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COTSWOLD
DISTRICT COUNCIL

4 June 2024

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 12 June 2024 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Dilys Neill, Michael Vann, Mark Harris, Ian Watson, Gary Selwyn, Julia Judd, David Fowles, Daryl Corps and Andrew Maclean)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX
Tel: 01285 623000 www.cotswold.gov.uk

AGENDA

1. **Apologies**
To receive any apologies for absence.

The quorum for the Planning and Licensing Committee is 3 members.
2. **Substitute Members**
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes (Pages 5 - 12)**
To confirm the minutes of the meeting of the Committee held on 8 May 2024.
5. **Chair's Announcements**
To receive any announcements from the Chair of the Planning and Licensing Committee.

6. **Public questions**
A maximum of 15 minutes is allocated for an “open forum” of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be two minutes. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

7. **Member questions**
A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8. **Appointments to Licensing Sub-Committees (Pages 13 - 22)**

Purpose

To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2024/25 municipal year.

Recommendations

That the Planning and Licensing Committee resolves to:

1. 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 (Licensing Act 2003 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).

9. **Business And Planning Act 2020 - Update To Pavement Licensing Regime (Pages 23 - 44)**

Purpose

Draft Pavement License Policy document for approval following the Levelling Up and Regeneration Act making permanent the pavement licensing regime.

Recommendations

That the Planning and Licensing Committee resolves to recommend that Council:

1. Approves the draft policy; subject to any further amendments; and
2. Approves the new fees as detailed in paragraph 3.3 of the report.

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

10. **23/03756/FUL- Milverton Old Rectory Gardens Longborough Moreton-In-Marsh Gloucestershire GL56 0QF (Pages 47 - 72)**

Proposal

Erection of single detached garage and addition of 2no. gable windows at Milverton Old Rectory Gardens Longborough Moreton-In-Marsh Gloucestershire GL56 0QF

Ward Member

Councillor David Cunningham

Case Officer

Helen Cooper

Recommendation

Permit

11. **Sites Inspection Briefing**

Members for Wednesday 3 July 2024 (if required);

Councillors Ray Brassington, Patrick Coleman, Julia Judd, Dilys Neill, Michael Vann.

12. **Licensing Sub-Committee**

Members for Licensing Sub-Committee (Taxis, Private Hire and Street Trading Consent Matters), 26 June 2024;

Councillors Mark Harris, Julia Judd, David Fowles, Michael Vann, Ian Watson
(subject to the Planning and Licensing Committee's approval of the Sub-Committee appointments for 2024/25)

(END)

Planning and Licensing Committee
08/May2024



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 8 May 2024

Members present:

Ray Brassington – Chair
Dilys Neill
Michael Vann
Mark Harris

Patrick Coleman – Vice-Chair
Gary Selwyn
Julia Judd
David Fowles

Daryl Corps

Officers present:

Helen Blundell, Interim Head of Legal Services
Adrian Harding, Interim Development
Management Manager
Martin Perks, Principal Planning Officer

Helen Cooper
Malcolm Jones, Highways Response Officer
Ana Prelici, Democratic Services Officer

Observers:

Councillor Len Wilkins

79 Apologies

Apologies were received from Councillor Andrew Maclean.

80 Substitute Members

There were no substitute members.

81 Declarations of Interest

Councillor Fowles declared that he knew the owner of the Bibury Trout Farm for 30 years and stated that he otherwise had an open mind on the item, but would abstain from the vote.

The Interim Head of Legal Services initially stated that it was Councillor Fowles' decision to make, but then upon checking the constitution added that if Councillor Fowles had an interest that he felt prevented him from voting, he should also leave the room and not participate in the discussion on the Bibury Trout Farm items. Councillor Fowles would still be able to speak as the ward member for these items and would be invited back in the room to do so.

Councillor Fowles stated that he did not agree with this interpretation but left the room for the items as advised.

82 Minutes

There were no amendments on the minutes.

RESOLVED: That the Planning and Licensing Committee APPROVE the minutes of the meeting held on 10 April 2024

Voting record – For- 9, Against 0, Abstain 0, Absent/Did not vote 2

For	Against	Abstain	Absent/did not vote
Ray Brassington			Andrew Maclean
Patrick Coleman			Ian Watson
Daryl Corps			
David Fowles			
Julia Judd			
Dilys Neill			
Gary Selwyn			
Mark Harris			
Michael Vann			

83 Chair's Announcements (if any)

The Chair noted that it was the last meeting of the civic year and thanked the members of the Committee for their service.

84 Public questions

There were no public questions.

85 Member questions

There were no member questions.

86 23/03970/FUL - Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

The Case Officer introduced the item.

The application was for the re-modelling of existing fish raceways to form a new lake with a central island at Bibury Trout Farm, Arlington, Bibury, Gloucestershire, GL7 5NL.

The Case Officer explained that the raceways were no longer being utilised for their original purpose and therefore constituted redundant use.

Councillor Michelle Holt from Bibury Parish Council addressed the Committee. They raised concerns around parking provisions, as well as the perceived scale of development. Cllr Holt also stated that there would be harm to the dark skies, and wildlife.

Susanne Marshall, an objector who stated that they worked as an environmental consultant addressed the Committee. They raised concerns over harm to the Bibury conservation area and removal of a natural habitat.

Councillor David Fowles, the Ward Member, addressed the Committee, explaining the history of the village. Councillor Fowles stated that the residents of the village were concerned about its future and the development of the trout farm from a working farm into a tourist attraction.

Members who had visited the Sites Inspection Briefing shared their views with the rest of the Committee. Some Members felt that while there would be an impact on ecology, there were still plenty of trout. Others were concerned over the sustainability of the business's growth and the traffic impact.

Councillor Fowles had declared an interest during the meeting and left the room at this point.

Member Questions

Members asked questions of the Case Officer and Interim Development Management Manager, who responded as follows;

- The measurement of the lake was approximately 0.12 hectares.
- The tourism component of the site was separate to the working trout farm. There was a restricted entrance gate and barrier to the working farm, where most of the farm's fish were contained.
- On the topic of potential damage to the environment, the Case Officer explained that no objections had been received from the drainage engineer and no comments received from the Environment Agency. They also stated that no objection had been received from the Biodiversity Officer, as trout rearing resulted in the fish eating many other species within the lake and creating what amounted to a monoculture.
- Discharge of water from the site into the River Coln requires an Environmental Permit from the Environment Agency.
- Addressing concerns over the increased size of the visitor attraction, the Case Officer stated that it was not uncommon for businesses to diversify, and that the proposals should be judged on their own merit.
- The lake could be used for boating without further permissions, as this would not constitute a material change of use.
- The Biodiversity Officer was also satisfied with the biodiversity conditions being pre-commencement. Therefore, the Case Officer did not consider that pre-permission conditions being applied would be reasonable or necessary for this application.

Member Comments

Members commented on the proposals, raising the following points;

- While Members were sympathetic to residents' concerns, how the business operated was not a material consideration in this case of the application in front of them.
- The farm had been attracting tourists since at least 1987.
- While Members were sympathetic to the tourism concerns, they felt that that the Parish Council and business should engage about these directly and work together to solve them.
- It was stated that the site was an example of rural diversification, which was common across the district.

Councillor Mark Harris proposed permitting the application, stating that the application did not harm the natural landscape and provided net gain in biodiversity.

Councillor Gary Selwyn seconded the proposal.

RESOLVED: To PERMIT the application

Voting Record

For 7, Against 1, Abstentions 0, Absent/did not vote 3

For	Against	Abstain	Absent/did not vote
Ray Brassington	Julia Judd		David Fowles
Patrick Coleman			Andrew Maclean
Daryl Corps			Ian Watson
Dilys Neill			
Gary Selwyn			
Mark Harris			
Michael Vann			

87 24/00359/FUL - Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

Councillor Fowles came back in the room to speak as the Ward Member on the item.

The Case Officer introduced the item. The application was for the erection of roof cover to be used as a visitor arts, activities and education area at Bibury Trout Farm, Arlington, Bibury, Gloucestershire, GL7 5NL.

Councillor Fowles, the Ward Member, addressed the Committee, referencing the concerns he had raised on the previous item. Councillor Fowles stated that the application constituted continuous erosion of the farm's original purpose. Councillor Fowles also believed the proposal to be contrary to EC10- Development of Tourist Facilities and Visitor Attractions of the Local Plan, and not necessary.

Members who had visited the Sites Inspection Briefing shared their views with the rest of the Committee. It was felt that the existing building was unattractive but concealed and in an inactive part of the site.

Councillor Fowles then left the room.

Member Questions

Members asked questions of the Case Officer and Interim Development Management Manager, who responded as follows;

- In reference to the Ward Member's statement, which had referred to the development as unnecessary, the Case Officer stated that they had no arguments to deem it an unnecessary development.
- Responding to queries about a masterplan for the area, the Interim Development Management Manager had stated that it would be an effective and appropriate mechanism to manage development in the area. Members suggested that the Ward Member could engage with the applicant about it.
- The materials would likely be artificial stone slate, as it was not a listed building.
- There was no scope to convert the building to create a second floor, as this was not on the plans submitted.

- The viability of the trout farm was not considered to be impacted, as there was still a substantial amount of trout farming occurring on the site.

Member Comments

Councillor Mark Harris proposed permitting the application, stating that like many agricultural or rural businesses across the district, the applicant was seeking to diversify their business through the application. Councillor Harris stated that the Ward Member should seek to encourage the applicant to put forward a masterplan for the area which would address local concerns over the development.

Councillor Coleman seconded the proposal.

RESOLVED: That the Planning and Licensing Committee PERMIT the application

Voting Record

For- 7, Against 1, Abstentions 0, Absent/did not vote 3

For	Against	Abstain	Absent/did not vote
Dilys Neill	Daryl Corps		David Fowles
Gary Selwyn			Andrew Maclean
Julia Judd			Ian Watson
Mark Harris			
Michael Vann			
Patrick Coleman			
Ray Brassington			

88 22/03418/FUL - Fosseway Service Station Fosseway Lower Slaughter Cheltenham Gloucestershire GL54 2EY

Councillor David Fowles came back into the room, remaining for the rest of the meeting.

The Case Officer introduced the item.

The application was for the erection of a service station side extension and the erection of fencing to create a relocated bin storage area and associated works at Fosseway Service, Station Fosseway, Lower Slaughter Cheltenham, Gloucestershire GL54 2EY.

The Case Officer explained that the use as a service station was sui generis use and that the application was therefore not considering a change of use.

Jackie Ford, who was the agent on the application, addressed the Committee. The agent explained that the space would be utilised for a Greggs bakery, but that it would not be able to be used for another style of hot food takeaway outlet without putting forward a change of use application.

Councillor Len Wilkins, the Ward Member, addressed the Committee. He stated that there were plenty of nearby bakeries and shops and was concerned about detrimental competition against them. There were concerns raised regarding the impact on dark skies.

Member Questions

Members asked questions of the Case Officer and Interim Development Management Manager, who responded as follows;

- If the application was refused, applicant could potentially install a hot food display, for which they would not require permission, and still sell Greggs goods in this way. The Case Officer explained that the Committee should focus on the operational matters of the application.
- The Interim Development Management Manager confirmed that a hot food supplier would require permission for change of use, unless it was another bakery type business.
- The service station was very close to the nearby house, and already caused some overbearing and loss of light, but the Case Officer did not consider there to be an exacerbation of the existing situation.
- Parking provisions were considered sufficient by the Gloucestershire County Council Highways Officer. They explained that any restrictions would need to be voluntary, and that the site met the requirement of spaces, which was two. They also added that the development was not considered to be a destination development, and that most customers would likely already be at the service station, therefore it was not considered to generate excessive traffic.

Councillor Dilys Neill stated that she wished to better understand how to judge cumulative impact on this and future applications. The Chair stated that this would be taken as a request for training.

Councillor Mark Harris proposed accepting the application, stating he could not find a reason to refuse it.

Councillor Patrick Coleman seconded the proposal.

