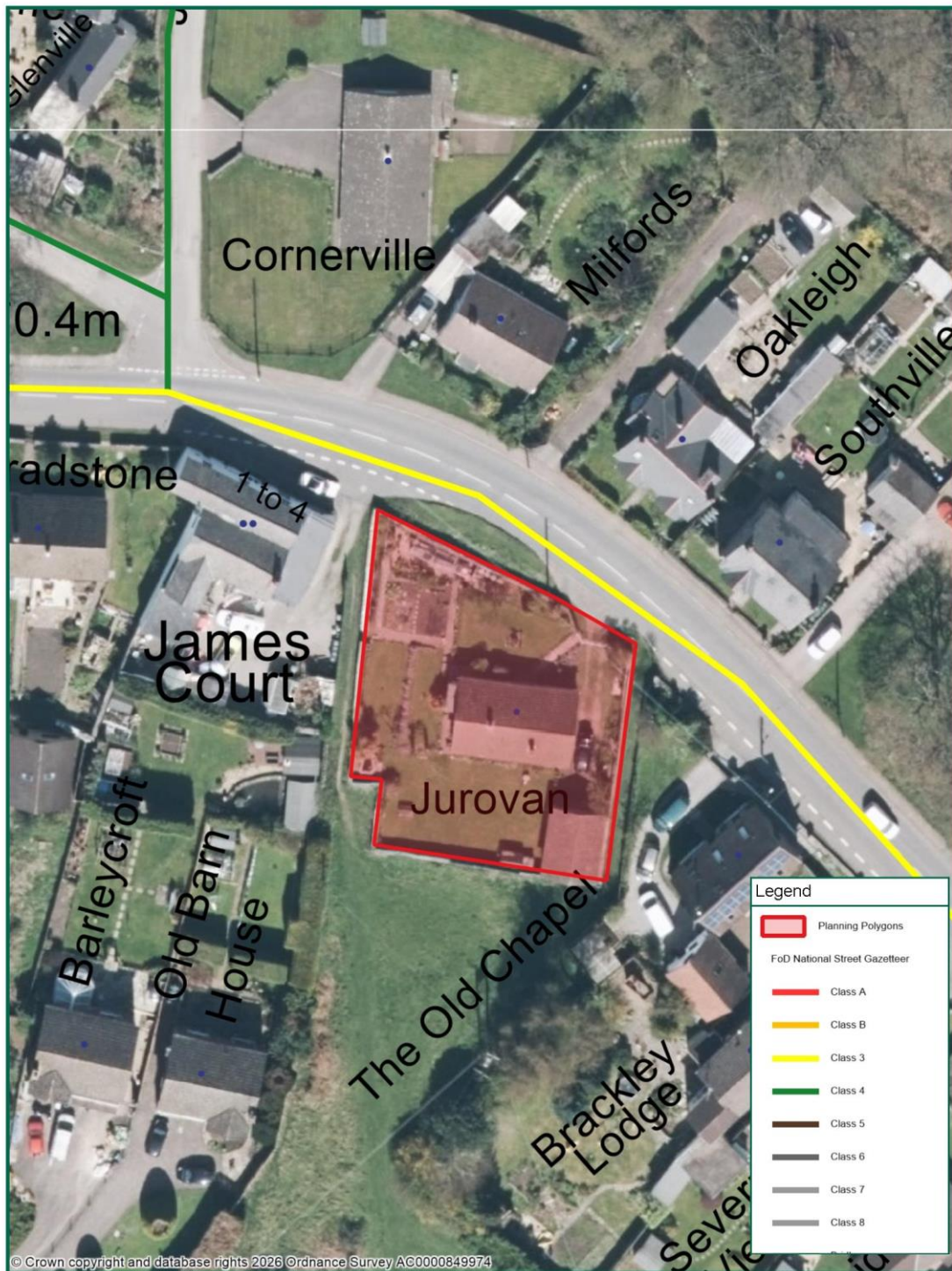


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Scale: 1:500
24 April 2026



PLEASE NOTE THIS MAP IS NOT TO SCALE



Scale: 1:500
24 April 2026



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PLEASE NOTE THIS MAP IS NOT TO SCALE

I. THE PROPOSAL

The proposal seeks full planning permission for the erection of two, two-storey, self-build dwellings and associated works within curtilage of Jurovan. Jurovan is a single-storey dwelling which will be demolished to accommodate the scheme. A single point of access is proposed off Main Road, which is a Class 3 highway.

This application has undergone revisions to remove additional living space and dormer windows within the roof, and to amend the general design and form of the dwellings.

The site area is circa 0.086ha, resulting in a density of 23.3 dwellings per ha.

Plot 1

Dwelling measurements

Height to ridge $\approx 7.1\text{m}$
Height to eaves $\approx 4.7\text{m}$
Depth $\approx 9.8\text{m}$
Width $\approx 11.4\text{m}$
Footprint $\approx 93.3\text{m}^2$
Rear Garden $\approx 136.3\text{m}^2$

Plot 2

Dwelling measurements

Height to ridge $\approx 7.1\text{m}$
Height to eaves $\approx 4.7\text{m}$
Depth $\approx 9.8\text{m}$
Width $\approx 11.4\text{m}$
Footprint $\approx 93.3\text{m}^2$
Rear Garden $\approx 143.2\text{m}^2$

Materials

Walls:	Predominantly Farmhouse red blend facing brickwork, with a large area of natural stonework walling to the principal elevation.
Roof:	Textured fibre cement slate roof finish.
Windows / Doors:	Anthracite grey windows and doors.

2. SITE DESCRIPTION

The site measures approximately 0.086 hectares and forms the residential curtilage of Jurovan, a single-storey bungalow. It lies within the Yorkley settlement boundary and within the Locally Distinctive Area covering Yorkley Slade, an area characterised by modern infill

development set within relatively spacious plots and with a strong relationship to surrounding open areas.

The site fronts Main Road, with surrounding residential development reflecting the mixed linear and nucleated settlement pattern of Yorkley. The land slopes gently to the west. To the south lies an area of forest waste, forming part of the network of open spaces that contribute to the open and forest fringe character of Yorkley Slade.

3. PLANNING HISTORY

The site has no relevant planning history.

4. APPLICANT'S REPRESENTATIONS

A Design and Access Statement has been submitted with the application which was submitted prior to any negotiation; the main points are summarised as follows:

1. Introduction

The statement supports a full planning application for the demolition of the existing dwelling at Jurovan and the erection of two new four-bedroom dwellings with off-street parking.

2. Background of Site and Overview

The site comprises a 0.085 ha residential plot within the Yorkley settlement boundary, enclosed by stone boundary walls and surrounded by residential development to the north with open land to the south. The proposal seeks to replace the existing dwelling with two new homes intended for occupation by immediate family members.

3. Scale, Layout & Design

The proposal consists of two identical detached dwellings, each with a footprint of approximately 90 m² and accommodation arranged over two storeys with limited loft space. The layout allows for off-street parking, vehicle turning, and generous rear garden space. The design, scale, and massing are intended to reflect the varied building line and character along Main Road.

4. Access & Landscaping

Two separate vehicular access points are proposed from Main Road, achieved through lowering sections of the existing stone boundary wall to improve visibility. The site layout allows for safe vehicle access, turning, and parking, with limited landscaping changes proposed.

5. Drainage

Foul water is proposed to connect to the existing public sewer. Surface water is proposed to be managed via soakaways positioned clear of buildings and boundaries, with rainwater butts installed at each dwelling.

6. Ecology

The site contains limited vegetation, including two boundary trees which are proposed to be retained. No significant ecological impacts are anticipated. Bird boxes are proposed as biodiversity enhancement, and the development is identified as a self-build project.

7. Flood Risk

The site lies within Flood Zone I and is not considered at risk of flooding. A site-specific Flood Risk Assessment is therefore not considered necessary.

8. Conclusion

The proposal is considered to be appropriate in scale and design for its location within the settlement boundary, integrates with the surrounding residential character, and would provide additional housing without adverse impacts on amenity, ecology, or flood risk.

5. CONSULTATIONS AND NOTIFICATIONS

Parish Council

West Dean Parish Council regret the loss of the existing bungalow and would prefer the replacement dwellings to be single storey to meet local need for such accommodation.

Local Highway Authority

No objection subject to conditions following revised access details which satisfactorily address their earlier visibility concerns.

Sustainability (Ecology)

The Biodiversity Officer raises no objection subject to conditions, having confirmed that ecological impacts can be appropriately mitigated.

Natural England

Natural England concur with the Council's Appropriate Assessment and raise no objection, subject to a condition securing an appropriate lighting strategy for the Bat SAC.

Gloucestershire Wildlife Trust

Gloucestershire Wildlife Trust advise that the submitted ecological reports are adequate and recommend conditions securing biodiversity enhancements, sensitive lighting, native planting and precautionary construction measures.

Sustainability (Trees)

The Tree Officer raises no objection following receipt of additional information.

NatureSpace (Newts)

NatureSpace raise no objection subject to a precautionary working method condition to safeguard great crested newts and other protected species during site clearance and construction.

Flood Risk Management

The Flood Risk Management Officer initially requested further evidence on drainage viability, which has now been submitted by the applicant. No further comments have been received by the Flood Risk Management Officer at the time of writing.

Severn Trent Water

No comments have been received at the time of writing.

Neighbour Representations

Five neighbour objections have been received which raise concerns related to the following matters; these concerns will be addressed within the “Other Matters” section of this report:

- Residential Amenity
- Character, Appearance and Overdevelopment
- Highway Safety and Access
- Drainage and Flood Risk
- Ecology and Biodiversity
- Loss of Single-Storey Accommodation

6. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed and beautiful places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

Appropriate Assessment
Design
Flood risk and coastal change
Healthy and safe communities
Natural environment
Use of planning conditions

Core Strategy

CSP.1 – Design and Environmental Protection
CSP.2 – Climate Change
CSP.4 – Development at Settlements
CSP.5 – Housing
CSP.16 – Villages

Allocations Plan

AP.1 – Sustainable Development
AP.4 – Design of Development
AP.6 – Locally Distinctive Areas
AP.7 – Biodiversity
AP.8 – Green Infrastructure

Neighbourhood Development Plan

Forest Edge South Neighbourhood Development Plan 2022 – 2041

Chapter 5.0 Yorkley
Policy 1: Sustainable design and construction in new developments
Policy 2: Green spaces and biodiversity in new developments
Policy 4: Renewable and low carbon energy developments
Policy 5: Design in new developments
Policy 7: Landscape character
Policy 11: Housing mix and affordable housing
Policy 16: Parking for new developments
Policy 17: Access for New Developments and Sustainable Transport

Supplementary Guidance

Residential Design Guide (1998)

7. EVALUATION

The following material planning considerations are relevant in the determination of the application:

- Principle of Development
- Character & Appearance
- Living Conditions
- Highway Safety & Parking Provision
- Ecology
- Flood Risk & Drainage
- Other Matters

Principle of Development

Chapter 2 of the NPPF explains that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF also requires development to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the Core Strategy and the Allocations Plan.

The site lies within the defined settlement boundary of Yorkley and therefore falls within a settlement where residential development is acceptable in principle, subject to compliance with the wider policies of the development plan. Policies CSP.4 and CSP.5 of the Core Strategy direct most development to settlements and expect new housing to be located within existing settlement boundaries unless material considerations indicate otherwise.

Yorkley is identified within the Core Strategy village hierarchy as part of the group village of Whitecroft-Pillowell-Yorkley. Policy CSP.16 recognises that such grouped settlements contain a range of shared services and facilities, and are suitable locations for a degree of modest development, including small housing sites within the existing built-up area and affordable housing. The strategy for such villages is to ensure development remains proportionate to the scale, form and role of the settlement concerned.

The proposal is for two dwellings within the residential curtilage of an existing bungalow, on land that lies within the settlement boundary of Yorkley. Therefore, this is considered to be the type of modest infill development that can be supported in principle in a group village, provided that the detailed impacts in respect of design, amenity, highways, ecology and drainage are acceptable.

The proposal is not considered to conflict with the overall settlement strategy in the Core Strategy, which seeks to support sustainable rural communities by directing appropriate development to settlements with accessible services and facilities, rather than dispersing housing into the open countryside.

5-Year Housing Land Supply

Notwithstanding the above, it is relevant that the Council is currently unable to demonstrate a five-year land supply for housing which, at the time of writing, stands at less than 2 years. Consequently, paragraph 11d of the NPPF is engaged. However, it remains that the spatial strategy is sound and is consistent with the NPPF which itself seeks to ensure development is sustainably located.

Paragraph 11d states:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".*

In this instance, the decision maker should no longer be rigidly bound by the defined settlement boundaries, but should consider whether the site is sustainably located on its own merits e.g. being well-related to a settlement in terms of accessibility, whether the site would allow alternate modes of transport, and whether an application adheres to the ethos of sustainable development.

The policies referred to within 11d)(i) are those relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change. With regard to these policies, the application has been confirmed by the Council's Sustainability Team to engage the Habitats Regulations and is therefore considered 'habitats development'. The implications of this, and the effect upon the tilted balance, are assessed later in this report.

Section 11 of the NPPF seeks the effective use of land. Policy CSP.5 of the Core Strategy identifies 30 dwellings per hectare as a reference point for assessing density, whilst also recognising that lower densities will often be appropriate on smaller sites and in more rural locations. Here, the site measures approximately 0.086 hectares and the proposal for two dwellings would equate to a density of approximately 23.3 dwellings per hectare. Whilst this falls below the 30 dwellings per hectare reference point, the difference is not substantial and, having regard to the site's village context, the plot size, the need to respect neighbouring amenity and the locally distinctive character of Yorkley Slade, this density is considered appropriate in this instance.

Overall, the proposal is considered to accord with the settlement strategy in the Core Strategy and is acceptable in principle as modest residential development within the defined settlement boundary of Yorkley, subject to the detailed assessment of the other material planning considerations set out below.

Character and Appearance

The NPPF the PPG, Policies CSP.1 and CSP.4 of the Core Strategy and Policies AP.1 and AP.4 of the Allocations Plan require development to achieve a high standard of design, respond positively to local character, and integrate successfully with its surroundings. The FoDDC's Residential Design Guide further emphasises that development should be informed by site context, landscape features and topography.

AP.6 of the Council's Allocations Plan outlines the importance of the setting of Yorkley Slade and its distinctive features. It states that dwellings are located in an informal pattern with a strong relationship to highways and minor access roads. Comparatively large Important Open Areas within the LDA. Eastern edge of the area meets the forest boundary, creating a fringe characteristic. Dwellings are located within large curtilages with clear boundaries between public and private space. There is widespread use of traditional styles and local materials.

In addition to the above, regard is had to the Forest Edge South Neighbourhood Development Plan (NDP), which forms part of the development plan for the area. In particular, Policy 5: Design in new developments requires proposals to be of a high-quality design which responds positively to local character, respects the prevailing pattern of development and contributes towards a sense of place. Furthermore, Policy 7: Landscape character seeks to ensure that development safeguards the intrinsic character and setting of the settlement, including its relationship with surrounding open areas and the forest fringe.

The application site is located within the settlement boundary of Yorkley and within the locally distinctive area of Yorkley Slade. The Allocations Plan identifies Locally Distinctive Areas as those which typically exhibit an informal layout, a variety of building forms and materials, and a strong relationship between buildings and surrounding open spaces, rather than a uniform or consistent architectural style.

The surrounding area is characterised by an eclectic mix of dwelling types, scales and architectural styles, including detached and semi-detached houses, bungalows, cottages and conversions, modern and traditional, constructed from a variety of materials and incorporating differing roof forms. As such, there is no single, consistent architectural style or uniform pattern of development that defines this particular area.

The proposal has been revised during the course of the application in response to officer concerns. In particular, the overall scale and massing of the development has been reduced, with the ridge height lowered from approximately 8.21 metres to approximately 7.1 metres. The design of the dwellings has also been amended, with changes to external detailing and materials to introduce visual distinction between the two units and avoid an overly uniform appearance. These amendments have reduced the perceived bulk of the development and

lessened its visual impact when viewed from the public realm and surrounding properties, consistent with the objectives of Policy 5: Design in new developments.

It is acknowledged that the proposed hipped roof form is not a dominant or typical roof type within this part of Yorkley. However, neither Policy AP.6 nor Policy 5 of the Forest Edge South NDP seeks to impose specific architectural styles or roof forms, but rather requires an assessment of whether development would be harmful to the established character of the area. Given the variation of styles and materials of dwellings in the area, the use of a hipped roof is not considered to be visually incongruous and would not be considered to result in material harm to the overall character or appearance of the area.

The existing bungalow on the site is a modest, utilitarian dwelling of no particular architectural or historic merit. Its loss is therefore not considered to result in harm to the character or appearance of the area. While the proposal would result in a more intensive use of the plot, both Policy AP.6 and the NDP recognise that Locally Distinctive Areas can accommodate change where it does not undermine the key characteristics of the area, including openness, layout and the relationship between built form and surrounding land. In this instance, it is considered that the site is capable of accommodating two dwellings without appearing cramped or overdeveloped. Adequate spacing around the buildings, together with usable private amenity space, ensures that the development would remain proportionate to the size of the plot and would preserve the spacious character and relationship with open areas that define Yorkley Slade, in accordance with Policy 7 of the Forest Edge South NDP.

Although the proposed dwellings would be more prominent in the street scene than the existing single-storey bungalow, they would not appear unduly visually dominating within the street scene. When viewed in the context of the surrounding mix of dwelling types, scales and architectural styles, the development, while clearly different to the existing bungalow, would sit relatively comfortably within the street scene and would not appear incongruous or visually jarring.

Policy AP.6 of the Allocations Plan seeks to ensure that development within Locally Distinctive Areas respects the special characteristics that contribute to their identity, including settlement pattern, scale, materials, landscape setting and the relationship between buildings and open spaces. The policy resists development only where it would be harmful to these characteristics, particularly through the loss of important open areas, key gaps, or features that contribute to local distinctiveness. Yorkley Slade is characterised by an informal pattern of development, varied building forms and materials, and a transition between built development and areas of open land and forest fringe. The NDP reinforces this through Policy 5: Design in new developments and Policy 7: Landscape character, which collectively require development to respond positively to local character and avoid harm to the landscape setting of settlements

In this instance, the proposal is contained entirely within the curtilage of an existing, previously developed residential plot and would not result in encroachment into adjacent open land or forest waste. While the redevelopment would increase the intensity of development on the plot, it would not undermine the prevailing informal settlement pattern or the relationship between built form and open space that defines the locally distinctive character of the area. The scale, layout and design of the dwellings ensure that the

development remains visually contained within the site and does not erode the wider characteristics of Yorkley Slade.

The proposal includes the stopping-up of the existing vehicular access and the creation of a single new access positioned at the mid-point of the site frontage. In order to achieve the necessary visibility splays the existing main front wall would need to be reduced to a height of 0.6m. While the formation of a new access and the reduction of the traditional wall will introduce a modest change to the site frontage and a degree of harm, this is not considered to result in harm that would be considered unacceptable or detrimental to the character or appearance of the area. A planning condition shall be imposed to ensure that the existing access is permanently stopped up prior to the first occupation of the development, thereby preventing its continued use and ensuring that the frontage is not adversely affected by the retention of multiple access points.

In order to safeguard the character and appearance of the development, and having particular regard to the site's location within the Locally Distinctive Area, a condition shall be imposed to remove permitted development rights for extensions roof alterations and other external façade changes to the dwellings. This is considered necessary to ensure that any future alterations are appropriately controlled and assessed against local character considerations, thereby preventing incremental harm. In addition, a condition shall be imposed requiring the retention and maintenance of the existing stone boundary wall along the site frontage, which forms an important local feature and contributes positively to the character of the street scene and the locally distinctive qualities of the area.

On balance, when considering the reduced scale of the development, the amended design and materials, the lack of architectural merit of the existing dwelling, and the varied and eclectic character of the surrounding area, it is considered that the proposal would not result in material harm to the character or appearance of the area. Furthermore, the development would not adversely affect the special characteristics of the Yorkley Slade Locally Distinctive Area, being appropriately contained within a previously developed residential plot and maintaining the established relationship between built form and surrounding open space. The proposal is therefore considered to comply with the NPPF, Policies CSP.1 and CSP.4 of the Core Strategy, Policies AP.1, AP.4 and AP.6 of the Allocations Plan, and Policy 5: Design in new developments and Policy 7: Landscape character of the Forest Edge South Neighbourhood Development Plan.

Living Conditions

Paragraph 135f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy AP.4 of the Allocations Plan requires development to respect the living conditions of existing and future occupiers, including matters of privacy, outlook, noise and general amenity.

In addition, Policy 5: Design in new developments of the Forest Edge South Neighbourhood Development Plan requires, amongst other matters, that development is designed to ensure a good outlook for all future occupiers and that it provides an appropriate amount of outdoor amenity space.

The site has no neighbouring residential properties immediately to the rear, backing onto forest waste. As a result, there is no direct back-to-back relationship between the proposed dwellings and any other residential property.

However, in respect of the nearest dwelling to the rear, Old Barn House, the separation distance from the rear elevation of Plot 1 to the rear elevation of Old Barn House is approximately 37 metres, which significantly exceeds the 21-metre back-to-back distance recommended within the Council's Residential Design Guide. This level of separation is considered to be acceptable and would not introduce materially harmful overlooking or an overbearing relationship. During the course of the application, amendments have been secured to remove roof accommodation and rear-facing dormer windows which were deemed to be intrusive due to their heights. While there would be some oblique angles of visibility from first-floor rear windows of Plots 1 and 2 towards the rear garden of Old Barn House, these views are indirect and limited. In addition, Old Barn House benefits from substantial screening, including a tall and mature Leylandii hedge along its eastern boundary, together with intervening vegetation and existing buildings. When considered cumulatively, these factors mean that the level of overlooking would not be materially harmful or uncharacteristic of such a residential setting within a defined settlement.

The relationship with neighbouring properties to the side of the site has also been carefully considered. There would be no views into the private outdoor amenity space of The Old Chapel, which is located on the opposite side of the building and thus not orientated towards the site. Furthermore, due to the siting of the proposed dwellings, the position of existing buildings and the arrangement of window openings, there would be no direct views into windows of The Old Chapel or James Court.

The proposal would also provide a good standard of amenity for future occupiers. Both plots would benefit from generous rear garden areas, each exceeding the Residential Design Guide's recommended minimum of 100 m² for family dwellings, ensuring adequate private outdoor space. The layout, spacing and orientation of the dwellings would provide a satisfactory outlook and an acceptable degree of privacy for future residents. The proposal therefore accords with the requirements of Policy 5 of the NDP in respect of outlook and amenity space.

In terms of noise, the dwellings are set back from the highway, and the primary areas of private amenity are located to the rear of the site. As such, noise from the adjacent road is not considered to give rise to an unacceptable impact on living conditions.

Objections have been received from residents on the opposite side of the road; however, having regard to the separation distances, intervening highway, building orientation and existing built form, no adverse material impact on their living conditions has been identified.

Given the modest scale of development, the nature of the site, and the absence of sensitive receptors immediately adjoining the site, a Construction Management Plan is not considered necessary in this instance. Any short-term disturbance during construction would be limited in nature and proportionate to a small residential scheme.

Overall, having regard to the site context, separation distances, orientation of buildings, removal of roof-level accommodation, and the quality of amenity provided for future occupiers, it is concluded that the proposal would not result in an unacceptable impact on the living conditions of neighbouring residents and would provide an acceptable standard of amenity for future occupants. The proposal therefore accords with the NPPF, Policy AP.4 of the Allocations Plan, and Policy 5 of the Forest Edge South Neighbourhood Development Plan.

Highways Safety & Parking Provision

Paragraph 116 of the NPPF advises that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

In addition, Policy 16 of the Forest Edge South Neighbourhood Development Plan requires proposals to provide appropriate levels of parking which are well-integrated within the development, whilst Policy 17 requires development to achieve safe and suitable access arrangements and to ensure that proposals do not give rise to unacceptable impacts on the local highway network.

The proposal involves the stopping-up of the existing vehicular access serving the site and the formation of a single new shared access onto Main Road, located approximately at the mid-point of the site frontage, to serve both proposed dwellings. Main Road is a two-lane single carriageway subject to a 30 mph speed limit. The development includes on-plot parking and turning provision for each dwelling, allowing vehicles to enter and exit the site in a forward gear.

The application was initially assessed by the Local Highway Authority (LHA), who raised an objection on the basis that acceptable vehicular visibility splays could not be demonstrated from the proposed access location. In particular, the LHA identified that the submitted visibility splay measurements had been taken from the centreline of the carriageway rather than along the nearside kerb line, contrary to the guidance set out within *Manual for Streets*. On this basis, the LHA concluded that the required visibility distance could not be achieved and requested revised details to demonstrate a safe and suitable access.

Following this response, the applicant submitted revised access and visibility splay drawings, including an amended Site Plan and Visibility Splay Plan. The revisions demonstrate visibility splays measuring 2.4 metres x 42 metres looking left and 43m looking right, when measured along the nearside kerb line of Main Road, and confirm that the access accords with current highway design guidance. In comparison, the existing vehicle access to the site currently has visibility of approximately 2.4m x 25m looking right and 55m looking left.

Upon re-consultation, the Local Highway Authority confirmed that the previous concerns had been satisfactorily addressed and raised no objection to the development, subject to conditions. The LHA also confirmed that the proposed access arrangement, parking provision and turning facilities are acceptable, and that the level of traffic generated by two dwellings would not result in a material impact on the safety or operation of the local highway network.

The proposal provides sufficient on-site parking and turning provision for each dwelling, together with secure cycle parking. This level of provision ensures that parking is adequately accommodated within the site without resulting in on-street pressures or harm to the character of the area. Conditions are recommended to secure the construction of the access, the provision and retention of visibility splays, parking and turning areas, and appropriate surfacing and drainage of the driveway in the interests of highway safety. An informative is also recommended advising that a Section 184 licence will be required for works affecting the public highway.

