

Birmingham City Council

Planning Committee

28 October 2021

I submit for your consideration the attached reports for the **East** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	6	2020/09459/PA Equipoint 1508 Coventry Road South Yardley Birmingham B25 8AD Construction of a mixed use development of two Blocks of between 3-9 storeys comprising 105 residential apartments (Use Class C3) with ancillary internal and external amenity areas, ground floor commercial floorspace (Use Class E) and associated works including public realm, landscaping and parking
Approve – Conditions	7	2021/01546/PA Former Atlas Works Redfern Road Tyseley Birmingham B11 2BH New Waste Services depot - including garage/workshop, staff accommodation/amenity block with ancillary offices and parking for all BCC fleet waste Service vehicles with associated infrastructure and landscaping.

Committee Date:	28/10/2021	Application Number:	2020/09459/PA
Accepted:	27/11/2020	Application Type:	Full Planning
Target Date:	26/02/2021		
Ward:	South Yardley		

Equipoint, 1508 Coventry Road, South Yardley, Birmingham, B25 8AD

Construction of a mixed use development of two Blocks of between 3-9 storeys comprising 105 residential apartments (Use Class C3) with ancillary internal and external amenity areas, ground floor commercial floorspace (Use Class E) and associated works including public realm, landscaping and parking

Recommendation

Approve Subject to a Section 106 Legal Agreement

Background to the Development

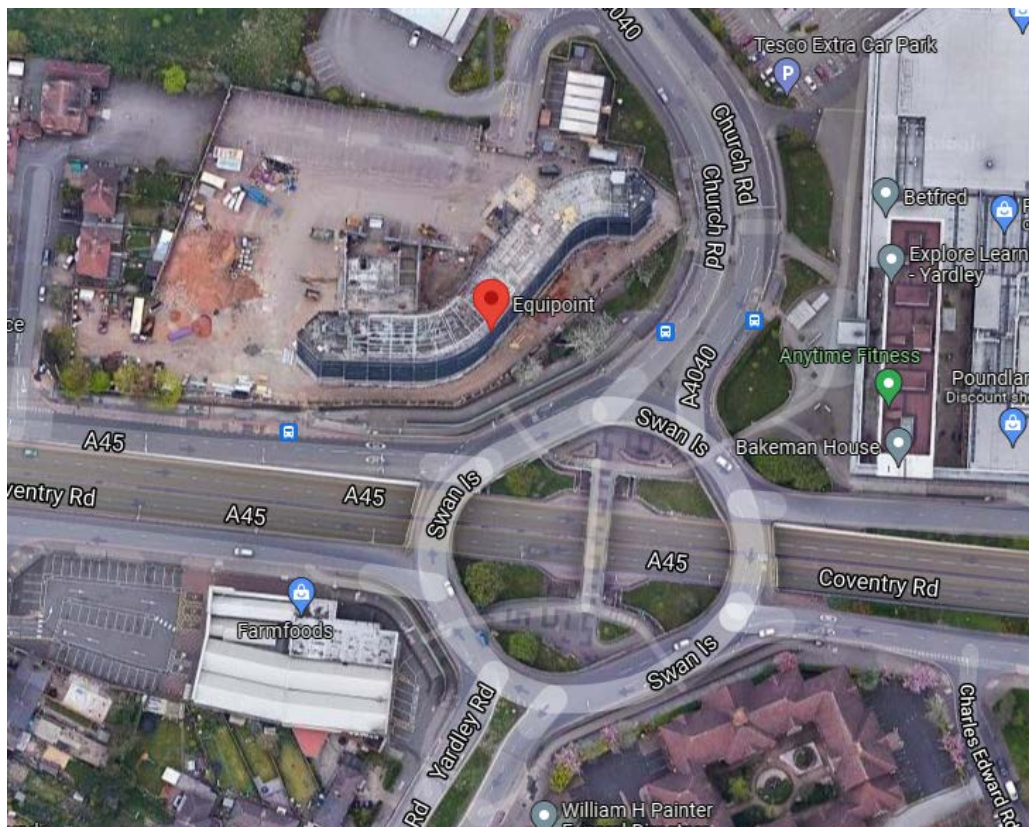
The Equipoint building, which fronts Swan Island, Coventry Road, is a local landmark within the Swan District Centre. It has historically been utilised as offices with extensive car parking facilities. In 2018, there was a prior notification for the change of use of the building from offices to residential use (220 apartments), as well as fenestration and glazing changes. Also, planning consent was granted (2019) for 28 additional units on the roof and within the undercroft of the building. These works have been implemented.

1. Proposal

- 1.1. This application is for the erection of 105 apartments amenity areas, ground floor commercial space (Class E), parking and associated works including public realm and landscaping.
- 1.2. It is proposed to erect 2 new buildings at the rear of the existing Equipoint building, which will both be 'lozenge' shaped. Block A is located north west of the original 'Equipoint' and steps down from 7 floors to 5, then further towards the west the building drops to 3 storeys to relate more effectively with the adjoining site. Block A has the one bedroom units and the stairs /lifts within the straighter element and larger two bedroom units towards the curved ends. This building has residential floors above a parking undercroft and the entrance lobby.
- 1.3. Block B is north of the original building. The block is 9 floors and is smaller in footprint still with curved ends with the main entrance, stairs and cycle store and a commercial unit (Class E) at the northern element which extends to 229sqm. There are 8 floors of residential above (9 floors in total).
- 1.4. The commercial space (229 sqm) within Block B would be located on the ground floor. Across the two blocks, there are a total of 105 apartments. There would be 52 no x 1 bedroom (2 person) units and 53 no x 2 (3 person) bedroom units. Each unit will meet or exceed 47sqm to 66sqm.

- 1.5. The parking layout shows a total of 236 Parking spaces to serve a total on 352 apartments (Equipoint phases 1 and 2). This also includes disabled parking spaces and covered secure store within the curtilage of the site. The car park will be broken up with landscape areas.
- 1.6. The application is accompanied by the following:
- 1.7. Suite of plans and elevations
- 1.8. Planning statement
- 1.9. Design Statement
- 1.10. Transport Assessment /Air Quality
- 1.11. Noise Assessment
- 1.12. Flood Risk assessment
- 1.13. Viability Statement
- 1.14. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site presently comprises the 10-storey office block and associated large car park (this application site) with access from Church Road and egress onto Willard Road. The current building fronts onto the main Swan Island where Coventry Road (A45), Church Road and Yardley Road converge. Below is the site shown in an aerial format which clearly shows the site and the local environment.