RESOLVED: That the Planning and Licensing Committee PERMIT the application

Voting Record

For 5, Against 3, Abstain 1, Absent/did not vote 2

For	Against	Abstain	Absent/did not vote
Ray Brassington	Daryl Corps	Dilys Neill	Andrew Maclean
Patrick Coleman	David Fowles		Ian Watson
Gary Selwyn	Julia Judd		
Mark Harris			
Michael Vann			

89 Sites Inspection Briefing

If a Sites Inspection briefing was needed it would take place at 10am on Wednesday 5 June.

90 Licensing Sub-Committee

Planning and Licensing Committee

08/May2024

There were no meetings of the Licensing Sub-Committee required at the present.

The Chair Councillor David Fowles thanked Chair and Vice-Chair of the Planning and Licensing Committee for their service during the 2023/24 civic year.

The Meeting commenced at 2.00 pm and closed at 4.05 pm

Chair

(END)

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Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE - 12 JUNE 2024
Subject	APPOINTMENTS TO LICENSING SUB-COMMITTEES
Wards affected	None
Accountable member	Councillor Ray Brassington, Chair of Planning and Licensing Committee Email: ray.brassington@cotswold.gov.uk
Accountable officer	Andrew Brown, Business Manager - Democratic Services Email: democratic@cotswold.gov.uk
Report author	Ana Prelici, Governance Officer Email: democratic@cotswold.gov.uk
Summary/Purpose	To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2024/25 municipal year.
Annexes	Annex A – Nominated Members for Licensing Sub-committee (Taxi, Private Hire and Street Trading) Annex B – Rota for Licensing Sub-Committee (Licensing Act 2003 Matters)
Recommendation(s)	That the Planning and Licensing Committee resolves to: <ol style="list-style-type: none">1. 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).



Corporate priorities	Delivering Good Services
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Political groups that are entitled to seats on the sub-committee were asked to nominate members.



- 1.1 The Council's Constitution provides that the Planning and Licensing Committee will appoint to two Sub-Committees which have certain functions and responsibilities:
 - Licensing Sub Committee (Licensing Act 2003)
 - Licensing Sub Committee (Taxi, Private Hire and Street Trading)
- 1.2 The power to appoint members to Sub-Committees lies with the parent committee i.e. the Planning and Licensing Committee.

2. LICENSING SUB COMMITTEE (TAXI, PRIVATE HIRE AND STREET TRADING)

- 2.1 This Sub-Committee is responsible for determining taxi, private hire and street trading applications in certain circumstances e.g. where relevant offenses feature on the Disclosure and Barring Service (DBS) check, or where representations are made on the review of a license. The provisions of the Local Government Act 1972 relating to sub-committees apply to this licensing sub-committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality. Meetings of this sub-committee are scheduled to take place monthly, c. 2 weeks after each meeting of the Planning and Licensing Committee, but these meetings will only go ahead where there are applications to determine.
- 2.2 It is proposed that the Planning and Licensing Committee appoints five members of the committee to the Licensing Sub Committee (Taxi, Private Hire and Street Trading) for the 2024/25 municipal year, in accordance with political proportionality, as set out in Table 1 below.

Table 1: Political proportionality on a five member Sub-Committee



Group	Liberal Democrat	Conservative	Green	Independent	Total
Real entitlement	3.09	1.32	0.29	0.29	5 [†]
Rounded entitlement	3	1	0	0	5
Seats allocated	3	2	0	0	5

**Non-grouped independent members impact overall proportionality but do not have an automatic entitlement to seats on committees and sub-committees.*

† figure not summable due to rounding to two decimal places

2.3 Three seats were initially allocated to the Liberal Democrat Group, and one to the Conservative group, leaving a final seat to be allocated. No independent members sit on the Planning and Licensing Committee. The Conservative Group has the largest proportional entitlement to the final seat (0.32), so the final seat is allocated to the Conservative Group.

3. LICENSING SUB-COMMITTEE (LICENSING ACT 2003)

3.1 The Licensing Sub Committee (Licensing Act 2003) is responsible for determining Personal Licenses and Premises Licenses where representations are received, and for considering whether to grant Temporary Event Notices where objections are received from the Police or Environmental Health. This sub-committee meets on an ad hoc basis when there are applications to consider.

3.2 The Licensing Sub-Committee (Licensing Act 2003) is a sub-committee which is governed by the provisions of the Licensing Act 2003 rather than the Local Government Act 1972. Under the Licensing Act 2003, the Planning and Licensing Committee must establish one or more sub-committees comprising three members of the Planning and Licensing Committee. This sub-committee is not subject to political proportionality and the membership does not



have to be fixed for a specified period of time. It is a requirement of the Council's Constitution that the members participating in Licensing Sub Committee (Licensing Act 2003) meetings have completed licensing training.

- 3.3** It is proposed that the membership of this sub-committee will continue to comprise the Chair or Vice-Chair of the Planning and Licensing Committee (who will chair the sub-committee) and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation), as illustrated in Annex B. Officers will also seek to identify a fourth Member of the Planning and Licensing Committee to be on standby for each meeting should any of the three sub-committee members be unable to participate in the determination of an application at late notice. The standby member will be based on availability rather than a rota.

4. CONCLUSIONS

- 4.1** The Planning and Licensing Committee is asked to confirm the appointment of members to the Licensing Sub Committee (Taxi, Private Hire and Street Trading) Sub-Committee and note the membership arrangements for the Licensing Sub Committee (Licensing Act 2003).

5. FINANCIAL IMPLICATIONS

- 5.1** There are no financial implications arising directly from the recommendations in this report.

6. LEGAL IMPLICATIONS

- 6.1** The legal issues relating to licensing sub-committees are detailed in the body of the report, specifically paragraphs 2.1 and 3.2.

7. RISK ASSESSMENT

- 7.1** Appointing sub-committees in accordance with the provisions of the law and the Constitution will help to ensure that licensing applications can be determined in a timely fashion and reduce the risk of challenge to decisions.

8. EQUALITIES IMPACT

- 8.1** The Committee is advised to have due regard to the need to promote equality when appointing sub-committees with responsibility for determining licensing applications.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS



9.1 There are no climate or ecological implications arising directly from the recommendations in this report.

10. ALTERNATIVE OPTIONS

10.1 If the Planning and Licensing Committee wishes to change the size of the Licensing Sub Committee (Taxi, Private Hire and Street Trading) Sub-Committee or membership arrangements for the Licensing Sub Committee (Licensing Act 2003) it could pass a resolution requesting that officers bring a report to a future meeting with alternative proposals.

11. BACKGROUND PAPERS

11.1 None

(END)

Annex A: Nominations for Appointments to Licensing Sub-Committee 2024/25

Liberal Democrat Group (3)	Conservative Group (2)	Green Group (0)	Non-aligned Independents (0)
1. Ian Watson 2. Michael Vann 3. Mark Harris (Chair)	1. Julia Judd (Vice-Chair) 2. David Fowles		

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ANNEX B: LICENSING SUB-COMMITTEE (LICENSING 2003 ACT MATTERS) ROTA: JUNE 2024 - MAY 2025

Sub-Committee 1	Sub-Committee 2	Sub-Committee 3	Sub-Committee 4	Sub-Committee 5
Ray Brassington (Chair) David Fowles Dilys Neill	Patrick Coleman (Chair) Julia Judd Michael Vann	Ray Brassington (Chair) Gary Selwyn Andrew Maclean	Patrick Coleman (Chair) Ian Watson Mark Harris	Ray Brassington (Chair) Patrick Coleman Daryl Corps

NOTES

1. The rota for the sub-committee is set out above, and will rotate every time a sub-committee is needed, for example if a Sub-committee is only needed in June, and December and March, Sub-committee 1 will serve in June, Sub-committee 2 in December and Sub-Committee 3 in March.
2. If a Licensing Sub-Committee is needed, it will be held approximately 2 weeks after a Planning and Licensing Committee meeting. The rota at Licensing Sub-Committee (Licensing 2003 Act Matters) will be confirmed by the Planning and Licensing Committee at its preceding Meeting, when notice will also be given of any advance Licensing Sub-Committees.
3. Any Members unable to attend a Licensing Sub-committee are requested to **notify the Chair and/or Democratic Services as soon as possible before the date** of the Licensing Sub-Committee so that arrangements can be made for other Members of the Committee, or named Substitutes, who will attend the Licensing Sub-Committee.
4. Licensing Act 2003 Matters require three Members to serve on a Licensing Sub-Committee (2003 Act Matters)
5. The Chair or Vice-Chair of the Planning and Licensing Committee should be present and chair the meeting unless apologies are given. If neither the Chair nor Vice-Chair are in attendance, a Chair should be elected at the start of the meeting.

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Agenda Item 9



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 12 JUNE 2024
Subject	BUSINESS AND PLANNING ACT 2020 – UPDATE TO PAVEMENT LICENSING REGIME
Wards affected	All
Accountable member	Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: Juliet.layton@cotswold.gov.uk
Accountable officer	Jon Dearing – Assistant Director for Resident Services Email: democratic.services@cotswold.gov.uk
Report author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: democratic@cotswold.gov.uk
Summary/Purpose	Draft Pavement License Policy document for approval following the Levelling Up and Regeneration Act making permanent the pavement licensing regime.
Annexes	Annex A – Copy of updated Pavement Licensing Policy
Recommendation(s)	That the Planning and Licensing Committee recommends that Council: <ol style="list-style-type: none"> 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.
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Supporting the Economy
Key Decision	YES
Exempt	NO
Consultees/ Consultation	Not applicable



1. EXECUTIVE SUMMARY

- 1.1** This report introduces an amended Pavement Licensing Policy following The Levelling Up and Regeneration Act making the temporary pavement licensing regime permanent. Any new or existing applications made after 31 March 2024 must be dealt with under the new regime.

2. BACKGROUND

- 2.1** The Business and Planning Act 2020 (“the Act”) was introduced in 2020 to support various business sectors including hospitality. This Act included numerous temporary relaxations to existing legislations including the introduction of the Pavement Licensing regime which permitted businesses to apply to the Local Authority for a licence to use outside space to extend the trading area available for consumption of food and drink during the pandemic.
- 2.2** The Levelling Up and Regeneration Act now makes permanent the Pavement Licensing regime under the Business and Planning Act 2020.
- 2.3** Cotswold District Council currently has a total of 12 licenses across the District.

3. MAIN POINTS

- 3.1** Amendments have been made to the draft Policy to reflect the changes in legislation. These changes include:
- Increasing the minimum consultation period from 14 days to 28 days.
 - Expanding the licence validation from 12 months to 24 months.
 - Increasing the capped fees for a new licence from £100 to £500.
 - Introducing a renewal fee, capped at £350.
 - Enforcement powers to give notice to businesses without the required licence and enable the Council to remove and store furniture from the relevant highway and recover the costs from the business.
 - The ability to amend a licence in certain circumstances with the licence holder’s consent.
- 3.2** For those licences already granted prior to 30 March 2024, these will remain valid until their expiration date on the licence of 30th September 2024. Once expired, businesses will need to apply for a new licence. If the application is made by the same licence-holder, in respect of the same premises, and is on the same terms as the expired licence, the Council will treat this as a renewal application.
- 3.3** To ensure that the Council is reimbursed for the administration of this service a cost analysis has been undertaken. Proposals for the new costs for this service is as follows:



- New Licence Fee £185.00
- Renewal Fee £150.00

4. ALTERNATIVE OPTIONS

4.1 There are no alternative options.

5. FINANCIAL IMPLICATIONS

5.1 The licensing service should set fees on a cost recovery basis. The Council will not be reimbursed for any costs if no fee is set. Therefore, if the Committee determines to not charge a fee the work will need to be subsidised by the Council. Given the small number of licences issued by the Council, the increase in fee will not have a significant impact on forecast licensing income included in the 2024/25 budget and Medium-Term Financial Strategy.

6. LEGAL IMPLICATIONS

6.1 The legal implications are contained within the body of this report. The Planning and Licensing Committee holds the delegated powers for the amendment of the Policy and fee.