In light of the final consultation response from the Local Highway Authority, the amended access arrangements, and the imposition of appropriate conditions, it is concluded that the proposal would not result in an unacceptable impact on highway safety or the operation of the local road network. The development therefore accords with Chapter 9 of the NPPF, and Policy 16: Parking for new developments and Policy 17: Access for New Developments and Sustainable Transport of the Forest Edge South Neighbourhood Development Plan.

Ecology

Chapter 15 of the NPPF requires development to minimise impacts on biodiversity and, where possible, provide net gains for biodiversity, while ensuring compliance with the Conservation of Habitats and Species Regulations 2017 (as amended). At the local level, Policies CSP.1 and CSP.2 of the Core Strategy and Policies AP.1, AP.7 and AP.8 of the Allocations Plan seek to protect and enhance biodiversity and green infrastructure. In addition, Policy 2: Green spaces and biodiversity in new developments of the Forest Edge South Neighbourhood Development Plan seeks to ensure that development protects and enhances biodiversity, retains important green infrastructure features where possible, and incorporates measures to deliver biodiversity enhancements.

The application has been reviewed by the Council's Sustainability Team, having regard to the applicant's submitted Preliminary Ecological Appraisal and Bat Roost Assessment Reports (Aware Ecology, July 2025; September 2025; and Version 2 dated January 2026), together with the findings of bat emergence surveys and supporting information.

Habitats Regulations Assessment

The site lies within the Zone of Influence for recreational impacts affecting the Severn Estuary SAC, SPA and Ramsar, being approximately 3.5 km from the designated site at its nearest point. As a result, the proposal constitutes *habitats development* and is subject to Habitats Regulations Assessment (HRA). The applicant has completed a Section 111 Agreement confirming that a financial contribution will be made in accordance with the Severn Estuary Recreation Mitigation Strategy. On this basis, and subject to the relevant payment being secured, an Appropriate Assessment has been completed and it is concluded that the proposal would not result in adverse effects on the integrity of the Severn Estuary SAC, SPA or Ramsar site.

The site also lies within Zone A (most sensitive) of the Wye Valley and Forest of Dean Bat SAC, due to its proximity to ancient and semi-natural woodland and the presence of functionally linked bat roosts within the surrounding area. While the existing bungalow and

outbuilding have been confirmed to not support roosting bats, emergence surveys recorded moderate levels of bat foraging and commuting activity across the site by common pipistrelle and occasional passes by other species. An Appropriate Assessment has therefore been undertaken, which concludes that, subject to the imposition of a bat-sensitive external lighting strategy, adverse effects on the integrity of the Bat SAC can be avoided or cancelled out. Natural England have been consulted and advise that they concur with the assessment conclusions.

Protected Species and Precautionary Measures

The submitted ecological surveys confirm that the existing structures do not support roosting bats. However, given the presence of suitable roosting features and recorded bat activity within the site, the Sustainability Team has advised that precautionary working methods during demolition and construction are necessary. These measures, set out within Section 4.4 of the updated ecological report, have been revised to use clear and enforceable language and will be secured by condition.

The site falls within a Red Impact Risk Zone for Great Crested Newts, with a pond located approximately 210 metres from the site. The Council's Newt Officer and NatureSpace have been consulted separately on this matter, and no objection has been raised subject to appropriate safeguards. A precautionary method of working condition is recommended, requiring all site clearance, materials storage and construction activities to be undertaken in accordance with agreed biodiversity protection measures. This will include ensuring that materials and machinery are stored on existing hardstanding and that excavated materials are not left in loose piles overnight, thereby reducing the risk of harm to GCN and other protected species during construction.

Biodiversity Enhancements and Net Gain

The application has been submitted as a self-build development, and the Sustainability Team has confirmed that, as such, the proposal is exempt from mandatory Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990 (as amended by the Environment Act 2021). Notwithstanding this exemption, the planning system still seeks biodiversity enhancement where appropriate.

The proposal includes integrated nesting opportunities for birds, with one woodcrete bird box proposed per dwelling, as shown on the submitted plans. In addition, given the recorded bat activity on site, the Sustainability Team has recommended that additional integrated bat roosting features are secured as a biodiversity enhancement. A condition is therefore recommended requiring the submission and implementation of a small-scale biodiversity enhancement scheme, including bat roosting features, prior to above-ground works. These measures are consistent with the objectives of Policy 2: Green spaces and biodiversity in new developments, which seeks to secure biodiversity enhancements as part of new development.

Lighting

Given the sensitivity of the site in relation to the Bat SAC and recorded bat activity, a condition is recommended requiring the submission and approval of a detailed bat-sensitive

external lighting strategy. This will ensure that lighting levels, colour, positioning and control mechanisms do not result in excessive light spill or disturbance to nocturnal wildlife, including bats using foraging and commuting corridors, consistent with the aims of Policy 2: Green spaces and biodiversity in new developments.

Summary

In light of the comprehensive ecological survey work submitted, the findings of the Habitats Regulations Assessment, the anticipated completion of the Section 111 Agreement in respect of the Severn Estuary mitigation, and the imposition of appropriate conditions relating to lighting, precautionary working methods and biodiversity enhancements, the Council's Sustainability Team raises no objection subject to conditions.

It is therefore concluded that the proposal would not result in harm to protected species, priority habitats, or the integrity of European designated sites, and that ecological impacts can be satisfactorily mitigated and managed. The development is accordingly considered to comply with Chapter 15 of the NPPF, Policies CSP.1 and CSP.2 of the Core Strategy, Policies AP.1, AP.7 and AP.8 of the Allocations Plan, and Policy 2: Green spaces and biodiversity in new developments of the Forest Edge South Neighbourhood Development Plan.

Biodiversity Net Gain (BNG)

The application has been submitted with both plots identified as self-build dwellings. Given that this is a full planning application with detailed and fixed design proposals, the applicant's initial claim of self-build status was challenged by the Local Planning Authority, having regard to the statutory definition of self-build and custom housebuilding and the requirement for the initial occupier to have primary input into the design and layout of the dwelling.

Following further correspondence and clarification provided by the applicant, including additional information setting out the intended delivery and occupation of the dwellings, it has been demonstrated that the plots would be made available to individual purchasers who are related and have had meaningful control over internal layout, specification and final finishing of the dwellings, consistent with the definition of self-build or custom housebuilding. The LPA has reviewed the circumstances of the proposal and is satisfied that the development would meet the statutory definition of self-build housing for the purposes of Schedule 7A of the Town and Country Planning Act 1990. On this basis, the proposal falls within one of the categories of development that are exempt from the mandatory requirement to deliver Biodiversity Net Gain.

Accordingly, while biodiversity enhancement is still sought and secured through planning conditions, the submission of a Biodiversity Metric and the achievement of a minimum 10% Biodiversity Net Gain are not required in this instance.

Flood Risk & Drainage

The NPPF requires development to be directed away from areas at highest risk of flooding and to ensure that development does not increase flood risk elsewhere. Chapter 14 the NPPF, together with the Planning Practice Guidance, seek to ensure that appropriate surface

water management is incorporated into new development, with priority given to sustainable drainage solutions (SuDS). In addition, Policy I: Sustainable design and construction in new developments of the Forest Edge South NDP requires development to incorporate sustainable design measures, including the appropriate management of surface water.

The application site lies within Flood Zone 1, where the probability of flooding from fluvial or tidal sources is low. There is no recorded history of flooding affecting the site, no identifiable surface water flow routes through the land, and no ordinary watercourses or main rivers within close proximity. On this basis, the principle of residential development in flood risk terms is acceptable.

Initial consultation responses from the Council's Flood Risk Management Officer (FRM) raised concerns primarily in relation to the proposed use of soakaways and whether infiltration would be viable on site. The FRM Officer advised that a full surface water drainage strategy would be required, including BRE365-compliant infiltration testing, groundwater considerations, and confirmation that surface water could be managed on site without increasing flood risk elsewhere. In the absence of this information, the drainage solution was not considered to be adequately demonstrated at that stage.

Following these comments, the applicant submitted additional drainage information, including an indicative surface water drainage strategy, BRE365 infiltration testing results, and supporting calculations. The submitted information demonstrates that infiltration is viable, with percolation testing undertaken on site and supported by design modelling confirming that appropriately sized soakaways can accommodate runoff from the development, including the 1 in 100-year storm event plus a 40% climate change allowance. The additional submission also includes a maintenance schedule for the drainage system and photographic records of test pits, addressing earlier concerns raised by the FRM Officer regarding the verification of results.

The revised Site Plan shows the indicative drainage layout, including the location of geocellular soakaways, set appropriately within the site and at suitable distances from buildings and boundaries. It is therefore considered that a drainage solution exists to be able to manage surface water within the site without reliance on off-site discharge.

While the submitted information demonstrates that a viable drainage solution can be achieved, it is acknowledged that some detailed design matters, including construction phase protection of infiltration areas and specifications have not been fully resolved at this stage. However, these are considered to be technical matters that can be appropriately secured by condition.

In respect of foul drainage, Severn Trent Water has not provided comments at the time of writing and is therefore considered to hold no objection. The proposed details indicate connection to the mains sewer, which will require a third-party agreement with Seven Trent. Notwithstanding these details, full and technical details of the foul water drainage strategy will be secured via the pre-commencement condition.

On this basis, it is considered that the submitted information now satisfactorily demonstrates that surface water can be managed on site without increasing flood risk elsewhere. Subject to

the imposition of conditions securing the detailed drainage design, maintenance arrangements, and foul water strategy, the proposal is acceptable in flood risk terms. The development is therefore considered to accord with Chapter 14 of the NPPF, the Planning Practice Guidance, Policies CSP.1 and CSP.2 of the Core Strategy, and Policy 1 of the Forest Edge South Neighbourhood Development Plan.

Other Matters

The concerns raised within the neighbour representations have been carefully considered and are addressed as follows:

- Residential Amenity (privacy, overlooking, loss of light, outlook and enclosure)
Objectors raise concerns that the scale, height and two-storey form of the proposed dwellings, including upper-floor windows, would result in overlooking, loss of privacy, loss of light and an overbearing impact on neighbouring properties.

Officer Comments: These concerns are acknowledged and have been fully assessed within the Living Conditions section of this report. Having regard to the separation distances, orientation of the dwellings, intervening screening, and amendments secured (including removal of roof-level accommodation), it is concluded that the proposal would not result in a materially harmful impact on neighbouring amenity.

- Character, Appearance and Overdevelopment
Concerns have been raised that the proposal represents an overdevelopment of the plot and would be out of keeping with the character of the area.

Officer Comments: These matters are addressed in detail within the Character and Appearance section of this report, which concludes that, following amendments to reduce scale and improve design, the proposal would not result in material harm to the character of the street scene or the wider Locally Distinctive Area.

- Highway Safety and Access
Objectors raise concerns regarding the safety of the proposed access, particularly in relation to visibility and the site's location near a bend, as well as increased vehicle movements.

Officer Comments: These concerns are acknowledged and have been assessed within the Highways Safety & Parking Provision section. The Local Highway Authority has reviewed the amended access arrangements and visibility splays and raises no objection subject to conditions. It should also be noted that the site already has a vehicular access, and this scheme proposes only to relocate it more centrally to allow it to serve both properties.

- Drainage and Flood Risk
Concerns are raised regarding the use of soakaways on a sloping site and the potential for surface water run-off to affect neighbouring land.

Officer Comments: These matters have been considered in the Flood Risk & Drainage section of this report. Following the submission of additional drainage information, including infiltration testing and a detailed drainage strategy, it is concluded that surface water can be appropriately managed within the site, subject to conditions.

- **Ecology and Biodiversity**

Some representations raise concerns regarding the accuracy of ecological information and potential impacts on nearby woodland and habitats.

Officer Comments: These concerns are addressed within the Ecology section. The Council's Sustainability Team and consultees, including Natural England, raise no objection subject to conditions, confirming that ecological impacts can be appropriately mitigated.

- **Loss of Single-Storey Accommodation**

Objections have been received regarding the loss of the existing bungalow, which is considered by some to be suitable for older residents.

Officer Comments: While the loss of the existing single-storey dwelling is noted, there is no specific policy requirement within the development plan to retain individual dwellings or particular house types, including bungalows. The development plan instead seeks to ensure that new housing provides an appropriate mix of types and sizes to meet local needs, including those of an ageing population. The proposal replaces one dwelling with two within a sustainable settlement location, contributing to the overall housing supply mix.

8. CONCLUSION AND PLANNING BALANCE

The site lies within the defined settlement boundary of Yorkley, where residential development is acceptable in principle. The proposal seeks the redevelopment of a previously developed residential plot within the Yorkley Slade Locally Distinctive Area, resulting in the net gain of one additional dwelling. The scale of development is modest and reflects the expectations of growth within a Group Village, where small-scale infill development can be supported subject to compliance with relevant planning considerations.

The proposal has been amended during the course of the application to reduce its scale and refine its design. These changes have improved the relationship of the development with its surroundings and addressed earlier concerns relating to character and neighbour impacts.

In terms of character and appearance, the development is considered to integrate acceptably within the varied and eclectic character of the area. Whilst the proposal represents a more intensive use of the site, it remains contained within an existing residential curtilage and does not undermine the important characteristics of the Yorkley Slade Locally Distinctive Area, including its informal layout, relatively spacious plots and relationship with surrounding open land.

With regard to living conditions, the proposal has been carefully assessed having regard to separation distances, orientation and scale. Amendments secured during the application have reduced potential impacts, and it is concluded that the development would not result in

unacceptable harm in respect of privacy, outlook or overbearing effects. The scheme would also provide a good standard of amenity for future occupiers, including appropriate private outdoor space and satisfactory outlook.

In respect of highway safety, the revised access arrangements have overcome the concerns initially raised by the Local Highway Authority, who now raise no objection subject to conditions. Adequate parking and turning provision is provided within the site, and the proposal would not materially impact upon the safety or operation of the local highway network.

In terms of ecology, the proposal has been supported by appropriate survey work and subject to Habitats Regulations Assessment. Subject to mitigation and conditions, the development would not adversely affect the integrity of designated sites or result in unacceptable harm to protected species.

Matters relating to flood risk and drainage have been satisfactorily addressed through the submission of further technical information, which demonstrates that surface water can be managed on site without increasing flood risk elsewhere.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites and, as such, the tilted balance set out at paragraph 11(d) of the NPPF is engaged. In this context, the proposal would deliver a small, but nonetheless, positive contribution to housing supply within a sustainable settlement location.

Weighing against the development is the loss of the existing single-storey dwelling, which contributes to the area's housing mix, the increase in the scale and intensity of development on the site, and the localised change to the character of the plot and its frontage. In addition, there would be some limited noise and disturbance associated with the construction phase, and the proposal is not required to deliver Biodiversity Net Gain in this instance.

On balance, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

The proposal is therefore considered to represent sustainable development and accords, when taken as a whole, with the National Planning Policy Framework, Policies CSP.1, CSP.2 and CSP.4 of the Core Strategy, Policies AP.1, AP.4, AP.6, AP.7 and AP.8 of the Allocations Plan, and Policies 1, 2, 5, 7, 16 and 17 of the Forest Edge South Neighbourhood Development Plan.

9. RECOMMENDATION:

It is recommended that delegated authority be granted to the Development Manager to approve the application subject to the receipt of a financial contribution pursuant to a Section 111 Agreement in respect of the Severn Estuary Mitigation Strategy, and the conditions below.

In the event that the required payment is not received by 12th June 2026, or any subsequent date as may be agreed through an extension of time, delegated authority is given to the Development Manager to REFUSE the application on the grounds that the proposal fails to secure necessary mitigation in respect of the Severn Estuary SAC, SPA and Ramsar site.

Conditions:

01. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

02. The development hereby permitted shall be carried out in accordance with the approved plans listed in the table below.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Prior to the first use of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with drawing ref. PL01 Rev C (Proposed Site Plan) with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material and shall be maintained and drained thereafter.

Reason: In the interests of highway safety and to accord with the provisions of the National Planning Policy Framework.

04. Prior to the first use of the access hereby approved shall not be brought into use until vehicular visibility splays in both directions along Main Road have been provided in accordance with the Visibility Splays shown within drawing refs. PL01 Rev C (Proposed Site Plan) and PL05 Rev A (Visibility Splay Plan) and shall thereafter be maintained free from any obstructions over 0.6m in height above carriageway level.

05. Before the development hereby approved is occupied or brought into use, the parking spaces and turning area shown on drawing ref. PL01 Rev C (Proposed Site Plan) shall be provided and then permanently maintained, kept free from obstruction, and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon and to accord with the provisions of the National Planning Policy Framework.

06. Prior to the first use of the development hereby permitted, the bicycle parking shown on drawing ref. PL01 Rev C (Proposed Site Plan) shall be provided and maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities and to accord with the provisions of the National Planning Policy Framework.

07. Notwithstanding the submitted details, before above ground works commence a lighting design strategy for all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat or accessing roost sites. The details shall include, but not limited to, the following:

- i. Identify the areas/features on site that are particularly sensitive for nocturnal wildlife and/or dark corridor safeguarding areas;
- ii. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- iii. Technical description (including luminosity of lights and their light colour), design or specification of external lighting to be installed;
- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
- vi. Lighting contour plans for both horizontal and vertical planes (lux levels no greater than 0.5 lux at site boundaries)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policies CSPI and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

08. The development shall be carried out in strict accordance with the recommendations in Section 4.4 of the consultancy report (Preliminary Ecological Appraisal and Bat Roost Assessment Report Version 2, Aware Ecology, 15th January 2026) and 'Site Plan As Proposed' (Drawing No. PL01 Rev C, Simple Plans, 17th April 2026). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation. Nesting bird biodiversity enhancements shall be installed

within 3 months of the completion of the development, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: To ensure that roosting bats, great crested newts, nesting birds, badgers, reptiles, and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSP1 and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

09. Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancements, including integrated bat roosting feature(s) (such as bat boxes, tubes, bat tiles), incorporated into the walls/roof of each new dwelling, shall be submitted to and approved in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason: To provide additional opportunities for roosting for bats a biodiversity enhancement, in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policies CSP1 and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan, and Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

10. Site clearance, materials storage and construction shall be carried out in strict accordance with The Forest of Dean District Council's Biodiversity Specification #1 "Precautionary method of working for reptiles, common toads, hedgehogs, badgers and nesting birds". Additionally:
- All construction materials and machinery shall be stored on existing hardstanding.
 - Excavated soil shall not be left in loose piles overnight, but will either be stored in a skip (or similar) or spread immediately.

SEE NOTE 5

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF

Chapter 15 (Paragraphs 174, 179, 185), Circular 06/2005, policies CSP.1 and CSP.2 of the Core Strategy and policies AP1, AP7 and AP8 of the Allocations Plan.

11. Prior to the commencement of development, a full foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. The details shall include a management plan setting out the maintenance of the drainage assets. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 and any subsequent amendments, no development as specified within Classes A, B or C, other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior consent of the Local Planning Authority. SEE NOTE 2: INFORMATION ON GPDO 2015

Reason: The Local Planning Authority wishes to safeguard the character and appearance of the area and neighbouring amenities and would wish to properly consider the effect of any future changes, in accordance with Core Strategy Policy CSP.1 and AP.1 and AP.4 of the Allocations Plan.

13. Unless required to secure the new access and visibility splays as required by conditions 03 and 04, the existing stone wall boundary, as shown on drawing PL01 Rev C, shall be permanently retained and maintained for the lifetime of the development.

Reason: To preserve the character and appearance of the site and the wider Yorkley Slade Locally Distinctive Area, in accordance with the National Planning Policy Framework, Policies CSP.1 of the Core Strategy, Policies AP.4 and AP.6 of the Allocations Plan, and Policy 5: Design in new developments of the Forest Edge South Neighbourhood Development Plan.

14. Prior to the first occupation of the development hereby approved, the existing vehicular access to the site shall be permanently stopped up in accordance with PL01 Rev C.

Reason: In the interests of highway safety and to preserve the character of the street frontage in accordance with the National Planning Policy Framework, Policies CSP.1 and CSP.4 of the Core Strategy, Policies AP.4 and AP.6 of the Allocations Plan, and Policies 5 and 17 of the Forest Edge South Neighbourhood Development Plan.

NOTES

1. In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. Negotiations were undertaken throughout the course of the application to address design, drainage, ecology.
2. For clarification under Restriction of Permitted Development Class A of the Town and Country Planning (General Permitted Development) Order 2015, relates to house extensions, Class B relates to roof alterations and additions and Class C relates to other roof alterations.
3. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk.
4. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as it is self-build development.
5. The Forest of Dean District Council's Biodiversity Specifications can be found at the following link: <https://www.fdean.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>
6. Anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.
7. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the

species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

8. If a bat or evidence of bats using a feature on site is discovered prior to or during development all work must stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note must be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended). This advice note should be passed on to any persons/contractors carrying out the development.
9. You are advised that a legal agreement dated the () under Section 111 of the Town and Country Planning Act, 1990, relates to this site.

3. Land North Of Carisbrook Road Mitcheldean

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)

REFERENCE: P0672/25/OUT
18.06.2025 (Expiry Date: 26.06.2026)

APPLICANT:
Gladman Developments Ltd
Gladman House
Congleton Business Park
Alexandria Way
Congleton
Cheshire
CW12 1LB

PARISH Mitcheldean

WARD Mitcheldean, Ruardean & Drybrook

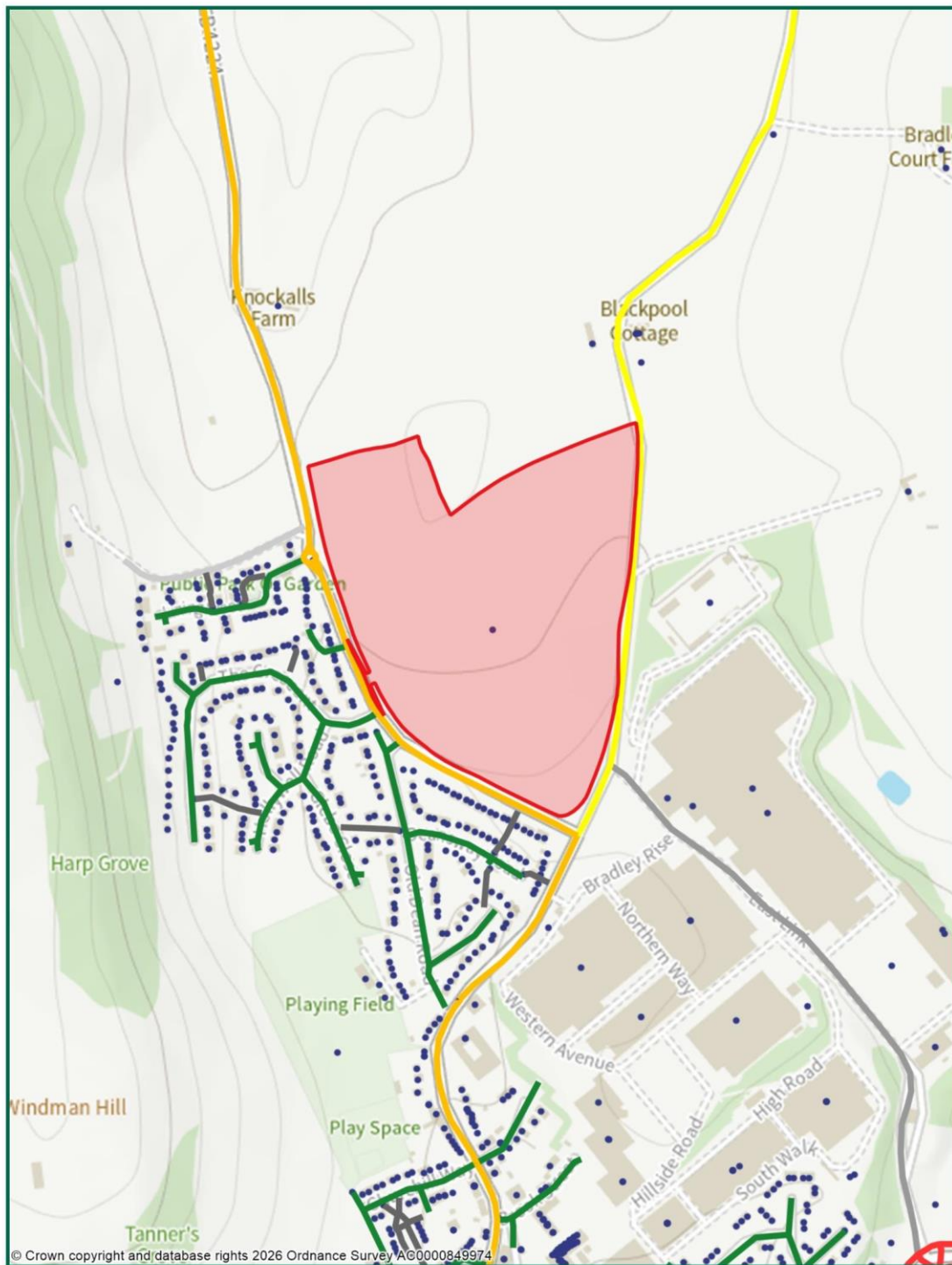
WARD MEMBERS Cllr S Stammers Cllr J Fraser Cllr T Roach

CASE OFFICER Emma Hughes

RECOMMENDATION: Delegated Permission

This application is presented to the Development Management Committee as it is a major application and a departure from the Development Plan.

Members had the opportunity to visit the site on 2 June 2026.