Figure 1 – Site Location Plan



- 2.2. To the east is Swan District Centre. To the north is Oaklands Recreation Ground.
- 2.3. Towards the west are residential properties fronting Willard Road and retail/commercial units fronting Coventry Road. To the south, on the opposite side of Coventry Road, is a large retail unit, library and other residential units.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. 21.05.2004 - 2004/01204/PA - Change of use from B1 Offices to A2 Staff Recruitment Offices (opening hours Monday to Saturday, 0800hrs to 1800hrs) – Approved subject to conditions.
- 3.2. 26.02.2010 - 2009/05191/PA - Change of use of 1st floor from Use Class B1 (Business) to Use Class A2 (Financial & Professional Services) – Approved subject to conditions.
- 3.3. 26.04.2012 - 2012/01098/PA - Change of use of ground, 8th, 9th and 10th floor from offices (Use Class B1) to a 125 bedroom hotel (Use Class C1) including minor alterations to entrance area and car park – Approved subject to conditions.
- 3.4. 23.03.2018 - 2018/00071PA – Prior Approval for the change of use of office accommodation to 220 residential units – Prior Approval Granted.
- 3.5. 10.12.2018 - 2018/04339/PA - Window and fenestration changes to external appearance of the building – Approved subject to conditions.
- 3.6. 05.07.2019 - 2018/03556/PA – Additional 28 units in undercroft and on roof - Approved subject to S106.

4. [Consultation/PP Responses](#)

- 4.1. Transportation – No objections
- 4.2. Regulatory Services – No objections
- 4.3. Local Lead Flood Authority (LLFA) – No objections
- 4.4. West Midlands Police – No objections
- 4.5. West Midlands Fire Services – No objections
- 4.6. Ward Members, MP, Residents Groups and neighbouring properties notified - No representations received.
- 4.7. Site notice posted and press notice advertised - 1 comment received
- 4.8. Concerned about parking of large van against boundary wall.

5. [Policy Context](#)

- Birmingham Plan 2017
- Saved policies of the Birmingham UDP 2005
- Emerging Development Management in Birmingham DPD
- Places for All SPG

- Places for Living SPG
- Car Parking Standards SPG
- Emerging Car Parking Standards SPD June 2021
- National Planning Policy Framework 2021

6. Planning Considerations

Principle

- 6.1. This site is currently part of the wider Equipoint residential conversion which has taken place under the prior notification scheme, along with extensions that were approved at committee in 2019.
- 6.2. This scheme represents a second phase of the development site which is located primarily in the existing extensive parking area for the original 'Equipoint' building and the principle of the residential development on the 'brownfield' site is considered acceptable. The site is located within the Swan District Centre, a sustainable location which has excellent access to both public transport and shopping facilities. It is considered that the provision of housing will help the council meet housing targets and support sustainable neighbourhoods as advocated in policies PG3 and TP27 of the Birmingham.

Design and Appearance/Character of the Location

- 6.3. The former 'Equipoint' building is a high-rise office block which is a distinctive 'curved' form and is a local landmark.
- 6.4. This second phase remains wholly subservient to the original and have a curved 'lozenge' shaped elements. Whilst the scale, height and massing of the buildings are lower, they still have a curved format which 'nods to the form of the original building, but still have their own style and identity.
- 6.5. *Block A* - The stepped form (3 to 7 storeys) of the block effectively reduces its mass, adds substantial visual interest to the block and effectively reduces in impact on the amenity of existing residential properties at Willard Road.
- 6.6. *Block B* – the 9 storey height, coupled with the footprint creates a well-proportioned block, that complements (but remains subservient) to the adjacent Equipoint and helps create a cohesive cluster around it. In turn it gives a degree of enclosure of the vast surface car park serving Tesco.

Figure 2 – Site Plan below



Figure 3 - 'Visual impressions' from Coventry Road and Church Road respectively





Figure 4 - Example of floor plans with access to roof terrace on Floors 3 and 5



- 6.7. The overall layout and design would have little impact on the character of the location and the local environs, which would ensure the development complies with policy PG3 of the Birmingham Plan.

Transport and Highway impacts

- 6.8. The application site is located within the Swan District Centre and has excellent access to public transport with bus routes serving the site between Birmingham City Centre and Sheldon and will be conveniently located near the new 'Sprint Route' along the A45.
- 6.9. The proposals would result in the provision of 236 no. car parking spaces for the total on 352 units (phase 1 and 2) with access from Church Road (adjacent to the Petrol filling Station). This provision would include disabled parking spaces and an area of covered cycle storage.

- 6.10. A Transport Statement was submitted. The analysis prepared by the applicants suggests that the parking provision is at an acceptable level and given that the present uptake of parking on the existing scheme is relatively low (29%). Consequently, it is considered that the parking provision for the two phases will not create any adverse overspill onto the adjacent highway.
- 6.11. Parking is located under the building A and spaces will be served by parking lifts which accommodates two vehicles in effectively one space. This is shown in the diagram below (within Block A (coloured orange /brown):



- 6.12. Transportation Development have noted that the additional proposed residential use would be unlikely to result in a demonstrably impact upon the surrounding highway network and on this basis raised no objection, subject to a parking management and travel scheme.
- 6.13. Given the scale of the proposals and the level of parking provision proposed, the LPA consider that such conditions would be reasonable and necessary to ensure the safe management and operation of the application site and car park arrangements to ensure compliance with policy TP44 of the BDP.

Landscaping/ecology and Biodiversity

- 6.14. There are limited opportunities for landscaping of the site. Landscaping will improve the overall appearance of the site and soften the overall visual impact. The applicant has sought to introduce soft landscaping into the scheme to improve the visual appearance and amenity of the site.
- 6.15. This include areas around Block A, the original building and car park and roof terraces on floor 3 and 5 of Block B. These areas improve the natural drainage and improve the biodiversity where previously there was little opportunity for improvement. The landscape and ecology officers are satisfied with this approach and conditions are suggested in terms of the landscape, its management and the boundary and

maintenance to ensure the development continues to comply with Policy PG3 and TP8 of the BDP.

- 6.16. There are also two Green landscaping roof features as part of the building located on floor three and floor five. There is an access door onto these roof areas from a communal corridor that serves the individual floors in question and these link to the main stairwell which means all of the occupants of Block A can access these spaces.