7. RISK ASSESSMENT

7.1 No risks have been identified.

8. EQUALITIES IMPACT

8.1 Not directly applicable to this decision.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no direct climate change implications arising directly from this report.

10. BACKGROUND PAPERS

10.1 None

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COTSWOLD
DISTRICT COUNCIL

Cotswold District Council

Pavement Licensing Policy

Revised April 2024

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I. INTRODUCTION

The Business and Planning Act 2020 (“the Act”) was enacted to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Sections 1 to 10 of the Act created a temporary regime for the issuing of “pavement licences” by appropriate local authorities. Cotswold District Council (“the Council”) is the appropriate local authority for issuing pavement licences in the administrative area covered by the Council.

The process introduced a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. The aim of the legislation was to support businesses to operate safely while social distancing measures remained in place and to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The Levelling Up and Regeneration Act 2023 now makes permanent the provisions set out in the Act and all applications received after 31 March 2024 will be administered under the new regime.

2. SCOPE

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for the consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A (1) of the Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over Crown land are exempt so a licence cannot be granted.

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable and related to the serving, sale and consumption of food or drink, which, in principle, means it is not a permanent fixed structure, and is able to be moved easily, and stored away at the end of the evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

2.6 Existing tables/chairs

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

Any existing tables/chairs that have been placed on the highway without permission under Part 7A of the Highways Act 1980 will require licensing under this regime.

3. APPLICATION AND DETERMINATION OF PAVEMENT LICENCES

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council on the appropriate form, and accompanied by:

- A plan showing the location of the premises marked by a red line, so the application site can be clearly identified
- A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture to be placed on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.

- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.

The applicant must also have public liability insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million before the licence can be utilised.

If a Traffic Regulation Order is required, the applicant must ensure that this permission is in place prior to applying for a Pavement Licence.

An application will not be considered complete (valid) until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

All expired licences will be treated as new applications. If a licence holder applies for a renewal before the expiration of the existing licence, this will be treated as a renewal. The applicant must advertise the application for a period of 14 days. If the application is for the same layout only a copy of the public liability insurance will be required. If there is a change to the original layout, all documents will be required (e.g. plan, photographs of furniture etc.). A fee will be due in both cases.

3.2 Fees

The fee for applying for a new licence under the process is set locally but capped at £500. The Council has determined that the fee for new applications will be £150.

The fee for applying for a renewal licence is set locally but capped at £350. The Council has determined that the fee for renewal applications will be £120.

3.3 Consultation

Applications are consulted upon for 14 days, starting on the day after a valid application is received by the Council.

The Council will publish details of the application on its public access register at www.cotswold.gov.uk

The Council is required by law to consult with the Highway Authority. In addition, to ensure that there are no unacceptable detrimental effects arising from the application proposals, the Council will consult with:

- Cotswold District Council Planning teams
- Cotswold District Council Food, Health and Safety team
- Cotswold District Council Operations (Environmental Health) team
- Gloucestershire Police
- Town/Parish Councils
- Ward Members

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

The applicant must, on the day the pavement licence application is made, fix a Notice of the application to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. The Notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the Site Notice requirement having been complied with must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and the name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (14 days starting the day after the valid application is submitted to the Council).

A Site Notice template is shown as Appendix I.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposal:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter? and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises;
 - the recommended minimum footway widths and distances required for access by mobility-impaired and visually impaired people as set out in Section 4.2 of [Inclusive Mobility](#);
 - the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up of furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people, and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and to take any issues around noise, and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have also to place tables and chairs on the highway and plans for customers to queue outside.

3.6 Determination

Once the valid application is submitted the Council has 28 days from the day after the application is made (excluding public holidays) to consult upon and determine the application. This consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation end date.

If the Council determines the application before the end of the determination period it can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the Council does not determine the application within the 14-day determination period, the application will be deemed to have been granted.

The following are authorised to grant or refuse applications, and to revoke a Licence which has been granted:

TABLE OF DELEGATIONS	
Decision	Delegated to
Grant of an application where no objections have been received during the consultation period	Business Manager responsible for the Licensing Service or Licensing Team Leader
Grant or refusal of an application where objections have been received during the consultation period	Business Manager responsible for the Licensing Service or Licensing Team Leader following consultation with the Chair of the Planning and Licensing Committee
Revocation of a Licence	Business Manager responsible for the Licensing Service or Licensing Team Leader following consultation with the Chair of the Planning and Licensing Committee

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and the appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Licences between 08:00 and 22:00 hours. Applicants are encouraged not to apply to operate outside of these times.

Applications outside these hours will be assessed in terms of the criteria detailed above regardless of whether objections have been made or not. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 14 days, beginning with the first day after the public consultation period, excluding public holidays) it can specify the duration of the licence, subject to a minimum duration of three months.

The expectation from the Government is that Councils will grant licences for 24 months unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications for a two-year period.

If a licence is 'deemed' granted because the Council does not make a decision on an application before the end of the determination period, then the licence will be valid for two years starting on the first day after the determination period.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence or if relevant representations are made which cannot be mitigated by conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application with an additional fee and address the concerns raised in the original application.

4. CONDITIONS

The Council's standard conditions can be found at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case-by-case basis, and the Council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke-free seating condition

The Council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Appendix 3 to this document.

The Act also allows for the Secretary of State to produce, via Regulations, conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a Council sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

5. ENFORCEMENT

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing and social distancing controls. An applicant must ensure such permissions are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a Notice requiring the breach to be remedied and the Council can take action to cover any costs.

The Council can give notice to businesses that have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture, and refuse to return the furniture until those costs have been paid. If within three months of the notice being

served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

The Council can amend a licence in certain circumstances with the licence holder's consent.

The Council may revoke a licence in the following circumstances:

1. For breach of condition (whether or not a Remediation Notice has been issued), or
2. Where:
 - there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food but had applied for a licence where tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the Notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.
4. Any requests for revocation will be raised by the Officer and determined in consultation with the Chair of the Planning and Licensing Committee

6. REVIEW PROCEDURES

This Policy covers the Permission for Pavement Licences under the Business and Planning Act.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licences generally, relevant social distancing measures or as a result of local considerations within the Cotswold District.

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR GRANT OF A PAVEMENT LICENCE

I / We(1)

Do hereby give notice that on (2)

I / we have applied to Cotswold District Council for a pavement licence at:

.....
..... (3)

known as..... (4)

The application is for:

.....
..... (5)

Any person wishing to make representations to this application may do so by writing to ers@cotswold.gov.uk by:

..... (6)

The application and information submitted with it can be viewed at:

www.cotswold.gov.uk

Signed

Date (7)

Guidance notes on completing this notice of application

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the valid application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink).
- (6) Last date for representations being the date 14 days after the date the valid application is submitted to the local authority (excluding public holidays)
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the valid application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be easily read by, members of the public who are not on the premises. It should be secured so that the notice remains in place until the end of the 14-day public consultation period.

Failure to comply with this requirement may lead to the revocation of any licence granted or deemed granted.

Appendix 2

Standard Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

1. The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's [Inclusive Mobility](#) document.
3. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
4. Permission to operate a pavement café does not imply an exclusive right to the area of public highway. The licence holder must be aware that Cotswold District Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements or any other reasonable cause. This may mean that the pavement café will need to cease operating and/or be removed for a period of time. On these occasions, there would be no compensation for loss of business.

5. Tables and chairs must not be placed in position outside of the permitted times of the pavement licence. All tables and chairs and other furniture must be stored securely inside a premises away from the highway outside of these times.
6. The licence holder must ensure that furniture is positioned in such a way so as to ensure compliance with the relevant Government guidance on social distancing that is in place at any particular time and that staff can service the space in a manner that does not compromise their health and safety or the health and safety of customers.
7. Unless another more restrictive condition has been attached to the licence in response to particular concerns raised during the public consultation period, the licence holder must not place any furniture on the highway in pursuance of this licence before 08:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 22:00 hours on any day, whichever is the earliest.
8. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.
9. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area and removing any refuse and litter on the highway in the vicinity of the removable furniture.
10. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
11. The licence holder is not to make or cause to be made any claim against the Cotswold District Council or Gloucestershire County Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
12. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions (see Appendix 3).
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
14. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
15. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc., will be recovered in full from the licence holder by Cotswold District Council or the Highway Authority.
16. The premises must ensure that if alcohol is sold from the business that all necessary permissions under the Licensing Act 2003 are in place.

17. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café.
18. Cotswold District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
19. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that all of the above conditions are being adhered to.

Appendix 3

National Conditions

[All section references are to the Business and Planning Act 2020]

No-obstruction condition

Section 5(5)

A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
 - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - ii. passing along the relevant highway, or
 - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition:

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

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PLANNING AND LICENSING COMMITTEE 12 June 2024

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 12 June 2024
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order No.
Longborough	Milverton Old Rectory Gardens Longborough Moreton-In-Marsh Gloucestershire GL56 0QF 23/03756/FUL Full Application	1

Erection of single detached garage and addition of 2no. gable windows at Milverton Old Rectory Gardens Longborough Moreton-In-Marsh Gloucestershire GL56 0QF

Full Application 23/03756/FUL	
Applicant:	Mr Manan Sagar
Agent:	Pershore Planning
Case Officer:	Helen Cooper
Ward Member(s):	Councillor David Cunningham
Committee Date:	12th June 2024
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Design and Appearance and Impact upon designated heritage assets
- (b) Impact on the Cotswolds National Landscape (Area of Outstanding Natural Beauty)
- (c) Impact on Residential Amenity
- (d) Highways Safety
- (e) Biodiversity, Geodiversity and Trees
- (f) Other matters

2. Reasons for Referral:

2.1 This application has been referred to the Planning and Licensing Committee following assessment by the Committee Review Panel and further to the request by Councillor Cunningham:

2.1.1 *“With regard to your recommendation, I have some concerns, shared by Longborough PC, regarding the placement of this entrance and the details of how the proposed gates will address the issue of static traffic during operation.*

2.1.2 *GCCH have made it clear that they feel the proposal does have the potential to create an unsafe traffic environment and are seemingly raising no direct objection on the basis that they feel the LPA would be challenged on a refusal. This is, in my opinion, an unacceptable stance; the purpose of the statutory consultees is to provide their view based on their expertise - ultimately it is the LPA and possibly PINS who will decide whether a proposal is acceptable or not from a planning perspective.*

2.1.3 *Given this, I feel that this proposal requires further scrutiny by the Planning Committee to fully understand how the safety concerns raised by Highways will be addressed. Therefore, could you please present my request to the Agenda Review Panel, citing the unresolved issues of highways safety, potentially in contravention of CDC Local Plan policies INF4 and 5 as well as NPPF Section 9, paragraph 114 section (d).”*

3. Site Description:

- 3.1 The application site comprises a traditional two storey stone-built cottage with a pitched roof and dormer windows called Milverton, in Longborough. The property is orientated side-on to the road and it has an existing driveway and off road parking to the front of the property.
- 3.2 The dwelling and front garden hold a prominent position in the street scene and the site is set at an elevated level in relation to the adjacent neighbour, Fiddlers Cottage. The application site is also set opposite the junction with Banks Fee Lane.
- 3.3 The application site is located within Longborough Conservation Area. The Old Rectory is a grade II listed building, which is set to the west of the site at an elevated level.
- 3.4 The site is located within the Cotswold's National Landscape (Area of Outstanding Natural Beauty).

4. Relevant Planning History:

- 4.1 12/00358/FUL Single storey extension to rear Permitted 29.02.2012
- 4.2 12/03314/FUL Single-storey extension to front elevation Refused 24.09.2012
- 4.3 12/04875/FUL Single-storey extension to front elevation Refused 14.12.2012, Appeal dismissed (Planning Inspectorate ref: APP/F1610/D/13/2194074)
- 4.4 20/02428/CLOPUD Certificate of Lawful Proposed Use or Development under Section 192 of the Town and Country Planning Act 1990 to confirm that a material start has been made to Permission 12/00358/FUL (Single storey extension to rear) - Permitted 06.08.2020
- 4.5 23/00870/FUL Erection of single-storey front extension, detached garage and addition of balcony to side elevation - Withdrawn 28.04.23
- 4.6 23/02797/FUL Erection of double garage and associated works - Withdrawn 01.11.23
- 4.7 23/03757/LBC Erection of single detached garage and addition of 2no. gable windows Application returned.