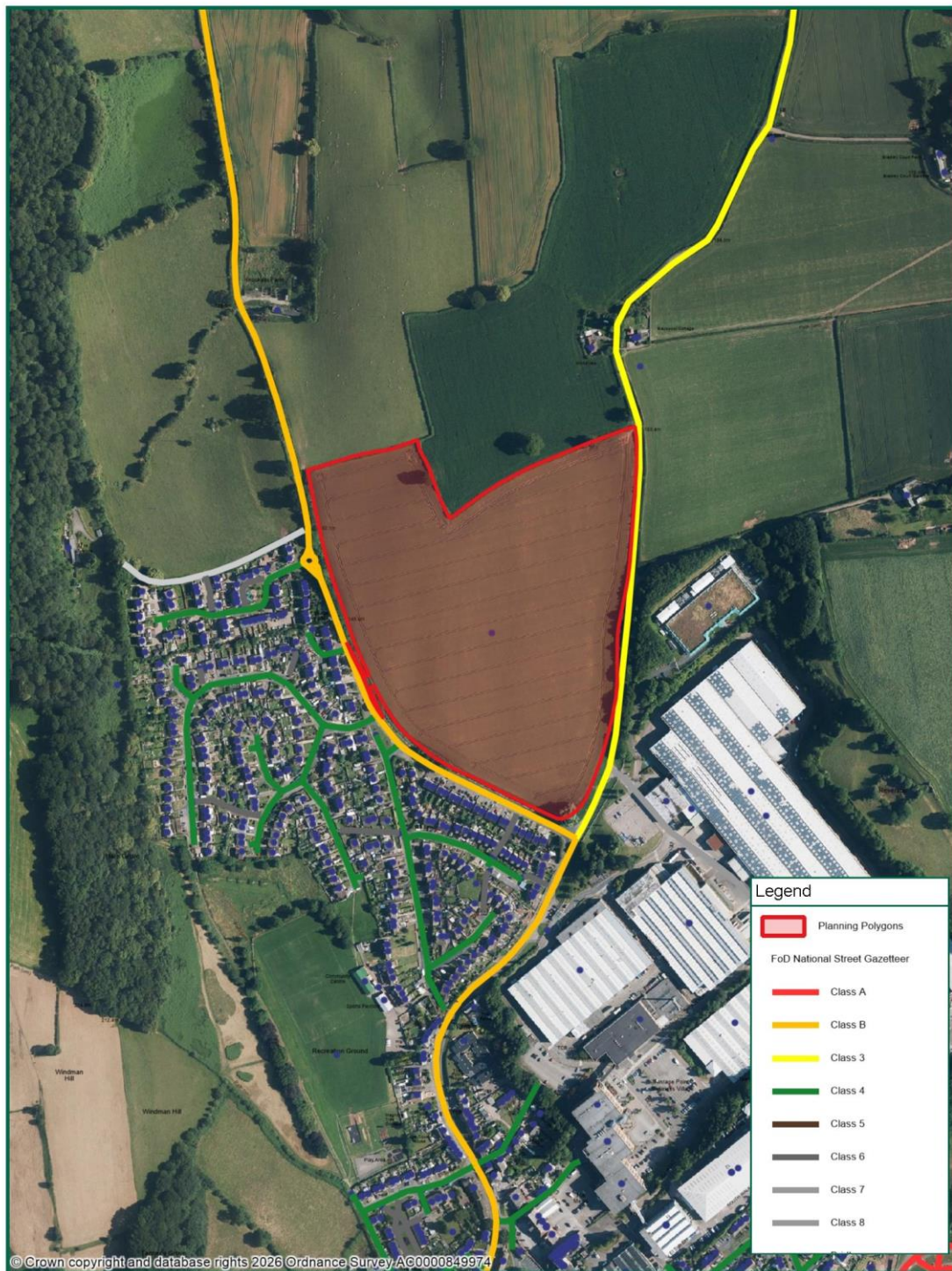


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Scale: 1:5000
22 May 2026



PLEASE NOTE THIS MAP IS NOT TO SCALE



PLEASE NOTE THIS MAP IS NOT TO SCALE

I. THE PROPOSAL

This is an application for outline planning permission for the construction of up to 180 dwellings (including affordable housing) with public open space, landscaping and vehicular access points. With the exception of the means of access to the site, all matters are reserved for future consideration. Although layout, scale, landscaping and appearance are reserved, the application is accompanied by a Development Framework Plan that shows an indicative road layout, the broad positioning of the housing, planting that includes new trees, thicket and wildflowers, recreation routes, sustainable drainage feature, open space and children's play area. Footpath and cycle links into the site are also indicated. In addition, the Design and Access Statement includes an illustrative layout.

The site measures 9.72 hectares, with a resulting in a gross density of development of 18.5 dwellings per hectare. However, the developable area excluding open space would result in a net density of 34 dwellings per hectare.

The application has been subject to a series of extension of time agreements to allow the applicant to provide further information in the light of the Council's five year housing supply position.

2. SITE DESCRIPTION

Forming an irregular shape in plan, the site comprises a large agricultural field currently laid to grass. The application site is located adjoining, but outside the settlement boundary for Mitcheldean as defined by the Core Strategy and Allocations Plan.

The site rises steeply from its western, southern and eastern sides to a point towards the northern boundary that, in effect, forms a prominent dome. To the west and south lie residential dwellings, to the east by Bradley Court Road and the industrial buildings of Vantage Point Business Park, and to the north by further agricultural land. Boundaries have been formed, in the main by stock proof fencing strengthened by mature hedgerows interspersed with mature trees with some examples of bracken. There are two TPO trees; an Ash and an Oak, both forming part of the northern boundary.

3. PLANNING HISTORY

The relevant planning history for this site is:

PI994/18/OUT: Outline planning permission for the erection of up to 125 dwellings with public open space, landscaping and sustainable drainage system and vehicular access point from Carisbrook Road and associated ancillary works. All matters to be reserved except for means of access – Refused - March 2019.

The application was refused for the following reasons:

01. The proposal is considered to represent unsustainable development in the countryside owing to its location outside a settlement boundary where new residential development is restricted by local and national policy and would therefore be contrary to policies CSP.1, CSP.4 and CSP.5 of the Core Strategy and policy API of the Allocations Plan and the advice in the National Planning Policy Framework.

02. The proposal would be contrary to policies CSP.1, CSP.4 and CSP.5 of the Core Strategy, policy API of the Allocations Plan and the advice in the National Planning Policy Framework in that it would create a suburban form of development in this rural location on the best and most versatile agricultural land which would be out of character with the surroundings and would therefore result in an unacceptable adverse impact on the character and appearance of the area.

03. The proposed development fails to take proper account of and, causes unacceptable harm to the significance of the affected designated heritage asset the Grade I Listed St Michael and All Angels Church. As a consequence it fails to preserve the special architectural and historic interest of the affected listed building and its setting, as required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national guidance set out in the National Planning Policy Framework.

04. Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on the character, extent and significance of archaeological remains on the site contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

05. Insufficient information has been provided to assess the highway impacts of the development particularly the impact on the Gloucester Road/Hawker Hill/New Road mini-roundabout and the Abenhall Road/Gloucester Road junctions. As a consequence, there is insufficient evidence to demonstrate that the proposal would not result in a severe impact on the highway network and it is considered contrary to the advice in the National Planning Policy Framework.

06. Insufficient information has been provided to enable the Council to have certainty regarding the impacts of the proposal and to be able to rule out likely significant effects on Wye Valley and Forest of Dean Bat SAC. As a consequence, the proposal is contrary to policy CSP.1 of the Core Strategy, policy AP7 of the Allocations Plan and the advice in the National Planning Policy Framework and National Planning Policy Guidance.

07. Insufficient information has been submitted to demonstrate that acceptable and improved drainage facilities can be achieved and that the proposed development would not exacerbate surface water flooding contrary to the aims and objectives of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

08. The proposal fails to make provision for management of open space and play space, provision of a Local Area of Play and youth/adult recreation 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.

This application has not been the subject of pre-application discussions.

4. APPLICANT'S REPRESENTATIONS

The application has been accompanied by an Air Quality Assessment; Design and Access Statement; Flood Risk Assessment; Foul Sewage & Utilities Assessment; Heritage Statement; Interim Ecological Assessment; Land Contamination Assessment; Landscape and Visual Impact Assessment; Noise Impact Assessment; Phase I Geo-Environmental Assessment; Planning Statement and Affordable Housing Statement (including draft S106 Heads of Terms); Socio-Economic Sustainability Statement; Statement of Community Involvement; Transport Assessment; Travel Plan; and, Tree Survey and Arboricultural Implications report. It has been supplemented with additional information during the course of the application.

- Application made in context of the Government's requirement to boost housing land supply and the presumption in favour of sustainable development, to respond positively to the identified lack of five year housing land supply in the Forest of Dean and the identified needs for both market and affordable housing in the District.
- Proposals will be deliverable in the short term and increase the supply and choice of housing at one of the identified settlements in the District.
- Would contribute towards economic growth and have wider social benefits to the community, meeting a range of housing requirements.
- Principles outlined within Design and Access Statement would secure a high quality scheme.
- No technical or environmental constraints that would preclude the development of this site.
- Willing to enter into dialogue to agree a list of conditions and S106 Heads of Terms that are necessary to make the development acceptable in planning terms.
- Will introduce changes to the area and some urbanising effects.
- Care has been taken to ensure that perceived impacts on Mitcheldean are minimised and acceptable through careful design and siting, along with provision of extensive open space along edges of the site.
- Development of the site would be suitable and sustainable and there is justification to grant planning permission in accordance with the presumption in favour of sustainable development.
- Framework policies carry significant weight and the delivery of the proposed development would support housing and economic development objectives and meet the aims and objectives of sustainable development, securing net gains across the economic, social and environmental strands of sustainable development.
- No technical or environmental impacts that would significantly or demonstrably outweigh the substantial benefits of the proposal and specific policies of the Framework and Development Plan do not indicate that development should be restricted.

- In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes sustainable development.
- Significant material considerations which outweigh the statutory presumption in favour of the Forest of Dean Development Plan and the planning application should be approved.

5. CONSULTATIONS AND NOTIFICATIONS

Parish Council

Object

- Outside designated area in Neighbourhood Development Plan, also objected to the draft district plan;
- NDP aligns with the Forest of Dean District Council's Local Plan, the National Planning Policy Framework (2018), the Core Strategy (2012), and the Adopted Allocations Plan (2018–2026);
- CSP.16 defines Mitcheldean as a major village; NDP consultations identified six key planning priorities linking three key issues in the Allocations Plan;
- NDP aimed to ensure infrastructure will grow with any increase in housing development and seeks to prevent expansion into the sensitive surrounding areas;
- Constraints for future development opportunities at capacity with infrastructure: drainage, sewerage, transport/roads and accessibility and doctors;
- Additional constraints include; topography, valued landscape character and setting and; rare and priority species, habitats and sensitive ecological networks;
- Did not include this site in the NDP as field is in regular use for crop growing and grazing, high grade agricultural land;
- Do not believe in building on such greenfield land until all brown and grey field sites developed – sites in boundaries subject to permission;
- Site on a slope, corner of site used to be a pond, road frequently floods, developing would mean less soil to soakaway naturally causing overload of gullies and flooding to existing houses;
- Concerns could affect the water table, impacting on other neighbouring villages which are lower lying;
- Must demonstrate no adverse impact on conservation sites and their areas of influence and the houses in Carisbrook and Ross Roads; consider this not possible and land should not be built on;
- Light pollution;
- Traffic problems;
- Major disruption during construction;
- Schools oversubscribed and full as is doctors surgery with delays in securing appointments;
- Biodiversity concerns, considerable research to find out which endangered species are on site;
- Too big for village, changing character of village;

- Application vague on planning gain, gives no traffic projection, makes no mention of accessibility for active travel and pedestrian access, no mention of who consulted on sewerage and drainage, no evidence on biodiversity;
- Replacing existing hedgerows would affect wildlife;
- New access would need to cross watercourse.

Gloucestershire County Council (Archaeology)

Original comments

- Potential for archaeological remains to be present within proposed development area, masked from view by agricultural soils which currently cover the land.
- Concerned that ground works and intrusions required may have an adverse impact on significant archaeological remains.
- Submitted geophysical survey found a number of linear and curvilinear ground anomalies, some of which may relate to former field boundaries. In addition, range of smaller archaeological features which would not be detected by the geophysical survey.
- Further investigation is required in order to understand the archaeological potential of site.
- Recommend in advance of determination, applicant should provide results of an archaeological field evaluation which describes the significance of any archaeological remains contained within site and how these would be affected by proposed development.

Additional comments

Recommend condition:

- Additional information includes report into an archaeological evaluation.
- Most trenches excavated were either devoid of archaeological remains or contained features of low significance not requiring further investigation.
- Trench 5, towards the west of the site produced evidence of a large spread of iron working waste associated with finds broadly of 13th-15th century date.
- Rare survival of high significance, archaeological evidence of this is scarce making the site particularly significant, probability of evidence for the furnaces are likely to be buried under the identified industrial waste products.
- Site has potential to add very significantly to understanding of medieval iron production in the Forest of Dean.
- Other ferrous spreads identified during the geophysical survey that have not yet been investigated may contain further significant archaeological information.
- Recommend condition to secure an appropriate programme of work to further identify significant archaeology and where necessary, to excavate and record these archaeological remains should be undertaken prior to development in order to mitigate ground impacts.

Gloucestershire County Council (Community Infrastructure)

- Primary education contribution: £276,574.78 – spare capacity is more than two miles away so transport assessment required and Integrated Transport Unit will advise;

- No contributions requested for secondary ages 11-16 and 16-18;
- Library contribution: £35,280 for Mitcheldean library.

Gloucestershire County Council (Highways)

Original comments

Recommend deferral

Vehicular Access

- Form of new junction and the geometric parameters are considered appropriate.
- Appropriate visibility splays of 2.4m. x 50.7m. to the left (i.e. the east) and 2.4m. x 54.3m. to the right (i.e. to the west) can be achieved.
- Vehicle tracking of single vehicle and refuse vehicle provided and is accepted.
- Revised Road Safety Audit undertaken and designer's response included; minor matters relating to refuse vehicles and dropped kerb heights can be addressed by conditions.

Pedestrian/Cycle Access

- 2m. footways will be provided either side of the access.
- Proposals include 2m. footway extension along eastern side of Ross Road to link with existing footway and dropped-kerb crossing at the Ross Road bus stops and a footway extension to the north of the access to provide an additional uncontrolled pedestrian crossing point; both to link with the existing footway on the western side of Ross Road.
- Further 3m shared footway/cycleway proposed to exit the site and provide an uncontrolled crossing point to the southern extent of the site on Carisbrook Road to link with the existing footway to/from Deansway Road/Oakhill Road.
- Access and pedestrian improvements are included and can be conditioned.

Additional Gateway Features

- Automatic Traffic Count (ATC) survey recorded 85th percentile speeds above the posted limit southbound on Bradley Court Road at the change in speed limit from 30mph to the national speed limit.
- Indicative gateway feature proposals include the provision of "dragon's teeth" to supplement existing features.
- Existing signage could be replaced with speed limit signage on a yellow highlighting background; shown on drawing and can be conditioned.

Active Travel Audit (Pedestrian Environment Review System (PERS)) Assessment

- PERS audit undertaken which provides comprehensive overview of local area and identifies number of improvements and can be conditioned for further detail.

Trip Generation/Distribution/Modal Share

- Unable to ascertain the suitability of submitted trip rates without further evidence additional information should be provided.

Impact Assessment

- Impact assessment needs to be revised based on agreed trip rates.
- Future opening year of 2029 is unrealistic.
- Growth factors should be adjusted to take into account any known committed developments in the vicinity.

Junction Capacity Assessments

Site Access and Carisbrook Rd/Bradley Court Rd junctions

- Models for site access junction and Carisbrook Road/Abenhall junction will need to be revised with agreed trip generation as well as agreed future year assessment.

Hawker Hill/Gloucester Road/New Road mini-roundabout and Gloucester Road/Abenhall Road junction

- Still concerns regarding current and future operation of junction.
- Any increase in traffic movements from proposal will exacerbate situation without considering what solutions may be feasible and required.
- Submitted information reviewed:
 - Observed and modelled queues at the junctions differ significantly, model provided does not match accurately existing observed conditions and cannot be relied upon.
 - Existing issue at this set of junctions, addition of proposed development only exacerbates the situation.
 - Notwithstanding the above, revised trip generation and TEMPRO/committed development growth is required to be included.
- Request drone footage and raw traffic/queue data to fully understand factors creating issues at the junction, and what mitigation would be feasible and suitable.
- Applicant has put forward suggested mitigation - potential upgrade to existing puffin crossing across Gloucester Rd and hatching to ensure the right-turn into Abenhall Rd is not blocked; both need to be investigated further based on the above information being provided.

Internal Layout/Parking

- Assessed as part of reserved matters but will need to conform with guidance set out in Manual for Gloucestershire Streets (2020 and 2021 Addendum).

SI06 Contributions

Public Transport

- Potential contributions are currently being discussed with the GCC Integrated Transport Unit and will be confirmed.

Home to School Transport

- Mitcheldean Primary will not have sufficient capacity and will require home to school transport.
- Contribution sought of £210,033.60 based on average daily rate to procure vehicle (£368.48) multiplied by 190 annual school days over three academic primary years.

Travel Plan

- Funding will be sought to secure implementation of a residential travel plan.
- Within Travel Plan submitted, it is confirmed the applicant and future Travel Plan Co-ordinator will be responsible for implementing the travel plan.
- Based on development of 180 dwellings, this will require a contribution of £47,100. This amount includes the non-refundable monitoring fee of £5,000.

Additional comments

No objection subject to conditions and obligations

Trip Generation/Distribution

- Trip survey extended to include a two-week period giving a much broader and justified view of traffic generation.
- Results reviewed and compared against suitable TRICS trip rates and now satisfied with the analysis presented and the use of the 2026 trip rates established from the donor survey.
- Development forecast to generate a total of 79 two-way trips during the AM peak (0800-0900) and 89 two-way trips during the PM peak (1700-1800).
- Established trip distribution based on observed turning counts at the Ross Rd/Hawker Hill junction is also accepted.

Highway Impact Assessment Review

- Forecast opening year of 2031 accepted.
- All assessments updated to reflect revised trip rates, distribution and assessment years.
- Raw traffic data/queue data has not been provided; unable to ascertain if the model outputs have been validated to observed queue levels.
- Assume this is not the case given that the modelled queues differ quite significantly to the assessment in the previous application and the drone footage.
- However, accept the close proximity and complexity of, in particular the Hawker Hill/Ross Rd/Abenhall Rd junctions would prove difficult to model accurately and therefore drone footage has been provided to show the interactions between movements on these junctions.

Drone Footage

- Drone footage during AM/PM peak periods at Hawker Hill/Ross Rd/Abenhall Rd junctions provided and reviewed.
- Although congestion does occur, it is mainly as a result of a number of conflicts and interactions present due to close proximity of the junctions.
- Existing puffin crossing across New Road close to the Hawker Hill/Ross Rd mini roundabout is frequently called particularly during the AM peak due to the close proximity of both a primary school and secondary school in the vicinity.
- Traffic then blocks back onto the mini-roundabout and resulting in traffic being unable to exit both the Hawker Hill and Abenhall Road junctions.
- Similarly, the right turn into Abenhall Road relies upon vehicles on the westbound approach to the mini roundabout giving way.

- When this doesn't occur this has an effect on queuing on Hawker Hill as well as across the mini roundabout onto New Road.
- Application predicted to generate approximately one vehicle per minute through these junctions in both peak hours.
- Review of drone footage indicates the conflicts described above are relatively short-lived.
- Although accept there is an existing issue at this location, development impact is likely to be minimal.

Mitigation

- Notwithstanding this, applicant willing to provide a form of mitigation in the form of the following;
 - Relocation and reallocation of current signage at Abenhall Road junction to improve sightlines and visibility;
 - 'Keep Clear' road markings across Abenhall Road entry/exit on the Gloucester Road approach to ensure right turning traffic onto Abenhall Road has free movement;
 - Review of signal controller specification and/or relocation of pedestrian crossing to improve operation of the junction(s), submitted drawing provides information on the mitigation proposed and can be conditioned.

Planning Obligations

As previously identified.

Gloucestershire County Council (Lead Local Flood Authority)

Original comments

No objections subject to conditions.

- Flood Risk Assessment confirms site is in Flood Zone 1 and mostly low risk.
- Some high-risk areas exist at the southern corner also reported in representations.
- No requirement in NPPF to improve this, but suitable drainage strategy should not worsen this and may provide some benefit.
- Minor infiltration may be possible and is the preferred option but needs further testing for the detailed design.
- Strategy based on a limited discharge to ditch on southern boundary shown linked to a watercourse passing through Vantage Point; suitable alternative if further infiltration testing confirms infiltration is not viable.
- Discharge rate will be limited to 13.84 l/s, which is approximately equal to the greenfield runoff rate for Qbar for a developable area of 5.67 ha. Of this, 3.12 ha has been estimated to be made impermeable and positively drained; this will need to be confirmed in detailed design.
- SuDS have been incorporated and shown as sufficient for 1 in 100 year rainfall event plus 40% climate change allowance which is acceptable; has potential to provide amenity and biodiversity benefits with further details provided through detailed design.
- Exceedance route plan should be provided with the detailed design.

- Existing watercourse is outside the red line and suggest it is included within the redline so able to be included in future maintenance regimes.

Additional comments

- Ditch and culvert are within land acquired by Gloucestershire County Council when Carisbrook Road was constructed and GCC is therefore viewed as the riparian owner.
- Following these discussions, no further objections subject to conditions.

Gloucestershire County Council (Waste and Minerals)

Assessment of waste minimisation matters

- No objection subject to conditions.
- Waste minimisation statement submitted. Mention of reuse of topsoil, but gaps regarding the construction stage; provide advice as to what the information provided via conditions should secure.

Assessment of resource efficiency in construction matters.

- No objection raised and no further action recommended.

Assessment of waste management infrastructure safeguarding

- No objection raised and no further action recommended.

Assessment of mineral infrastructure safeguarding

- No objection raised and no further action recommended.

Assessment of mineral resource safeguarding

- Strongly recommend full mineral resource assessment is requested prior to determination.
- Site located in local mineral safeguarding area for sandstone and limestone and a minerals local plan consultation/safeguarded area.
- Minerals Resource Assessment should be provided, highlighting how it has been considered e.g. are there any viable deposits which can be used within the proposed construction of the scheme.

Final comments

- Acknowledge Minerals Resource Assessment provided.
- Satisfied the minerals underneath the site cannot be extracted in a viable way; previous concerns removed.

Active Travel England

Standing advice should be issued and encourage Local Planning Authority to consider this:

- Transport Assessments should forecast likely volume and distribution of all day pedestrian and cycling trips to, from and within the site and should be used to inform design, cumulative impact and embed active travel.

- Qualitative analysis of local pedestrian, cycling and public transport infrastructure should be presented to inform any necessary improvements.
- Mix of local amenities should be located within 800m. walking and wheeling distance with footpaths/footways being safe convenient and accessible for all.
- Off-site cycling infrastructure to a range of local amenities and facilities as appropriate should be coherent, direct, safe, comfortable and attractive in line with the five core design principles and geometric requirements in Local Transport Note (LTN) 1/20.
- Where on-road provision for cyclists would be utilised, should be sufficient protection from motor traffic in accordance with LTN 1/20.
- Most buildings in a site should be within 400m. of a high-frequency bus stop or 800m of a rail/light station or tram stop, with appropriate facilities. Local bus stops should have good natural surveillance and provide seating, lighting, shelter, real-time passenger information and raised bus boarders or specialist kerbs. Footpaths/ways to public transport nodes should conform to specified design standards.
- Application should set out a package of any necessary, directly related and proportionate off-site infrastructure that is to be delivered and/or funded.
- New developments must prioritise pedestrian and cycle movements and maximise accessibility for active travel modes.
- Design of streets should encourage social interaction and create attractive, safe and accessible open spaces that would support an active life for everyone, with the overall design approach having regard to personal and highway safety concerns.
- Cycle parking should be provided in accordance with up-to-date local standards, or Section 11 of LTN 1/20.
- Consider in most instances a 'full' travel plan should be provided to include clear targets and measures to ensure that these can be achieved.

Campaign to Protect Rural England (CPRE)

Comments

- Outside settlement boundary in Allocations plan, Mitcheldean NDP; therefore open countryside.
- Previous application refers to the land being mainly grade 2 with some 3a and 3b. DEFRA Magic map shows it as grade 1, apparently on the basis of a detailed survey using the Government's 1988 ALC Guidelines; discrepancy requires clarification but would be mainly best and most versatile land in terms of the NPPF. Paragraph 187b and footnote 65 of the latest version indicate that 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality'.
- Site proposed is a large, southward sloping agricultural field, currently in an arable rotation; rising from Carisbrook Road in a northerly direction with a skyline of scattered trees, hills and woodland in the distance. Application for 125 dwellings was refused in March 2019.
- Prominent from a number of junctions and would be clearly visible from higher ground further south, though views from those vantage points already include the existing modern housing and the major industrial estate adjacent to the east.
- Understand may be problems making adequate provision for stormwater and foul drainage, though do not have expertise to verify that.

- Consider constraints of loss of high quality agricultural land and further incursion into attractive open countryside should be carefully weighed against any planning advantages such as existing infrastructure and services and the prospects of available local employment.
- Neither support nor formally object to the principle of developing the site to meet housing requirements in the District.
- If, on carefully balancing the pros and cons, outline consent is deemed to be justified, urge the detailed layout, density and housing designs should be very rigorously assessed to minimise adverse impact on this sensitive edge of settlement location.
- Semi-mature trees along the western edge of the field, abutting the B4224, should be retained and protected by a suitable term of the planning permission; suggest that the mechanism could involve Tree Preservation Orders.
- Importance of meeting the District's need for 'affordable' housing should also be a key issue.

Gloucestershire Wildlife Trust

Applicant's information raises several issues:

- Short-duration bat activity surveys; likely under-representing seasonal foraging patterns.
- Lack of detailed analysis of cumulative recreational impact or visitor pressure on bat roosts.
- Over-reliance on "residents' packs" to manage behavioural impacts.
- Absence of defined dark corridors or movement buffers linking to known foraging areas.
- Precautionary principle should apply; Appropriate Assessment may be required, and Natural England input should be sought.
- Application does not appear to be supported by winter season bat activity or hibernation surveys and should be required.
- Application does not appear to give adequate weight to cumulative recreational impacts on the wider Wigpool Nature Reserve and surrounding woodlands, which form a sensitive part of the SAC's functionally linked habitat. Given SAC lies within walking distance cumulative visitor pressure and habitat wear-and-tear require explicit assessment.
- From such findings a robust access plan would help reduce any national impacts on the site.