Figure 5 - Areas of Landscape

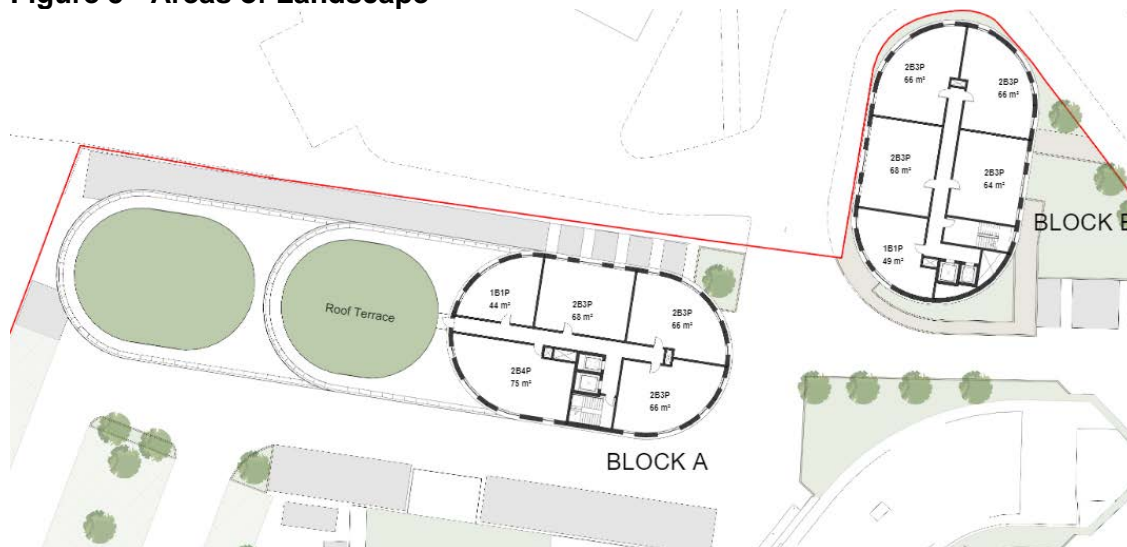
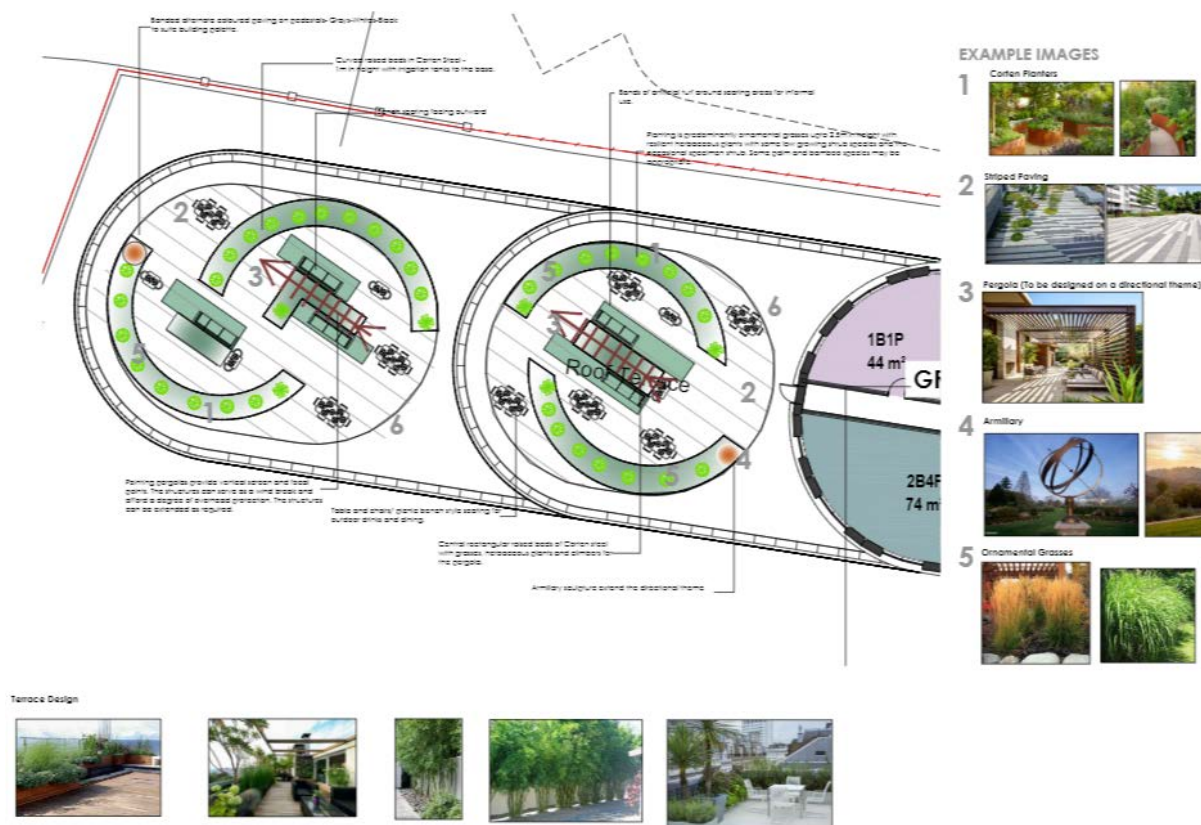


Figure 6 - Roof landscaping proposal



6.17. Flooding risks

The site falls within Flood Zone 1. Consequently, there are no significant risks from flooding from the proposed new buildings.

- 6.18. The Local Lead Flood Authority have raised no objections and have commented that since there is currently drainage, there are no particular concerns and that subject to final Suds drainage details, the development is acceptable. A condition relating to foul /surface drainage of the site is recommended in line with Severn Trent comments to ensure the development continues to comply with policy TP6 of the BDP.

Contaminated Land

- 6.19. As the land is considered 'brownfield', Regulatory Services are satisfied that a land contamination and verification report is the most suitable method to ensure the protection of human health and are satisfied that conditions can be imposed.

Amenity

- 6.20. Each of the new flats will have adequate bedroom sizes and overall space as required by the DCLG Technical Standards which will provide a satisfactory living environment for the new occupiers. The units will meet separation distances to neighbouring properties at a least 27m from Willard Road to the 3 storey (offset).
- 6.21. All of the units in Block A will have access to open roof terraces which will provide welcome relief to residents. Oaklands recreation grounds are directly adjacent and provide a benefit of green space to both use and have a view over.
- 6.18. A noise report and AQA within the Transport Assessment which concludes that that is no significant impact on potential residents in terms of air quality impacts to warrant a refusal on these grounds.
- 6.19. Regulatory Services have no objections subject to the conditions requiring the same noise insulation standards as the conversion scheme and recommendations of the noise report being undertaken which will ensure adequate amenity levels are maintained.

Affordable Housing and Planning Obligations

- 6.20. Given the scale of the proposed development, seeking to deliver more than 15 no. dwellings, 35% affordable housing should be sought in accordance with Policy TP31 of the Birmingham Development Plan. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and / or children's play provision. Developer contributions could also be used to address the demand from new residents if not provided onsite.
- 6.21. The developer has provided a financial viability report based on the new development. The report indicates that there are fairly modest capital values which impacts significantly on viability. The construction costs are only marginally lower than city centre schemes, but sales values are circa 20% to 30% lower and more than 10% lower than even the more peripheral city centre schemes. The abnormal costs relate to site preparation, diversion of services within the site, other normal costs of construction such as the piling has been stripped out of the assessment which reduced the construction cost in-line with BCIS. The remaining costs were considered reasonable and necessary with the proposed stacking parking solution an extra over cost.

6.19. This has been thoroughly assessed by the Councils' independent advisors and in this instance, given the low land values, and the resulting development being mainly rental that the development could only sustain 10 units (7 no 1 bed and 3 no 2 bed units) at 20% discount affordable market rent in perpetuity.

6.20. A local construction /employment condition has been attached.

6.21. **Community Infrastructure Levy**

The proposed development would not attract a CIL contribution.

7. Conclusion

7.1. This is previously developed land and the main principle of residential use has been established and this represents a brownfield site in a highly sustainable location.

7.2. The design of the phase will continue to complement the existing building and would be acceptable in terms of highway and residential amenity considerations.

8. Recommendation

8.2. That application 2021/00874/PA be approved, subject to the prior completion of a S106 Legal Agreement to secure:

The on-site provision of 10 no. (7no 1 bed and 3 no 2 bed) affordable units based on 20% discount affordable rent.

