



Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 12 June 2024

Members present:

Ray Brassington – Chair
Dilys Neill
Michael Vann
Mark Harris

Patrick Coleman –Vice-Chair
Ian Watson
Gary Selwyn
Tom Stowe

David Fowles
Daryl Corps
Andrew Maclean

Officers present:

Caleb Harris, Senior Democratic Services
Officer
Ana Prelici, Democratic Services Officer
Helen Cooper, Senior Planning Case Officer

Malcolm Jones, Highways Response Officer
Adrian Harding, Interim Development
Management Manager

Observers:

Councillor David Cunningham

1 Apologies

Members introduced themselves.

Apologies were received from Councillor Julia Judd.

2 Substitute Members

Councillor Tom Stowe substituted for Councillor Julia Judd.

3 Declarations of Interest

Councillor Daryl Corps stated that he had previously lived in Longborough, close to the site of the application, however he had no relationship with the applicant or a disclosable interest.

4 Minutes

The minutes of the meeting held on 8 May were considered. The Chair had stated that these had been republished after the initial publication date as some amendments had been made.

There were no comments on the minutes.

Minutes (Resolution)		
RESOLVED: That the Planning and Licensing Committee APPROVE the minutes of the meeting held on 8 May.		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Andrew Maclean, Dilys Neill, Gary Selwyn and Michael Vann	9
Against	None	0
Conflict Of Interests	None	0
Abstain	Tom Stowe and Ian Watson	2
Carried		

5 Chair's Announcements

The Chair announced the sad passing of Marcus Kitchen, who had previously worked as a Planning Officer for the Council. Members who knew Marcus paid tribute to him, remembering him for his dedication, knowledge of planning and great sense of humour.

The Chair also stated that Members would be invited to a training session in September, which would focus on conditions and material planning considerations. This would be open to all Members of the Council.

6 Public questions

There were no public questions.

7 Member questions

There were no member questions.

8 Appointments to Licensing Sub-Committees

The purpose of the report was to invite the Planning and Licensing Committee to confirm the appointment of Licensing Sub-Committees for the 2024/25 municipal year.

The Governance Officer introduced the report and explained that the arrangements had remained unchanged from the previous municipal year.

There was no discussion on the item.

The Committee moved on to vote on the recommendations as set out in report.

Appointments to Licensing Sub-Committees (Resolution)

That the Planning and Licensing Committee:
I. APPOINT five members of the Committee to the Licensing Sub-Committee (Taxi, Private Hire and Street Trading) in accordance with political proportionality and the wishes of political groups (3

Liberal Democrat, 2 Conservative); 2. NOTE that Licensing Sub-Committee membership will comprise the Chair or Vice Chair of the Planning and Licensing Committee and two other members of the Planning and Licensing Committee drawn on an alphabetical rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Sub Committee (Licensing Act 2003) meeting).		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Andrew Maclean, Dilys Neill, Gary Selwyn, Tom Stowe, Michael Vann and Ian Watson	11
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

9 Business And Planning Act 2020 - Update To Pavement Licensing Regime

The Licensing Officer introduced the report. The purpose of the item was to present the draft Pavement License Policy document for approval following the Levelling Up and Regeneration Act making the pavement licensing regime permanent.

Members discussed the report, raising the following questions, which were answered by the Licensing Officer and the Head of Planning Services;

- A-boards were covered under advertisement regulations (a planning function) and were not part of a pavement license.
- Litter bins were also not covered, as the expectation was that litter would be dealt with as any other litter from a business would be.
- The background to the application was discussed. The Pavement Licensing Policy was made permanent after initially being introduced as temporary legislation over COVID, the fees were now being increased to reflect the cost of administering it, which had also increased.
- New applications would be consulted upon as part of usual licensing processes.

The Committee moved on to vote on the recommendations as set out in report.

Business And Planning Act 2020 - Update To Pavement Licensing Regime (Resolution)		
RESOLVED: That the Planning and Licensing Committee recommend that Council: 1. APPROVE the draft policy; subject to any further amendments; and 2. APPROVE the new fees as detailed in paragraph 3.3 of the report.		
For	Ray Brassington, Patrick Coleman, Daryl Corps, David Fowles, Mark Harris, Andrew Maclean, Dilys Neill, Gary Selwyn, Tom Stowe, Michael Vann and Ian Watson	11
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0

10 23/03756/FUL- Milverton Old Rectory Gardens Longborough Moreton-In-Marsh Gloucestershire GL56 0QF

The application was for the erection of single detached garage and addition of two gable windows at Milverton Old Rectory Gardens, Longborough, Moreton-In-Marsh, Gloucestershire, GL56 0QF.

The Case Officer introduced the item. The Case Officer stated that the application had been referred to the Committee due to highway safety reasons. The site was in the Longborough Conservation Area and within the Cotswold National Landscape (Area of Outstanding Natural Beauty). The Conservation Officer considered the design of the garage to be in keeping with the local vernacular and did not object to the application.