Biodiversity Net Gain (BNG) and Green Infrastructure

- Quality and strategic value of BNG gains questionable as green infrastructure (GI) strategy is predominantly peripheral, concentrated at site's edges, rather than part of an integrated, multifunctional landscape structure.
- Limited evidence habitat corridors have been designed to intersect development core or support ecological connectivity; site's location is immediately adjacent to mapped woodland habitat forming part of the Nature Recovery Network (NRN) to the east. BNG proposals risk delivering isolated fragments rather than a cohesive ecological network.

- SuDS can provide biodiversity value if designed appropriately, no clear evidence is provided that basin will be planted or managed to function as a wetland or species-rich habitat; without such detail, the SuDS contribution to BNG is superficial and of questionable long term value.
- Despite lying directly adjacent to a priority woodland habitat identified within the NRN, proposals do not include measures to reinforce or buffer this strategic habitat.
- No woodland-edge enhancement, transitional planting, or spillover habitat is proposed to support woodland species. There is also no indication of strategic corridors linking the site to nearby Local Wildlife Sites or facilitating movement across wider landscape.
- While metric assigns basic strategic value to on-site gains, proposals fail to demonstrate meaningful alignment with NRN goals as required by national guidance.

Lack of Design-Led Integration:

- Although the BNG report references a 30-year management period, no Landscape and Ecology Management Plan (LEMP) is submitted at this stage.
- Even if gains are delivered initially, may not be sustained in practice. Without enforceable delivery mechanisms and long-term oversight, BNG figures risk becoming notional.
- Without substantial revision or conditioning, BNG contribution risks being peripheral, isolated, and ineffective in delivering meaningful biodiversity improvement.

Lighting and Bat Corridors

- Submitted Lighting Strategy lacks sufficient detail.
- Absence of enforceable lighting zones risks undermining any claimed mitigation.

Trees, Hedgerows and Habitat Features

- Welcome that no tree or hedgerow loss is proposed at this stage.
- Retention alone is insufficient: layout must include root protection zones, buffer planting, and interface treatments; hedgerows particularly those adjacent to NRN, should be strengthened and buffered.
- Tree-lined streets are mentioned but not shown with detail or species selection.
- Approval should be withheld unless substantial revisions are made, or robust and enforceable conditions are applied to secure meaningful ecological performance.
- Should permission be granted, the following are essential: Full Appropriate Assessment, a LEMP with lighting strategy, strategic NRN connectivity and buffer planting and 30-year management plan with secured funding.
- Reserved matters to be conditioned against: BNG layout integration, dark corridors and SAC impact safeguards, tree protection, street greening, and greatly improved GI connectivity and winter bat surveys.

Crime Prevention Officer

No comments received.

Natural England

Original comments

- Insufficient information, Habitat Regulations Assessment to be provided by the LPA.

Revised comments

No objection

- Subject to appropriate mitigation being secured as set out in the Appropriate Assessment via conditions/obligations.

Nature Space Partnership (Great Crested Newts)

Recommend condition

- Site falls within the amber impact risk zone for Great Crested Newts (GCN); two ponds within 500m. with historic records associated with woodland to the west.
- Site is comprised mainly of arable field reducing the likelihood of GCN being present on site but with lack of survey information relating to ponds to within 500m. recommend that Reasonable Avoidance Measures are implemented to reduce the likelihood of GCN being impacted by development works.

NHS Gloucestershire

- Not sufficient existing healthcare capacity locally to accommodate the 394 residents calculated to be generated.
- Mitigation is required in the form of a financial contribution of £182,166 towards the capital cost of delivering the additional capacity at Mitcheldean surgery.
- Have commissioned work which provides four different options as to how the building could be reconfigured; confident a relevant solution can be delivered.

Severn Trent

No comments received.

Conservation Officer

No objection

- Proposal will have no impact on setting of the Conservation Area as it will be read within the context of the late 20th century houses close by and Vantage Point Business Park.
- In relation to the Grade I listed Church, whilst there are some views of the spire, these are limited to Old Dean Road and south bound on the Bradley Court Road.
- Whilst it is possible views may be obstructed from the Bradley Court Road, when green buffers and residential gardens or roads are taken into account, likely dwellings will be pulled sufficiently back from the boundary to have limited or no impact on the views of the Grade I Church spire.

- Proposal complies with statutory duty in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, objectives of Chapter 16 of the NPPF, CSP.1 and AP4 and AP5.

Contaminated Land Officer

Recommend condition

- Agree with conclusions of submitted report that intrusive investigation will be required prior to commencement of development and recommend conditions.

Environmental Health Officer

Air Quality

No objection subject to conditions

- Unlikely to be any significant impact to air quality during operational phase.
- Note air quality assessment did not include impacts of construction dust.
- Conditions to secure: Cycle provision for each dwelling, details of EV charging, submission of a Construction Environment Management Plan detailing controls for all anticipated emissions during the construction phase including but not limited to dust, noise, light and waste.

Noise

- Satisfied that, with the adoption of 'Good Acoustic Design', compliance with the established noise criteria can be achieved.
- Request appointed Acoustic Consultant be heavily involved in detailed design phase, and a follow-up Noise Impact Assessment (NIA) be produced (once all relevant design details have been established).
- NIA must comprehensively evaluate existing noise environment, assess potential noise impacts arising from development, propose mitigation measures to ensure full compliance with relevant noise standards.
- Request a Construction Environmental Management Plan (CEMP) be submitted as a condition.

Flood Risk Management Officer

Original comments

Please provide comments of the LLFA.

Additional comments

- LLFA comments refer to risk assessment for construction phase, but not sufficient if a problem occurs.
- Attaching a separate construction phase surface water management plan condition would be better.

Housing Strategy and Enabling Officer

- Local Housing Needs Assessment (LHNA) indicates need for 2,195 new affordable homes over period 2021-2041 with housing for affordable rent accounting for at least 67% of new affordable housing provision.
- Of the need for affordable housing for rent, 80% of new provision should be for social rent.
- Dec 24 NPPF places greater emphasis on the delivery of social rented housing.
- Currently 1807 households on the housing register seeking affordable housing for rent.
- One bed accommodation should account for at least 25% of the rented affordable housing provided.
- Currently 193 households on housing register seeking affordable housing for rent in Mitcheldean, of which 53% require one bed accommodation, as well as an acute need for larger size family housing.
- Need for 6,796 M4 (2) Category 2: accessible and adaptable dwellings over the period 2021-2041, to help meet the needs of an ageing population and households who have a disability.
- As site proposes up to 180 dwellings and has an area larger than 0.5ha, consider that 40% affordable housing contribution would be sought.
- Seek following affordable housing provision which best addresses the housing need and the following property sizes.
- Social rented – 50 units:
 - 12, 1 bed flats (min 50m²); 3, 1 bed bungalows (min 50m²); 21, 2 bed houses (min 79m²); 11, 3 bed houses (min 93m²); 2, 4 bed houses (106m²) and 1, 5 bed house (128m²).
- Shared ownership – 22 units:
 - 11, 2 bed houses (min 79m²); 11, 3 bed houses (min 93m²)
- Would seek 1 bed flats provided in a maisonette type arrangement.
- Seek social rented housing is provided to M4 (2) Category 2: Accessible and adaptable standards.
- Seek affordable housing is pepper-potted throughout development in clusters of no more than 15 per cluster.
- Sites of 25 or more dwellings aim to secure 4% as serviced plots for sale to self and custom builders.
- As of 30 October 2024, 96 households had registered on Part 1 of the FODDC self-build register.
- Seek seven of the plots proposed should be provided as serviced plots for sale to self and custom builders, secured via legal agreement.

Land and Property Team

No comments received.

Local Plans

No comments received.

Sustainability Team

Ecology

Original comments

Objection – additional information required

- Further activity surveys for horseshoe bats in accordance with FoDDC guidelines required;
- Habitat Regulations Assessment for Likely Significant Effects has identified it is not obvious the proposal could not have any conceivable effect on a European Site during construction and therefore without protective measures there is conceivably likely significant effect.
- Dormice require further consideration due to records in close proximity and good quality surrounding habitats.
- Consider breeding bird surveys required as proposal has potential to displace ground nesting farmland birds.
- Nature Space will comment regarding Great Crested Newts (GCN).

Additional comments

Further information required.

- Further clarity required for buffer zones.
- These need to be agreed in order to pass an Appropriate Assessment.
- Must be no development within the buffer zones; some buffer zones proposed look like they could have development within them.
- Require land use perimeters plan to show which areas will be for built development and gardens so that buffer zones can be adequately assessed.
- Recommend large buffer from nearest tree canopy edge (to the development) of the planted woodland to the north, however they will all require buffers at the boundaries.

Final comments

- Boundary features are of importance to bats and nesting birds and must be conserved and enhanced.
- Habitat on-site is limited as it is intensively managed.

Horseshoe bats associated with Wye Valley and Forest of Dean Bat SAC

- Site in extremely sensitive location subject to extensive survey work.
- Significant buffers and planting proposed at boundaries, important buffer zones are free from development and light spill do not exceed specified levels.
- Full design will need to accommodate required light levels and light spill.
- Planting and buffers will need to be shown on reserved matters plans.
- Monitoring will be required and can be a condition.
- Habitats Regulation Assessment concludes the required conditions can be relied upon to avoid adverse impacts on the integrity of the Wye Valley and Forest of Dean Bat SAC.

Dormice

- Further evidence provided consider scrub habitat to be removed is adjacent to poor hedgerow unsuitable for dormice; reasonably likely dormice are absent.
- Precautionary working methods have been provided which are suitable in the unlikely event that dormice are found.

Great Crested Newts

- Nature Space confirmed a licence or surveys will not be required.
- Precautionary working method statements can be secured as part of CEMP condition.

BNG

- BNG metric shows a net gain of 27.12% area net gain, 26.8% hedgerow net gain and 19.02% net gain in watercourse units.
- Further metric provided to demonstrate mitigation for protected species does not extend 0 within the metric.
- Proposed net gain considered as “onsite significant” and therefore a S106 for monitoring fees will be required.
- Site is medium sized site of medium complexity and over seven habitat types, therefore the monitoring fees for this site will be £6577.20.

Trees

No objection subject to condition

- Submitted report concludes no trees or hedgerows will require removal to facilitate proposed vehicle access point, but will be minor incursion into root protection area of Ash tree T7 for creation of a new footway;
- Crown lifting of an Ash and Hawthorn in group G3, and Goat Willow, Ash, Hawthorn and Apple in group G4, will be required to achieve the visibility splay to the north of the new access;
- Recommend tree protection measures are secured by condition to safeguard retained trees during construction;
- Development Framework Plan suggests proposed layout will provide adequate buffers in relation to trees along the boundaries including trees covered by TPO243;
- New tree planting would include tree-lined streets, with further woodland, tree and thicket planting, which is to be welcomed;
- Recommend detailed Arboricultural Impact Assessment, a Tree Protection Plan and Arboricultural Method Statement are submitted at reserved matters and detailed landscaping scheme should also be submitted.

Neighbour Representations

298 representations have been received from 189 separate properties. The total figure also includes multiple letters from a number of people. All but one object to the proposal. The representation supporting the application did not provide reasons for their support. The comments can be summarised as follows:

Planning Policy and Site Suitability

- Site not included in Forest of Dean District Council Allocations Plan (2006–2026) and conflicts with Core Strategy policies CSP.1, CSP.4, CSP.5 and API;
- Draft local plan could amend or withdraw sites;
- Outside settlement boundary;
- Greenfield site;
- Site in protected area;
- Previous application for 125 houses was refused in 2018/2019;
- NPPF states development should align with adopted plans; proposal does not;
- New allocation plan not yet adopted, approval based on it would be premature;
- Undermine ability to manage growth across the area, undermines plan led system;
- Not sustainable development; significant out commuting already;
- Proposal is contrary to Neighbourhood Development Plan;
- No need for houses, already houses for sale in village;
- Housing unaffordable for local people;
- Disproportionate for size of village;
- No jobs, so people would need to commute; increased car dependency.

Loss of Agricultural Land

- Land is grade I, highly fertile, and used for crops and grazing;
- Development would permanently remove valuable farmland, loss of food production;
- Grade I land limited;
- Food security.

Infrastructure and Services

- Healthcare: Local GP surgery already overstretched; significant waiting times, hospital capacity; lack of dentists and opticians; no care facilities for older people;
- Schools: Primary and secondary schools are full; new pupils would require travel outside the village;
- Existing constraints would not allow services to expand; can funding be secured in advance of development?
- Police and emergency services; No permanent presence, increasing population unsafe;
- Utilities: Drainage, sewage systems, broadband, electricity already under strain; risk of failures; water supply;
- Limited shops and services;
- Limited public transport;
- Cumulative impact due to development in nearby town and village;
- May place pressure on local job opportunities;
- Lack of social facilities in the village.

Traffic and Road Safety

- Estimated 350+ additional vehicles, speed, worsening congestion on narrow roads;
- Increased traffic on surrounding roads and into Gloucester and Ross; long term strategic planning needed with government;
- Accidents due to existing narrow roads;
- Roads have 7.5-ton weight limits, unsuitable for construction traffic;

- Increased risk at pinch points (Hawker Hill, mini-roundabout, school areas);
- Proposed site access near a blind corner, bus stop, and houses creating hazards;
- Poor condition of roads;
- Difficulties with parking in village;
- No pedestrian crossing points; need to be safe for all;
- Provision for cycle way and path on both sides of access road;
- Proposed footpath potentially hazardous;
- Long term maintenance and service access;
- No commitment to accord with NDP parking requirements.

Flood Risk

- Site and nearby junctions already flood during heavy rain, make existing problems worse;
- Development would increase surface water runoff, affecting Mitcheldean and nearby villages (Longhope, Blaisdon);
- Calculations suggest thousands of cubic metres of extra water during extreme rainfall;
- Will reduce natural soakaway if built on;
- Concern climate change unaccounted for;
- Lies in a recognised flood zone, bordering a brook which will be impacted;
- If red line changed, will have impacts on soft landscaping and ecology and so would be significant;
- LLFA not responding proactively;
- Contrary to NPPF 182.

Environmental and Wildlife Impact

- Habitat for protected species (e.g., Horseshoe bats, slowworms, newts, badgers etc.), impact on them, habitat and ecosystem, impact on birds, ancient woodland;
- Rare beetle found in garden on opposite side of road;
- Loss of biodiversity;
- Recreational impact on proposed woodland;
- Track to north west is well used contrary to applicant's information;
- Impact on wildlife;
- Habitats Regulations criteria are not met; no overriding public interest, there are alternative sites and not scientifically proven there will be no harm;
- Neglects significance of carbon capture;
- Increased light pollution;
- Water pollution;
- Increased noise pollution from new residents, cars and pumping station;
- Biodiversity assessment, surveys considered inadequate; risk of irreversible habitat loss;
- Air pollution - report underplays the impact;
- Will not achieve 10% biodiversity increase; how and who will monitor the site for 30 years?;
- May not align with climate action commitments, contradicts Council's environmental objectives;

- Hedge removed and stripped back.

Impact on character and visual impact

- Scale of development would double the population, turning a rural village into a suburban area;
- Out of character with village;
- Visual impact due to elevated nature of the site;
- Loss of scenic views and rural charm;
- On edge of Forest of Dean and locally valued rural landscape; loss key viewpoint;
- Adverse effect on landscape, applicant's assessment says substantial harm to local landscape;
- Concerns about social imbalance from 40% affordable housing without supporting infrastructure; higher than usual affordable housing allocation;
- Visual impact from loss of greenfield;
- Visual impact of water pump;
- Light pollution;
- Design, density and scale will not be in keeping.

Construction Disruption

- Long-term noise, dust, and heavy vehicle movement through narrow roads;
- Parking from construction vehicles;
- Increased carbon footprint due to multiple small lorry trips (weight restrictions).

Alternative Sites

- Several brownfield sites in Mitcheldean (George Hotel, Old Coach Depot, Bradley Court Road) remain undeveloped, should be developed first, meet housing quota;
- National guidance prioritises brownfield over greenfield development;
- Sites in larger towns more suited and should be considered first.

Consultation Issues

- Lack of proper notification and inadequate community engagement; no site notices or letters;
- Object to applicant agreeing extensions of time and will residents be given further time.

Additional Technical Concerns

- Archaeological evaluation required; insufficient information provided, concern there could be a Roman road;
- Potential harm to Grade I Listed St Michael and All Angels Church setting, listed buildings and conservation area, contrary to Listed Buildings Act;
- No clear commitment to parking standards or biodiversity net gain;
- Lack of information with the application;
- Impact on privacy;
- Overshadowing and loss of light;
- Disturbance to residents;
- No further play areas needed, proposed is unsafe;

- Insufficient green space; no provision for older children;
- Will set a precedent;
- Housing mix does not meet local need;
- Affordable housing is not always affordable;
- Impacts due to levelling of land;
- Difficulties in managing increased waste and recycling demands;
- Developers not always required or able to fully fund necessary infrastructure upgrades;
- Concerns submitted reports may be biased;
- Concerns that the scheme will increase number of houses but reduce affordable housing.

Other issues

- Loss of view;
- Developer's motives;
- Value of property will decline and compensation required.

6. POLICIES

National Policy

NPPF

NPPG

Appropriate Assessment

Climate Change

Conserving and enhancing the historic environment

Consultation and pre-determination matters

Design: process and tools

Determining a planning application

Duty to Cooperate

Flood Risk and coastal change

Healthy and safe communities

Historic Environment

Housing and economic land availability assessment

Housing and economic needs assessment

Housing needs of different groups

Housing Supply and delivery

Land affected by contamination

Natural Environment

Neighbourhood Planning

Noise

Open Space, sports and recreation facilities, public rights of way and local green space

Planning Obligations

Renewable and Low Carbon Energy

Travel plans, transport assessments and statements

Use of planning conditions

Waste
Water supply, wastewater and water quality

National Design Guide

Gloucestershire Minerals Local Plan

MS01 – Non-Mineral developments within MSAs

Gloucestershire Waste Core Strategy

WCS2 - Waste Reduction

Core Strategy

CSP.1 - Design and Environmental Protection
CSP.2 - Climate Change
CSP.3 - Sustainable Energy Use with Development Proposals
CSP.4 - Development at Settlements
CSP.5 - Housing
CSP.9 - Recreational and Amenity Land
CSP.16 - Settlement Policies

Allocations Plan

API - Sustainable Development
AP4 - Design of Development
AP5 - Historic Character and Local Distinctiveness
AP7 - Biodiversity
AP8 - Green Infrastructure

Mitcheldean Neighbourhood Development Plan

H2 – Gateway and outside settlement boundary
AC1 – Provision and Protection of Community Facilities
E1 – Protecting the Conservation Area and encouraging high quality design across the Parish
E2 – Protecting Heritage Assets
E3 – Protecting and enhancing local landscape character
E4 – Biodiversity
E5 – Landscape impact of developments outside the settlement boundary
T1 – Transport and Accessibility

Supplementary Guidance

Gloucestershire Waste Minimisation SPD
Affordable Housing SPD
Landscape Character Assessment
Landscape SPD

Play Area Provision SPD Residential Design Guide

The Forest of Dean Residential Guide and its subsequent supplement - Alterations and Extensions, A Guide for Householders were produced to assist in the design of developments to ensure they reflected the local characteristics of each part of the District. They were subject to consultation prior to adoption. Accordingly, they should be afforded significant weight in the determination of the application.

Other

Manual for Gloucestershire Streets
Fields in Trust Guidance
Building the Homes we need – Written Ministerial Statement – 12 December 2024

7. EVALUATION

The following issues are considered relevant in determining this application:

- Principle of development
- Impact on character and appearance
- Impact on living conditions
- Impact on heritage assets
- Highway Safety
- Drainage and Flood Risk
- Ecology
- Biodiversity Net Gain
- Best and Most Versatile Land
- Noise and Air Quality
- Section 106 Obligations
- Other issues
- Other matters

Principle of development

Paragraph 12 of the NPPF (December 2024) sets out that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the Core Strategy, the Allocations Plan and the Mitcheldean Neighbourhood Development Plan (NDP).

Policy CSP.4 of the Core Strategy identifies that new development must contribute to reinforcing the existing settlement pattern in a manner which emphasises the importance of the towns, where most change will take place. The following principles will be applied: Most

changes in towns and villages will be expected to take place within the existing settlement boundaries, unless or until they are replaced by other LDF documents (for example an Area Action Plan). Exceptions to this may include affordable housing for local persons and building conversions and (rarely) new buildings for employment uses on the edge of settlements. Areas outside settlement boundaries unless otherwise shown in the Key Diagram will be treated as part of the open countryside.

Policy CSP.5 identifies the location and numbers of houses proposed in certain settlements. The policy identifies that priority is to be given to previously developed land and on sites identified for housing. No new greenfield sites are to be released unless it can be proven that land is not available from other sources and is needed to meet the plan's requirements. New is defined as not being identified within the development plan.

Policy CSP.16 of the Core Strategy identifies Mitcheldean as a major village. As a result, as a village with employment and/or services important to a wider area there is some scope for additional development. It also sets out that where appropriate, the defined settlement boundary will be the key determinant in judging the acceptability of proposals. The Allocations Plan outlines that Mitcheldean has developed over a long period into one of the main settlements in the district and that the settlement has a good level of services.

Policy H2 of the NDP supports residential development in specified circumstances which are an essential need for a rural worker; development representing the optimum viable use of a heritage asset or appropriate enabling development to secure the future of the asset; re-use of redundant or disused building enhancing the immediate setting and; sub-division of an existing residential dwelling. The proposal does not fall into one of these categories.

In this policy context, although the site is adjacent to the settlement boundary, the proposal is contrary to policy CSP.4 of the Core Strategy insofar as it is on land identified as “open countryside”, contrary to CSP.5 in that it is not identified for allocation in the development plan and is not previously developed land and contrary to CSP.16 as it is outside the settlement boundary. The location of the site also means that the proposal does not accord with the NPPF paragraph 84 (as the dwellings are not an exception site or for housing for a rural worker) which lists several exceptions and therefore in turn does not accord with policy H2 of the NDP.

Since P1994/18/OUT was refused in March 2019, it is important to note a number of changes which are material to consideration of the current application. Firstly, in March 2019 the Council was able to demonstrate a five year supply of deliverable housing; the Core Strategy and Allocations Plan were considered to be up to date and to accord with the principles of the NPPF. The NDP was also not yet part of the Development Plan as it was made in February 2020.

In contrast, at the current time, the Council is unable demonstrate a robust five-year deliverable housing land supply (1.93 years). Despite assertions within representations that the development plan is up to date, in terms of the NPPF, this is not the case when considering policies in the Core Strategy and NDP relating to the supply of housing. It remains the case that the spatial strategy remains sound and is consistent with the NPPF

which itself seeks to avoid isolated development. The lack of five-year supply is therefore a material consideration and it is considered that paragraph 11d of the NPPF is applicable.

This relates to the presumption in favour of sustainable development, the tilted balance.

Paragraph 11d states:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Where the tilted balance is engaged, the decision maker should no longer be bound by settlement boundaries but should consider whether the site is sustainability located (e.g. being well-related to a settlement in terms of accessibility and whether the site would allow offer genuine opportunities for alternative travel forms to the private car) and whether an application adheres to the ethos of sustainable development.

The policies relating to the supply of housing are out of date, so planning permission should be granted unless one of the two circumstances identified above applies. Footnote 7 of the NPPF explains that the policies in question in the Framework are those relating to habitats sites, and those listed in para. 189 and/or those designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt, Local Green Space, a National Landscape, a National Park, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The application will engage the Habitats Regulations and is therefore considered 'habitats development'; the evaluation of the harm upon the ecological matters will be undertaken later in this report. As such, there could be policies which provide clear reasons for refusal and these will be identified in the relevant sections of the evaluation. Advice as to which one of these two circumstances applies will be provided in the conclusion and planning balance section of the report.

As set out above, paragraph 11d applies to the consideration of the application. The NPPF also sets out that in this scenario (paragraph 14), the adverse impact of allowing development that conflicts with the NDP is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

In this case, the NDP became part of the development plan more than five years ago and therefore both circumstances do not apply. Therefore it is considered that the adverse

impact of allowing the development because it conflicts with the NDP is unlikely to significantly and demonstrably outweigh the benefits.

Concerns have been raised that the application is premature and would undermine the plan making process. Local Planning Authorities can give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of relevant policies in the emerging plan to the Framework. In the context of the Framework, arguments that an application is premature are unlikely to justify a refusal except in limited circumstances where both the development proposed has to be so substantial, or its cumulative effect be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

In this case, it is considered that the development proposed is not so substantial in this context because it is for up to 180 houses and furthermore, the emerging plan is not at an advanced stage. This is because the NPPF in paragraph 51 goes on to set out that *“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination...”* *“Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”* This is a high bar and it is considered that it would not be possible to indicate how granting permission for the development would prejudice the outcome of the plan making process. As a result, this course of action is not recommended.

The emerging Local Plan (2021-2041) was consulted on in the summer of 2024 and indicated the general direction of travel for development across the district. The great majority of the application site is proposed for allocation for residential development in the July 2024 consultation. The section of land in the north west corner of the site is outside the proposed allocation. Since then, the updated Framework has necessitated a revisitation of the housing needs underpinning the strategy of the plan and the associated Local Development Scheme (LDS). As an illustration of this, for the 20 year period of the emerging Draft Local Plan, the need would be in the order of 12,000 dwellings using the standard method, instead of the 6,600 homes consulted on as part of the Draft Local Plan. A consultation on the options to deliver the additional housing requirements was carried out in summer 2025. Full Council agreed the revised strategy in November 2025, and the revised draft local plan was consulted on in February and March 2026 with submission for examination in autumn 2026. At this stage, it is considered limited weight should be applied.

A revised NPPF was published for consultation in December 2025 and this exercise was completed in March 2026. The Government’s consultation explained that it was seeking views on how they might revise national planning policy to support their wider objectives. It is anticipated that a new NPPF will be published by summer 2026.

The policies of the current National Planning Policy Framework (December 2024) as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: Environmental, economic and social.