5. Planning Policies:

- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets

- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Highways: No objection subject to conditions and financial obligations.
- 6.2 Conservation: No objection, recommend omitting one of the proposed windows on the gable end.
- 6.3 Arboricultural Officer: No objection

7. View of Town/Parish Council:

7.1 Longborough Parish Council: Comments dated 22.12.2023

7.1.1. "The Parish Council would request that further information is provided by the applicant regarding the proposed off-road space in front of the single garage; this information being important in order to assess the level of risk to highway traffic both in and out of the driveway."

7.2 Longborough Parish Council: Comments dated 16.02.2024

7.2.1 "Further to our earlier request for more detailed information on this application, we have now seen the email response from the applicant's agents. We do not feel that the response provides adequate information and in the light of the report from GCC Highways, and comments from local residents, we object to the application in its present form."

7.3 Longborough Parish Council: Comments dated 21.05.2024

"Longborough Parish Council still object to the above application, in its current form, for the following reasons:

7.3.1 On 11th January 2024 GCC Highways, after consideration of the application details, deferred their decision as they required more information regarding the use of the existing driveway/turning area. GCC Highways requested that the applicant provide "...a dimensioned drawing of the proposed parking space in front of the garage as it appears too small to accommodate a car on the submitted plans." GCC also stated that "...It would seem possible to provide the garage with access from the existing driveway/turning area which would be a better option from a highway safety point of view.

7.3.2 On 25th January 2024 the applicant's agent (Persore Planning) responded via email stating that the "...This proposed single garage is to accommodate the applicants wish to cover their Convertible vehicle within a garage. The external paved area outside this garage is not large enough to park a car but it is large enough to open the

traditional style timber garage doors..." and that they were "...currently preparing a street scene with levels to demonstrate the benefits of the garage and increased visibility from the existing arrangement." As far as I can see, that street scene document has not been lodged on the planning portal and therefore the Parish Council do not feel they have all the relevant information to hand to be able to satisfy themselves that there is no road safety issue. This site is on a bend at the bottom of a steep hill into the village where traffic regularly exceeds the 20 mph limit, as validated by our community speedwatch data.

7.3.3. On 4th April 2024 GCC Highways further responded that they now had "...no objection subject to conditions and financial obligations" but also stated that "...the proposal is to provide a second access to the site which is close to the existing. The proximity of the accesses to each could potentially lead to confusion when drivers are unsure about where another vehicle is going to turn". They also stated that "...The garage would normally be required to be sufficiently far from the carriageway to enable a car to be parked off the carriageway when the garage doors are being opened. The current proposal does not allow sufficient space for that to happen". There is no information relating to how the proposed garage's doors will be opened when a vehicle is waiting to enter it. Also, GCC Highways clearly do have a degree of concern from a safety perspective.

7.3.4 GCC Highways' conclusion that "On balance it is anticipated that the planning authority would not support an objection on highway safety grounds due to the low level of traffic passing the site and it is therefore recommended, on balance, that the application be approved..." does not take into account the missing information highlighted above and does not take into account local considerations. Also, "anticipation" of the planning authority's lack of support for any objection seems to be a weak position."

8. Other Representations:

8.1 Five representations of objection have been received. In summary the concerns raised are outlined below:

- Loss of privacy. The proposed windows overlook Fiddlers Cottage and this property is at a much lower level. The windows would not complement the existing Cotswold stone property.
- Highway safety - concerned about the use of the new garage and parking arrangements, blind corner near to proposed garage. Garage opens onto Stow Hill road which is a busy road into Longborough. Concerns raised in respect of visibility and manoeuvring in and out of the garage. This will put other road users at risk.
- It is increasingly dangerous due to speeding traffic
- A mature Royal Purple tree growing adjacent to the north wall of the garage.
- The proposed garage will be large and high and will be incongruous in terms of the street scene
- The siting of a garage in this location will be of detriment to the only remaining undeveloped access into the village. An earlier application for development at the front of the property was dismissed by the Planning Inspectorate
- No information in relation to levels

- No pavement and overdevelopment of house and garden
- In bad weather water flows like a river down the hill and is likely to freeze as the hill is sheltered by trees

9. Applicant's Supporting Information:

- Design, Access and Heritage Statement

10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

- 10.4 It should be noted that previous applications relating to a proposed garage in this position at the site have subsequently been withdrawn following concerns raised by officer's reference 23/00870/FUL and 23/02797/FUL. The garages proposed under the previous applications were double garages.
- 10.5 The current application looks to address the Conservation Officer's comments received under the application reference 23/02797/FUL, which was withdrawn in November 2023.
- 10.6 The application seeks planning permission for a single garage which would measure approximately 6.6 metres in depth by 4.1 metres in width, 2.4 metres to the eaves and 4.5 metres at its highest point. The garage would be constructed from Cotswold stone and have a Cotswold Stone slate roof. The garage frontage would face the road and it would be set down from the dwelling.
- 10.7 The garage is set at an oblique angle to the road and the area to the front of the garage would measure approximately 5 metres at its greatest point and approximately 2.2 metres at its closest point to the road. This does not provide a full off road car parking space in front of the proposed structure.
- 10.8 In addition, 2 no. windows are proposed along the eastern gable end of the property.

(a) Design and Appearance and Impact upon designated heritage assets

- 10.9 The site lies within the Longborough Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.10 Considerable weight and importance must be given to the aforementioned legislation.
- 10.11 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.12 Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.
- 10.13 Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.
- 10.14 Local Plan Policy EN12 requires development affecting a non-designated heritage asset to be designed sympathetically, having regard to the significance of the asset, its features, character and setting. Where possible, development should seek to enhance the character of the non-designated heritage asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of the asset and the scale of harm or loss. This policy also sets out criteria for assessment of whether a site, feature or structure is considered to be a non-designated heritage asset.
- 10.15 The Cotswold Design Code provides clear guidance on garages and other outbuildings as outlined by the following criteria:
- a. *All new outbuildings should relate to the scale and character of the main building, and the plot in which it sits. For example, a large garage may look out-of-keeping within the context of a modest cottage, where traditionally only smaller outhouses might be expected.*
 - b. *New outbuildings should not be excessive in number. A larger number of outbuildings, seen in relationship to the main building, might result in visual clutter and might detract from the surroundings.*

- c. *In some sensitive contexts, garages may not be permissible, where for example they detract from the contribution a traditional property and its garden makes to the area, or where breaching the front boundary and introducing vehicular access to the garden is considered harmful.*
- d. *Integral garages should not be formed within traditional buildings and should not be designed into new vernacular style houses. In such cases, garages should be detached.*
- e. *Garages and other outbuildings should generally not be positioned forward of the street-facing or principal elevation of the building. They should be pushed back to the rear of the building, so as not to compete with or detract from it.*
- f. *Where adopting a vernacular design approach, single garages are often more appropriate, as their smaller mass and narrower gables are more in-keeping with traditional outbuildings. Garage door openings should be placed within the gable end of the building, with the ridge running the length of the roof.*
- g. *Where double or larger garages are permissible, these are better oriented with their doors under the eaves and with their wider gables concealed from view. Roof lines should generally be kept low and dropping the rear eaves can assist in this. Incorporating accommodation above the garage, with associated openings and external stairs, may not always be permissible.*
- h. *Traditional outbuildings in the Cotswolds are generally of stone construction, occasionally with posts and boarding infilling below open eaves. Local stone is therefore often most appropriate and traditional for the construction of new outbuildings and garages. Large new timber buildings are not so characteristic of the Cotswolds.*
- i. *Of course smaller timber sheds and summerhouses are widely permissible. Traditional design, sensitive scaling and siting, and a subdued timber finish are important for such structures to blend in with their garden settings.*
- j. *Bracing to the posts of car ports and other open fronted outbuildings should be avoided.*
- k. *In sensitive locations garage doors should be side hung, vertically boarded and given a suitable (usually painted) finish. In new housing schemes the style and finish of garage doors should at least imitate this traditional appearance.*
- l. *There should be adequate space for manoeuvring of vehicles, but overly wide visibility splays and sweeping drives should generally be avoided. For more modest properties, entrances should maintain a more low-key appearance.*
- m. *Large stone piers, finials and ornate gates should be avoided, unless the access is for a high status building. High solid boarded gates may also not be supported where these are considered uncharacteristic or they block important views. Often timber field gates or other traditional, low, open gates, set simply within low stone walls are most appropriate.*

- n. *Only minimal openings should be created in front boundaries. Traditional enclosure, such as walls, railings and hedges, should be maintained and not removed to establish off-street parking.*

10.16 The Conservation Officer has made the following comments:

“The single garage currently proposed appears to be acceptable in terms of its scale and design. Whilst the garage would be visually prominent within the street scene, and the conservation area, this is unavoidable given the context/topography of the site. The proposed single garage has a simple, vernacular design that is concurrent with traditional outbuildings in the area, and the materials used in its construction (natural Cotswold stone, stone tiles, and side-hung, vertically boarded timber doors - painted or left to weather and silver naturally - not stained) would be in-keeping with the surrounding built-form. As such, the proposed single garage is considered to be appropriate in terms of its scale, form, proportion, design, and materials. Its siting is also, on balance, considered to be acceptable given the constraints of the site.”

10.17 The proposed garage is now a single garage and whilst it holds a prominent position in the street scene it is considered acceptable with regards to its scale and design. The proposed garage has a vernacular design and as such would not appear out of keeping with the existing built form in the surrounding area. The garage is set down from the host dwelling and this helps create a subservient appearance.

10.18 By virtue of the position of the garage in relation to the listed building 'The Old Rectory', which holds an elevated position in relation to the host property, on balance it is considered that there would not be any harm to the setting of the listed building in accordance with Policy EN10. In addition, it is considered that the proposal would not have an adverse impact upon the character of the Conservation Area thereby complying with Policy EN11.

10.19 The Conservation Officer has recommended reducing the number of windows along the gable end to one. The applicant has advised that due to the position of the chimney stack it is not possible to have a centrally placed single window and amendments have not been forthcoming. As such, in terms of design 2 no. openings are on balance acceptable and it is not considered that they would detract from the character or appearance of the building to such an extent as to warrant refusal.

10.20 For the reasons outlined above, whilst the proposed garage holds a prominent position in the street scene, due to the sympathetic design and use of local materials it is considered that the proposal would conserve the appearance of the Conservation Area. The application therefore accords with Local Plan Policies EN2, EN10, EN11, EN12 of the Local Plan.

(b) Impact on the Cotswolds National Landscape (Area of Outstanding Natural Beauty)

10.21 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area 'must

seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.' (S85(A1) of the Countryside and Rights of Way Act 2000).

- 10.22 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.23 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 182 states great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.
- 10.24 The proposed development is contained within the residential curtilage of the site, located within the built up area of the village, and relates closely to the existing built form on the site. It does not encroach into open countryside nor harm the character or appearance of the Cotswolds National Landscape. As such the proposal is considered to accord with Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

(c) Impact on Residential Amenity

- 10.25 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.
- 10.26 Fiddlers Cottage is the adjacent neighbour, and a representation of objection has been received from this address raising concerns in respect of loss of privacy in relation to the 2 no. proposed windows on the gable end. Due to the relationship between the properties and level changes at the site Officers consider the proposed windows would overlook Fiddlers Cottage and result in loss of privacy. An amended drawing has been received which indicates that the windows would be obscurely glazed. A planning condition has also been recommended requiring the windows to be obscurely glazed and non-opening in the interests of protecting residential amenity. Subject to condition, Officers are satisfied that existing amenity levels will be protected in accordance with Policy EN2 of the Local Plan.
- 10.27 Fiddlers Cottage also has a single storey element adjacent to its driveway and this is in proximity to the proposed garage. The structure is served by a window along its side and front elevation and the window on the side elevation will face the proposal. On balance it is not considered that the proposal would have an adverse impact upon this neighbour's amenity in relation to loss of light or overbearing impact. Due to the scale of the proposal and its position in relation to other properties, it is not considered that the proposal would be harmful in terms of overbearing impact or loss of light in accordance with Policy EN2.