The Case Officer explained that they had discussed the application with the Highways Authority, who would have preferred a solution setting the garage back a full car length's distance away from the road. However, as this was not possible due to site constraints, and the road was not busy, the Highways Authority considered the proposal acceptable on balance.

Public Speakers addressed the Committee.

Councillor Timothy Howse from Longborough Parish Council addressed the Committee. Councillor Howse stated that the Parish Council had objected to the application on the grounds of highway safety but did not object to the design of the garage, which they considered appropriate for the Longborough Conservation Area. Councillor Howse stated that the site was on a blind bend and felt that cars idling while the garage was being opened would be a danger to highway safety.

Caroline Garnham, a supporter who lived in a neighbouring property, addressed the Committee. They stated that the application was in keeping with the conservation area and supported Local Plan policies EN10, EN11, EN2 of the local plan. They also stated that the applicants would open the doors remotely in order to mitigate impact on traffic due to a car being stopped in the middle of the road.

The applicant's wife, Lora Kozarska, addressed the Committee on behalf of the applicant. They stated that the garage would be well designed, in keeping with the local area. They also stated that they would use the Amazon Alexa voice assistant to open the garage doors, therefore minimising the need to wait in the middle of the road while they opened.

The Ward Member, Councillor David Cunningham addressed the Committee. Councillor Cunningham stated that he felt a consensus had been reached in regard to the garage design being acceptable. Councillor Cunningham referenced the highway concerns also mentioned by the Parish Council representative, and encouraged the Committee to focus on these.

Members who attended the Sites Inspection Briefing addressed the rest of the Committee. Members stated that the Sites Inspection Briefing was useful, in order to understand traffic issues and the placement of the garage. The road was quiet at the time of the site visit, although members who were familiar with the site added that it could get busy during certain times of the day.

Member Questions

Members asked questions of the Case Officer, Head of Planning Services and Highways Response Officer. The following answers were provided:

- The Case Officer stated that the alternative solution identified by the Highways Response Officer was not possible due to the constraints of the site. The alternative option was to set the garage to the side of the property, which would have negatively impacted the residential amenity of the neighbouring property. Though the Conservation Officer may accept this on aesthetic grounds, it was not considered possible due to the negative impact on residential amenity.
- The Case Officer explained that the highways impact would have to be unacceptable for the consultee to recommend refusal. The Highways Officer felt that the impact was not unacceptable, due to the 20mph speed limit and the lack of existing restrictions on the road. The Highways Officer stated that they did not think that car being stopped to wait to enter the garage was an unacceptable impact, so did not object to the application.
- The Head of Planning Services stated that they were not aware of the remote accessing of the garage door when writing the report but advised members to not wholly rely on this mitigation due to the potential fallibility of technology. The Head of Planning advised members to focus on the acceptability of a car being stopped in the road, bearing in mind the comments made by the Highways Officer. Officers also added that it would not be reasonable to enforce the use of the remote opening mechanism.
- The Highways Officer explained that developments were often required to have a car's length in front of the garage in order to meet parking requirements associated with new housing. However, there was no need to meet a parking requirement in this case, so less than a car's length was acceptable. Members expressed that they had believed the car's length requirement to be due to highways safety, the Highways Officer confirmed that this was not the case.
- The presumption when considering the application was that road users would abide by the law. Therefore speeding, reversing out of driveways, or other contraventions of the Highway Code were not material planning considerations.

Member Comments

- Members stated that the application had prompted useful discussion around the balance of the highway safety issues.
- The Head of Planning Services clarified that the application would create a new access to the highways, but members did not think that this would create an unacceptable highways impact, referencing the reasons mentioned in the officer report and raised during member questions.

Councillor Mark Harris proposed permitting the application, stating that cars were able to stop or park on the road regardless of the development, as there were no traffic restrictions and it was a relatively quiet road. Therefore he did not believe the application to have an unacceptable highways safety impact.

Councillor Gary Selwyn seconded the proposal to permit the application.

Councillor David Fowles proposed refusing the application, citing what he believed to be an unacceptable impact on highway safety. The proposal was not seconded and therefore not put to a vote.

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Councillor David Cunningham, as the member who referred the application to the Committee, addressed the Committee to sum up. Councillor Cunningham welcomed the debate on the application.

23/03756/FUL- Milverton Old Rectory Gardens Longborough Moreton-In-Marsh Gloucestershire GL56 0QF (Resolution)		
To PERMIT the application.		
For	Ray Brassington, Patrick Coleman, Daryl Corps, Mark Harris, Andrew Maclean, Dilys Neill, Gary Selwyn, Tom Stowe, Michael Vann and Ian Watson	10
Against	David Fowles	1
Conflict Of Interests	None	0
Abstain	None	0
Carried		

11 Sites Inspection Briefing

An all member sites inspection briefing would take place to visit the Rendcomb Airfield and any other sites that would be needed.

12 Licensing Sub-Committee

A meeting of the Licensing Sub-Committee was due to take place on Wednesday 26 June at 2pm.

The Meeting commenced at 2.00 pm and closed at 3.34 pm

Chair

(END)