Paragraph 83 of the Framework provides specific guidance in relation to the sustainable development of new housing in rural areas. It advises that new housing in such areas should be located where it can maintain or enhance the vitality of rural communities. Paragraph 83 goes on to give an example of how maintaining or enhancing the vitality of rural communities could be achieved. It advises that where there are groups of smaller settlements, development in one may support facilities in another.

It should be acknowledged that the site is not in an isolated location. It is bounded by residential development to the south and is also immediately adjacent to the defined settlement boundary, therefore, it is well related to the main settlement.

A number of representations have raised issues regarding the lack of ability to access the site by means of access other than a car. Although the site is located next to the settlement boundary for Mitcheldean, within this context, the NPPF (para. 117a) sets out that applications for development should, as far as possible give priority to facilitating access to high quality public transport, and appropriate facilities that encourage public transport use. The NPPF also recognises however, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making (para. 110). The NPPF goes on to set out that when considering development proposals, it should be ensured that sustainable transport modes are prioritised taking account of, amongst other things, its location. The application is accompanied with an active travel assessment.

The majority of the site is within 10 minutes walk of the High Street, with all of the site being able to access the same location in under 20 minutes; at the most this equates to a distance of approximately 1km. and it would mean walking up Carisbrook Road or within the site on the return leg of the journey. But within this distance, there are facilities consisting of the doctors' surgery, library, shops on the High Street, including a convenience store, the public house, and the church. Ten minutes is the distance that this would take to walk in the region of 800m. This is not an upper limit because walking offers the greatest potential to replace short car trips particularly those under 2km and cycling distance of 5km is considered appropriate. It is noted that all of the site is approximately 1.5km from the primary school. As such, consideration has to be more nuanced than simply whether there are facilities and services within 800m. or ten minutes alone.

There is currently a footway on the southern side of Ross Road and Carisbrook Road adjacent to the carriageway with the exception of the area around the junction to Hollywell Road in the vicinity of the bus stop. Although there is a footway, it not adjacent to the carriageway as it is also designed to provide access to the bus stop from Hollywell Road. There is lighting of the footway, but for a large section of Carisbrook Road, this is on the northern side of the road, adjacent to the application site. A lit footway continues on the western side of Bradley Court Road into the centre of Mitcheldean. Approximately 115m. south of the junction of Carisbrook Road and Bradley Court Road, there is a footway on the eastern side of Bradley Court Road which also extends into the centre of Mitcheldean.

Additional tactile paving crossing points are proposed on either side of the proposed entrance into the site, with a further point on the opposite side of Ross Road to the north west of the proposed entrance. A new footway is proposed on the southern side of the

access to link with the existing footway connection on the north eastern side of Ross Road to link to the bus stop on this side of the road. The submitted plans show a further pedestrian/cycle link towards the southern end of the site. In addition, further proposals to improve pedestrian links include widening of the footway in the vicinity of 1 and 2 Townsend where there is sufficient space to achieve both this and the required 6m. wide carriageway with the layby and centreline markings to be repainted to ensure it aligns with the proposed improvements. The Highway Authority has raised no objections to the proposed improvements, commenting that improvements in the vicinity of the site are included on the submitted drawing and can be the subject of a condition to ensure that further details are submitted. A condition would be considered necessary if the scheme was considered acceptable because it delivers improvements which seek to maximise options to travel by means other than the private car as required by the NPPF. These improvements would also benefit existing residents.

The improvements identified above will allow greater opportunities to access bus services from Mitcheldean to locations including Gloucester and Hereford. These two cities also have railway stations allowing access to amongst others, London, Cardiff, Bristol and Birmingham. Immediately to the west of the site are two existing bus stops served by the 33 Stagecoach West service between Hereford and Gloucester. This is an hourly service during weekdays with the earliest bus to Hereford being at approximately 6.10am and the latest at 6.35pm and the earliest bus to Gloucester being at approximately 7.25am with the latest departure being approximately 9.10pm. Services on a Saturday are also on an hourly basis beginning at approximately 7.20am to Hereford with the latest departure being approximately 6.30pm. The earliest departure to Gloucester is at approximately 7.55am and the latest at approximately 9.10pm. Sunday and most public holidays run a two hourly service commencing at approx. 9.15am to Hereford and 10.00 am to Gloucester with the latest departure to Hereford being approx. 5.30pm and to Gloucester 8.10pm.

Whilst it is recognised that one would be required to walk to them, bus stops in the centre of Mitcheldean have access to other services which serve Coleford, Cinderford, Lydney (with stops at both the railway and bus station) and Chepstow. There is one further bus service, which is “The Robin”. This is an on demand, bookable via phone or on-line (website and app) bus. According to the information on the Gloucestershire County Council website, funding secured until spring 2026 as a pilot scheme with growth. The service runs from 7am-7pm, Monday to Saturday. In relation to this service, given the uncertainty regarding funding, it is considered that the option of using the Robin should be given limited weight.

Whilst it is recognised that not all people will be able to alter the mode of transport from a car, in the context of the nature of the district, it is considered that opportunities do exist to promote sustainable transport modes and to offer some choice in the way that people may choose to travel. These improvements would also benefit both existing and proposed residents.

Section 11 of the NPPF seeks the effective use of land, within this, it is necessary to consider whether the density of development is acceptable. Concerns have been raised that the density would be inappropriate. Within Core Strategy CSP.5 it sets out a guide of 30 dwellings per hectare as a starting point for considering suitable densities of development. In terms of this site, the scheme would result in a gross density of 18.5 dwellings per hectare,

but a net density of 34 dwellings per hectare. In addition, given the vicinity of the site and nearby densities of adjoining or nearby development, the density proposed is considered acceptable.

A large number of representations highlight alternative, brownfield sites in Mitcheldean and alternative locations in the District which they consider should be developed first. Whilst this is noted, the Local Planning Authority is charged with determining the applications submitted to it on their own merits.

Due to the site's location it can be considered to be within a sustainable location. Therefore, subject to which one of the two circumstances in Paragraph 11d of NPPF, as identified above applies the proposal can, therefore, be considered to be acceptable in principle subject to the issues of integrating the proposal into the surrounding area without causing harm and these will be discussed more fully in the following sections.

Therefore, the proposal would be contrary to policy CSP.4, CSP.5 and CSP.16 insofar as the site is located outside the settlement boundary. It would also be contrary to policy H2 of the NDP in that it is not one of the exceptions identified in that policy. However, as the policies relating to delivery of housing are out of date, and in relation to the NDP, it is more than five years old, the application should be considered in the context of paragraph 11d of the NPPF. Whilst it is recognised that not all people will be able to alter the mode of transport from a car, it is considered that opportunities do exist to promote sustainable transport modes for some people.

Impact on character and appearance

The NPPF is clear that the creation of high quality buildings and places is fundamental to what planning and the development process should achieve. Good design is a key aspect of sustainable development and this can be seen at a local level in the development plan in policy CSP.1 of the Core Strategy and policies AP1 and AP4 of the Allocations Plan. Policy CSP.1 also requires consideration to be given to the effect of the proposal on the landscape and any mitigation/enhancement that is necessary or desirable. Policy E3 of the NDP seeks that development should be sited and designed to respect the identified significant views which are locally valued and which make an important contribution to landscape character.

In assessing this, it is considered that both landscape and visual impacts should be assessed, but these are slightly different things. The landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed development will become a significant or defining characteristic of the landscape. Visual impacts concern the degree to which proposed development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views.

As set out in the Council's Landscape Character Assessment (LCA), the site is located in the: "10 Ridges and Valleys" Character Area. Key characteristics of the area are, amongst other points: *"Distinctive rounded ridge profiles rising above the neighbouring vale landscapes and bordering the wooded syncline"* and *"mosaic of mixed farmland and woodland cloaks the ridges"* with a *"range of species rich grassland habitats, heath and bog, old orchards and ancient semi*

natural woodlands". Specifically, the site is within 10d "Breakheart Hill" which the LCA explains has *"a strong pattern of hedged fields dividing up the landscape into a neat patchwork of pasture and arable fields."*, *"field patterns are generally aligned along the contours of the ridge and small linear deciduous copses cling to the steeper slopes, emphasising landform"*. Relevant to the applicant site is that the LCA comments *"the western slopes of the ridge a large industrial estate and post war housing development may be seen extending up the slope."*

In terms of impact on landscape character. The site consists of a single field and clearly by developing it for residential purposes, it would not retain its status as an arable field which would be lost. However, it would retain its existing hedgerows and trees which are characteristic of this character area. Development would be set back from the field edges due to the need to ensure the provision of buffer zones for protected species (further considered in the relevant section below) with opportunities for further planting within the site. It is also the case that development would be located on the lower slopes as the existing development currently is. The development would impact on the landscape character due to the loss of the field, but also when the site is being constructed, with impact being mitigated to a degree in the medium term. This weighs against the development.

In terms of the visual impact of the development. The NDP includes a Landscape Character Assessment (LCA) which identifies key views. View one is from a public footpath on Breakheart Hill across the valley to the housing on Carisbrook Road. The photograph in the LCA shows the rising topography, the application site, with the existing housing and statutory forest behind and view 12 which shows the Lager's Barn on Breakheart Hill taken from a public footpath in the woods opposite. This shows a series of fields in the foreground. From the first view, which is a longer distance view than the second, the site would be viewed in the context of the housing and the forest behind. In relation to the second view, the arrow in the map indicates it is taken looking across the application site; views would be across houses in the northernmost part of the site, but in the context of the proposed buffer zone and remaining undeveloped landscape to the north.

In addition to these specific viewpoints, the site would also be visible from existing residential development, and would be on rising land when viewed from the lower parts of Carisbrook Road and from along Wysis Way (a long distance walking route) along the eastern boundary of the site. From these lower view points, it is considered that the proposed houses would be visible, due to the rising land, but would be set back due to the introduction of the required buffer zones and planting. Views along the existing roads would change due to the rising land and some of the development will be visible from the dwellings at a higher level, but it is considered that the ridge of Breakheart Hill would be visible across the development. From the north of the site where the ground rises, it is considered that the site is largely contained, but from longer distance northern views, it would be seen against the backdrop of Mitcheldean.

Overall, it is considered that the site would be seen from a variety of locations, but the topography means that in long distance and more medium distance views it is viewed against the backdrop of the existing development or the wider landscape meaning it would not be the dominant feature. In shorter distance views, it is considered that the proposal would be more visible, but views are filtered by the buffer zones and existing vegetation and proposed landscaping. That it impacts on existing views weighs against the development, but that

weight is not considered significant because of the factors identified above. In terms of the specific policy in the NDP, it requires development to respect identified significant views, it does not require them to be protected from development.

In order to achieve the proposed vehicular access, no trees or hedgerow are required to be removed, but crown lifting of a number of trees in two groups (as identified in the submitted report) will be required to secure the visibility splay required to the north. The trees to be crown lifted are an Ash and Hawthorn in group G3 and a Goat Willow, Ash, Hawthorn and Apple in group G4. In order to achieve the new footway along Ross Road, it is noted that there would be a minor incursion into the root protection area. It is also noted that no tree or hedgerow removal is required to achieve the proposed shared footway/cycleway connection near the southernmost corner of the site.

The Council's Tree officer notes that the information suggests a possible layout which will provide adequate buffers in relation to trees along the boundaries, including trees covered by the Tree Preservation Order 243. This conclusion is reinforced by the information shown on the ecological parameters plan setting the buffer zones in greater detail. The Tree Officer also comments that the information refers to new tree planting with tree lined streets, further woodland, tree and thicket planting which would be welcomed. Whilst comments from the Wildlife Trust are noted regarding the lack of information around species, this detail would be part of the landscaping reserved matter which would need to be submitted should outline permission be granted. It is also suggested that a detailed Arboricultural Impact Assessment, a Tree Protection Plan and Arboricultural Method Statement are submitted. These can be secured by condition and are considered necessary to ensure that the existing vegetation and trees are taken account of and fully considered. With this in place, it is considered that the proposal would accord with policy CSP.1 of the Core Strategy, policies API, AP7 and AP8 of the Allocations Plan, policies E3, E4 and E5 of the NDP and the advice in the NPPF and NPPG.

The scale of buildings in terms of their height, width and length and their appearance is reserved for future consideration. The Design and Access statement sets out that development will be no more than two storeys in height. The character of surrounding development is mixed in that there are examples of bungalows and two storey dwellings, but two storey development predominates. Policy EI of the NDP sets out that new dwellings should be no more than two storeys in height. It is considered that anything greater than two storey in form, either three storey, or even two and a half storey development would introduce more of an urban feel into this adjoining edge of settlement location which would be at odds with its character. As the relevant matters are reserved, it would be possible to control this at the next stage when assessing the reserved matters. However, in this case, because of the concerns identified now, it would be reasonable to include a condition which limits the form of development to a maximum height of two storey because of the reasons identified above.

Concerns have been expressed that the site will be levelled. The Design and Access Statement sets out that topography of the site *"will be a key driver which will dictate to a large extent the proposed layout of the masterplanning proposals."* with the *"proposed layout working with the site topography"*. On a site such as this, there will always be a need for the site levels to change to a degree to ensure that roads are at appropriate gradients and relationships

between dwellings is acceptable. However, there is no suggestion that the site as a whole will be levelled to create a single flat surface.

Impact on living conditions

As the application is in outline form with only access into the site being considered at this stage, there are currently no details as to the precise layout of the houses. The nearest residential properties to the site lie to the south and west across Carisbrook Road and Ross Road, where the front elevations of dwellings face onto the road. Distances from the front elevations of existing dwellings to the site boundary (as shown by the red line on the submitted plans) vary, but at its shortest is 16m. In addition, Woodview Cottage and Blackpool Cottage and Knockalls Farm all lie to the north of the site on Bradley Court Road and Ross Road respectively. The distance from the site boundary to these three properties is greater, varying between 85m. and 155m. respectively. Given these distances, it is considered that unacceptable adverse impacts to living conditions of occupiers of these properties would not occur.

In relation to the majority of the existing properties which face onto Carisbrook Road and Ross Road, the advice in the Council's Residential Design Guide is that where there would be a back to back relationship, a distance of 21m. is sought. Where it is a front to front relationship, the distance sought would be 14m. However the proposed dwellings are sited, a back to back relationship would not result due to the siting of the existing dwellings where the front elevation faces onto the main road. Due to ecological matters which are considered in further detail in the relevant section below, an ecological parameters plan has been provided which shows that there would be buffer zones from the western boundary of the site meaning that the physical siting of the dwellings is set back into the site. The depth of the buffer zones along this boundary varies but at its narrowest is 11m. The required buffer zones in combination with the siting of the existing dwellings means that it is considered that a proposal could be delivered which ensured that the living conditions of occupiers of existing dwellings on Carisbrook Road and Ross Road were acceptable.

The illustrative layout plan shows areas of open space between the areas which would be developed for housing and the boundaries of the site. Recreational routes providing exercise opportunities are shown in the northern and western parts of the site. In the south of the site, the recreational route is shown leading from the site with a pedestrian/cycle link. "Trim trail" equipment is also shown at various points along the recreational routes. A trim trail is an outdoor exercise route made up of a series of simple physical activity stations e.g. pull up bars and balance beams. This provision would meet the aims of policy CSP.9 of the Core Strategy and as set out in the relevant PPGs can provide health and recreation benefits to people living and working nearby and can create environments that support and encourage healthy lifestyles, supporting health and well being.

The scheme includes provision for a combined LEAP and LAP which is shown on the illustrative plan in the western part of the site, inside the recreational route referred to above. A LEAP is designed for children between 4 and 8 years old and should have an activity zone of 400sq.m. it should also be more than 20m. from the boundary of adjoining properties. A LAP is designed for children under 6 although it can be used by older children; it does not necessarily require equipment, but should have an activity zone of 100sq.m with

5m. separating an activity zone and a dwelling. This is based on guidance from Fields in Trust (FIT).

In this case, the nearest existing properties are not adjoining because there is an intervening road, but on a precautionary basis, these are the properties that are assessed because they are the closest to the play area. The illustrative plan shows that the shortest distance to the boundary of an existing property is 29m. exceeding the distance set out in the guidance and as it is located in an area of over 700sq.m. the required activity zones can be achieved.

The illustrative play area is set within a larger area of open space as described above. As layout and appearance are both reserved, a judgement has to be made at this stage as to whether a suitably located play area could be provided. The preference would be for the LEAP and LAP to be more centrally located within the site, with shorter walking distances for all. It could also offer an additional play space opportunity for existing children living in the vicinity, although there is an existing play space some 375m. to the south of the site. The submitted framework plan shows a development parcel to the east of the play area which would mean that dwellings could be sited and orientated in such a way that they overlook the play area and secure the necessary distance to the proposed properties. The reserved matters submission would need to provide an acceptable layout, but on balance, it is considered that this could be achieved. At this stage, as layout is reserved, it is not possible to know the garden sizes of the properties, but it is judged based on the illustrative masterplan that it would be possible to secure gardens commensurate with the properties that they serve with careful design.

During the construction period there will be impacts on existing residents due to the fact that construction is occurring. It is an accepted part of the development process and by its very nature is comparatively short term, but notwithstanding this, it is still important to ensure that impacts of construction are mitigated to an appropriate level for existing residents. This can be achieved by securing a construction method statement which requires information relating to, amongst other things, the location of parking for site operatives and visitors, advising routes for construction traffic and understanding the vehicles to be used by the developer e.g. HGV's, vans etc. as there are weight limits to restrict vehicles greater than 7.5t accessing Mitcheldean unless they are loading, to prevent mud and dust being carried onto the highway and where unloading and unloading and storage of materials would take place within the site. Should the development be considered acceptable, this could be secured with a suitably worded condition.

Overall, it is considered that a scheme could be delivered which would respect the living conditions for existing residents during both the construction phase and the life of the development, but conditions to secure this would be required. With careful design it is considered that an acceptable layout could be provided to ensure satisfactory living condition for future occupiers. It is considered that a proposal could be designed which accords with policy AP4 of the Allocations Plan, the Council's Residential Design Guide and the advice in the NPPF.

Impact on heritage assets

In considering applications within or adjoining listed buildings and conservation areas or areas of archaeological interest the Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character or the appearance of the setting of that heritage asset.

Policy CSP.I requires development to take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. The policy specifically identifies that in order to achieve this, the impact on any protected sites will be considered. Policy AP5 requires development to preserve and where appropriate enhance local character and those aspects of the historic environment together with the settings which are recognised as being of special historic architectural, landscape or townscape quality.

Policy E2 of the NDP sets out that that designated and non-designated heritage assets should be preserved in a manner appropriate to their significance. It continues that the effect on the significance of a non-designated heritage asset will be taken into account in determining an application. Furthermore, that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst the NDP policy only specifically refers to weighing applications that directly or indirectly affect non-designated assets, the NPPF requires consideration of this in relation to both designated and non-designated assets.

Paragraph 208 of the NPPF requires the LPA to identify and assess the particular significance of any heritage asset that may be affected by the proposal and taking account of the available evidence and any necessary expertise. In this case, it means consulting the Council's Conservation Officer. This should be taken into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the asset's conservation and any aspect of the proposal. The NPPF makes it clear that this also applies to development affecting the setting. The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations.

Paragraph 212 of the NPPF advises when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The setting of a heritage asset, in this instance the Grade I listed Church of St. Michael and All Angels, the nearby Grade II listed building of Lagers Barn and the Mitcheldean Conservation Area, is the surroundings in which they are experienced. All heritage assets have a setting, irrespective of the form in which they survive. Lagers Barn is located some 300m to the east of the proposal, the Conservation Area and St. Michael's Church are some 500m to the south. As a result, the applicant has submitted a Heritage Assessment in support

of this application which has been revised since the previous application to ensure that it is up to date.

In relation to Lagers Barn, this is located on the opposite side of the road to the application site, set back from the road with fields around it. It is considered that as it would still be seen in the context of its adjacent fields, although the application site to the west would be developed from a field, that this would not result in harm to its overall significance.

Regarding the Conservation Area, the advice from the Conservation Officer is that as the proposal will be read in the context of the late 20th Century housing nearby and Vantage Point Business Park, that it will have no impact on the setting of the Conservation Area.

It is noted that the reason for refusal relating to heritage matters included on PI994/18/OUT did not refer to impacts on either Lagers Barn or the Conservation Area; it referred to the impact on St. Michael's Church as the Conservation Advisor at the time was of the opinion that the development resulted in minor harm to the setting and significance of this building. It is important to note that at the time of considering that application, the Council did have a five year supply of deliverable housing which alters how an application for housing is considered in the context of the NPPF.

In relation to this application, the Conservation Officer has had regard to the previous comments but does not reach the same conclusion. It is noted that whilst there are some views of the spire, these are limited to Old Dean Road and south bound on the Bradley Court Road. Whilst it is possible views may be obstructed from the Bradley Court Road direction, when green buffers and residential gardens or roads are taken into account, it is likely that the dwellings will be pulled sufficiently back from the boundary to have limited or no impact on the views of the Grade I Church spire. Looking at the ecological parameters plan, the buffers required at the upper levels of the site along this eastern boundary are between 24m. and 30m. meaning that as suggested by the Conservation Officer, the dwellings would be pulled back from the boundary. This is clearly a matter of judgement, but it is considered that the proposal would cause no discernible level of harm or loss of significance to St Michael's Church.

Based on the conclusions reached above, it is considered that the proposal would not result in harm to the heritage assets referred to above, and would therefore accord with policy CSP.1 of the Core Strategy, policies AP1 and AP5 of the Allocations Plan, policy E2 of the NDP and the advice in the NPPF and NPPG.

Archaeology is considered to be a heritage asset. Policy CSP.1 of the Core Strategy sets out that the impact on such sites should be considered as does policy E2 of the NDP. Paragraph 207 of the NPPF supports this by identifying that Local Planning Authorities "should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation."

Due to the technical nature of this topic, the County Archaeologist was consulted. It was identified that as this was a large site, there was potential for archaeological remains to be present and that due to the works required to develop the site, that these may have an adverse impact on significant archaeological remains. The supporting geophysical survey had identified a number of anomalies and features which required further investigation.

Consequently, it was recommended that in advance of determination, the results of an archaeological field evaluation should be provided.

The requested information was duly provided by the applicant and the County Archaeologist reconsulted. They note that most of the trenches either did not have any archaeological remains or the features found were of low significance not requiring further investigation. One of the trenches in the western part of the site, found evidence of iron working waste associated with finds broadly of 13th-15th Century date. The County Archaeologist notes that this is a rare survival of high significance and because archaeological evidence of this is scarce, the site is particularly significant with a probability of evidence for furnaces likely to be buried under the identified industrial waste products. Other information found in the geophysical survey means that further significant archaeological information may be found once they are investigated. There is the potential that the site could add very significantly to understanding of medieval iron production in the Forest of Dean. Consequently, a condition has been recommended to secure an appropriate programme of work to further identify significant archaeology and where necessary to excavate and record these archaeological remains prior to development taking place in order to mitigate the ground impacts of this scheme. With this in place, it is considered that the proposal would accord with policy CSP.1 of the Core Strategy, policy E2 of the NDP and the advice in the NPPF and NPPG.

Highway Safety

The previous application included a reason for refusal as insufficient information had been submitted to assess the impacts of the development, particularly on the Gloucester Road/Hawker Hill/ New Road mini roundabout and the related Abenhall Road/ Gloucester Road junctions. As a consequence, there was insufficient information before the LPA to demonstrate the proposal would not result in a severe impact on the highway network and the proposal was considered contrary to the advice in the NPPF.

This application seeks to overcome the reason by providing a new, revised Transport Assessment which has been supplemented during the course of the application.

Access into the site is proposed to be considered at this stage and comprises a single point of vehicular access on the western boundary approximately 283m. from its junction with Bradley Court Road. Visibility splays of 2.4m. x 50.7m, to the east and 2.4m.x 54.3m to the west are proposed. The Highway Authority has confirmed that the visibility splays have been based on the 85th percentile speeds with no wet weather reduction which is considered to be robust, the approach to calculating is also correct and sufficient visibility splay at the access point.

Although the principle of development section refers to improvements to the pedestrian facilities to facilitate access to services, they also have to be considered in relation to this topic.

Off site highway improvements in the form of extended footways and crossings and improvements in the village centre are detailed within the principle of development section. From a highway perspective, the improvements are referred to in the consultation response

from the Highway Authority and are considered acceptable and able to be secured via suitably worded conditions.

The illustrative plan shows a 3m. wide footway/cycleway at the southern end of Carisbrook Road approximately 58m. from its junction with Bradley Court Road, this detail is not part of the scheme at present because only vehicular access is being considered so the detail would fall to be considered as part of the reserved matters. In principle, a link for this point is acceptable as it would allow people to travel thought the site increasing permeability and connectivity, but precise details would need to be secured through a condition.

As a result of the speed survey, recorded 85th percentile speeds were above the speed limit on Bradley Court Road at the change in speed limit from 30mph to national speed limit. Although speeding traffic is not a planning matter and concerns about speeding should be reported to the police. However, the scheme includes proposals to seek to reduce driver speed by providing an additional gateway feature through providing “dragons teeth” which are white triangle markings on the road surface and altering the appearance of the speed limit signage so that it on a yellow background and therefore more prominent.

When the application was initially submitted, concerns were raised regarding the basis of the trip generation used and this had knock on impacts as to the impact assessment which had been undertaken and the junction capacity work which had been done. The result of this was further information in the form of an extended trip survey which has then been compared against suitable TRICS data. The proposed development is expected to generate a total of 79 two way trips during the AM peak (8am-9am) and 89 two way trips during the PM peak (5pm to 6pm). The advice from the Highway Authority is that this work is satisfactory. A second area of concern was the original highway impact assessment submitted with this application. As explained above, this was linked to the issues raised above and that the opening year of the development was unrealistic meaning that not enough evaluation had been undertaken. The year of opening has been extended and the information updated as referred to above. This work formed an agreed basis on which to carry out the highway impact assessment. The main issue to be considered in this document was the continued operation of the Hawker Hill Roundabout and the adjacent priority junction to and from Abenhall Road. Initially, modelling of the junctions was requested, but the applicant explained why this would not be possible. The Highway Authority has accepted the applicant’s position that the close proximity and complexity of the junction would prove difficult to model accurately. As an alternative, drone footage has been provided in order to show the interactions between movements on the junctions during the AM and PM peak periods.