(d) Highway Safety

- 10.28 Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.
- 10.29 Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.
- 10.30 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:
- (a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - (b) safe and suitable access to the site can be achieved for all users; and
 - (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.31 Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.32 The Local Highway Authority (LHA) initially recommended that the application be deferred and requested further information. Following discussion, the LHA has raised no objection subject to conditions and financial obligations. The following detailed comments have been provided:
- 10.32.1 *"The site has an existing access and driveway and the proposal is to provide a second access to the site which is close to the existing. The proximity of the accesses to each other could potentially lead to confusion when drivers are unsure about where another vehicle is going to turn.*
 - 10.32.2 *The garage would normally be required to be sufficiently far from the carriageway to enable a car to be parked off the carriageway when the garage doors are being opened. The current proposal does not allow sufficient space for that to happen.*
 - 10.32.3 *In highway terms the better solution would be to use the existing access and driveway and position the garage on the space in front or beside the existing dwelling. However, the conservation officer and planning officer have determined that not to be an acceptable option. It is also understood that the conservation officer has required hard wood garage doors which will need to open outwards. This again would only be acceptable if the doors did not open over the highway which in this case requires the garage to either be positioned sufficiently far from the carriageway to allow for this or for the doors to slide around inside the garage.*
 - 10.32.4 *On balance it is anticipated that the planning authority would not support an objection on highway safety grounds due to the low level of traffic passing the*

site and it is therefore recommended, on balance, that should the application be approved it be subject to the following conditions:

- 1. Prior to any part of the development being brought into beneficial use the driveway and access shall be hard surfaced and positively drained to a suitable outfall and once it is brought into use shall be maintained as such thereafter.*
- 2. The garage doors shall be designed so that they do not open over the highway and shall be maintained as such thereafter.”*

10.33 During the consultation process, concerns have been received relating to highway safety from residents and the Parish Council, and it is recognised that due to site constraints it is not possible to fit a car parking space in front of the garage. However, as highlighted within the Local Highway Authority Officer's comments above, there is only a low level of traffic passing the site. As such, on balance, it is not considered that the proposal would have an unacceptable impact upon highway safety or warrant refusal on these grounds. As outlined above, Paragraph 115 of the NPPF states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

10.34 Subject to condition, the application is in accordance with Policy INF4 and INF5 of the Local Plan.

(e) Biodiversity, Geodiversity and Trees

10.35 Local Plan Policy EN7 'Trees, hedgerows and Woodlands' advises that:

- 1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:*
 - a. trees of high landscape, amenity, ecological or historical value;*
 - b. veteran trees;*
 - c. hedgerows of high landscape, amenity, ecological or historical value; and/or*
 - d. woodland of high landscape, amenity, ecological or historical value.*

10.36 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

10.37 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.38 The proposal relates to an existing area of residential curtilage and due to the modest scale of the proposal it is not considered that it would result in an adverse impact to ecology which would warrant refusal in accordance with Policy EN8.

10.39 A tree is located within the neighbouring property's garden adjacent to the proposal and comments received raise concern over potential root damage. The Arboricultural Officer has reviewed the application and provided the following comments:

“There appears to be a purple leaved smoke bush (Cotinus coggygia) on an adjoining property. This is usually thought of as more of a shrub than a tree. These shrubs/small trees are not uncommon or rare and will never grow to a size whereby I would consider them of significant amenity value and worthy of a Tree Preservation Order. I do not believe it would be reasonable to request a BS5837:2012 tree survey and protection measures because of this shrub.”

10.40 An informative is recommended in relation to vegetation and the cutting of trees adjacent to a shared boundary. As the tree is not considered to be of high landscape, amenity, ecological or historical value in respect of Policy EN7 I c) the proposal would not warrant refusal on grounds of potential impact to tree roots and as such is therefore considered acceptable and in accordance with Policies EN7 and EN8 of the Local Plan.

(f) Other Matters

10.41 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

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

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): Location Plan, AE-02(900534)001, AE-02 (900534)001, AE-08(900534)001, AE-05 (900534)003, AE-05(900534)001

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The materials to be used for the external walls and roof of the development hereby permitted shall match those used in the existing dwelling and shall be permanently retained as such thereafter for the lifetime of the development.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

4. The development hereby approved shall comprise vertically boarded side-hung timber doors, which shall be designed so that they do not open over the highway and these shall be maintained as such thereafter for the lifetime of the development.

Reason: In the interests of the visual amenity of the Conservation Area and highway safety in accordance with policies EN2, EN11 and INF4.

5. The windows shown on the gable end on the right elevation of approved drawing number AE-05(900534)002 which are indicated as having obscure glass shall be installed to a minimum level of Pilkington level 4 obscure glazing and shall be non-opening and maintained as such thereafter for the lifetime of the development.

Reason: To ensure privacy is maintained for neighbouring occupiers in accordance with Policy EN2 of the adopted Local Plan.

6. Prior to the garage being first brought into use the driveway and access shall be hard surfaced and positively drained to a suitable outfall and once it is brought into use shall be maintained as such thereafter for the lifetime of the development.

Reason: To ensure adequate and safe access for vehicles and pedestrians in accordance with Policy INF4 of the adopted Local Plan.

Informatives:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.
2. The applicant is advised that they will need to obtain a section 184 licence. 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
3. There appears to be small trees and shrubs in the neighbouring property. Although it is your right to remove all vegetation overhanging your property (including roots) any cuttings should be returned to your neighbour if they so wish and consent must be gained regarding access to their property. You have a legal duty to exercise reasonable care in carrying out any works to the overhanging trees. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Further information is available at <https://www.trees.org.uk/Help-Advice/Help-for-Tree-Owners/Guide-to-Trees-and-the-Law>

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Milverton, Longborough, Moreton-In-Marsh, GL56 0QF



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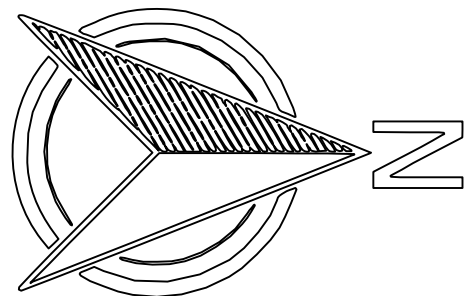
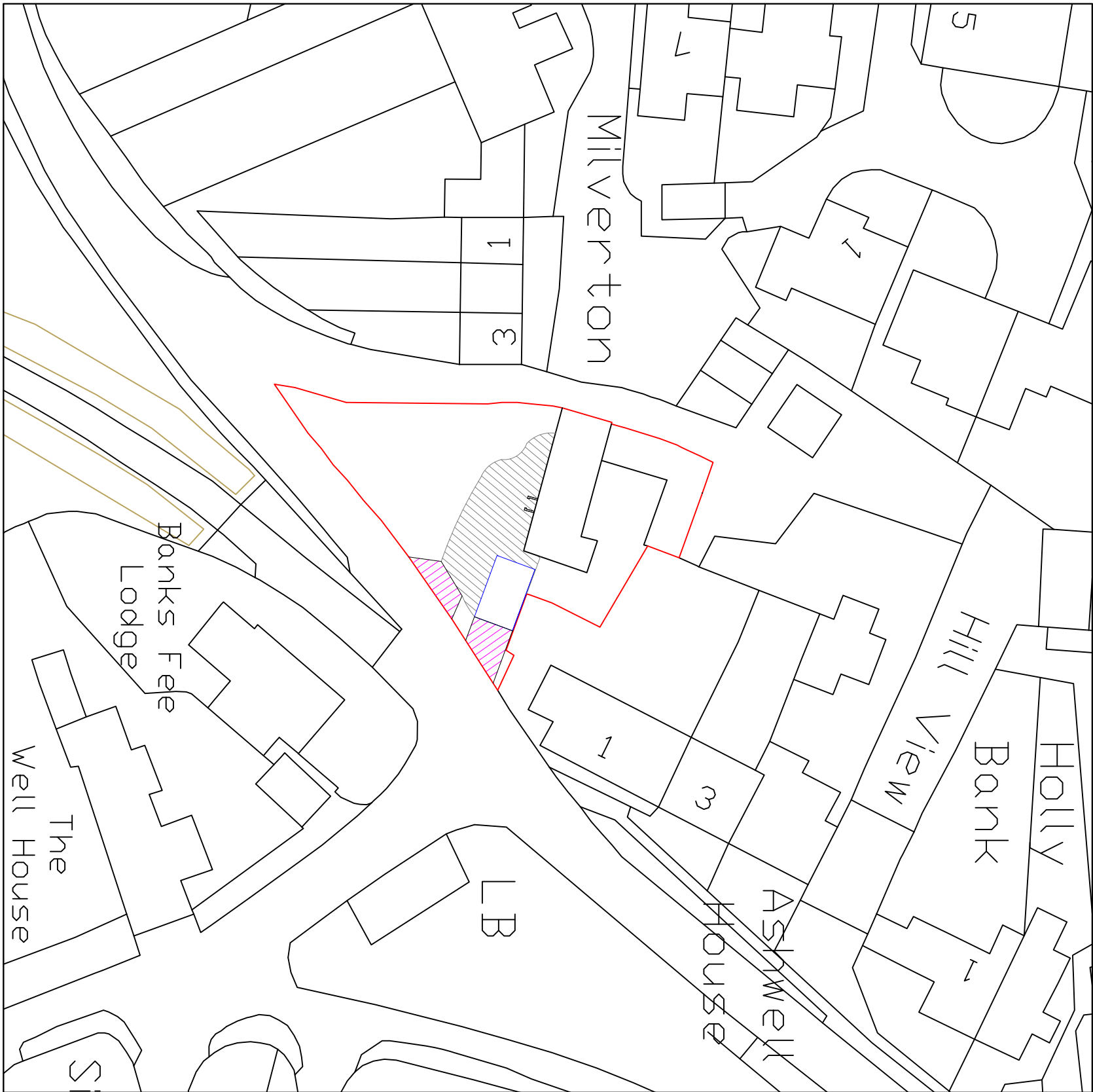
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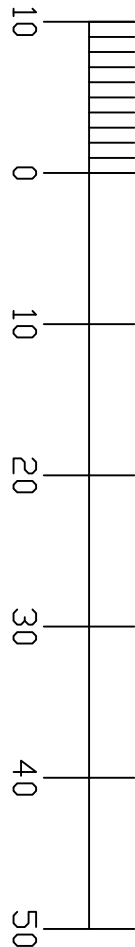
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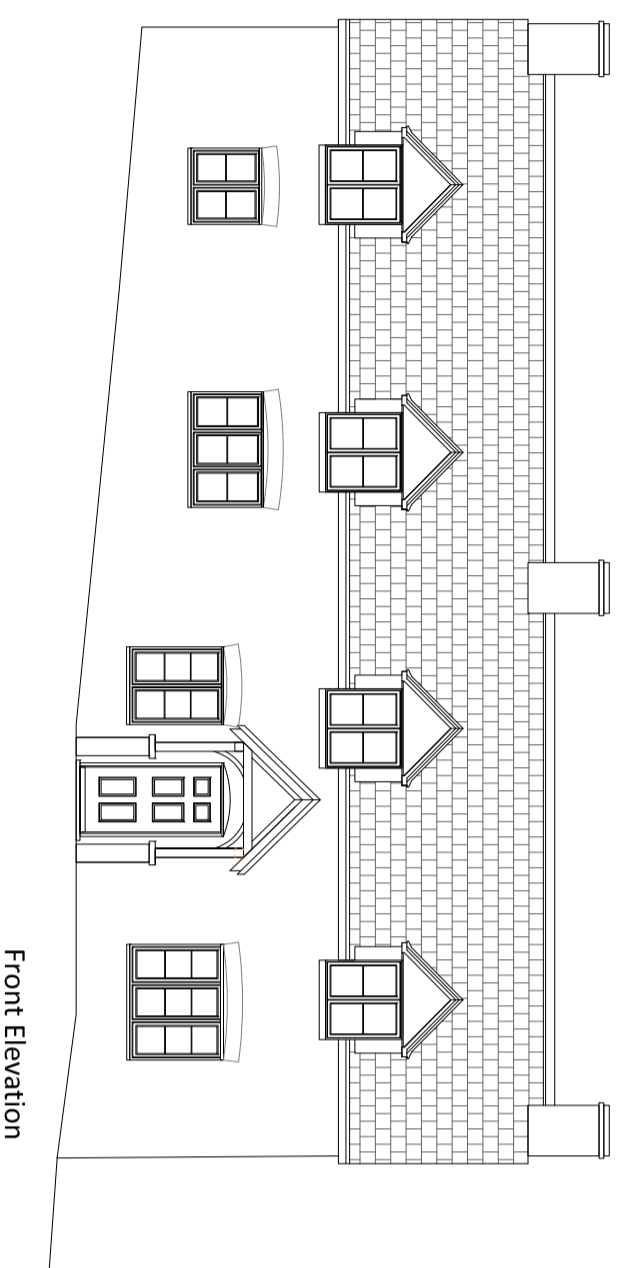
proposed single garage