8.3. Payment of a monitoring and administration fee associated with the legal agreement of £1500.00

8.4. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 15th November 2021 or such later date as may be authorised by officer under powers hereby delegated, planning permission be refused for the following reasons:

8.5. In the absence of any suitable legal agreement to secure the provision of low cost discounted the proposal would be contrary to policy TP31 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

8.6. That the City Solicitor be authorised to prepare, complete and seal the appropriate legal agreement under Section 106 of the Town and Country Planning Act.

8.7. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 15th November 2021, planning permission be approved, subject to conditions listed below.

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- | | |
|---|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the prior submission of a contamination remediation scheme |
| 5 | Non Standard Condition Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
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- 6 Non Standard Condition Requires the prior submission of a sustainable drainage scheme
 - 7 Non Standard Condition Foul and Storm Water drainage
 - 8 Requires the submission of a contaminated land verification report
 - 9 Requires the prior submission of level details
 - 10 Requires the submission of hard and/or soft landscape details
 - 11 Requires the submission of hard surfacing materials
 - 12 Requires the prior submission of earthworks details
 - 13 Requires the submission of a landscape management plan
 - 14 Requires the submission of a lighting scheme
 - 15 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 16 Requires noise insulation in accordance with noise report
 - 17 Requires the prior submission of a construction method statement/management plan
 - 18 Requires the submission of details to prevent mud on the highway
 - 19 Requires the submission of a parking management strategy
 - 20 Requires the provision of cycle parking prior to occupation
 - 21 Requires the submission of a residential travel plan
 - 22 Requires the provision of a vehicle charging point
 - 23 Requires the prior submission of Architectural details
 - 24 Non Standard Condition Requires the prior submission of a construction employment plan.
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Case Officer: Sarah Willetts

Photo(s)

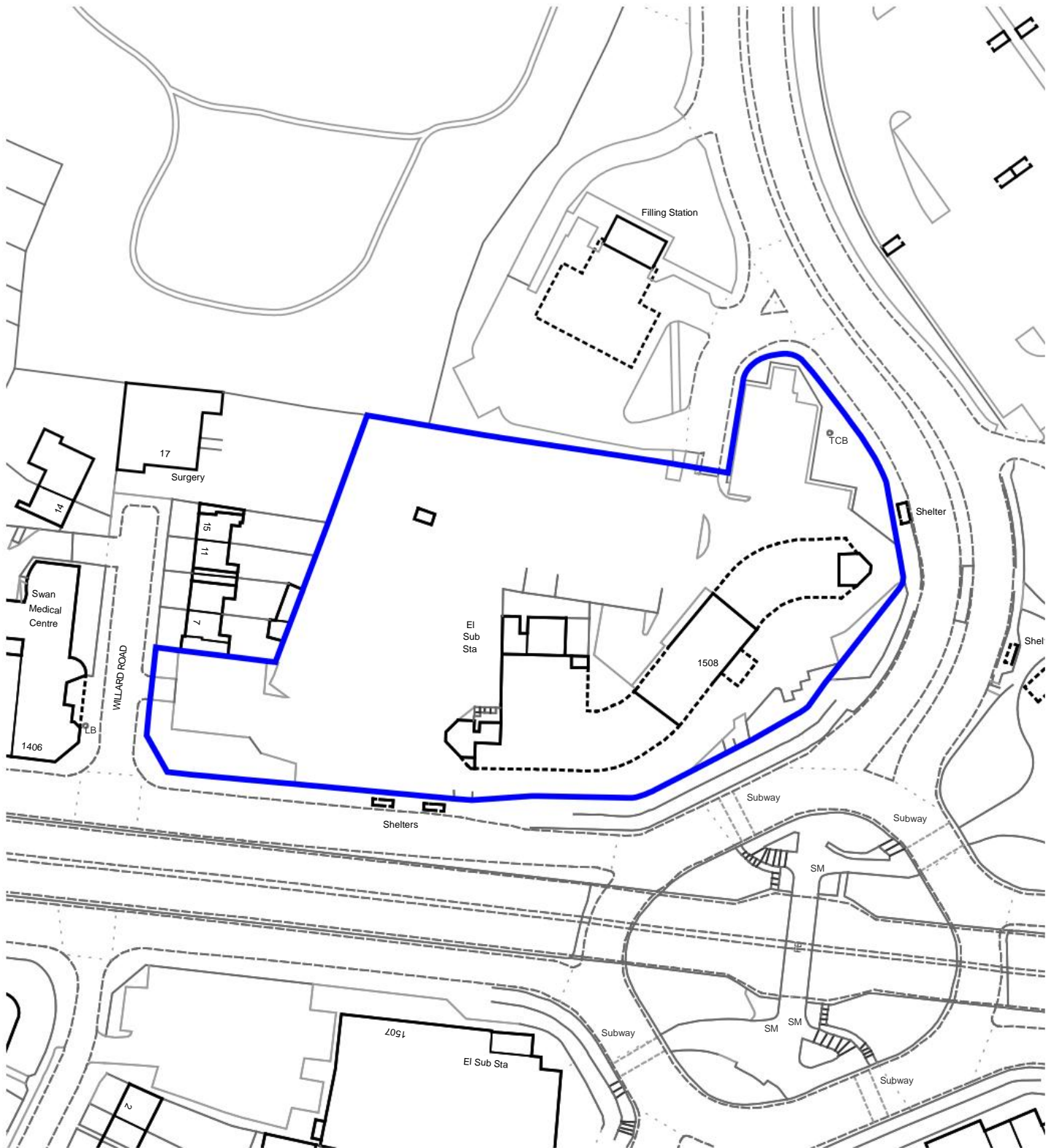
Figure 1 – Site entrance to Equipoint building under conversion



Figure 2 – Longer view from A4040 towards site – Source Google



Location Plan



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Committee Date:	28/10/2021	Application Number:	2021/01546/PA
Accepted:	31/03/2021	Application Type:	Full Planning
Target Date:	31/10/2021		
Ward:	Tyseley & Hay Mills		

Former Atlas Works, Redfern Road, Tyseley, Birmingham, B11 2BH

New Waste Services depot - including garage/workshop, staff accommodation/amenity block with ancillary offices and parking for all BCC fleet waste Service vehicles with associated infrastructure and landscaping.

Recommendation

Approve subject to Conditions

1. Proposal

Background

- 1.1. The Councils waste and refuse service are seeking consent for a large purpose-built facility to relocate the existing Montague Street (3.8km to northwest) and Redfern Road (200m south east) to one location. The present depot at Montague Street houses the waste management main garage which carries out repairs, maintenance and MOT servicing of the Councils fleet of vehicles and the existing Redfern Depot provides ablutions, welfare and office facilities to support the staff and parking for the fleet in the east to recover and transfer waste to the Energy Recovery facility at Tyseley. Redfern depot is also the main driver Training centre.
- 1.2. This relocation will enable the service to provide for a central hub/ purpose-built 'super' facility within a central location for all the waste service vehicles to meet the future needs of the City and this in turn will promote energy savings by operating from one sustainable site.
- 1.3. The main building has an elongated rectangular shape with the two main elements; i) main accommodation (welfare) and ii) workshop and garages for repair, MOT, etc.
- 1.4. The whole building extends to 163m in length along the northern boundary. The accommodation element extends to 47m (length) of the total and is 15m wide and 8.4 m high set over two storeys. This block has the main toilets, changing and shower areas, a muster/ meeting room, stores and MOT reception. The first floor has open plan office, comms room, training room, kitchen and mess room and a plant room.
- 1.5. The depot workshop element adjoins this and is 116m in length and steps out to 18m in width and is 9.4m in height. The workshop is split into inspection bays for different sized vehicles and areas for taxi inspections and MOT space. To the rear of this area are small offices to service the garage along with tool and parts storage areas.