This evidence has been reviewed by the Highway Authority who has advised that congestion does occur at the junctions, it is mainly as a result of the number of conflicts and interactions due to the close proximity of the junctions. There is an existing puffin crossing (a type of signal controlled pedestrian crossing) across New Road close to the mini-roundabout and during the peak hours, this is called on to allow people to cross the road, particularly to allow access to the two schools in the vicinity. This means that the traffic blocks onto the mini-roundabout so people are unable to exit both the Hawker Hill and Abenhall Road junctions. In addition, when carrying out a right hand turn into Abenhall Road when travelling north west in the direction of Gloucester, this relies on vehicles travelling towards Mitcheldean giving way to allow the manoeuvre to happen. If this does not occur, then a

vehicle has to wait meaning any vehicles behind them will back up causing queuing on Hawker Hill and across the mini-roundabout. The footage shows that the incidents are relatively short lived. In the AM and PM peaks, the development is proposed to generate approximately one vehicle per minute through the junctions and as set out above, the trip generation information provided is satisfactory. The consequence is that although there is an existing issue at this location, the impact as a result is likely to be minimal. Mitigation is proposed in the form of altering the location and positioning of the existing road signage at the Abenhall junction to improve sightlines and visibility, keep clear markings on the road across the Abenhall Road junction and a review of the pedestrian crossing signal controller specification and/or relocation of the pedestrian crossing to improve operation of the junctions.

The advice in the NPPF is that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios. (Paragraph 116). Whilst understanding that there are existing traffic issues in the village and the concerns that have been raised within representations regarding increased traffic, congestion and highway safety, it is considered that the impacts of the development do not meet the test in the NPPF and the advice is that the refusal on these grounds is unlikely to be able to be justified.

Drainage and Flood Risk

As the site is larger than 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA). It should be noted that the site is within flood risk zone 1 which is the lowest level of risk, where all uses are appropriate according to the advice in the Planning Practice Guidance. The NPPF is clear that the FRA has to consider flooding from all sources, including surface water which the submitted document does. There is a risk of surface water flooding at the junction of Carisbrook Road and Bradley Court Road which extends into the site at the southern end. Surface water currently drains by soaking into the parts of the site which are permeable with any excess flowing over land. However, the southern tip of the site is not suitable for infiltration and this, in combination with the topography could be contributory reasons for the existing surface water flooding which is referred to within representations. The concerns raised within the representations are acknowledged, but it should be noted that a development is not required to resolve an existing problem, but must not make an existing problem worse.

In order to ensure that development is directed to the most suitable areas with lowest areas of risk, paragraph 175 of the NPPF sets out that: *The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*

If a site specific risk assessment is submitted which demonstrates this, then the sequential test is not required to be carried out. In order to achieve this, the submitted information, including the outline drainage strategy demonstrates that the physical development is on land

which is higher than the mapped areas of risk for surface water. This includes the location of the attenuation pond, the access into the site as well as the foul pumping station. As a result, the sequential test is not required.

Reference has been made in representations to paragraph 182 of the NPPF. This sets out the following: *“Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.”*

Due to the nature of the application, the LLFA has been consulted. The Planning Practice Guidance identifies that schemes should confirm that the run-off from the site is at the greenfield rate or better and, that it includes an allowance for climate change. As the site is currently agricultural and would be developed, it is clear that without mitigation, the rate and volume of surface water would increase. It is intended that surface water will be dealt with via a piped system into an attenuation basin which will then flow at the Qbar rate controlled by a hydrobrake into the existing watercourse at the south western boundary of the site. Calculations have been provided to support drainage proposals as per QBar. QBar is equivalent to the 1 in 2.3 year return event and is a recognised method of undertaking these calculations in accordance with the relevant guidance for designing such systems (this includes the appropriate allowance of 40% for climate change). Despite concerns, because of the design and that water is released at a controlled rate as described above, it is considered that this would not increase the downstream risk to other settlements. The attenuation basin itself has been designed to accommodate the 1 in 100 year event with the appropriate allowance for climate change. Having an attenuation basin offers opportunities for biodiversity enhancement and improvements to water quality through marginal planting. This will be commented on in the relevant section.

Due to its technical nature, this has been the subject of consultation with the LLFA who are content with the strategy proposed but require a condition to secure precise details of the surface water drainage design. This should also include measures to deal with surface water during construction. A further condition is required for details of the maintenance regime for the surface water system. For these reasons, and the information provided in the preceding paragraphs, it is considered there is no conflict with paragraph 182 of the NPPF.

In their original comments, the LLFA suggested amending the red line to include the watercourse so that it could be included within a future maintenance regime. The LLFA has subsequently advised that the watercourse at the south western boundary of the site is within land owned by the County Council. As a result, they are viewed as the riparian owner; GCC is therefore already responsible for its maintenance meaning that it does not need to be included within the red line for the application. As a consequence, the red line has not changed.

Regarding foul drainage, the submitted strategy shows that this is dealt with via a piped system whereby the pipes from the dwellings would mean draining by gravity to a pumping

station, where it would be piped via a new rising main to the existing drainage system at the junction of Ross Road, Carisbrook Road and Hollywell Road. It is acknowledged that this has raised some concerns for a variety of reasons.

In design terms, the submitted strategy sets out that the foul drainage system including the pumping station is to be built to Severn Trent adoptable standards, so the intention is that they will adopt it. It is the case with a pumping station, that sewerage is pumped under pressure. Pumping stations have to be built in accordance with certain requirements which are set out in "Design and Construction Guidance for Foul and Surface Water Sewers - Sewerage Sector Guidance", this replaced "Sewers for Adoption". Kiosks are required above ground level to protect the required electrical and mechanical equipment necessary to run the pumping station. Below ground, tanks (the "wet well") are sited with further requirements for additional storage in order to prevent flooding from the tanks in the event of the pumping station failing. Again, the requirements are set out in the above document. The pumping station has to be sited in such a location that it can be accessed for maintenance, which includes appropriate levels, so a tanker can empty it, if required in the event of failure. It is noted that although Severn Trent has been consulted, no response has been received. They have previously advised officers that if they are consulted and do not reply within the consultation period, they do not intend to reply. It is also noted that separate consents from Severn Trent Water would be required to connect into their systems. Although no condition has been recommended to secure details of foul drainage, it is considered appropriate in this case.

In conclusion therefore, whilst acknowledging concerns regarding existing surface water drainage issues set out within the comments received, it is considered that the proposal could be accommodated on site without an unacceptable adverse impact due to flood risk and would not increase flood risk elsewhere. The site can be suitably drained subject to the imposition of appropriately worded conditions. The concerns raised do not outweigh this conclusion. With conditions in place, it is considered that the proposal would accord with policies CSP.1 and CSP.2 of the Core Strategy, and the advice in the NPPF and NPPG.

Ecology

The NPPF advises that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity. It is clear in the NPPF, that if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, planning permission should be refused. Policies CSP.1 and CSP.2 of the Core Strategy seek that development should consider the impact on any protected natural sites, and the potential for avoiding and/or mitigating any impacts or providing enhancement should the development be acceptable and that the integrity of any affected nature conservation sites is not compromised. Policy AP7 of the Allocation Plan requires development to safeguard features and supporting habitats which form part of ecological networks and to take account of the hierarchy of nature conservation sites and species e.g. Special Areas of Conservation (SAC). Policy E4 of the NDP seeks that development proposals should include measures to enhance biodiversity which can include amongst other things, sustainable drainage systems, use of native species and roosting and nesting opportunities for bats and birds. The same policy also refers to two protection areas which are shown within the document where development in them should have regard to priority

species, important habitats, wildlife corridors and wider ecological networks. The application site does not lie within the identified protection areas, but is located to the east of one.

Notwithstanding that it is not within the NDP protection area, the site is approximately 485m. from a component of the Wye Valley and Forest of Dean Bat SAC. Wigpool Ironside mine is designated for its hibernating populations of horseshoe bats and as a result, this site is in an extremely sensitive location. Consequently, it is considered that the Habitat Regulations are engaged. The Conservation of Habitats and Species Regulations (often abbreviated to the Habitat Regulations) protect identified sites by designation as Special Areas of Conservation and Special Protection Areas. However, the Habitats Regulations also protects habitat (Functionally Linked Land) which is important for the Favourable Conservation Status of the species.

A number of representations raise concerns about the impact on wildlife as a result of the proposal. This relates to both species and the habitats e.g. woodland and hedgerows.

It is the applicant's responsibility to provide adequate evidence to inform a Habitats Regulations Assessment which is undertaken by the Local Planning Authority (LPA). The precautionary principle underpins the Regulations and the decision whether or not an Appropriate Assessment (this is the second of a number of stages in the process of Habitat Regulations Assessment) is necessary must be made on a precautionary basis. A high level of certainty is required when permitting a plan or project. The competent authority (the LPA in this case) must be sure that the scheme will not adversely affect the integrity of the protected site, or that there are imperative reasons of overriding public interest for permitting it, in the absence of alternative solutions and having secured that all necessary compensatory measures are taken. There can be no reasonable scientific doubt remaining as to the absence of adverse effects on the integrity of the site. To be able to conclude with enough certainty that a proposed project or development will not have a significant adverse impact on the European site, the proposal or project must therefore be supported by adequate evidence and bespoke, reasoned mitigation.

Following the submission of the application, it was identified that further activity survey information for horseshoe bats in accordance with the Council's guidelines was required. At this initial stage, the proposal failed its Appropriate Assessment (AA) due to the lack of information provided.

Subsequently, extensive survey work was provided. In response to comments raised by the Wildlife Trust, it is noted that this includes survey work undertaken in the winter of 2024-25. The additional evidence found that the boundary hedgerows, particularly those in the north of the site, are of importance for commuting horseshoe bats. A land use parameters plan has also been submitted which sets out the necessary buffer zones and additional planting required in order to ensure that areas used for commuting bats are protected. These areas will need to be protected from subsequent development and will also need to be sufficiently dark which is secured by setting out the light levels that will be required within these areas. Any layout for the scheme at reserved matters stage will need to demonstrate how it secures the required light levels by showing the light spill from the development in order to comply with the condition which would need to be imposed should permission be granted.

As a result of this, a new AA has been prepared. The outcome of this work is that the Council (as the competent authority) is now satisfied that with conditions, these can be relied upon to avoid adverse effects on the integrity of the Wye Valley and Forest of Dean Bat Site. As required by the Habitat Regulations, the AA has been the subject of consultation with Natural England who concur with the Appropriate Assessment that has been prepared and raise no objection subject to conditions/obligations. Officers are of the view that the mitigation in the AA can be secured with conditions and obligations are not required. The advice in the PPG (Use of conditions) is that where either a condition or obligation could be used, that the LPA should use a condition. The conditions would relate to buffer zones, works being carried out in accordance with the biodiversity report and submitted drawings, lighting strategy, ecological monitoring reporting and remediation, a Construction Environment Management Plan (biodiversity (CEMP-B), landscaping and a Habitat Management and Monitoring Plan. Although concerns have been raised in representations regarding impact on woodland, this is not a view shared by consultees.

When the application was initially submitted, there were concerns that dormice could be present on site and the applicant was asked to consider this matter further. These are a European Protected Species (EPS) and the authority is required to have evidence to support an assessment of the likely impact on such species. The applicant chose to submit further information to justify why survey work was not provided. Having considered this, the Sustainability Team has now confirmed that as the scrub habitat to be removed is adjacent to poor hedgerow unsuitable for dormice, it is reasonably likely that dormice are absent. Precautionary working methods have been provided which are suitable in the unlikely event that dormice are found.

Great Crested Newts (GCN) are also an EPS. The site falls within the amber impact risk zone for GCN and there are also two ponds within 500m. There are historic records associated with the woodland to the west. Nature Space who is the LPA's partner in responding to this species has advised that the site is comprised mainly of arable field reducing the likelihood of GCN being present on site but with a lack of survey information relating to ponds within 500m it would be recommended that Reasonable Avoidance Measures are implemented to reduce the likelihood of GCN being impacted by development works. They have also confirmed that a licence or further survey work is not required. The recommendation from Nature Space can be included as a condition and the response from the Sustainability Team suggests this can be part of the Construction Ecological Management Plan.

As required by policy CSP.2 of the Core Strategy and policy E4 of the NDP, the proposal should secure opportunities for biodiversity enhancement. This can be through the soft landscaping of the site by using certain species of plants, including native species, tree planting, nesting and roosting opportunities for bats and birds and hibernacula for reptiles. The scheme also offers the opportunity to use suitable species to plant the edges of the attenuation basin at the southern end of the site. Enhancements can be secured with a suitably worded condition.

Overall, it is considered that subject to conditions, the proposal would avoid adverse effects on the integrity of the Wye Valley and Forest of Dean Bat Sites SAC and European Protected species, offer opportunities for biodiversity enhancement and would accord with policies

CSP.1 and CSP.2 of the Core Strategy, policies API, AP7 and AP8 of the Allocations Plan, policies E4 and E5 of the Mitcheldean NDP and the advice in the NPPF and NPPG.

Biodiversity Net Gain

Local Planning Authorities are required to consider biodiversity net gain (BNG) under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. The framework was inserted by the Environment Act 2021. BNG aims to create and improve biodiversity by ensuring that development has a positive impact (a "net gain") on biodiversity. Developers must deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The submitted BNG Metric shows a 27.12% habitat unit gain, 26.8% hedgerow net gain and 19.02% net gain in watercourse units. This exceeds the required 10%. There are specific rules in relation to mitigation for protected species and the applicant's ecologist has provided a further metric to demonstrate that this does not exceed 0 within the metric; this satisfies the relevant rules. Due to the proposed net gain on this medium sized site of medium complexity, this is considered to be "on-site significant" which requires monitoring. The fees to do this are secured via a s106 agreement and are referred to in the relevant section below. The Wildlife Trust's concerns regarding future management are noted, this is secured through a Habitat Management and Monitoring Plan (HMMP) which is for a 30 year period. This is the subject of the suggested condition 12. The imposition of this condition means that there is no requirement for a separate Landscape Ecological Management Plan (LEMP). The HMMP also has to include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer along with details of the management body(ies) responsible for its delivery.

Overall, it is considered that it has been demonstrated that at least a 10% increase in biodiversity value can be achieved. With suitable conditions in place, it is considered that the proposal would accord with the advice in the NPPF and NPPG.

Noise and Air Quality

The application is accompanied with a Noise Impact Assessment which explains that the main noise source is road noise. Given its technical nature, it has been reviewed by the Council's Environmental Health Officer. They are satisfied that with the adoption of good acoustic design, that compliance with the established noise criteria can be achieved. It is noted that the production of a follow up noise impact assessment is recommended once the relevant design details have been established. This can be secured via a condition with the information to be submitted with the reserved matters. With the condition, it is considered that the proposal would accord with policy CSP.1 of the Core Strategy and the advice in the NPPF and NPPG.

The Environmental Health Officer has also requested the submission of a Construction Environment Management Plan to address matters relating to noise and dust during the construction period. There is a degree of cross over with the construction method statement, and also with statutory nuisance which is covered by other legislation which the planning system should not seek to replicate. However, it is considered that a condition can

be used to understand how noise, dust and lighting will be minimised during the construction period, which would then accord with policy CSP.I of the Core Strategy and policy AP4 of the Allocations Plan and the advice in the NPPF.

The Air Quality Environmental Health Officer has also commented in relation to air quality and the air quality assessment which has been submitted. They are of the view that there is unlikely to be any significant impact to air quality during the operational phase of the development. They do however, note that the report did not include impacts of construction dust and have also recommended a condition to secure a CEMP which is already suggested. Other recommended conditions relate to details of Electric Vehicle charging, but this is a matter covered by the Building Regulations regime, so it has not been included and cycle storage provision for each dwelling. Provision of cycle parking can be addressed with a suitably worded condition. Accordingly, it is considered that the proposal would comply with policy CSP.I of the Core Strategy, policy AP4 of the Allocations Plan and the advice in the NPPF and NPPG.

Best and Most Versatile Land

The post 1988 Agricultural Land Classification map identifies that the land is grade I agricultural land. This is consistent with information provided by the applicant. Grade I is defined as best and most versatile (BMV). Natural England is required to be consulted where a site is over 20ha and it is not allocated in the Development Plan, because this is what is considered to be significant. Even though there is no requirement to consult Natural England in this case, the loss of BMV should still be taken into account in decision making. Paragraph 187b of the NPPF sets out that decisions should contribute to and enhance the natural environment by, amongst other things, recognising the economic and other benefits of most and versatile land. Comments in representations set out that the development should not be permitted due to the agricultural land classification, and that there are other sites which are grade 3 land which should be considered first. As members are aware, the LPA must determine the application put before it and not an alternative. That the development is located on Grade I land does not mean that it should automatically be considered unacceptable; it is a matter to be weighed in the planning balance. Although the size of the site is not significant in the terms set out above, it is a matter that weighs against the development.

Concerns have been raised within representations regarding the loss of land for food production. The part of the footnote in the NPPF which required the availability of agricultural land used for food production alongside other policies in the framework when deciding what sites are most appropriate for development was deleted in the December 2024 NPPF. As a result there is no explicit paragraph tied to food production, but it sits within the wider issue of BMV as discussed above.

Section 106 Obligations

Any obligations sought must be necessary to make the proposal acceptable in planning terms, be relevant to planning, directly relate to the proposed development, be fairly and reasonably related in scale and kind to the proposal and be reasonable in all other respects. The application has been submitted with Draft Heads of Terms indicating that they are willing to

provide the appropriate level of provision for affordable housing, open space and any other contributions identified through the planning process that meet the tests of necessity and reasonableness.

Despite comments that 40% affordable housing is higher than usual and on other sites, 40% affordable housing provision represents a policy compliant position and is the starting point for any negotiation that may follow. In this case, the applicant has made a policy compliant offer with the consequence that no negotiation regarding the percentage offer has been undertaken.

The comments made within representations and from the Parish Council regarding the lack of infrastructure, including difficulties securing medical appointments and school places are noted. It is important to remember that a development cannot be asked to resolve existing issues but must mitigate any shortfalls arising as a result of the development. Whilst this may be frustrating, it is very important that members are clear as to the basis of when contributions can be requested.

NHS Gloucestershire has been consulted and has requested a contribution of £182,166 towards capital costs of delivering additional capacity at Mitcheldean surgery. Policy CSP.4 sets out that where the needs of development cannot be met, additional infrastructure provision arising from the needs of the development will be sought by way of developer contributions and this includes health provision. NHS Gloucestershire has identified that there is not sufficient existing healthcare capacity locally to accommodate the new residents that would be generated by the application. Comments also highlight that the existing site does not have the ability to expand and this was raised with NHS Gloucestershire. In response, NHS Gloucestershire has confirmed they have commissioned work which provides four different options as to how the building could be reconfigured and that they are confident that a solution can be delivered. The information provided explains how the contribution request has been derived in relation to this development and identifies what the contribution would be spent on. It is considered to be a reasonable request and can be secured through a s106 legal agreement.

In relation to education, the County Council has requested a contribution of £276,574.78 for primary education. The response notes that the closest primary school in Mitcheldean is unable to expand. For school planning purposes, areas are identified which include a number of primary schools; in this case, the relevant school planning area is Mitcheldean Longhope which, the consultation response identifies, includes three schools. In this case there is a shortfall of places as a result of the development, but there would be the ability to deliver the spaces at school(s) within the school planning area which is still considered acceptable from a development management perspective. It does mean however, that a separate contribution for home to school transport is necessary, which is detailed in subsequent paragraphs.

No contributions have been requested for secondary education between the ages of 11-16 and 16 to 18. This is because the evidence provided by the County Council demonstrates that there is sufficient forecast capacity in schools in the vicinity to accommodate additional children arising as a result of the development and a contribution is not considered necessary.

In calculating the education contributions, it has been assumed that all dwellings that will be delivered will have two or more bedrooms; these are considered to be “qualifying dwellings” which could accommodate a child. Should a number of one bedroom units be delivered, the s106 will need to include wording that reduces the contribution by a specific amount per one bed unit.

A library contribution is also requested £35,280 for Mitcheldean library. The requested contributions will need to be secured with a s106 legal agreement.

In relation to highway matters, although the consultation responses refer to a request for a contribution for public transport, no figure has been forthcoming. Should a figure be provided Members will be updated, but without knowing what the contribution is, it has not been included. Based on the information submitted with the application, £47,100 for the travel plan which includes a £5000 bond has also been requested. In addition, a contribution of £210,033.60 for home to school transport has also been sought, following discussion, this has been accepted by the applicant.

In relation to district contributions, the policy compliant position in relation to affordable housing is 40%. The applicant has offered the policy compliant position which equates to 72 dwellings. The affordable housing is split between two products, based on a 70/30 split in favour of social rent, which is again, the policy compliant position. The following mix is proposed:

- Social rent: 12, one bed flats; 3, one bed bungalows; 21, two bed houses; 11, three bed houses; 2, four bed houses and; 1, five bed house (total 50 units);
- Shared ownership: 11, two bed houses and 11, three bed houses.

The applicant has queried whether the mix and size of units needs to be incorporated in the s106 legal agreement. The Housing Strategy and Enabling Officer has confirmed that this is the case and this has been shared with the applicant; no further comments have been received. These should be pepper potted through throughout the development in clusters of no more than 15 affordable dwellings per cluster. The one bed flats should be provided in a maisonette type arrangement.

It is also sought that the social rented housing is provided to M4 (2) Category 2: Accessible and adaptable standards of Building Regulations. This is based on a need for 6,796 dwellings of this type between 2021 and 2041 to help meet the needs of an ageing population and households who have a disability. Policy CSP.5 seeks that a “mix of house sizes and types including those suitable for an ageing population will be encouraged in accordance with prevailing evidence.” As a result, it is considered that there is the policy justification to secure this and because the application is in outline form, this would be part of the s106 legal agreement.

On sites of more than 25 units, the Council also seeks to secure 4% as serviced plots for sale to self and custom builders; this in line with the Council’s Guidance note on Self-build and Custom Housebuilding. The relevant NPPG explains that this type of housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for

occupation ('turnkey'). The purpose behind such housing is to diversify the housing market and increase consumer choice. The Council is required to keep a register to find out what the demand is for self-build or custom-build plots in the area and this information supports negotiation for self-build provision on larger housing sites. As of October 2024, 96 households had registered on the Council's self-build register. With this scheme, 4% would equate to seven plots which would need to be secured as custom/self-build plots for sale to self and custom builders as part of the s106 legal agreement.

The development framework plan shows areas of open space around the site offering recreational opportunities including trim trail equipment. Provision, laying out, management and maintenance of all of the open space on the site outside private gardens and including the attenuation pond will need to be secured through a legal agreement. This also includes laying out, equipping of the trim trail and combined LEAP and LAP. It is recognised that the attenuation pond could be adopted by a statutory body e.g. Severn Trent, but provision needs to be made in the s106 agreement in case it is not. In relation to BNG, due to the proposed net gain a monitoring fee of £6577.20 is required.

A fee of £540 is required for registering the District's s106 agreement, with an additional charge of £5,380 for monitoring.

Providing the above matters, which are necessary to make the development acceptable are secured through a s106 planning obligation, it is considered that the proposal would accord with CSP.1, CSP.2, CSP.4, CSP.5 and CSP.9 of the Core Strategy and policies AP1, AP7, AP8 and AP47 of the Allocations Plan and policies AC1 and H1 of the NDP and the advice in the NPPF and NPPG.

Other issues

Due to this being a major application, the County Council's Waste and Minerals team was consulted. In relation to waste matters, no objection was raised, but it was noted that although a waste minimisation statement had been submitted, there were some gaps in relation to the construction stage. It was suggested this could be addressed with a suitably worded condition and this is agreed with.

Policy CSP.1 of the Core Strategy requires consideration of any potential impact on the sterilisation of mineral resources and consideration of the potential for the prior extraction of those mineral resources. Minerals are a finite resource and can only be worked in the place where they are found. The site is identified in the Gloucestershire County Council Minerals Local Plan as a minerals resource safeguarded area for sandstone and limestone. Mineral safeguarding is the means available to avoid the needless sterilisation of primary mineral resources by non-mineral development. Policy MS01 of the Minerals Local Plan sets out that non-mineral development proposals within a Minerals Safeguarded Area (MSA) will be permitted if it falls into one of the listed exemptions or meets one of the four listed criteria. The development is not exempt, and the policy goes on to explain that if it is to be demonstrated that needless sterilisation of mineral resources will not occur, or the mineral resources of concern are not economically viable or it is appropriate and practicable to extract minerals prior to development taking place, a minerals resource assessment should

be submitted. The initial response of the Minerals and Waste Authority was that a minerals resource assessment should be submitted and this was duly provided by the applicant.

The report explains the use of the minerals as both aggregate and a building stone has been considered. In relation to use of aggregates, the report concludes that the site is too small to be economically viable and in relation to use as a building stone, once buffers to environmentally sensitive receptors (i.e. the existing housing and commercial developments) are applied, that the resulting mineral area would be too small to be commercially viable. It is also noted that in order to extract the mineral, blasting would likely be required which would in turn increase the necessary buffers further. The applicant is therefore of the view that the mineral resources of concern are not economically viable and therefore the proposal would accord with policy MS01 of the Minerals Local Plan. As the minerals resource assessment was requested by the Minerals and Waste Authority, they were reconsulted. The response acknowledges that the assessment has been provided and the technical consultee is now satisfied that the minerals underneath the site cannot be extracted in a viable way. They confirm that their previous concerns have been removed. With this advice in mind, it is considered that the proposal would meet the third criteria of policy MS01 of the Minerals Local Plan in that it has been demonstrated that the mineral resources of concern are not economically viable. In addition, the proposal would also accord with policy CSP.1 of the Core Strategy insofar as it has considered the potential impact on the sterilisation of mineral resources and consideration of the potential for the prior extraction of those mineral resources.