block paving dropped kerb

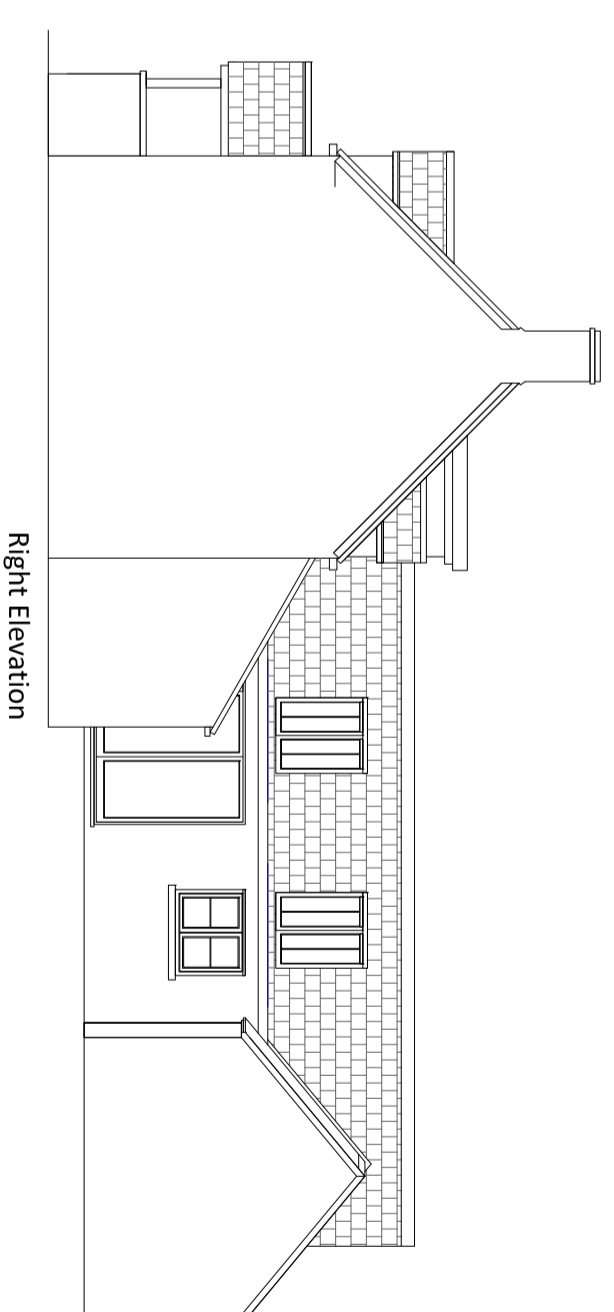


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Date: 30.01.24	DWG No: AE-02(900534)001	

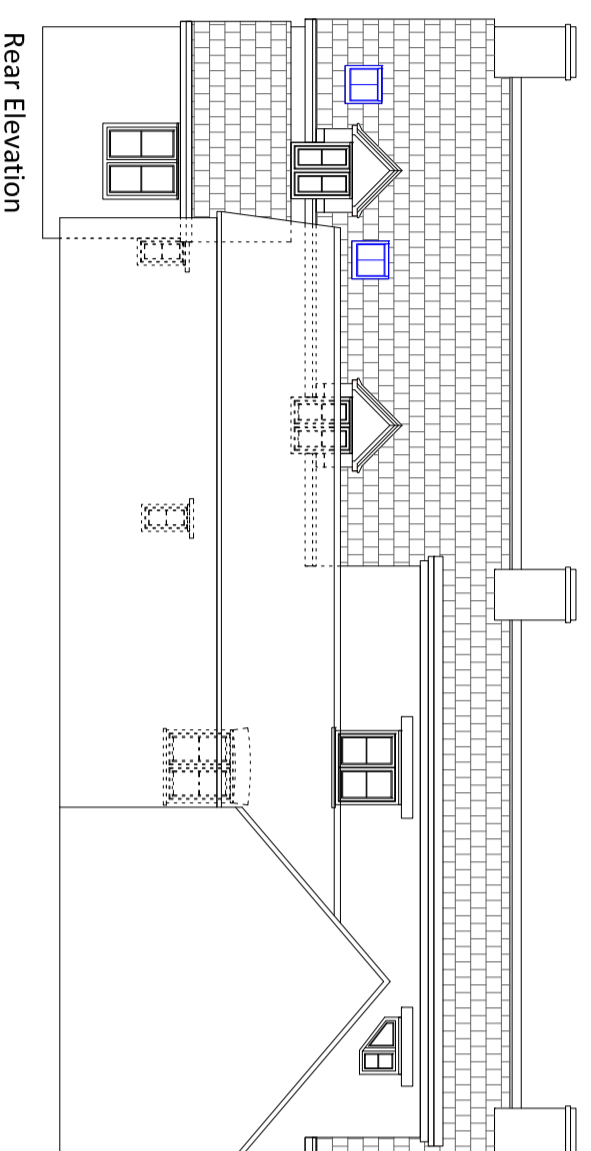
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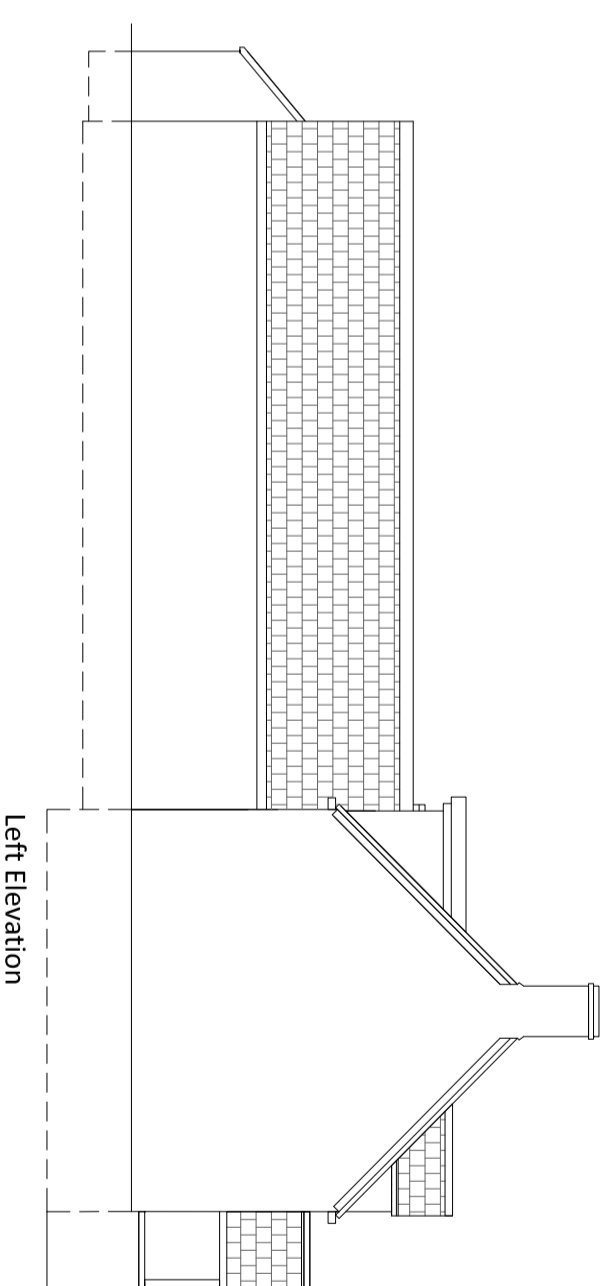
Front Elevation