- 1.6. The main building is a simple format with brick courses and simple grey cladding materials forming the basis of the accommodation block with high contrast detailing around openings. The depot continues this theme with a simple grey palette of materials without the brick, however detailing is maintained
- 1.7. The entrance off Kings Road provides car access to staff and visitor parking and softened by landscaping to the frontage .
- 1.8. Beyond this (south) is parking for the fleet vehicles either in bay or echelon format along with a cleaning/ washing station. The site also provides for charging points and further infrastructure for the future. Access for fleet vehicles only is off Redfern Road. Redfern Road provides improved visibility and road width for larger vehicles serving this site and serves the wider employment area. Details of the parking and access is detailed in the transport section of this report.
- 1.9. The site will have landscape areas located towards the main entrance area for visitors and areas of planting within the yard is also proposed along with Brown and Green roof areas over ancillary buildings in order to increase biodiversity opportunities.
- 1.10. The application has been supported with:
- 1.11. Plans and elevations
- 1.12. Planning and Design Statement
- 1.13. Transport Statement
- 1.14. Land Contamination Report
- 1.15. Preliminary Ecological Survey (PEA)
- 1.16. Noise Survey (updated)
- 1.17. Air Quality (updated)
- 1.18. BREEAM (viability) Report
- 1.19. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is located between and joins Redfern Road to the north and east of Kings Road. Whilst the entrance is fairly level from Redfern Road, the site slopes up to the south as the land continues to rise as it goes over the Grand Union Canal.
 - 2.2. On the Kings Road frontage there was an original 3 bay brick-built factory building facing towards the main road. This building was used to house a factory that produced and stored kitchen products (Utensa). This building had its own access entrance, car park and service area. This area has since been cleared and levelled (see updated site location aerial view below).
 - 2.3. The entrance off Redfern road is altogether different and demarked by a palisade style fence and gate and the land beyond is mainly hard surface. Over a period of time a number of shrubs and self-set plants/ trees have become established around the area, especially around the boundaries.

Figure 1

Site location and indicative boundary (Aerial shot – Source: Google with superimposed boundary line) Updated since building removed.



- 2.4. The site is within flood zone 1 and is located within the core employment area of Kings Road Industrial Area and the Tyseley Environmental Enterprise District (TEED).

2.5. [SITE LOCATION](#)

3. Planning History

- 3.1. 26/06/2019 - 2018/03030/PA- Construction of new facility to recycle incinerator bottom ash with associated ancillary development (annual throughput of 150,000 tonnes) – Approved subject to conditions (Not Implemented)
- 3.2. 20/03/2019 2019/01213/PA - Application for prior notification for the proposed demolition of existing buildings – Refused
- 3.3. 02/09/2019 - 2019/06656/PA – Demolition of Buildings – Approved subject to conditions

4. Consultation/PP Responses

- 4.1. Transportation – No objections
- 4.2. Regulatory Services – No objections
- 4.3. Environment Agency – No objections
- 4.4. LLFA – No objections
- 4.5. Canals and Rivers Trust – No objections
- 4.6. Severn Trent – No objections
- 4.7. West Mids Fire Service – No objections
- 4.8. West Mids Police – No objections
- 4.9. Site note and press notice posted
- 4.10. 3 individual responses received outlining the following comments:
- 4.11. Commercial Boat Operators Association – Site is near the Grand Union Canal and it would be a sustainable option to use the canal for the transport of waste and to remove road traffic as the canal network is extensive.
- 4.12. Access for cars and LGV's could result in traffic congestion where the road is narrow and a bus stop and vehicles turning into St James Road. This has led to accidents along this stretch of road. Suggest all traffic using Redfern Road as the main access point.
- 4.13. Concerns about smell and noise and constant heavy traffic especially as this is a larger facility amalgamating two depots into one. Run off from other building in the vicinity is already a problem and this will make this situation worse.

5. Policy Context

Birmingham Development Plan 2017
Saved UDP Policies 2005
Places for All SPG
Car Parking SPG
Emerging Car Parking SPD
Emerging Development Management in Birmingham DPD
National Design Guidelines
NPPF 2021

6. Planning Considerations

Principle

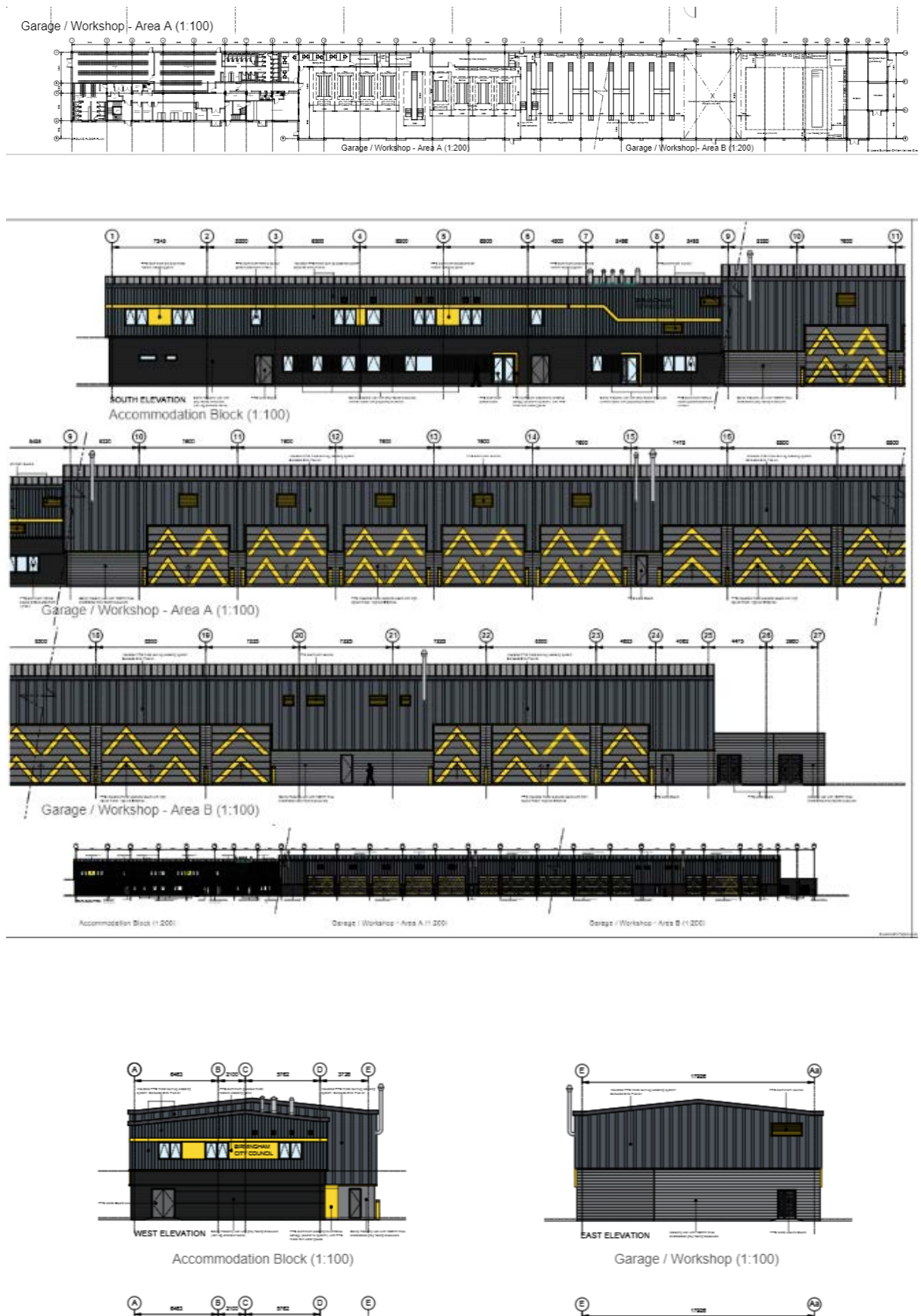
- 6.1. The site is located in the Tyseley Environmental Enterprise District (TEED) and within Kings Road core employment area. Whilst the proposed use falls outside traditional industrial use, the main principle of storage of vehicles, workshops and associated offices and infrastructure remain consistent with policies TP19 and TP20 of the Birmingham Development Plan (BDP).

