

Coventry City Council
Minutes of the Meeting of Planning Committee held at 2.00 pm on Thursday, 31
August 2017

Present:

Members: Councillor P Seaman (Chair)
Councillor N Akhtar
Councillor P Akhtar
Councillor S Bains
Councillor G Crookes
Councillor C Miks
Councillor K Mulhall (Deputy Chair)
Councillor D Skinner

Other Members: Councillor L Bigham (Cabinet Member for Community Development), Councillor M Mutton

Employees (by Directorate):

Place: C Horton, A Le Marinel, U Patel, C Thomson, A Walster,
C Whitehouse

Apologies: Councillors R Bailey and J McNicholas and subsequent apology from Councillor R Auluck

Public Business

39. Declarations of Interest

Councillor Mulhall declared an "Other Interest" in the matter referred to in Minute 44 (application HH/2017/0707) – 88 and 90 Owenford Road). He withdrew from the meeting during the consideration of this item.

40. Members Declarations of Contact on Planning Applications

There were no declarations of contact on planning applications.

41. Minutes of Previous Meeting held on 3 August 2017

The minutes of the meeting held on 3 August 2017 were signed as a true record.

42. Late Representations

The Committee noted a tabled report which summarised late representations and responses on the following:

Application No.	Site	Minute No.
HH/2017/0707	88 and 90 Owenford Road	44

43. **Outstanding Issues**

There were no outstanding issues.

44. **Application HH 2017 0707 - 88 and 90 Owenford Road**

Further to Minute 24, of the meeting held on 13 July 2017, the Committee considered an updated report of the Head of Planning and Regulation detailing the above application for two storey rear extensions at Nos. 88 and 90 Owenford Road and also a two storey side extension at no. 90. The application was recommended for refusal.

At the meeting held on 13 July 2017, the Committee resolved that the determination of the application be deferred in order to allow time for negotiations on matters of design and ecology to achieve a scheme that met the development plan policies. Authority was delegated to approve the application in the event an acceptable scheme was designed. However, if an acceptable scheme was not designed, the Committee had resolved to bring the application to the 31st August meeting for determination.

Since the meeting on 13 July, the bat survey had been submitted which resolved the outstanding ecology issue. Various other changes had been made to the design of the proposed extensions. However, no changes were made in respect of the inset of the proposed side extension at least 2m from the pavement of Capmartin Road.

Therefore, whilst some issues had been resolved, the proposal still failed to comply with the SPG and it was considered that the proposal would result in significant harm to the character of both the host dwellings and the area due to their scale, mass and design, contrary to Policies BE2 and H4.

The late representation report tabled at the meeting outlined two further written submissions provided by the applicant.

RESOLVED that planning permission be refused in respect of Application HH/2017/0707 as the proposal fails to comply with the SPG and it is considered that the proposal would result in significant harm to the character of both the host dwellings and the area due to their scale, mass and design, contrary to Policies BE2 and H4.

(Note: Councillor Mulhall left the meeting for the consideration of this item and did not take part in the decision making.)

45. **Policy for the Prioritisation for the Determination of Definitive Map Modification Order Applications**

The Committee considered a report of the Deputy Chief Executive (Place) which sought approval for the policy for the prioritisation for the determination of Definitive Map Modification Order applications.

The City Council has a statutory duty to keep its Definitive Map and Statement under constant review. As part of this duty, the City Council would have to review all applications that it received for a Definitive Map Modification Order (DMMO). A DMMO application could be submitted to the City Council when someone believes that a public right of way subsists over a way. The Council currently has 114 DMMO applications to review which have been received over a number of years. With the limited resources available, the Council would need to have a clear policy to explain how these applications would be prioritised.

The Council currently has an informal arrangement of dealing with the applications in date order of receipt which meant that later applications could take a number of years to be determined. The Council should review and determine DMMO applications as soon as was reasonably practical to do so.

The Countryside Rights of Way Act 2006 (CROW Act 2006) introduced a cut-off date of 2026 which means that any route that was in existence prior to 1949 but not recorded on the Definitive Map would be extinguished on 1 January 2026.

As a result of this cut-off date, 108 of the 114 current applications pending determination were at risk of being stopped up in 2026 and the right of way would no longer exist after 1 January 2026. It was unclear whether the CROW Act would make exemptions for any of these routes, but for now there were none. It was currently unclear in the CROW Act if exemptions would be made for any of these routes but for now there are none.

As a consequence of the cut-off date, it has become necessary to review and process all DMMO's received in the chronological order that they had been received in. The report set out a transparent and fair policy that would enable the Council to continue to process the DMMO's and ensure that the applicants understand where their application was within the queue. The policy for the determination of DMMO's was attached at Appendix 1 of the report.

RESOLVED that the policy for the determination of Definitive Map Modification Order applications as laid out in Appendix 1 of the report be adopted.

46. **Pre application charging scheme**

The Committee considered a report of the Head of Planning and Regulation which outlined proposals to introduce charges for pre-application advice.

The City Council has offered a free pre-application service in connection with applications to be determined by this authority for many years however, over the recent years the service has been extremely limited and dependent on capacity.

Pre-application advice usually involves developers seeking specialist advice from local planning authority and other statutory and non-statutory consultees as part of the process for preparing a planning application. Developers want to know about the potential constraints on a particular site, the planning policy considerations/compliance and the type of information that would need to accompany a planning application.

The increasing pressure on local authorities to be self-financing by 2020 and the recognition that paid for pre-application advice is now widespread and generally accepted by developers together with the focus to provide a high standard of service has led to the proposals.

The Government acknowledges that Councils can charge for this type of discretionary service on a not-for-profit basis.

The proposed scheme was set out in Appendix A of the report. Whilst it incorporates all types of development, it was hoped to start charging for the major development pre-application advice from 1 October 2017 and to start charging for the remainder of the pre-application requests by the start of the next financial year to allow for the introduction of the new IT system and appointment of staff.

A web-based free service giving basic information would continue to be provided, this would include self-serve web access to site history, constraints, planning policy (including supplementary guidance/documents).

The pre-application advice service would be explained on our website along with the charges which would be set according to the scale and complexity of the proposals. The charges would not exceed the cost of providing the service.

The pre-application charging scheme would be considered by Cabinet Member for Community Development on 18 September 2017 and the charges would be implemented from 29 September 2017.

RESOLVED that the Planning Committee notes the report and is fully supportive of the scheme. The charging regime will be reported to the Cabinet Member for approval.

47. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of business.

(Meeting closed at 2.55 pm)