Right Elevation



Rear Elevation



Left Elevation

Pershore Planning
High Street
Pershore
WR10 1EE
07500 555495

Client: Sagar Milverton Longborough GL56 0QF	Description: REVISED Existing Elevations
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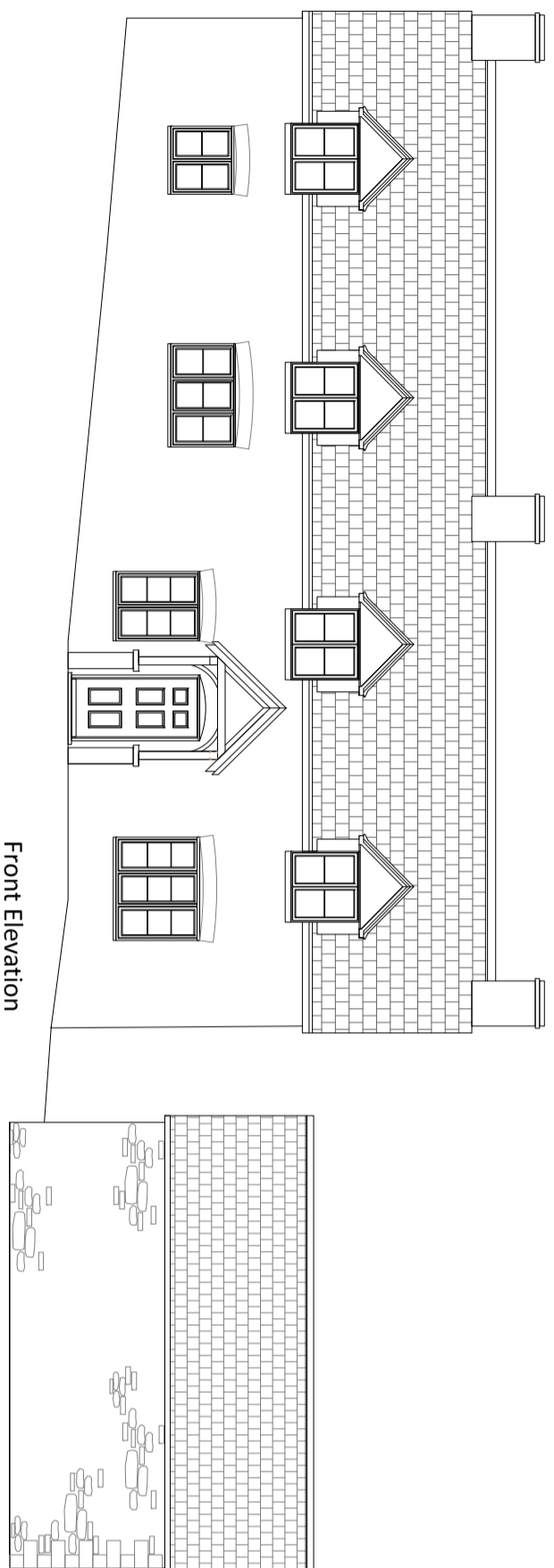
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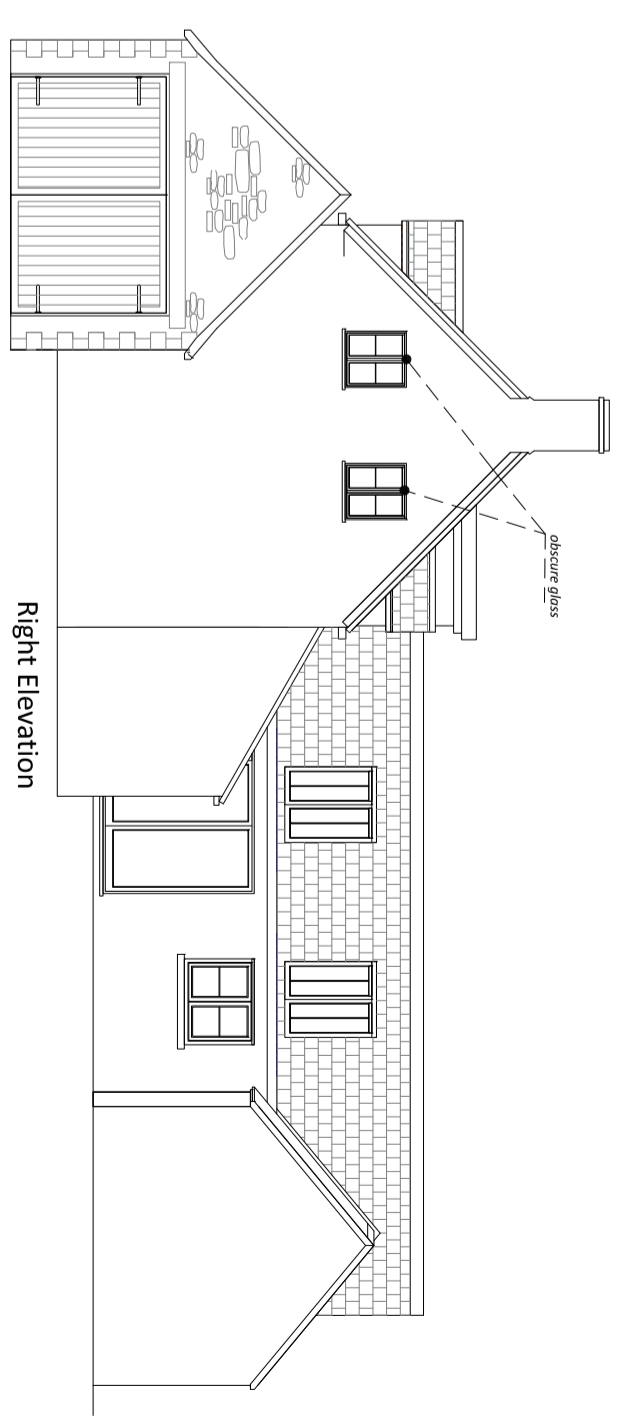
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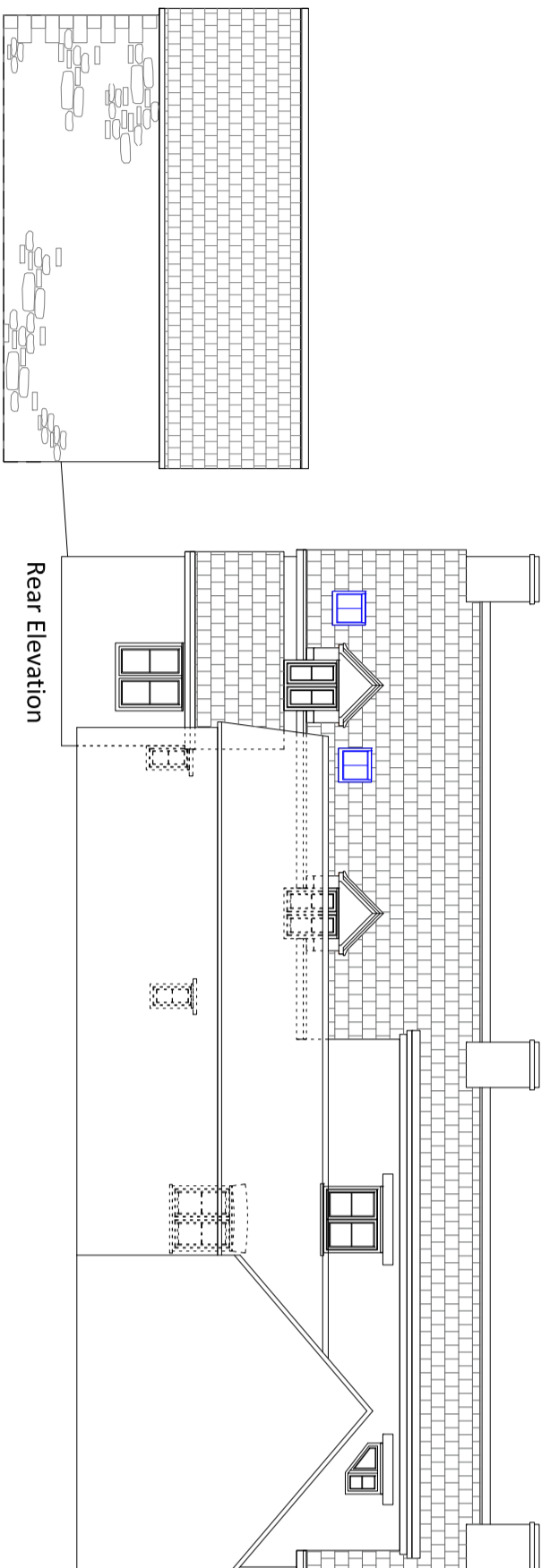
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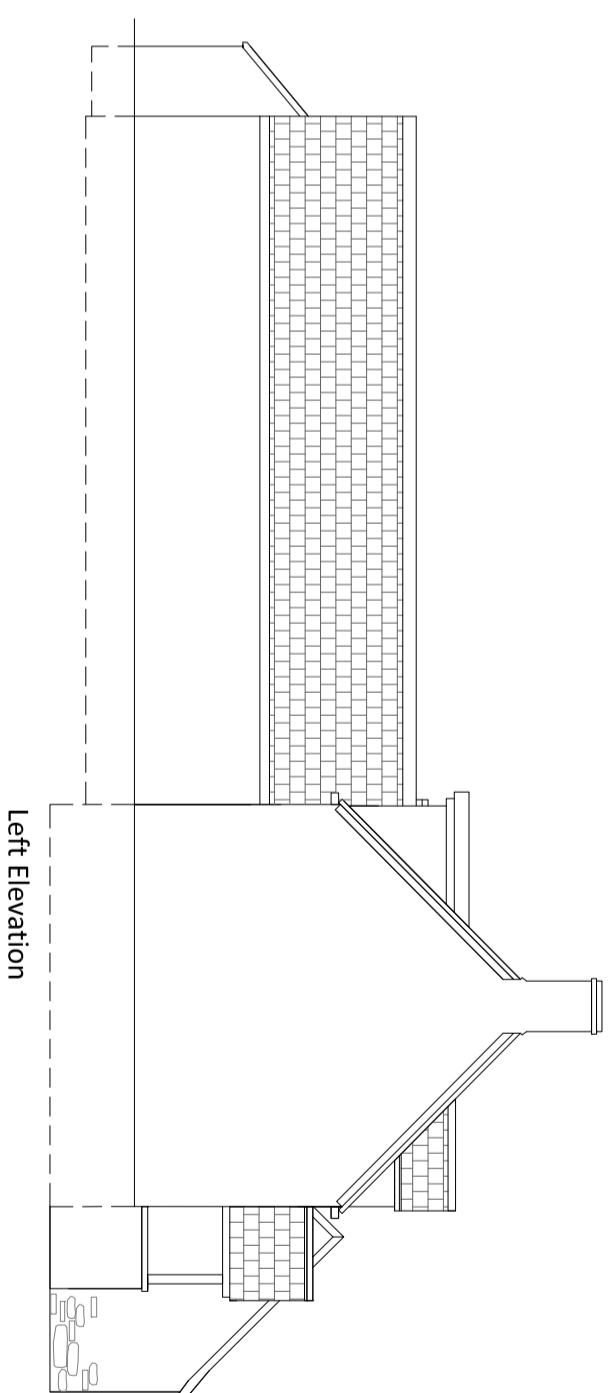
Front Elevation



Right Elevation



Rear Elevation



Left Elevation

Pershore Planning
 High Street
 Pershore
 WR10 1EE
 07500 555495

Client: Sagar Miliverton Longborough GL56 0QF
Description: REVISED Proposed Elevations