- 6.2. This site also represents the full reuse of previously developed land 'brownfield first' which is advocated in the Government policy.

Design and appearance/Landscape

- 6.3. The site is 'L Shaped with the wider area off Kings Road and the narrower part extending to Redfern Road. The building has two main elements with the accommodation element proposed along the northern boundary over 2 floors in a similar format in height to surrounding buildings in the locality. The frontage to this accommodation element of the building faces Kings Road and is set behind landscaping.
- 6.4. The accommodation floors are punctuated by windows with the southern/main entrance area for staff and visitors and will serve as the main pedestrian frontage to the building and a separate MOT reception. This element of the building has a brick base and cladding, with the entrances and windows having feature detailing and contrast colours.
- 6.5. The main building continues punctuated with open bays for repairs and MOT's with these openings shuttered. Feature detail is repeated along this length of the building (south). The remaining part of the site will be laid out to parking around a circulation route, along with a washing station for the large goods/ service vehicles.
- 6.6. The building design is both bold and modern with the use of a simple mix of grey primary colours, with yellow façade detailing and highlighting.
- 6.7. Below are a set of elevations of the buildings and floor plans to show how the building is laid out and functions are appropriately separated across the ground and first floor where applicable.

Figure 2 – Elevations and floor plans – Elevations demonstrate a common theme and provide visual interest around window and door opening



- 6.8. The resulting building and the use of the different materials help distinguish the use from the accommodation to the workshop with higher quality facades which reflects its public role and entrances which are framed. The interiors are well considered and provide a functional and practical layout with cleaner functions such as office, meeting and kitchen/mess for relaxation on the first floor away from showers and locker facilities on the ground floor.
- 6.9. City Design consider the design is modern and the feature detailing provides interest.

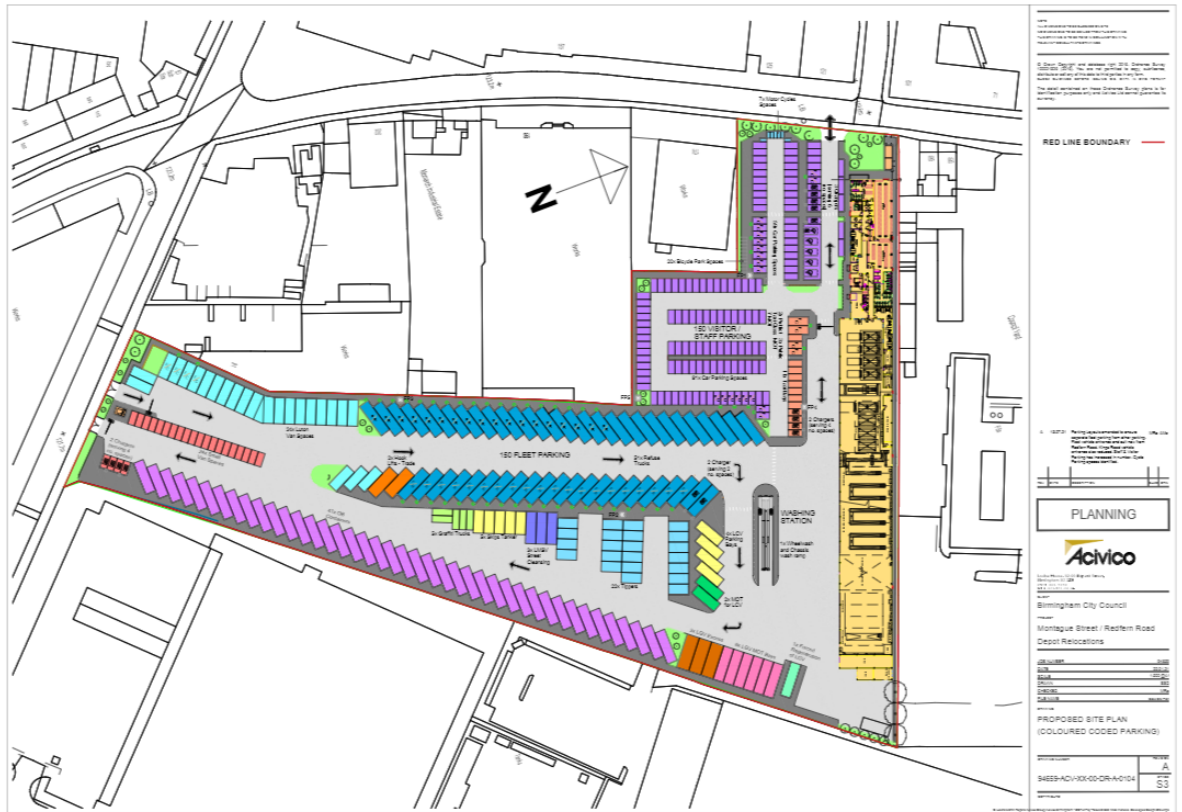
Access and parking

- 6.10. The application is supported by a full Transport statement. This is based on traffic data and comparisons with how the two sites currently operate.
- 6.11. As part of the scheme the applicant has been able to provide for following parking circulation and access which is outlined below and shown on the coloured layout plan within the following paragraphs.
- 6.12. 150 staff/visitor spaces (20 cycle spaces)
3 public MOT space and 12 Taxi bays
The southern areas will have 193 spaces for fleet vehicles.

This is split as follows;

51	Refuse Trucks
2	Hook lift Trucks
22	Tippers
24	Luton Vans
24	Small Vans
3	LMSV Street Cleansing
5	Skip Tankers
5	Graffiti Trucks
4	LCV Parking Bays
2	MOT for LCV
3	LGV Excess
6	MOT for LGV
1	<u>Forced Regen of LGV</u>
152	Parking bays for fleet vehicles
Plus 41 OB Container Bays	

Figure 3 – Parking layout for the Depot with the cars and visitor parking separate from the mixture of fleet vehicles



6.13. The two access points will remain, however the access from Kings Road will be the access for staff and visitors to the facility only.