Other matters

The three points raised in representations relating to loss of view, developer's motives and impact on house prices and compensation are noted. However, they are not material planning considerations and should therefore be given no weight.

Concerns have been raised that the information provided by the applicant is biased, however no information as to how or why the reports are biased has been submitted. Consultees and officers have reviewed the submitted reports and information and whilst they may not agree with some of the conclusions which were initially reached, no concerns have been raised as to how the reports have been carried out. This is therefore not given weight.

Comments have been received relating to carbon capture and increased carbon footprint. Carbon capture is a specific technology usually associated with large scale industrial or energy generation and not therefore feasible or proportionate for a housing development such as this. There are no specific policies in the development plan regarding this topic. It is considered that the proposal has been designed in accordance with national and local policies aimed at reducing carbon emissions, with a crossover to the Building Regulations regime e.g. in the form of EV charging provision. The required waste minimisation strategy will have to accord with sustainable development objectives of reducing, re-using and recycling at both the construction and operational stages.

Comments objecting to the applicant agreeing extensions of time and querying whether residents will be given further time are noted. Agreeing extensions of time with an applicant to allow for discussions between the parties is a recognised practice and is referred to in the

PPG – Determining a planning application. It protects the Council from the applicant appealing for non-determination after the statutory time period for determining the application has expired. In terms of residents being given further time, representations can continue to be accepted and considered up to the point a decision is made.

Concerns have been raised that the application has not been sufficiently advertised. For a major application such as this, site notices are displayed on and nearby the site and also advertised in the local newspaper; letters are no longer sent to nearby residents. It is noteworthy that the great majority of representations raising this point were received prior to the site notices being displayed.

8. CONCLUSION AND PLANNING BALANCE

As set out in the principle of development section, paragraph 11d applies as the development plan policies relating to the supply of housing are out of date. This means granting permission unless one of two circumstances applies.

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

In relation to this application, it is the second circumstance that applies as there are no areas or assets of particular importance in the context of the policies in the NPPF.

Weighing against the development is the conflict with policies CSP.4, CSP.5 and CSP.16 of the Core Strategy insofar as the site is located outside the settlement boundary and contrary to policy H2 of the NDP in that it is not one of the exceptions identified in that policy. The loss of Best and Most Versatile is considered to attract modest weight. Also attracting modest weight are considered to be the impact on landscape character and impact on visual impact; the impact on visual impact is considered to be greatest in the short term during the construction period, but will continue to have an impact albeit starting to reduce from the medium to long term as the scheme begins to mature. Impacts on existing residents during construction are also considered to weigh against the development, but are considered to be limited as they can be mitigated.

Weighing neutral in the planning balance is that there is considered to be no harm to heritage assets, that a scheme can be designed which will provide acceptable relationships with surrounding properties and acceptable living conditions for future occupiers. Also weighing neutral in the balance is that with conditions, the proposal would avoid adverse effects on the integrity of the Wye Valley and Forest of Dean Bat Sites SAC and European Protected species. The proposal would also, subject to suitable conditions, not result in an

unacceptable impact on highway safety or severe residual cumulative impacts on the road network following mitigation and could be suitably drained not resulting in increased flooding.

The site's location can be considered to be within a sustainable location, and in this case, the public benefits are the number of dwellings proposed in the context of the less than two year supply of deliverable housing which would count towards the Council's supply, the policy compliant 40% affordable housing proposed both of which it is considered should be given substantial weight. In addition, the scheme proposes self-build/custom plots which it is considered should also be given modest weight widening the choice of available housing products. Extensive open space is proposed within the site and the scheme would be able to deliver measurable biodiversity net gain which is referred to in paragraph 185 of the NPPF beyond the necessary 10%, which is considered to attract modest weight, the indirect and direct benefits to the economy during construction and operation which are considered to attract modest weight. Furthermore, the scheme provides for enhanced access to public transport by virtue of the highway improvements which would also benefit existing local residents.

In the context of paragraph 11d)ii, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits and consequently, it is recommended that delegated permission be given to the Development Manager to grant permission subject to the completion of a s106 legal agreement or unilateral undertaking to secure: 40% affordable housing consisting of: Social rent: 12, one bed flats; 3, one bed bungalows; 21, two bed houses; 11, three bed houses; 2, four bed houses and; 1, five bed house (total 50 units) to be provided to M4 (2) Category 2: Accessible and adaptable standards of Building Regulations. and; Shared ownership: 11, two bed houses and 11, three bed houses; affordable housing to be provided in clusters of no more than 15 affordable dwellings per cluster; 4% (seven plots) as serviced plots for sale to self and custom builders; provision, laying out, management and maintenance of all of the 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. In relation to BNG, due to the proposed net gain a monitoring fee of £6577.20 is required; contributions of £182,166 towards capital costs of delivering additional capacity at Mitcheldean surgery, £276,574.78 for primary education, £35,280 for Mitcheldean library, £47,100 for the travel plan which includes a £5000 bond and £210,033.60 for home to school transport. A fee of £540 is required for registering the District's s106 agreement/undertaking, with an additional charge of £5,380 for monitoring. If the agreement/undertaking is not secured by 26 June 2026 or a subsequent extension of time agreed, then Delegated Authority be given to the Development Manager to refuse the application.

9. RECOMMENDATION:

It is recommended that Delegated permission be granted subject to the completion of a Section 106 legal agreement or submission of a unilateral undertaking to secure: 40% affordable housing consisting of: Social rent: 12, one bed flats; 3, one bed bungalows; 21, two bed houses; 11, three bed houses; 2, four bed houses and; 1, five bed house (total 50 units) to be provided to M4 (2)

Category 2: Accessible and adaptable standards of Building Regulations. and; Shared ownership: 11, two bed houses and 11, three bed houses; affordable housing to be provided in clusters of no more than 15 affordable dwellings per cluster; 4% (seven plots) as serviced plots for sale to self and custom builders; provision, laying out, management and maintenance of all of the 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. In relation to BNG, due to the proposed net gain a monitoring fee of £6577.20 is required; contributions of £182,166 towards capital costs of delivering additional capacity at Mitcheldean surgery, £276,574.78 for primary education, £35,280 for Mitcheldean library, £47,100 for the travel plan which includes a £5000 bond, £210,033.60 for home to school transport, £540 for registering the District's agreement/undertaking and with an additional charge of £5,380 for monitoring.

If the agreement/undertaking is not secured by 26 June 2026 or a subsequent extension of time agreed, then Delegated Authority be given to the Development Manager to refuse the application, and the following conditions:

01. a) The development for which permission is hereby granted shall not be commenced before detailed plans showing the layout, scale, access (other than vehicular access onto Carisbrook Road), appearance and landscaping of the site (referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

b) Application for the approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

c) The development hereby permitted shall be commenced not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reasons:

a) The application is one in outline only and the reserved matters referred to in the condition will require further consideration.

b) To comply with the requirements of Section 92 of the Town and Country Planning Act, 1990.

c) To comply with the requirements of Section 92 of the Town and Country Planning Act, 1990.

02. The details to be submitted under Condition (1) shall include existing and proposed site and floor levels and sections through the site.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals, in the interests of amenity and in accordance with Core Strategy Policy CSP.1.

03. The development hereby permitted shall be carried out in accordance with the approved plans listed in the table below.

Reason: For the avoidance of doubt and in the interests of proper planning.

04. No building on any part of the development hereby permitted shall exceed two storeys in height.

Reason: To assimilate the development into its surroundings and to safeguard the character and appearance of the surroundings and to accord with Core Strategy Policy CSP.1 and policies AP4 and AP5 of the Allocations Plan and the advice in the NPPF and NPPG.

05. The details submitted under Condition (1) shall include provision for properly consolidated and surfaced car parking and manoeuvring facilities and cycle provision. Such facilities shall be provided prior to the dwellings served by them being occupied and shall be kept permanently available for such use with the car parking spaces retained for parking only and the manoeuvring facilities for manoeuvring.

Reason: To ensure the satisfactory provision of off-street car parking and servicing facilities, in the interests of road safety and amenity, having regard to Core Strategy Policy CSP.1 and the National Planning Policy Framework.

06. The development for which permission is hereby granted shall not be commenced until the landscaping scheme submitted under condition (1) incorporating existing flora which shall show how it is to be retained and safeguarded during construction has been approved in writing by the Local Planning Authority. The scheme shall be consistent with the Habitat Management and Monitoring Plan condition 12.

Such a scheme shall be carried out in all respects in accordance with the approved scheme as per the landscape implementation phasing plan approved pursuant to condition 7.

If at any time in the five years following planting any tree, shrub or hedge shall for any reason die, be removed or felled, it shall be replaced with another tree, shrub or hedge of the same species during the next planting season to the satisfaction of the Local Planning Authority.

Reason: In accordance with the principles of good design and the incorporation of biodiversity in and around developments and its enhancement in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSP1 and CSP2 of the Core Strategy and Policies AP1, AP7 and AP8 of the Allocations Plan, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

07. Prior to above ground works a landscape implementation plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details approved pursuant to conditions 1 and 6 shall be carried out in accordance with the approved details and the timetable therein.

Reason: In accordance with the principles of good design and the incorporation of biodiversity in and around developments as required in the National Planning Policy Framework Chapter 12 and 15, Policies CSP.1 and CSP.2 of the Core Strategy and Policies AP.1, AP.4 AP.7 and AP.8 of the Allocations Plan.

08. The development hereby permitted shall be carried out in strict accordance with the following documents and drawings as submitted with the planning application:

- i. Section 5 of the Ecological Impact Assessment Rev D received 25 November 2025; and
- ii. Ecology Landuse Parameters Plan, drawing number CSA/4057/124 Rev A received 2 April 2026.

All buffer zones, retained existing vegetation, and proposed boundary planting, as shown on the Ecology Land Use Parameters Plan, together with all biodiversity mitigation measures set out in Section 5 of the Ecological Impact Assessment, shall be implemented in accordance with the specified timescales and thereafter maintained and permanently retained in perpetuity for the purposes of biodiversity conservation .

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15 (Paragraphs 192, 193, 194 and 195), Circular 06/2005, policies CSP.1 and CSP.2 of the Core Strategy and policies AP1, AP7 and AP8 of the Allocations Plan.

09. Notwithstanding submitted details, prior to commencement of all development works (excluding hedgerow planting / landscaping works) a lighting assessment and details of external and internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause light pollution or disturb or prevent bats or other species using the site boundaries and buffer zones (hedgerows, woodland planting and buffer zones), key corridors and foraging habitat features. The lux levels within the buffer zones and key corridors shall be consistent with the Bat Conservation Trusts Guidance Note 08/23 Bats and artificial lighting in the UK: that is below 0.2lux on the horizontal and 0.4lux on the vertical plane or no higher than baseline levels. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR));
- vi. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.
- vii. Details of a monitoring scheme to demonstrate compliance and continued compliance with the agreed lux levels. Monitoring periods: immediately after

- construction, year 1, year 3 and year 5 unless extended by any required rectification measures;
- viii. Details of likely proposed rectification measures and extended monitoring timescales to check compliance (immediately after rectification, year 1, year 3 and year 5);
- ix. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- x. Information on homeowner packs, leaflets and on-site information panels – which shall be consistent with the information provided pursuant to condition 12.

All lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

At the end of the construction and each monitoring period, a verification report by the EcOW or similarly competent person(s) shall be submitted to the Local Planning Authority.

Reason: To safeguard rural character from increased light pollution (CSP1) and maintain the existing value of biodiversity on and adjacent to the site to protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 15), NPPF chapter 15, CSP1, CSP2, AP1, AP7 and AP8.

10. Detailed ecological monitoring of bat activity (static detectors and where necessary transect or point observation surveys) shall be carried out in years 1, 3 and 5 post construction and ecological management of landscape condition and establishment of suitable lighting levels of bat flight corridors shall be carried out in years 2, 3, 5, 10, 20 and 30. Monitoring shall be carried out by a suitably qualified ecologist and reported each monitoring year in writing to the Local Planning Authority together with any recommendations for remedial action which shall be agreed with the Local Planning Authority and implemented as agreed within eight months of the agreement.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policies CSP1 and CSP2 of the Core Strategy and Policies AP1, AP7 and AP8 of the Allocations Plan, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

11. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the Local Planning Authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Purpose and objectives for the proposed works;

- c) Review of site constraints;
- d) Identification of 'biodiversity protection zones';
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- f) The location and timing of sensitive works and mitigation to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- g) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- h) A non-native invasive species protocol (e.g. for Japanese knotweed);
- i) Details for disposal of any waste arising from works;
- j) The times during construction when specialist ecologists need to be present on site to oversee works;
- k) Responsible persons and lines of communication;
- l) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
- m) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15 (Paragraphs 180, 181, 185 and 186), Circular 06/2005, policies CSP.1 and CSP.2 of the Core Strategy and policies API, AP7 and AP8 of the Allocations Plan.

12. A 30-year Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to above ground works of the development hereby approved being undertaken. The plan shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of all features to be managed (including bat mitigation features), including locations shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including those related to species and ensuring the delivery of at least a 10% net gain in habitat, hedgerow and watercourse units;
- iv. Appropriate management options for achieving the aims and objectives;
- v. Prescriptions for all management actions;
- vi. Extent and location/area of proposed works on appropriate scale maps and plans
- vii. Phasing implementation plan for the creation and establishment of bat mitigation and enhancement features (woodland and hedgerow planting)
- viii. Time table for implementation demonstrating that works are aligned with proposed landscape phasing
- ix. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 10 year periods;

- x. Details of the body or organisation responsible for implementation of the plan;
- xi. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain and bat mitigation as well as details of possible remedial measures that might need to be put in place; Timeframe for reviewing the plan; and
- xii. Details of how the aims and objectives of the HMMP will be communicated to the occupiers of the development including through information leaflets, homeowner packs and onsite panels to be consistent with the lighting strategy.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objective of the HMMP are not being met) how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The HMMP shall be implemented in full in accordance with the approved details.

Reason: To secure the delivery of at least a 10% biodiversity net gain for the required 30-year period and appropriate management of all habitats including for bat mitigation in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSPI and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan.

13. The Biodiversity Gain Plan submitted for approval must be in accordance with any biodiversity or ecological information submitted with the planning application and implemented in accordance with the approved details.

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policies CSPI and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan.

14. Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of integrated permanent bat roosting feature(s), hedgehog homes, hedgehog friendly fencing and nesting opportunities for birds including integrated swift bricks, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;

- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason: To provide additional opportunities for roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policies CSP1 and CSP2 of the Core Strategy and Policies AP1, AP7 and AP8 of the Allocations Plan, and Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

15. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to, and approved in writing by, the Local Planning Authority.

The TPP and AMS shall include, but not be limited to:

- a) Details of construction within the RPA or that may impact on the retained trees;
- b) Detailed levels and cross-sections to show that the raised levels of surfacing where the installation of no-dig surfacing within Root Protection Areas is proposed;
- c) A specification for protective fencing to safeguard trees during development and a plan indicating the alignment of the protective fencing;
- d) A specification for ground protection within tree protection zones where appropriate;
- e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;
- f) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires;
- g) Methodology and detailed assessment of root pruning;
- h) Arboricultural supervision and inspection by a suitably qualified tree specialist;
- i) Reporting of inspection and supervision.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the NPPF Chapter 12, Policies CSP1 of the Core Strategy and AP1 and AP4 of the Allocations Plan.

16. All vegetation within the works area shall be maintained at a maximum height of 30mm until construction is completed through regular mowing or grazing in order to discourage great crested newts from using the site. All works shall be carried out in accordance with the following measures:

- Any trenches or excavations left overnight shall be covered or provided with ramps to prevent Great Crested Newts (GCN) from becoming trapped. Excavations shall be checked for the presence of animals before being filled.

- Any building materials will be stored on pallets or in jumbo bags or containers to discourage GCN from using them as shelter.
- Any demolition materials or waste will be stored in skips or similar containers rather than in piles on ground.

Anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

Reason: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15 (Paragraphs 174, 179, 185), Circular 06/2005, policies CSP.1 and CSP.2 of the Core Strategy and policies API, AP7 and AP8 of the Allocations Plan.

17. No development shall take place until a site investigation of the nature and extent of contamination has been carried out and the results submitted to the Local Planning Authority. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

Reason: To ensure that risks from land contamination are minimised, in accordance with policy CSP.1 of the Core Strategy and the National Planning Policy Framework.

18. The remediation scheme, as agreed in writing by the Local Planning Authority pursuant to condition 17, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination are minimised, in accordance with policy CSP.1 of the Core Strategy and the National Planning Policy Framework.

19. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation or a management

plan detailing how archaeological remains will be preserved during and after construction, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of significant archaeological remains. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 218 of the National Planning Policy Framework (Dec 2024) and to accord with policy CSP.1 of the Core Strategy.

20. No development shall commence until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority which shall be in accordance with the proposal set out in the Outline Drainage Strategy drawing 6326/01-04-B received 3 June 2025.

The SuDS Strategy shall include a detailed design, infiltration tests carried out to the standard of BRE 365, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy shall also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development.

The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied and shall thereafter be similarly retained.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality and to accord with policies CSP.1 and CSP.2 of the Core Strategy and policy API of the Allocations Plan.

21. Prior to the commencement of the development hereby permitted, details of measures to deal with surface water during construction shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the approved details prior to the commencement of development and retained for the duration of the construction period.

Reason: To ensure there is a satisfactory means of dealing with surface water during the construction period thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality and to accord with policy CSP.1 of the Core Strategy, policy API of the Allocations Plan and the advice in the NPPF and NPPG.

22. Prior to the first occupation of any dwelling hereby permitted, a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements

for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions and shall thereafter be similarly maintained.

Reason: To ensure the continued operation and maintenance of drainage features serving the site, to avoid flooding and to accord with policies CSP.1 and CSP.2 of the Core Strategy and policy API of the Allocations Plan.

23. The details submitted under Condition (I) shall include a follow up Noise Impact Assessment (NIA) which shall evaluate the existing noise environment, assess the potential noise impacts arising from the proposed development, and propose mitigation measures to ensure full compliance with relevant noise standards.

The NIA shall explicitly demonstrate that the development will meet the BS 8233:2014 noise criteria without relying on the building envelope as the primary means of achieving compliance. Alternative noise mitigation strategies including (but not limited to) site layout optimisation and the installation of external noise barriers, should be thoroughly explored and justified within the NIA. The NIA shall demonstrate compliance with the BS 8233:2024 internal noise levels with windows open. If this internal noise criteria cannot be complied with once 'Good Acoustic Design' has been applied, only then should it be assessed with windows closed. Likewise, the NIA shall demonstrate the site's compliance with the BS 8233:2024 desirable noise limit of 50dB for outdoor amenity areas (where practicably able).

Any noise mitigation strategies proposed in the NIA shall be implemented in full prior to the occupation of the dwelling to which they relate and shall thereafter be retained.

Reason: In the interests of living conditions of occupiers of the proposed dwellings and to accord with Core Strategy Policy CSP.1, policy AP4 of the Allocations Plan and the advice in the NPPF and NPPG.

24. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be completed by a suitably competent individual and shall cover the following:

- a) Procedures for maintaining public relations including a comprehensive complaints procedure.
- b) All works and ancillary operations which may be audible at the site boundary, including hours of operation.
- c) Mitigation measures (as defined in 'BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites') and how they shall be used to minimise noise disturbance.
- d) Procedures for emergency deviation of the agreed working hours.
- e) Control measures for dust and other air-borne pollutants.
- f) Measures for controlling the use of site lighting whether required for safe working or for security purpose.

The approved CEMP shall be adhered to for the duration of the construction period.

Reason: In the interests of the residential amenity of the existing residents during the construction period and to accord with policy CSP.1 of the Core Strategy and the advice in the NPPF and NPPG.

25. Notwithstanding the submitted details, no below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the Local Planning Authority. The detailed site waste management plan must identify: the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phases; and the specific measures will be employed for dealing with this material so as to minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials.

The detailed site waste management plan shall be fully implemented as approved.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with Policy WCS2 of the Gloucestershire Waste Core Strategy and policy SR01 of the Minerals Local Plan for Gloucestershire.

26. No above ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The approved details shall be fully implemented as approved prior to the occupation of the dwellings to which they relate and thereafter similarly maintained.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with policy WCS2 of the Gloucestershire Waste Core Strategy.

27. The development hereby permitted shall not be occupied until the site access and associated works as shown on drawing number P24048-101D received 3 June 2025 has been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway and to accord with the advice in the NPPF.

28. The development hereby permitted shall not commence until detailed drawings of the off-site pedestrian improvement works as shown indicatively on drawing number P24048-103 received 3 June 2025 have been submitted to and approved in writing by the Local Planning

Authority; and the development shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure that safe and suitable access is provided for all users and to accord with the advice in the NPPF.

29. The development hereby permitted shall not commence until detailed drawings of the off-site highway works as shown indicatively on drawing number P24048-101D received 3 June 2025 have been submitted to and approved in writing by the Local Planning Authority; and the development shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure that safe and suitable access is provided for all users and to accord with the advice in the NPPF.

30. The details submitted under condition 1 shall include details of the proposed footway/cycleway link at the southern end of the site broadly in accordance with details shown on drawing number P24048-101D received 3 June 2025. Prior to the first occupation of the development hereby permitted the footway/cycleway shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To maximise opportunities for sustainable transport opportunities and to provide a safe and suitable access for users and to accord with the advice in the NPPF.

31. The development hereby permitted shall not commence until detailed drawings of the off-site mitigation works at the Hawker Hill/Ross Road and Gloucester Road/Abenhall Road junctions as shown indicatively on drawing number P24048-004 received 3 June 2025 have been submitted to and approved in writing by the Local Planning Authority. Prior to commencement of the development hereby permitted, the works shall be carried out in accordance with the approved details and shall thereafter be similarly maintained.

Reason: To ensure that mitigation works are adequately provided and to accord with the advice in the NPPF.

32. Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority that promotes sustainable forms of access to the site. It shall include mechanisms for implementation, monitoring, review and submission of a revised travel plan in the event of failing to meet any targets set out including provision for and promoting improved sustainable forms of transport to and from the site. The plan shall thereafter be implemented and updated in accordance with the approved details and timetable therein.

Reason: To reduce vehicle movements and promote sustainable access in accordance with the NPPF.

33. Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning

Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to accord with the advice in the NPPF.

Notes

1. In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. In addition, in order to secure sustainable development which will improve the economic, social and environmental conditions of the area negotiations have been undertaken to address highway, archaeology, minerals, biodiversity net gain, flood risk and to ensure that ecology issues have been addressed.

2. You are advised that a legal agreement dated the () under Section 106 of the Town and Country Planning Act, 1990, relates to this site.

3. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY THE FOREST OF DEAN DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Forest of Dean District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this

permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

The Gloucestershire Local Nature Recovery Strategy (LNRS) has been published by Gloucestershire County Council. This strategy must be used to inform the Strategic Significance Multiplier in the Statutory Biodiversity Metric or the Small Sites Metric, depending on which version has been submitted. As part of your discharge of condition application the biodiversity metric will need to be updated to refer to the published LNRS <https://www.gloucestershire.gov.uk/planning-and-environment/ecology-and-landscape/gloucestershire-local-nature-recovery-strategy/>

4. The applicant is advised that Land Drainage consent to connect to the watercourse will be required.

5. The applicant is advised that any reserved matters submission will need to fully conform with design standards in Gloucestershire Manual for Streets.

6. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the Agreement A Monitoring Fee Approving the highway details Inspecting the highway works Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

7. You are advised that a Traffic Regulation Order (TRO) may be required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s). You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk

8. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this permission is safeguarded in any sale of the application site or part(s) thereof.

9. The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan. Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

10. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The Construction Management Plan should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

4. 23 High Street Cinderford

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

REFERENCE: P0331/26/FUL
20.03.2026 (Expiry Date: 10.06.2026)

APPLICANT:
Mr Waqas Rehman
C/o Agent

AGENT
Pegasus Planning Group Ltd
FAO Miss Chloe Smith
First Floor, South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

PARISH Cinderford

WARD Cinderford East

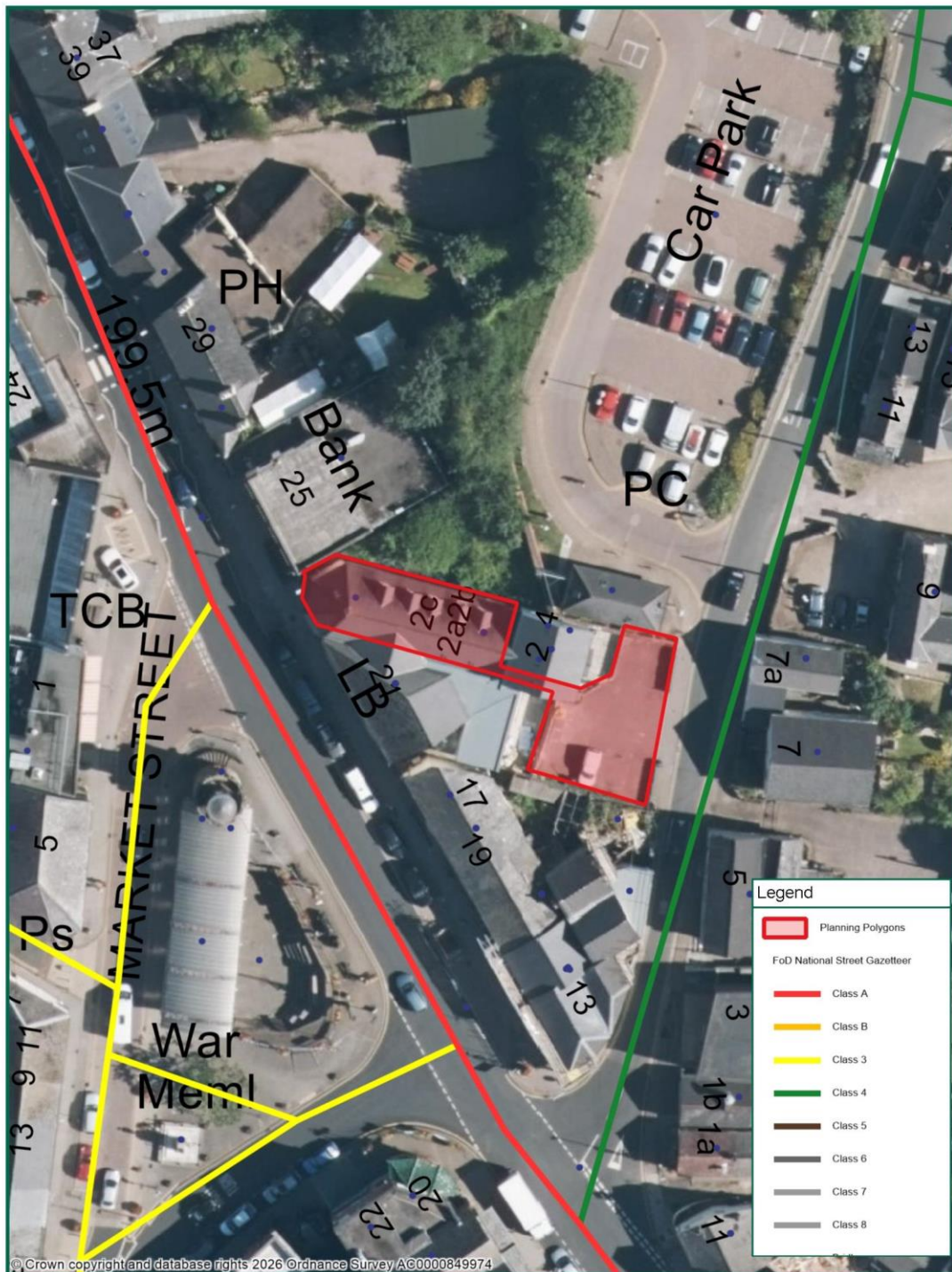
WARD MEMBERS Cllr Stuart Graham Cllr D Martin

CASE OFFICER William Dodsworth

RECOMMENDATION: Grant Permission

This application is presented to the Development Management Committee at the discretion of the Principal Planning Officer (Applications) due to the number of representations received.

