**HEREFORD CITY COUNCIL**

**PLANNING & HIGHWAYS COMMITTEE**

**MINUTES**

**OF THE MEETING OF THE PLANNING & HIGHWAYS COMMITTEE**

**HELD AT THE TOWN HALL, HEREFORD**

**on Thursday 12th January 2017**

**Present:**  Councillors Michael, Nicholls, Edwards, Chappell, Mansell and Griffiths

**OFFICERS ATTENDING:** Steve Kerry, Town Clerk; Connor Powell Administration Finance and Information Officer; Mr John Faulkner representing Hereford Civic Society

**P001 APOLOGIES FOR ABSENCE:**

Cllrs Dykes, Hey and Lloyd Hayes

**P002 APPOINTMENT OF SUBSTITUTES:**

Councillor Edwards for Councillor Lloyd Hayes

**P003 DECLARATIONS OF INTEREST:**

None at this time.

**P004 MINUTES OF PREVIOUS MEETING OF THE COMMITTEE:**

The minutes of the meeting of 1st December 2016 were agreed as an accurate record, noting that the meeting of 15th December had been cancelled.

**P005 DISTRICT COUNCIL MEMBERS:**

**It was Resolved that the participation of those City Councillors who are also members of the County of Herefordshire District Council in both the debate and any subsequent vote on matters contained in this agenda is on the basis that the views expressed are preliminary views taking account of the information currently available to the City Council and that District Councillors reserve their final views on all applications until they are in full possession of all relevant information both for and against.**

**P006 POLICY ISSUES**

006.1 Enforcement

The Chairman introduced Kevin Bishop, the Lead Manager for Development at Herefordshire Council who was attending in response to concerns raised about enforcement and thanked him for attending.

Mr Bishop stated that in future he would be happy to comment on general planning issues but would prefer concerns about specific sites to go to the case officers who would respond. If however responses were not forthcoming he would take the matter up. Enforcement Officers should be willing to talk to the relevant ward member and to the Parish Council through the Clerk about contentious issues.

The Council has an enforcement policy which dates back to 2007. A revised and updated version is in final draft. In answer to questions it was unclear how members at Herefordshire could influence this policy as it did not appear to require cabinet or committee approval. It would be presented to the Area Plan team for information but was within the discretion of Herefordshire’s officers to compete this updating. The policy makes it clear that activity on a site without planning permission is not automatically illegal, it is unauthorised. It only becomes a breach of law if enforcement notices are ignored. There is a concept of under enforcing where the Planning Authority obtains improvement to practice on a site which means that activity would get planning permission if it was applied for, as a condition of not imposing an enforcement notice. The Council has served some 700 enforcement notices and several maters have gone to court. Some direct action ie works in lieu of action by owners has also taken place. The Council now has a full team of three full time equivalents, led by Mark Tansley. Investigations are carried out with Planning Officers to determine if action needs to be taken in response to complaints.

On the Victoria House site the developer has said he will not apply for planning permission for the car wash or car park and enforcement action has been taken requiring both activities to cease in seven days. They may try to settle by under-enforcement but action will be taken against the owner of the site and the operator if activity continues. Bird nesting site destruction is a matter that should have gone straight to the police for follow up. The Clerk pointed out that it had taken two years to receive that information which meant it was now far too late to taken any action.

In answer to a question as to why it has taken so long to get any action on Victoria House, Mr Bishop stated this was partly due to a shortage of staff and unsuccessful efforts at recruitment and a view by Planning Offices that the problems were not serious.

Stop notices, either permanent or temporary, can be issued although the Council can be liable for compensation if it wrongly awards a permanent stop notice.

In answer to a question it was confirmed that if a car wash operator simply moves from one unauthorised site to another then action can be taken much more quickly than at Victoria House to serve notices and bring activity to a stop. Clearly, if an operator has been through the process once, he knows what he should do to get permission.

Regarding HMO’s and the lack of a clear policy, Mr Bishop confirmed that the recent appeal wins for Herefordshire where the Committee had rejected applications (supported by the City Council and against officer advice) meant that precedents had been set that could now be relied upon in other cases. This has strengthened the Council’s position.

In discussion it was confirmed that part of the frustration that had built up around Victoria House was the lengthy delays in getting answers followed by curt and dismissive one line responses and refusals to explain the rationale for decisions. Mr Bishop undertook to advise his officers that good and timely communication with the City Council was expected.

006.2 Eastern River Crossing

The Clerk presented a repot based on legal advice received about the legality of the Council committing money to design work or a referendum on the proposed road. It was noted that general power of competence does not allow a council to spend on something it cannot deliver ie promotion or design of a road when it is not a highway authority. It was however completely legal for the Council to support a pressure group, lobby county members, MP’s the LEP etc to build support for the proposals. The first opportunity to do this will be the five year review of the Core Strategy and the associated Local Transport Plan.

In response to a question the Clerk gave a brief summary of the comments made at the meetings he has attended with the Mayor, although it was noted that this was not all the meetings that have taken place. Accordingly members asked for an additional recommendation at the end of the report regarding a report to Council by the Mayor to summarise the outcome of these meetings.

It was proposed by Councillor Edwards, seconded by Councillor Michael and

**RESOLVED**

**That the Committee notes the report and the legal issues arising from promoting the scheme.**

**That the Committee refers the report to Council to enable Coucil to decide if it wishes to support the creation of a pressure group to promote the case for an eastern river crossing and a new road.**

**That the Committee requests the Mayor to write a summary, to be presented to Council, of the meetings he has held and the outcomes, including information on who is supporting the idea, and on what terms, including other councils, county members, the LEP and the county’s MPs.**

**P007 APPLICATIONS FOR PLANNING PERMISSION**

It was **Resolved**

**That the applications noted in the attached table, and the licensing matters attached with the responses of the City Council be agreed and forwarded to the Planning Authority by the Clerk.**

It was noted that applications were presented for scrutiny using the data stick method by the Administration, Finance and Information Officer and the Chairman thanked Connor Powell for his contribution to the meeting. This will be the standard presentation method going forward as it is much quicker. Responses to applications would be sent to each case using the “make a comment” facility on Herefordshire Council’s website, not by sending the grid used, which would however be circulated with the minutes as an aide memoire to members.

**P008 CORRESPONDENCE**

008.1 Herefordshire Regulatory Committee

It was noted that Herefordshire Council will no longer have a distinct Regulatory Committee. The great majority of cases are dealt with by officers. Those requiring a member decision will be reviewed by panels of three members of Planning Committee. The Clerk will contact Marc Willimont to ascertain if there is any change to the consultation arrangements and how the City Council can arrange to speak with a member panel if necessary.

008.2 Off Street Parking

Balfour Beatty had not been able to attend the last meeting they were invited to for discussion of this issue, they will be invited to the next meeting.

008.3 Eign Outfall

The Clerk had written briefly to Herefordshire supporting their position against this appeal and formally reiterating the Council’s position for onward transmission to the Inspector. It is not envisaged that his matter will require a public examination of the case.

**P009 DATE OF NEXT MEETING**

Thursday 2nd February 2017 at 6 pm.

There being no other business the Chairman declared the meeting closed at 7.45 pm.

Signed ……………………………………………………………………

Date ……………………………………………………………………....