6.14. Visual of Entrance from Kings Road for Staff and Visitors



6.15.

6.16. Access from Redfern Road represents access only for all the service vehicles which allows for improved vehicle and pedestrian safety within the site, which transportation have supported. This should alleviate any ongoing concerns raised

in objections to the safety of the Kings Road access and its use by large vehicle movements.

6.17. Visual of Entrance from Redfern Road for Service Vehicles Only



6.18.

6.19. Given the nature of this mixed use are no specific parking standards (elements are sui generis uses) within the adopted guidance. Therefore, the parking demand has been based on trip standards (TRICS). It is noted that the parking provision for staff is high, this is mainly due to the operational hours of the facilities (early hours opening) when the ability to utilise public transport is limited. (note: bus route outside is every 45 mins in the day)

6.20. The current depots already have a car sharing requirement and cycle to work provision for local journeys and has also suggested a car park management plan to address any peak demand which can be dealt with via the imposition of a suitably worded condition.

6.21. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impact on the road networks. Given the measures suggested in the TS and the quantum of parking provided the Local Highway Authority conclude that the highway impact of the proposal development is not severe therefore there are no highways reason why this application cannot be considered acceptable and the development continues to comply with policy TP44 of the BDP.

Land Contamination

6.22. The applicant has provided a survey and data as a basic minimum. The report evidences that the land, especially given its previous use is liable to be affected by contamination and this could potentially impact on controlled waters.

6.23. The Environment Agency has therefore suggested that conditions are imposed to ensure that suitable surveys and verification is undertaken prior to any works being undertaken. In this instance, the prior commencement conditions as suggested are both appropriate and adequate to ensure that the site is adequately remediated prior to any occupation and are suggested as standard.

Drainage and Flooding

- 6.24. The site is over 1 hectare, so a full FRA has been undertaken. The site is in flood Zone 1 and is not therefore at high risk of either main river or in this case surface water flooding.
- 6.25. However, a cautionary approach has been taken in respect of drainage and the Environment Agency have raised no objections subject to conditions in respect to groundwater and the LLFA and Severn Trent consider ~~have suggested~~ that the details provided are acceptable and have suggested conditions in regard to sustainable drainage and operation and management. Therefore, the LPA are satisfied that the development would continue to comply with Policy TP6 of the BDP.

Trees

- 6.26. None of the trees are protected as the majority are self-set. Nevertheless, the applicant has sought to either retain or provide new trees within the development albeit around the boundary and entrance areas where more definitive landscaping is proposed and can be maintained.
- 6.27. Given the quality of the existing trees on site, the tree officer has not required any specific conditions relating to tree protection/ retention and any existing and new trees can be incorporated within the landscape and maintenance of the new landscaped areas of the site which will ensure that the development continues to comply with policies TP7 and PG3 of the BDP and this would also form part of the any ecological enhancements proposed.

Ecology/Landscape and Biodiversity

- 6.28. The applicant has undertaken a preliminary ecological assessment on the site to ascertain the likelihood for protected species. The original buildings have now been removed however, the survey covers bats, reptiles and other mammals and other potential wildlife.
- 6.29. The report found a mix of surfaces including concrete, tarmac and scrub. The report found no protected species potential for foraging and commuting bats. The site is considered low on ecological significance. The report identified mitigations for the loss of these benefits.
- 6.30. Your Ecologist has raised no objections subject to a scheme for a detailed landscaping proposal. Brown and green roof areas would provide additional ecological benefit. The scheme is considered to have a beneficial impact on wildlife and this can be conditioned in line with the landscaping of the site which would amount to a significant improvement in the landscape/ecology as it currently operates and would achieve wider benefits for the immediately surrounding area in accordance with TP8 of the Birmingham Plan.

Amenity

- 6.31. The site is within an employment area, although there are 2 dwellings located to the north beyond the site boundary and a landscape strip. These two properties appear to date back to an earlier period and are a pair with similar features and small yards/gardens to the rear (number 158/160 Kings Road). They are been surrounded by industrial employment uses including the former Intensa works

(demolished), however they would need to be considered given their close proximity.

Noise

- 6.32. As noted previously, the majority of the neighbouring uses are consistent with this industrial commercial designation. The two properties located on the Kings Road towards the north sit virtually adjacent to the site. They would be the closest receptors in terms of noise.
- 6.33. The houses had a close relationship to the former works and the industrial yard to the rear. Whilst there is a gap between the houses and the new use the impact of noise is an important consideration. The potential sources for noise and disturbance would emanate from both vehicles (especially early hours) and any associated activities in the workshops, including plant machinery and the noise from the depot including hydraulic ramps, compressors, etc and noise from the workshops.
- 6.34. In this case the applicant has undertaken a noise survey. The design of the facility provides a buffer from the yard with the potentially noisier activities set further away from the rear of the houses. These buildings would also face towards the yard with no openings facing the houses and wall constructions have been designed to provide a minimum façade performance noise reduction of 32db and the compressor building over 100m away from the dwellings.
- 6.35. The report summaries that no further mitigation is required (ie: acoustic fence) for noise emanating from the site as there would be no openings facing the dwellings from the workshops and a distance separation. Final comments are awaited from Regulatory Services, however it is likely that these matters can be adequately controlled by conditions.

Air Quality

- 6.36. It is important to consider the impact of the new development on Air quality in the local and wider area which would change based on the uses as outlined. The majority of this change would potentially relate to the increase in traffic movements around the access points in particular. As noted previously, the traffic management within the site has been altered to reflect any concerns in relation to one access for all vehicles so concentrations will be around both the Kings Road and Redfern Road (for the services vehicles) and in this case no objections have been raised in terms of air quality. The current fleet operate from Redfern Road and whilst relocated air quality levels would remain constant.
- 6.37. The design of the main building replaces a former building and the nearest element of the proposed building is the office and rest facilities for the staff. In this case the LPA do not consider that there would be any undue overlooking or loss of amenity to these houses given angle and the distance separation involved. Obscure glazing in the office window up 1.7m in height to avoid any perception of being overlooked and this may be adequately conditioned.

Sustainability/Energy

- 6.38. The Authority has declared a climate emergency and is committed to the Route to Zero and it is important for new development to demonstrate how is both energy efficient and sustainable.
- 6.39. Comments have been received in respect to alternative methods to carry waste and potentially utilise the canal network. However, this is not a location to store

waste, but the vehicles are concerned in collection of that waste. This is for household waste and whilst the transportation by canal could be an option for larger waste materials to be transported it is not considered practical in this case given the nature of the amounts and waste would be potentially handled more.

6.40. The applicant has provided a statement regarding BREEAM requirements and a viability report. The site will meet the latest building regulations and the scheme has been measured against key credits if BREEAM had been carried out and this is outlined in supporting statement.