Members had the opportunity to visit the site on the 2nd June 2026.



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Scale: 1:500
24 April 2026



PLEASE NOTE THIS MAP IS NOT TO SCALE

1. THE PROPOSAL

The application proposes the change of use of a former retail shop, to a hot food takeaway with eight seats which would enable customers to consume their order or sit whilst awaiting their order. The hot food takeaway will operate between 11am to 11pm daily. Refuse and recycling will be stored at the rear of the unit and will include separate 1100L bins for recycling.

An extraction system will be installed, exiting through the side (northern elevation) and rising vertically to 1m above the eaves height level. The system will be fitted with filtration filters. Silencers and fan speed controllers are to be fitted to the equipment.

Minor external alterations are proposed, including the ventilation equipment and repairs/repainting of the shop front. New signage is proposed above the entrance, although the specific details of these will be the subject of an advertisement consent application.

2. SITE DESCRIPTION

The application site is a detached building, previously used as a card shop (Class E), situated within the defined settlement boundary of Cinderford. The building is located along the main High Street within the heart of the town centre. The units in the area are mainly retail, with the units directly adjacent comprising of a recently approved takeaway (sui generis) and a currently vacant estate agent, (Class E).

The site benefits from a public car park located at the rear of the site and a layby at the front of the site on the High Street that allows free parking for 30 minutes between the hours of 8am to 5.30pm. No return within 1 hour. There is a public bin adjacent to Domino's to the north.

3. RELEVANT PLANNING HISTORY

P8882/03/FUL - Erection of a New Three Storey Building Comprising a Shop and Three Flats Above, With Associated Parking Facilities (Demolition Of Existing Premises). Granted August, 2003.

There are several other applications of relevance to the proposals, including the following:
P0868/25/FUL - Change of Use of a Bank (Class E) to a Hot Food Takeaway (Sui Generis), installation of extraction and ventilation equipment and minor external alterations. Granted September 2005.

4. APPLICANTS REPRESENTATIONS

- Planning, Design and Access statement

This statement provides a brief of the description of the site, the proposed development, relevant legislation and planning history, and an assessment of the proposed development. The statement concludes that the site is located in the designated town centre, a suitable location for a new hot food takeaway use, that will diversify the existing services available and improve the vitality of the centre in accordance with Policy AP30. The proposed use will not give rise to greater environmental or amenity implications and the site has been evidenced to have suitable access to parking and public transport connections to accommodate the use. The design will retain the existing appearance of the building while modernising it to reflect the ongoing developments in the surrounding area.

- Noise Assessment report

A noise survey has been conducted to quantify the existing background noise climate and an assessment has been undertaken of the potential noise impacts arising from the proposed installation on nearby noise sensitive locations. The assessment indicates some noise mitigation measures are necessary to control noise emissions to the nearby residences which include acoustic screens to condenser units and an atmospheric side silencers to kitchen supply and extract fans. The assessment concludes that subject to the inclusion of the specified mitigation measures there is unlikely to be an adverse noise impact.

- Proposed ventilation system report

This report provides a detailed description of the proposed design of the ventilation system including plans and drawings.

- Odour Control Risk Assessment report

This risk assessment report has been prepared in accordance with the Emission Monitoring and Air Quality (EMAQ) guidance on the control of odour and noise from commercial kitchen exhaust systems. The assessment records a rating of 32 therefore a high level of odour control is required.

5. CONSULTATIONS AND NOTIFICATIONS

Town Council

No objection but raise comments in regard to parking and littering.

GCC Highway Authority

Initial response -

No objection.

Revised response –
No objection.

Crime Prevention Design Advisor

No representation has been received.

Environmental Health (Noise)

No objection subject to condition and informative.

Environmental Health (Air Quality)

No objection subject to condition.

Environmental Health (Food)

No representation has been received.

Neighbour Representations

Twenty-six individual representations have been received from twenty-five different properties, with three comments in support and the remainder all objecting. The following points are raised:

- There are already existing fast food restaurants in the town, there is no need for anymore;
- Lack of business diversity within the town. The council needs to promote alternative businesses within vacant properties;
- Impact on small businesses within the town centre. Permitting the scheme will not aid in increasing the vibrancy, functional and appealing environment for residents and visitors;
- Parking and traffic congestion, including delivery vehicles parking on pavements posing a risk to pedestrian safety;
- Increased rubbish as a result of permitting the scheme;
- Obesity issue within the immediate population due to numerous takeaways in existence;
- Increased noise;
- Alternative business uses of the premises should be explored.

Three comments have been submitted in support of the application stating the following:

- The proposed application will see an empty shop utilised;
- The proposal is suitably located;
- Currently, customers have to travel to Gloucester to obtain the equivalent takeaway from the same chain.

6. POLICIES

National Policy

The National Planning Policy Framework (NPPF)

Paragraph 97:- Local planning authorities should refuse applications for hot food takeaways and fast food outlets: a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

The National Planning Practice Guidance (NPPG)

Air Quality

Biodiversity Net Gain

Climate Change

Design

Healthy and Safe Communities

Natural Environment

Noise

Town Centres and Retail

National Design Guide (NDG)

CI – Understand and relate well to the site, its local and wider context

II – Respond to the local character and identity

I2 – Well designed, high quality and attractive

I3 – Create character and identity

Core Strategy

CSP.1 Design and environmental protection

CSP.4 Developments at Settlements

CSP.7 Economy

CSP.10 Cinderford

Allocations Plan

API Sustainable Development

AP4 Design of Development

AP7 Biodiversity

AP8 Green Infrastructure

AP30 Cinderford Town Centre

7. EVALUATION

The following material considerations are relevant in the determination of the application;

- Principle of development
- Character and Appearance
- Living Conditions
- Highways
- Biodiversity
- Drainage

Principle of development

Paragraph 2 of the National Planning Policy Framework requires development to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Development Plan consists of the Core Strategy and the Allocations Plan.

The application seeks permission to change the use of the existing shop (Use class E) into a hot food takeaway (Sui Generis). The site is located within the settlement boundary of Cinderford and within its defined town centre. Policies CSP.1 and CSP.4 of the Core Strategy refers to new development contributing to reinforcing the existing settlement pattern which emphasises the importance of encouraging development in settlement boundaries. The proposal complies.

Policy CSP.7 of the Core Strategy states that economic development will be promoted throughout the district in accordance with the spatial strategy and its allocations. This will encourage new and more diverse types of employment and supporting infrastructure to be established by making land and premises available. The location of new development must be justifiable in terms of the settlement hierarchy and policy CSP.4. This policy also states that land presently used for employment will be expected to remain so, unless allocated for another purpose. In order to encourage this, a range of employment generating uses appropriate to each site will be considered favourably. The proposal is for the change of use of an existing retail shop to a hot food takeaway, therefore it is determined that the proposal is supported by this policy. Policy CSP.10 of the Core Strategy is also accorded with as the policy seeks to support the continued redevelopment of the town centre and the protection of the retail core. Policy AP30 of the Allocations Plan also states that within the town centre boundary a variety of uses will be permitted that retain an active frontage. These include retail, offices, financial and professional services, community, and residential uses. It is noted that the policy was adopted prior to the alterations to the use classes which introduced Class E and changed hot food takeaways from Class A5 to a sui generis use. However, it is considered that the list of uses within the policy is not exhaustive and the purpose of the policy is to provide a variety of uses suitable within the town centre location which encourage visits to the town centre and deliver an active frontage. The proposal will generate a new active frontage within a vacant unit. This is echoed by the representations in support of the application.

Representations have raised concerns that there is no need for a further takeaway as there are already several within the town and the siting of an additional takeaway may severely impact on smaller businesses. Representations note that the town lacks diversity in businesses. It is important to note that there are no policies within the NPPF or the Core Strategy that restricts the volume of such uses in the area. Secondly, competition between businesses is not a material planning consideration that can be considered, unless it can be demonstrated that the proposed development will threaten the economic health of a town centre, especially by undermining existing businesses. However, in this case the Local Planning Authority has no evidence to suggest that the proposed takeaway will threaten or undermine the economic health of the town centre of Cinderford or the existing businesses within it. Representations in support of the application note its location suitability.

A further matter raised by the representations is in regard to the contribution to obesity. Section 8 of the National Planning Policy Framework states that planning policies and decisions should aim to achieve healthy, inclusive and safe place, which enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health deprived communities, for example through the provision of safe and accessible green infrastructure, sport facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Paragraph 97 of the NPPF states that applications for hot food takeaways should be refused within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre, or in a location where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour. In regard to health and safe communities the National Planning Policy Guidance also states that planning decisions should have regard to the following issues;

- Proximity to locations where children and young people congregate such as schools, community centres and playgrounds
- Evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations
- Over-concentration of certain uses within a specified area
- Odours and noise impact
- Traffic impact
- Refuse and litter

The nearest schools to the site are SGS Forest High School and Forest View Primary School which are in excess of 500m away and it should be emphasised that from the site, there is not a direct route of travel. There is the Cinderford Community Centre located close by, however, it is important to recognise that the proposed takeaway will be situated within the heart of the town centre and in accordance with paragraph 97 of the NPPF is considered to be an appropriate location for this type of use. In relation to the over-concentration of certain uses, the NPPG state that planning policies and supplementary planning documents, when justified, can seek to limit the proliferation of particular uses where evidence demonstrates this to be appropriate. However, there are currently no policies within the Core Strategy or any supplementary planning

documentation that restrict certain uses, such as takeaways nor is there any such policies within the draft local plan, which should be given limited weight.

In terms of evidence of high levels of obesity, deprivation and poor health, the Council's Health and Wellbeing Team were consulted on the planning application on the adjoining site, in September 2025. The officer report stated "Cinderford is not only one of the most deprived areas in the Forest of Dean but also within the county of Gloucestershire, which puts people more at risk of obesity and other long term health risks. Cinderford East and West have a significant level of year 6 children classed as overweight and obese, plus high levels of cardiovascular disease risk factors. In line with the Gloucestershire's 2023/24 National Child Measurement Programme (NCMP) Inequalities report the Forest of Dean district has the highest rate of obesity at reception and year 6 level across the district. Furthermore, the 'We can Move', a Gloucestershire social movement for physical activity, has identified that 73% of adults in the district are overweight including obesity".

Given that this evidence was provided so recently, it is considered that it is possible to rely on it when considering this application. However, it remains the case that the type of use is supported by both national and local policies in a town centre location and it is deemed that the resulting impact of the proposed takeaway on the health and wellbeing of the area will not be adverse enough to merit a reason to refuse.

Within the context of the NPPF, in relation to odour and noise no objections have been raised by the Council's Environmental Health Team and conditions are to be imposed to ensure that the proposed extraction and ventilation system is provided in accordance with the submitted information as approved. As for traffic impact the Highway Authority have raised no objection and consider there to be no unacceptable impact arising from the proposed scheme. Both of these matters will be considered further below.

In terms of refuse and litter, this is a concern that has been raised by representations submitted objecting to the proposal. As shown on the proposed elevation and floor plan drawing a refuse bin area for the business will be created. In addition, the town centre benefits from public litter bins, in particular there is a bin directly outside the adjoining property and on the opposite side of the road.

The representations have suggested that the building would be more suited to another use other than a takeaway. Whilst there is a degree of value in the representations submitted, in that a diversity of business within a townscape represents a prosperous healthy local economy, the application has to be assessed on what is being proposed, not an alternative scheme. In permitting the application, it is considered that it would not diminish the prosperity of the town centre and in the short term, having an active frontage will support the vitality and appearance of the town in a period of national economic decline.

Overall, it is considered that the principle of the change of use to a takeaway is acceptable as it will be in accordance with the National Planning Policy Framework,

National Planning Policy Guidance, Policies CSP.1, CSP.4, CSP.7 and CSP.10 of the Core Strategy, and Policies API and AP30 of the Allocations Plan.

Character and Appearance

The NPPF, National Design Guide, The NPPG, Policies CSP.1 and CSP.4 of the Core Strategy and Policy AP.4 of the Allocations Plan indicate that good design is inseparable from good planning and that the surrounding characteristics should be taken into account and maintained and/or enhanced.

The external appearance of the building will remain relatively unchanged. On the front elevation signage has been indicated to be erected above the existing windows although this will need to be subject to a separate advertisement consent application, an informative note can be added to any permission drawing this to the applicant's attention. The existing windows, doors will be retained and repaired where necessary. The extract duct and fresh intake outlets as well as the air conditioning condensers will be located at the rear of the building. Considering that these will be located at the rear elevation no adverse visual impacts will arise onto the public realm.

On the above basis, it is determined that the proposal will not adversely harm the character or appearance of the area, in accordance with the National Planning Policy Framework, Policy CSP.1 of the Core Strategy, and Policy AP4 of the Allocations Plan.

Living Conditions

Policy CSP.1 of the Core Strategy indicates that new development should respect the surroundings, including in their wider context. The proximity of the adjoining residential properties has been taken into consideration.

The building is located along the main High Street of Cinderford with the premises in the area mainly being of commercial use. The premises that are directly adjacent to the site consist of a public house, Domino's pizza takeaway and a vacant estate agent (use class E) with residential flats above the premises. The main concerns that would arise would be in relation to noise, odour and disturbance. To assess the impact the Environmental Health Team have been consulted in relation to the proposal and the submitted noise and odour impact assessment. The report concludes there will be no impact upon the receptors of the residential flat above. The Environmental Health Officers have reviewed the submitted noise impact assessment and the information regarding the odour generated from the extraction equipment. The respective officers raise no objections subject to conditions requiring a follow up noise assessment prior to the first beneficial use of the site and compliance with the submitted technical specifications of the extraction and kitchen equipment. All conditions have been agreed to by the agent.

In terms of noise the users of the proposed takeaway will generally be of a transient nature travelling to pick up the takeaway and whilst the footfall will be expected to increase, it is considered that the takeaway use would not exacerbate the existing situation to such an extent to warrant a reason to refuse the application. As a town centre location there will be a certain level of activity, noise and disturbance expected

and local residents should appreciate that such levels of noise and disturbance are generally higher compared to a predominantly residential area. Nonetheless, local residents are entitled to a degree of peace and quiet.

The submitted Design and Access statement states that the hours of opening will be between 11am and 11pm daily. These opening hours are considered to be acceptable at this town centre location and a condition can be imposed to ensure that this is adhered to. It is acknowledged that no objections from Environmental Health have been raised regarding the opening hours.

Subject to conditions it is determined that the proposed development will not adversely impact on the living conditions of the residents above the premises and neighbouring residents, in accordance with the National Planning Policy Framework, Policy CSP.1 of the Core Strategy, and Policy AP4 of the Allocations Plan.

Highways

Section 9 of the National Planning Policy Framework is clear in that development proposals should only be refused if the development will result in an unacceptable impact on highway safety or the residual cumulative impacts on the road network following mitigation would be severe taking into account all reasonable future scenarios.

It is acknowledged that the Town Council and the representations have expressed concerns with regard to parking and increased traffic congestion as a result of the proposed development. To assess any potential impact on highway safety the Gloucestershire County Council Highway Authority have been consulted.

The Highway Authority state that the site is located in Cinderford on the High Street. The Highway Authority considers there to be “good connectivity to public transport options and routes for pedestrians/cyclists. The nearest bus stop is directly adjacent to the site address, serving bus routes which often run to Gloucester at various times in the day. Due to the location of the site, the Authority anticipates a significantly high number of customers to walk to the site or use active travel modes. The Authority considers the High Street to have an adequate quality of walking routes with footways and street lighting, therefore does not anticipate this to have an unacceptable impact on highway safety”.

The application does not propose any car parking spaces for the site. However, there are parking zones directly in front of the site where cars can be parked for a limited time. In addition to this, Heywood Road Car Park provides car parking for 62 vehicles. This is approximately 134m away from the site. The Highways Authority were re-consulted on the application, in relation to a document named ‘Officer Requesting Highways Re-consultation’ which states that at any one time, four delivery drivers are anticipated to be operating from the business. Re-consultation advice was sought in regard to the cumulative impact on parking when considering existing delivery driving operations arising from the neighbouring takeaway site. Previous comments from the Highways Authority noted that parking opportunities are in close vicinity of the site. The applicant’s submitted ‘Design and Access Statement’ states that they are proposing to obtain parking permits

on an annual basis to enable staff and four delivery drivers to park at 'Heywood Road Car Park'. Annual permits can be obtained from the Councils website. Whilst there would not be designated parking spaces solely for the staff and delivery drivers associated with the business, employees would benefit from permits to park at this location.

It is important to note that in a town centre location parking provision is not required. In addition, it is recognised that the previous use as a retail shop would have had a comparable number of employees and unlike the shop, the proposed takeaway will not have all the staff working at the same time.

Gloucestershire County Council Highway Authority have no objection to the proposed development concluding that there will be no unacceptable impact on highway safety or severe impact on congestion.

Based on the above assessment, the Local Planning Authority concludes that there would not be an unacceptable impact on highway safety or congestion to warrant a reason for refusal, and therefore the proposal is considered to accord with Section 9 of the National Planning Policy Framework.

Biodiversity

The UK Government announced that development proposals must demonstrate a 10% net gain in biodiversity, which is known as biodiversity net gain (BNG). This came into effect for minor applications such as this application on the 2nd April 2024. However, there are exemptions where proposal may not need to comply. One of the exemptions is if the proposal is for a change of use. Therefore, considering that the proposed development is simply a change of use of the existing retail shop to a hot food takeaway this application does not need to comply with the BNG requirement through the Environment Act.

However, it is acknowledged that the NPPF seeks for a net gain in biodiversity. It is considered reasonable and necessary to condition biodiversity enhancements on site, as a means to provide biodiversity enhancement measures. A condition will be attached to any permission given, requiring the fitting of one externally mounted bat roost feature and one externally mounted nesting opportunity for birds to be attached to the rear elevation of the premises.

Overall, it is determined that no adverse impact will arise onto biodiversity, in accordance with the National Planning Policy Framework, Policy CSP.1 of the Core Strategy, and Policies API, AP4, AP7 and AP8 of the Allocations Plan.

Drainage

The site is located in flood zone I, therefore is at the lowest risk of flooding. Considering that the proposal is solely for the change of use of an existing building and there is no increase in impermeable area, it is considered that no adverse impacts will arise onto surface water or foul drainage, in accordance with the National Planning Policy

Framework, Policies CSP.1 and CSP.2 of the Core Strategy, and Policy AP4 of the Allocations Plan.

8. CONCLUSION AND PLANNING BALANCE

The proposed development seeks full planning permission for the change of use of the existing retail premises (Use Class E) to a hot food takeaway (Sui Generis).

In summary, the development proposal would have the following positive economic and social effects:

- The site's location within the settlement boundary and town centre of Cinderford;
- In accordance with the Development Plan;
- The increase in jobs and contribution to the local economy;
- The positive contribution to the vitality and viability of the town centre.

Weighing against the development is;

- Potential increase in highway movements and additional pressure on parking opportunities;
- The increase in odour and noise;
- Impact on health and wellbeing including obesity.

It is considered that the proposed change of use to a hot food takeaway is acceptable in principle as the proposal will contribute to the continuation of the active frontage and the redevelopment and protection of the town centre, including to its vitality and appearance. In addition, it has been determined that no adverse impacts will arise onto the character and appearance of the area, the living conditions of neighbouring occupiers, biodiversity and drainage.

It is acknowledged that the proposal could result in increased highway movements and that there are concerns regarding parking. However, given the location of the site in the town centre, the ability to access the site by means other than a car and the lack of objection from the Highway Authority means the weight to be given to this is modest. It is recognised that the proposed change of use to a takeaway will inevitably see an increase in odour and noise levels when compared with the existing use as a retail premises, given the nature of the use as a takeaway and the more extensive hours of opening. However, the weight this carries is considered to be limited given that the location of the proposed takeaway is within the town centre of Cinderford and that appropriately worded conditions can be imposed to mitigate the level generated to an acceptable level. It should be noted however that the proposed takeaway will potentially contribute to the increase in obesity levels and general poor health impacting on the health and wellbeing of the area. However, the impact arising from the permission of this application is not considered to be adverse enough to merit a reason to refuse and national and local policies support this type of use in the town centre location.

On balance, it is determined that the proposed change of use of the existing premises to a hot food takeaway is acceptable, in accordance with the National Planning Policy Framework, National Planning Practice Guide, National Planning Practice Guide, Policies CSP.1, CSP.2, CSP.4, CSP.7 and CSP.10 of the Core Strategy, and Policies API, AP4, AP7, AP8 and AP30 of the Allocations Plan.

9. RECOMMENDATION:

It is recommended the application be GRANTED PERMISSION subject to the following conditions:

01. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

02. The development hereby permitted shall be carried out in accordance with the approved plans listed in the table below.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Prior to the first use of the premises for the development hereby permitted, the ventilation and odour control equipment, as described in the document 'Proposed Ventilation System design and specification at 23 High Street, Cinderford GL14 2SF', shall be installed and commissioned in full working order to the satisfaction of the Local Planning Authority and shall thereafter be maintained and retained in accordance with the approved details.

The equipment shall be operational at all times during food preparation and cooking and shall be subject to servicing and maintenance in accordance with the manufacturer's recommendations.

Reason: To ensure that there is an operational scheme in place for the control of fumes and odours, to protect the amenity of neighbouring properties in accordance with Policy CSP.1 of the Core Strategy, policy AP4 of the Allocations Plan and the advice in the NPPF and NPPG.

04. The submitted Plant Noise Assessment, as hereby approved, shall be strictly adhered to for the duration of the operation of the development hereby permitted. All noise mitigation measures recommended within the Plant Noise Assessment shall be implemented prior to the use hereby permitted first coming into use and shall be permanently retained thereafter.

Reason: To ensure that noise levels are at an appropriate level in the interests of residential amenity and in accordance with Policy CSP.1 of the Core Strategy, policy AP4 of the Allocations Plan and the advice in the NPPG and NPPG.

05. Prior to the use hereby permitted first coming into use a follow-up Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This follow-up Noise Impact Assessment shall be submitted by a suitably qualified acoustic consultant, accredited by the Institute of Acoustics (IOA) and/or the Association of Noise Consultants (ANC). The NIA must explicitly demonstrate the site's compliance with the criterion set in the approved Plant Noise Assessment dated 12th February 2026.

Reason: In the interest of residential amenity and in accordance with Policy CSP.1 of the Core Strategy, policy AP.4 of the Allocations Plan and the advice in the NPPF and NPPG.

06. The use hereby permitted shall not operate outside the hours of 11:00 and 23:00 on any day.

Reason: To safeguard the general amenities of neighbouring dwellings in accordance with Core Strategy Policy CSP.1, policy AP4 of the Allocations Plan and the advice in the NPPF and NPPG.

07. Prior to the first use of the development hereby permitted, one externally mounted bat roosting feature (such as bat boxes, tubes) and one externally mounted nesting opportunity for birds, shall be permanently attached to the rear elevation of the building. Any bat boxes or tubes and any nesting opportunity for birds (e.g. house sparrow terrace, swift box) shall be as close to the eaves as possible. These enhancement measures shall thereafter be permanently retained for the stated purposes of biodiversity enhancement.

Reason: To provide additional opportunities for roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policies CSPI and CSP2 of the Core Strategy and Policies API, AP7 and AP8 of the Allocations Plan, and Section 40 of the Natural Environment and Rural Communities Act 2006 as amended by the Environment Act 2021.

08. The oven extract duct as depicted on the proposed elevations plan drawing no. 5231-AO-05 received on 17th March 2026, shall be externally finished in a black matt non-reflective finish and shall be permanently maintained as such for the duration of its installation.

Reason: To ensure that the development will be constructed of materials of a colour and appearance to sustain the character and appearance of the existing area in

accordance with Part 12 of the National Planning Policy Framework and AP.4 of the Allocations Plan.

NOTES

1. In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated complaints be received.
3. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.
4. The applicant is advised that any external signage, including illuminated or freestanding signs associated with the hot food takeaway, may require separate Advertisement Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. No signage should be installed until the necessary consent has been obtained.

**Clive Reynolds,
DEVELOPMENT MANAGER**

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