

**Minutes of the Development Control Committee
Wednesday 12th January, 2022 at 6.00 pm
In the Committee Room 2, Council House, Dudley**

Present:

Councillor A Goddard (Chair)
Councillor D Harley (Vice-Chair)
Councillors D Corfield, M Hanif, C Neale, W Sullivan, E Taylor, and M Westwood.

Officers: -

J Hindley (Highways Officer), C Mellor (Planning Manager), P Mountford (Head of Planning and Regeneration), E Napier (Principal Planning Officer), G Breakwell (Solicitor) and L Jury (Democratic Services Officer).

Also in Attendance: -

8 members of the public

43. **An apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor S Mughal.

44. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

45. **Minutes**

Resolved

That the minutes of the meeting held on 17th November, 2021, be approved as a correct record and signed.

46. **Change in order of business**

Pursuant to Council Procedure Rule 13(c) it was: -

Resolved

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

47. **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the reports submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating certain information given in the reports submitted. The content of the notes was taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting, and spoke on the planning application as indicated: -

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/1763	Councillor T Crumpton E Napier – on behalf of K Garbala who had elected to speak but was unable to attend the meeting due to medical reasons.	Mr S Parma – Marrons Planning (on behalf of Applicant)

(a) **Planning Application No. P21/1763- Everley Residential Home, 15 Lyde Green, Cradley, Halesowen – First floor rear extension, single storey rear infill extension, elevational changes to include new front porch, new windows/doors, render to all elevations and alterations to existing front boundary wall (resubmission of P21/0928)**

In considering the application, Members took into account all of the concerns raised by the objectors and the Ward Councillor, as outlined in the report and as reported at the meeting, in regard to the application requiring a change of use for a secure institution for troubled children and young people and the accommodation not being registered with Ofsted which was a requirement. Also corporate parenting duties had not been addressed in the report, neither had safeguarding concerns as the accommodation was in close proximity to a play/nursery facility and on a route used by local primary school aged children, the inappropriate location for this type of facility due to vulnerable and elderly residents in close proximity and the fear of an increase in crime and disorder in the area. Objections were also raised due to overlooking and loss of privacy.

The Committee also took account of the comments made in support of the application, in that the applicant had previously addressed concerns raised by planning officers and the building when completed would be of a high standard of design and be visually attractive from the street, and that permission was not required for a change of use class as it was the client's intention to simply rejuvenate and enhance the existing facility. Assurance was given to Members that the facility would be professionally managed and that reference to any proposed increase in crime and safety was purely speculative and unjustified, and that determination of the application should proceed based on the physical alterations and the extension to the building only.

Officers advised that in respect of the concerns raised in relation to the change of use of the facility, they had considered a management plan which had been provided to support the application and were satisfied that the facility would be used for care purposes that fell within the C2 class. The recommendation made by officers had been made purely in respect of the extension and alterations to the existing building, and that the applicant was not seeking consent for the change of use of the building, and a care home for young people would not fall within a different use class to a residential care home. Officers were not able to consider the appropriateness of the location for such a use.

In response to concerns raised by the Committee, Officers advised that if in future it became evident that this facility was not being used for an activity that fell within the C2 use class, the Local Authority would investigate and advise the applicant to either cease the use or apply for that use retrospectively. Reference was also made to the Local Authority's powers to take enforcement action if necessary.

Members were reminded that they were not being asked to consider a change of use of the facility and that the application before them should be determined only on the basis of the proposed physical extensions and building work alterations and in the context of the facility being of C2 use.

Resolved

That the application be approved, subject to conditions numbered 1 to 4 (inclusive), as set out in the report submitted, together with an amended condition, numbered 5, as set out below:-

5. Prior to the first occupation of the development, details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be submitted and approved in writing by the Local Planning Authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. The electric charging points and bays shall be installed prior to first occupation in accordance with the approved details and shall thereafter be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (infrastructure Provision) of the Black Country Core Strategy.

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- (b) **Planning Application No. P21/1386 – 14 Iron Bridge Walk, Pedmore, Stourbridge – First floor extension and rear Dormer to facilitate loft conversion.**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report submitted.

48. Planning Enforcement – Enforcement Plan Review 2021

The Committee received a report of the Director of Regeneration and Enterprise on a review of the Enforcement Plan that had been introduced in 2017. The report also provided information on the activities of the Borough's Planning Enforcement team, together with a brief appraisal of the enforcement teams performance across 2019/2020 and 2020/2021.

