

4. To receive an update on progress of items from the last meeting of the Planning Committee on Monday 25 November 2019 – FOR INFORMATION

Applications

PA19/09026 – Mr M Miners, 6 Martins Close

Provision of exterior cladding to upper elevations

Following receipt of additional information, a decision to support the application was returned in accordance with the majority of replies.

Street Trading Policy Review

Response from Cornwall Council to Liskeard Town Council comments during the consultation which will be referred to the Licensing Act Committee on 16 December 2019.

RESPONSE	LICENSING COMMENTS / CHANGES TO POLICY
<p>Liskeard Town Council welcomes the additions and amendments made to the Street Trading Policy, in particular the targeting of single-use/non-recyclable plastic.</p> <p>However, the Council feel closer links should be made between licensing and planning policy. Applications are decided in accordance with the European Union Services Directive 2006/123/EC which states that any prohibition must be by an <i>'overriding reason relating to the public interest'</i> (ORRPI). Examples of ORRPI are public policy. As Neighbourhood Development Plans, the Cornwall Local Plan, and the National Planning Policy Framework are public policies, we would expect these policies to be valid reasons for refusing an application.</p> <p>We understand that competition (e.g. there are already enough traders) is not a valid reason for refusal, as this will be decided by market forces, and would equally not be accepted as material</p>	<p>Licensing agree that the planning policies (Cornwall Local Plan and/or Neighbourhood Plan) may be relevant in determining street trading applications as they fall with the 'public policy' category of the EUSD.</p> <p>Therefore, Planning, as a consultee on all applications should consider these and if an application is contrary to their policies, Planning can of course object and should show how a street trader would impact on these matters.</p> <p>As explained above, Planning can object on <i>'public policy'</i> grounds, but they could also potentially object on other grounds, such as</p>

<p>planning consideration. However, where we have objected to applications on the grounds of planning policy in the past, such as those which protect the vitality and viability of town centres, they have been deemed not compatible with the EUSD. Clear guidance is needed on how these policies can be applied, particularly where a licence is being sought for an edge of town site which may have a detrimental impact on a vulnerable town centre.</p>	<p><i>“protection of the environment and the urban environment”</i>.</p> <p>Planning accept they can comment on applications but as their ability and resources to do so are limited, they suggest that Town/Parish Councils may also refer to any adopted Neighbourhood Development Plan in their responses to ensure that local issues are taken into account.</p> <p>Ultimately it is a matter for Planning and anyone else if they wish to object. Members will consider all objections received.</p>
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Environment Emergency Working Group plan

Following consideration of proposals from the working group at the November Finance, Economic Development and General Purposes committee meeting, service committees were asked to consider the proposed actions in the plan.

This committee has already met with planning officers to agree a statement to be included in response to all pre-applications encouraging the use of policy SUS1 from the Neighbourhood Development Plan. Other actions will be ongoing when commenting on applications.