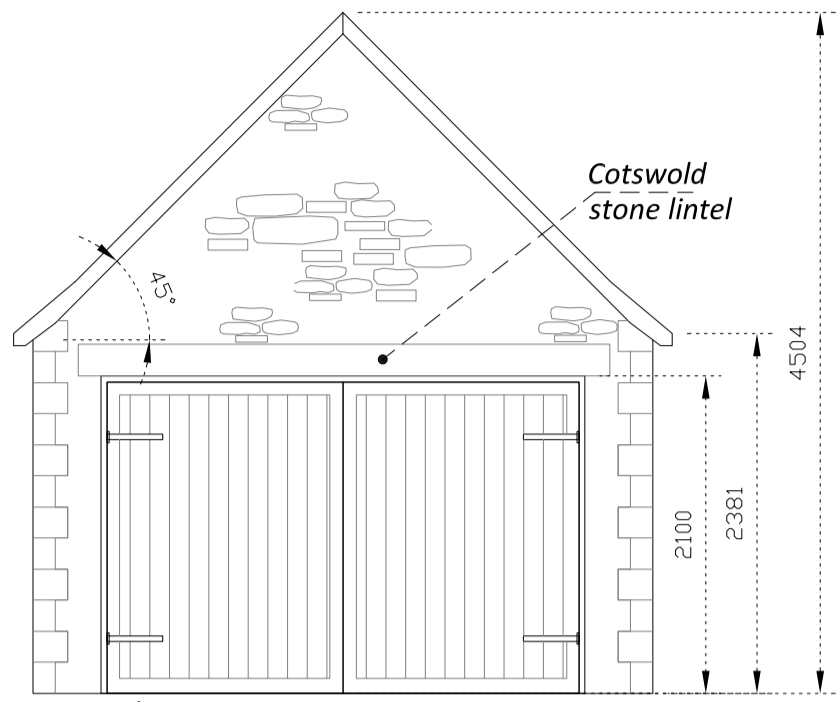
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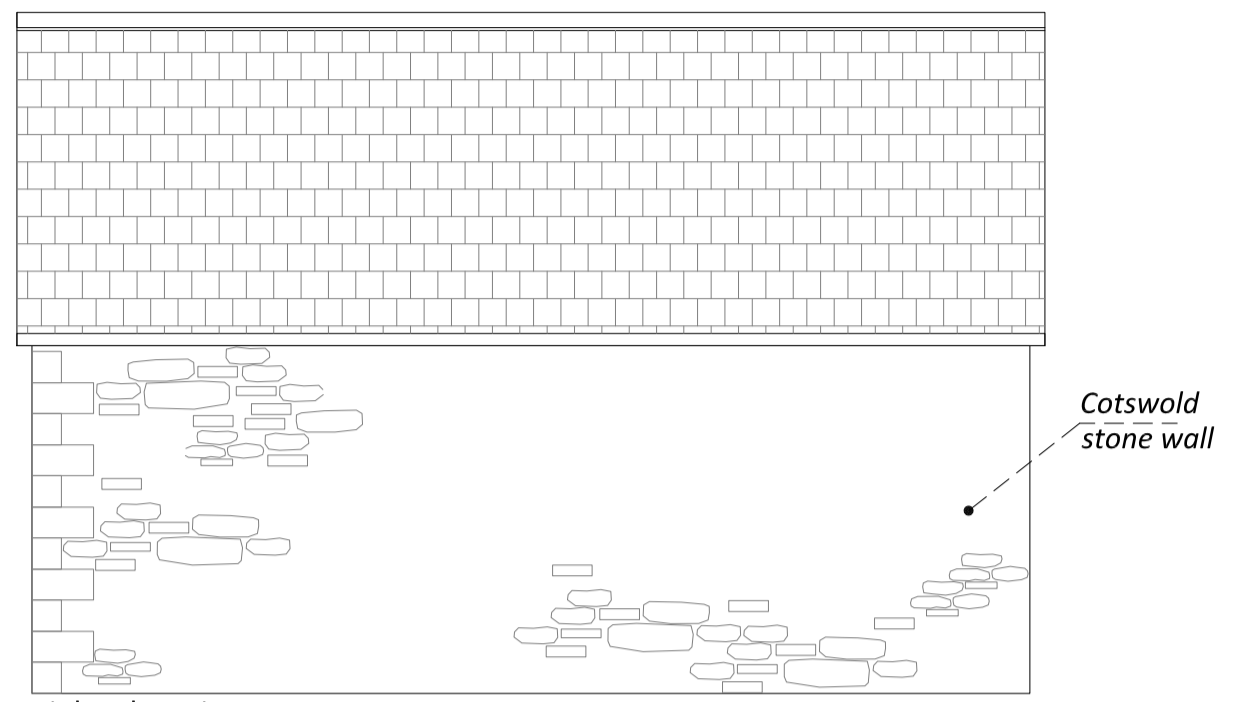
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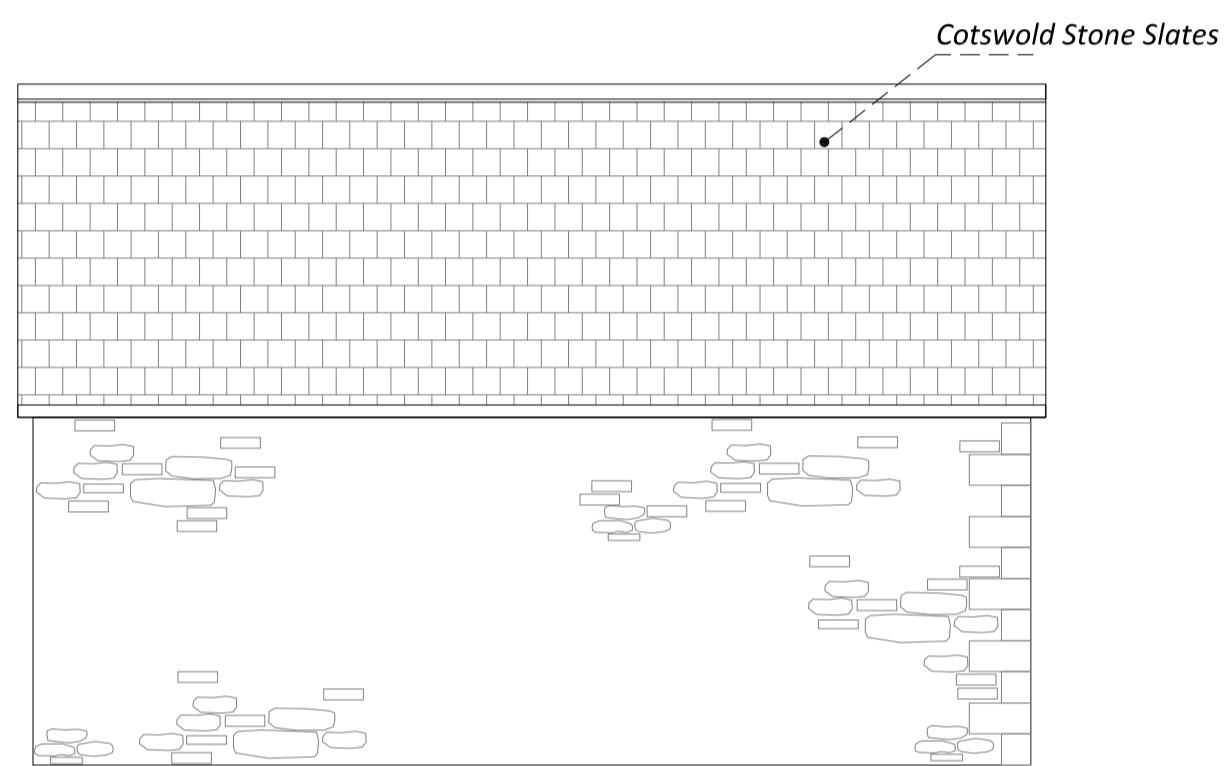
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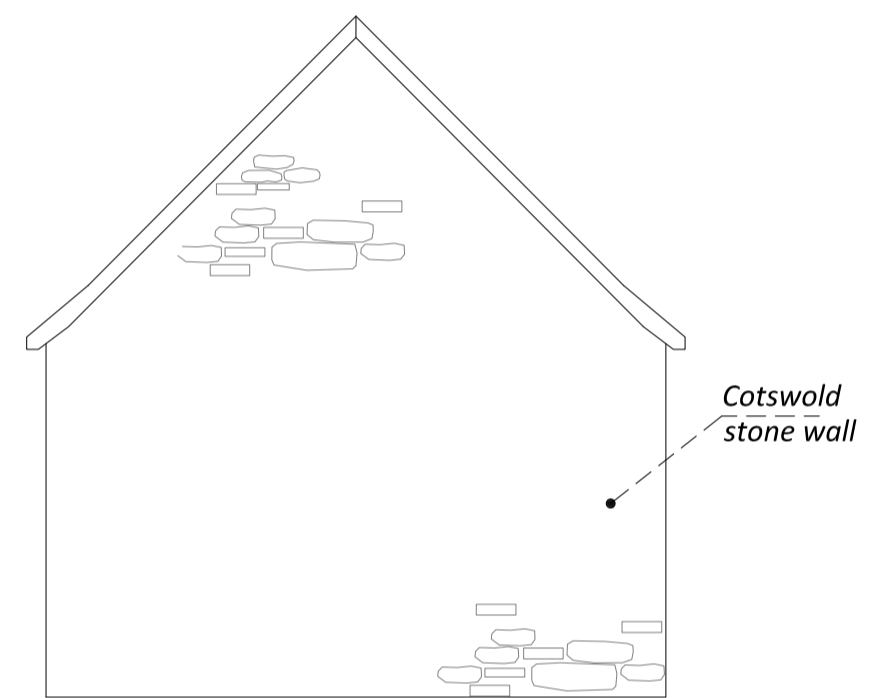
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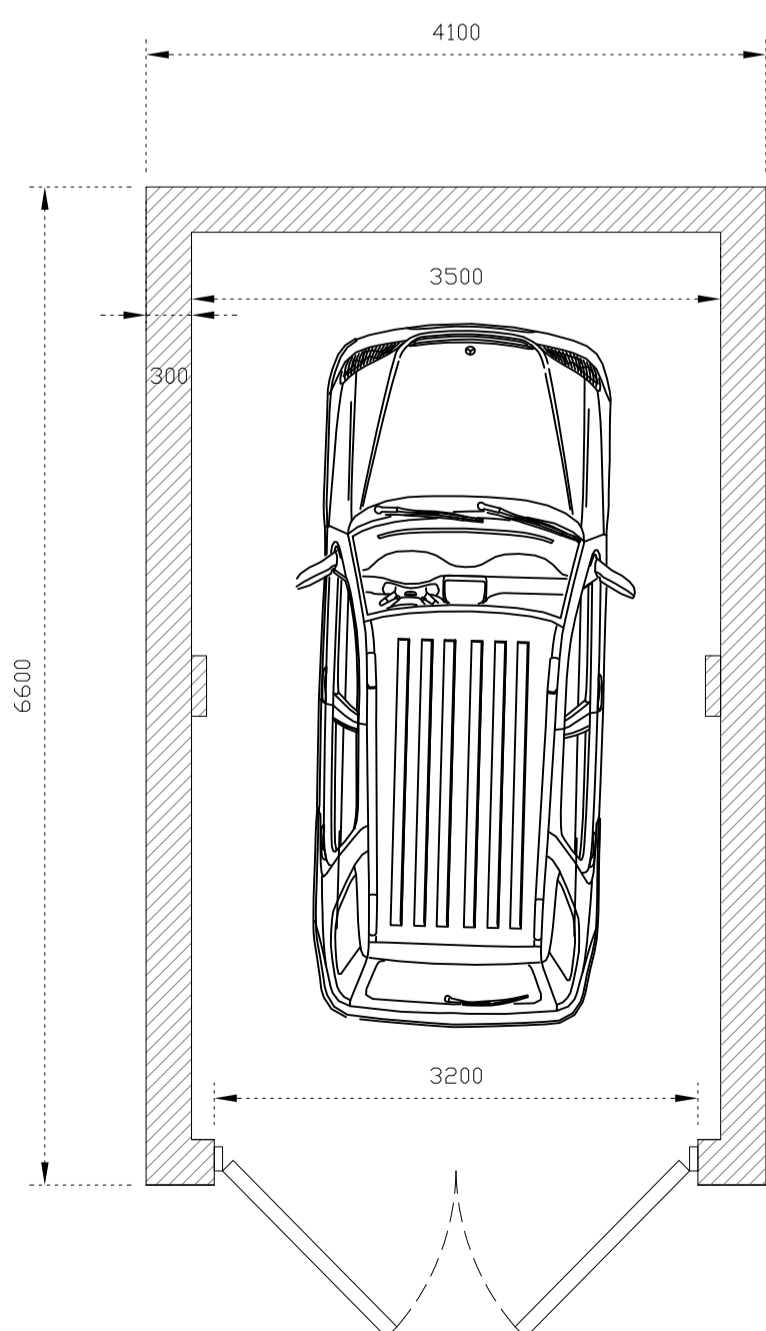
Right Elevation



Left Elevation



Rear Elevation



Pershore Planning
 High Street
 Pershore
 WR10 1EE
 07500 555495

Client: Sagar Milverton Longborough GL56 0QF	Description: Proposed Garage Plan & Elevations
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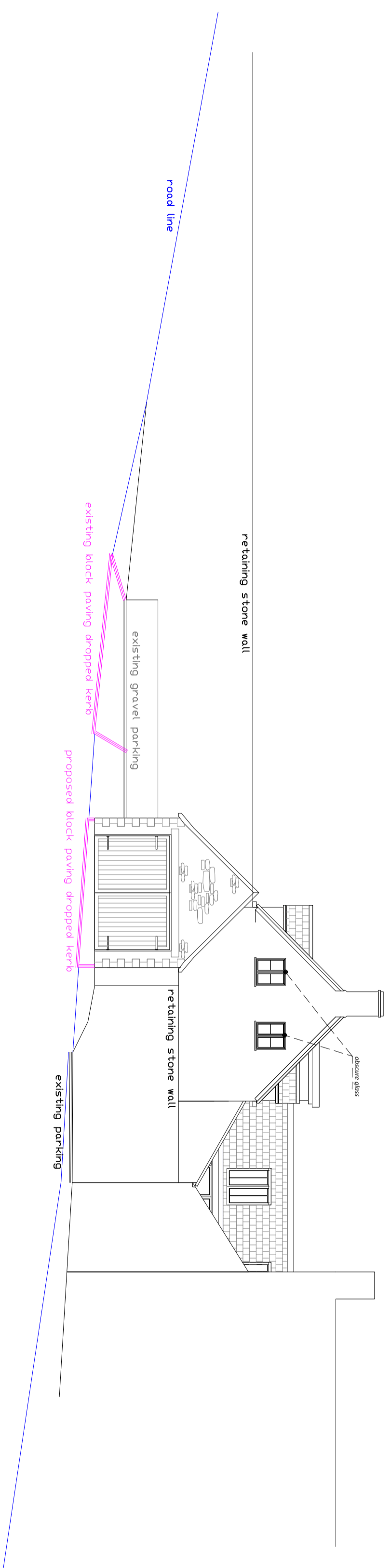
Drawn: AVB	Job: 900534
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Scale @ A2:	1:50
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Date:	25.11.23
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Dwg No:	AE-02(900534)001
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Pershore Planning
High Street
Pershore
WR10 1EE
07500 555495

Client:

Sagar
Milliverton
Longborough
GL56 0QF

Description:

Proposed Road
Side Elevation

Drawn: AVB **Job:** 900534

Scale @ A2: 1:100

Date: 30.01.24

DWG No: AE-05(900534)001

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