The Principal Planning Officer presented the report and in doing so, referred to the Enforcement Plan that had been produced in 2017 which had provided a focus point for members of the public to observe the activities of the Enforcement Team and how they investigated enforcement cases. It was noted that a recommendation within the plan, committed the section to undertake a review every two years which was completed in 2021 and the details and outcomes of the review were outlined in the document attached as Appendix 1. Minor amendments were recommended to the Enforcement Plan, attached as Appendix 2, and the Enforcement Complaint Form, attached as Appendix 3 to the report.

It was advised that one of the main reasons for introducing an enforcement plan and complaint form related to the high number of enforcement complaints that the authority received that were not planning related which prevented Officers from focusing on investigating significant planning breaches that required action.

It was noted that a large number of cases related to domestic household applications and it was believed that the reason for this related to national Government having introduced a number of changes to permitted development over the years which had enabled people to carry out alterations to their homes without requiring planning permission. However, officers were still required to investigate such cases if referred to the local authority and it was noted that a large number of cases were being closed where the end result identified no planning breach had taken place. Therefore, it was recommended that enforcement complaints that related to domestic properties, be moved from priority 2 to priority 3 cases, to enable officers to have more time to investigate the matter, and it was also recommended to remove the requirement for officers to provide updates to complainants after 28 days and 56 days, and instead to update complainants as soon as action had been agreed.

In relation to domestic properties, it was also proposed to encourage members of the public to undertake their own research to ascertain whether buildings/extensions undertaken on neighbouring properties had been done under permitted development. To assist the public in this, a section would be added to the enforcement complaint form which would enquire whether permitted development rights had been checked before contacting the local planning authority. It was noted that this had already been implemented and had resulted in a reduction in the number of cases received as the public become more aware of what alterations/extensions were permitted.

It was also recommended that additional guidance be included relating to steps that were to be taken prior to formal action being taken, stressing that if action had not been addressed after an agreement had been made, there would be a greater risk of enforcement action being undertaken without any further communication from officers. Additional guidance would also be included on how the Local Planning Authority would determine whether prosecution action was expedient.

The Principal Planning Officer referred to the overall productivity of the Enforcement Team, advising that there had been a reduction in the number of notices that had been served in 2020 due to the pandemic, but assurance was given that from April to October 2021, the number of notices served had already exceeded the number of notices served before the pandemic, demonstrating that officers were addressing any backlog that had occurred due to the pandemic.

In conclusion, the Principal Planning Officer advised that the minor changes recommended to the plan were needed and it was anticipated that it would result in Officers being better resourced and equipped to process enforcement cases more efficiently and expediently as they would be able to focus on cases that required prioritisation.

Arising from the presentation of the report, Members raised questions which were answered at the meeting in relation to breaches in conditions and made comments in relation to the frustration felt by many Members regarding the time taken to undertake enforcement action once a breach had been identified. In response, Officers advised that enforcement could be a slow process, often due to the complexity of cases, sometimes dealing with contentious issues, having to comply with legislation, and often having to ensure that issues were dealt with in a certain order to ensure compliance if taken to appeal. It was acknowledged that Officers needed to improve communication with the public and Members with regards to delays and provide more updates when matters had been actioned.

The work carried out by the enforcement team was presented, and it was noted that the team consisting of three officers had served more enforcement notices and undertook more visits than other local authorities, emphasising that the work could be very labour intensive and acknowledging the excellent negotiating skills of the Officers within the team who were able to resolve issues with the public without the need for enforcement action. It was suggested that if Members were in agreement, some ambiguous cases for proposed enforcement, that had been delegated to Officers for determination, be submitted to the Committee for consideration.

In response to a question raised by a Member in relation to the number of enquiries received by the local planning authority relating to possible breaches in planning rights, the Planning Manager suggested that the number of enquires received in a year by the planning support team be submitted to a future meeting.

Resolved

- (1) That the information contained in the report and Appendices to the report submitted, be noted.
- (2) That the minor amendments made to the enforcement plan and enforcement complaint form following the review, be approved.

- (3) That certain ambiguous enforcement action proposals, otherwise delegated to officers for determination, be submitted to the Committee for consideration.
- (4) That the number of enquires received yearly by the planning support team in relation to possible breaches in planning rights, be submitted to a future meeting for consideration.

The meeting ended at 7.10pm.

CHAIR