6.41. This report outlines measures such as management, natural and low energy lighting, security, heating and acoustic performance of the building. In addition to this future proofing the building via a project to provide 'Live Wire Supply' and District Heating from the Tyseley Energy Centre and infrastructure ducting for fleet charging as LGV's move away from diesel and petrol use. In this case the LPA are satisfied that the applicant has demonstrated adequate energy efficiencies given the viability of the project.

7. Conclusion

7.1. This is a previously developed site within a core employment area and the principle of the use is considered acceptable.

7.2. Access and design considerations have been accepted and provides opportunities for ecological enhancements to take place. The site can be adequately accessed and serviced, and amenity can be secured.

8. Recommendation

8.1 That the application be recommended for approval subject to conditions

-
- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the prior submission of level details |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the submission of hard and/or soft landscape details |
| 8 | Requires the submission of hard surfacing materials |
| 9 | Requires the prior submission of earthworks details |
| 10 | Requires the submission of boundary treatment details |
| 11 | Requires the submission of a landscape management plan |
| 12 | Requires the submission of a lighting scheme |
-

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|----|--|
| 13 | Requires sustainable drainage system |
| 14 | Requires SUD's Operation and Maintenance Plan |
| 15 | Non Standard Condition Controlled Waters Protection |
| 16 | Non Standard Condition Foul and Storm Water drainage |
| 17 | Requires the prior submission of a construction method statement/management plan |
| 18 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 19 | Requires the submission of details to prevent mud on the highway |
| 20 | Requires the submission of a parking management strategy |
| 21 | Requires the submission of a commercial travel plan |
| 22 | Requires the parking area to be laid out prior to use |
| 23 | Requires gates to be set back |
| 24 | Requires the submission of cycle storage details |
| 25 | Requires the submission of a car park management plan |
| 26 | Requires the applicants to sign-up to the Birmingham Connected Business Travel Network |
| 27 | Requires the submission of Architectural details |
| 28 | Non Standard Condition for Bay and Facade Details |
| 29 | Limits the noise levels for Plant and Machinery |
-

Case Officer: Sarah Willetts

Photo(s)

Figure 1 – Context: View from North looking up Kings Road- (site on LH side)



Figure 2 – Context: View along Redfern Road Looking west towards incinerator



Figure 3 – View of entrance and fencing/site beyond from Redfern Road : Source: Google



Figure 4 – 158/160 Kings Road Nearest Houses Adjacent to the site



Figure 5 – Visuals of the development (c/o Agent)



View of site entrance at Kings Road



View of site exit onto Redfern road

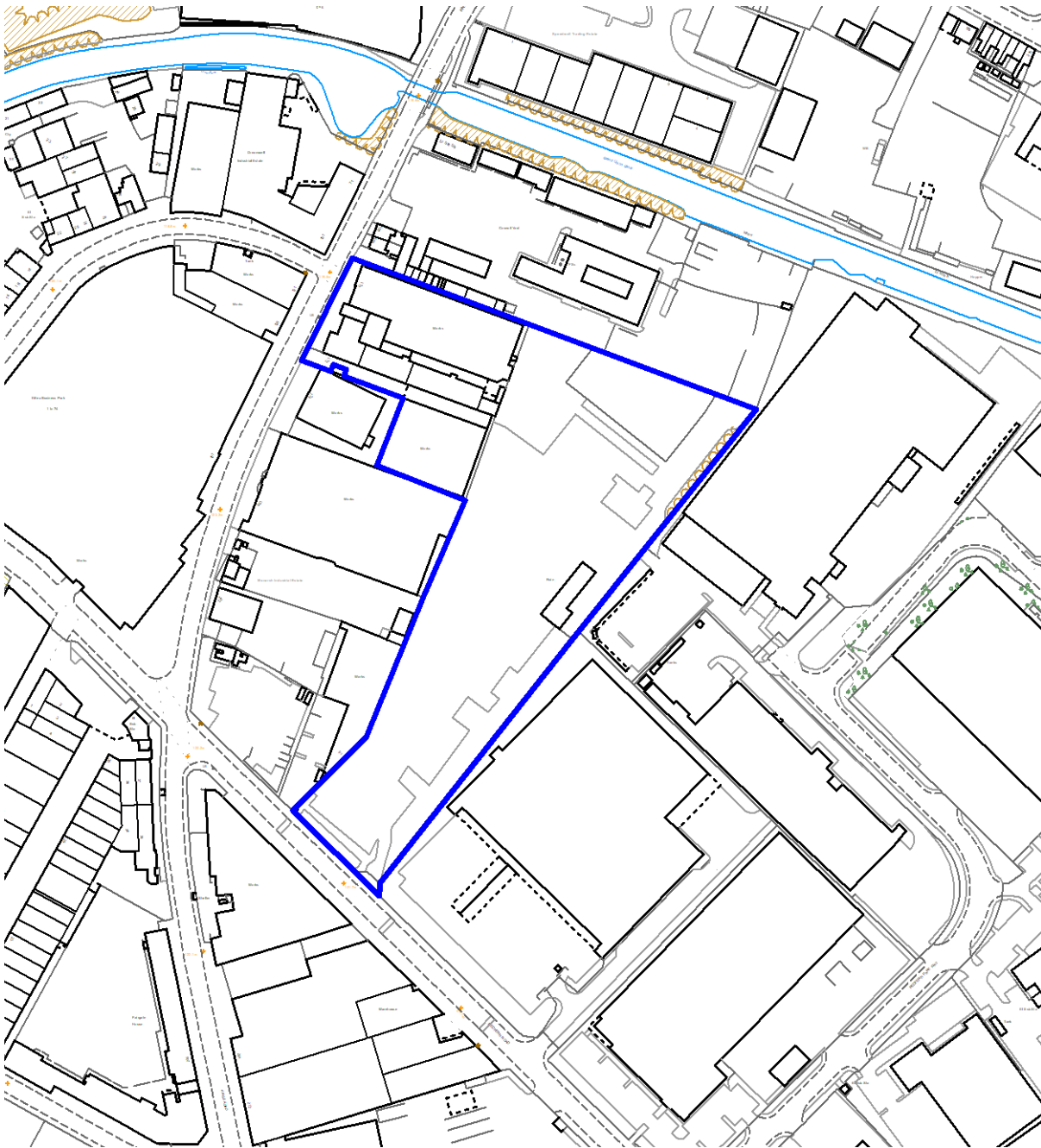


View of north part of site



View towards south of site

Location Plan



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Birmingham City Council

Planning Committee

28 October 2021

I submit for your consideration the attached reports for the **South** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2021/06439/PA 321 Worlds End Lane Quinton Birmingham B32 2SA Erection of two storey side and rear extension, Julliette balcony to rear, single storey rear and forward extensions including porch and front canopy and render to front elevation

Committee Date:	28/10/2021	Application Number:	2021/06439/PA
Accepted:	28/07/2021	Application Type:	Householder
Target Date:	28/10/2021		
Ward:	Quinton		

321 Worlds End Lane, Quinton, Birmingham, B32 2SA

Erection of two storey side and rear extension, Juliette balcony to rear, single storey rear and forward extensions including porch and front canopy and render to front elevation

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is to be determined by Planning Committee because the applicant is a Council employee within the Inclusive Growth Directorate.
- 1.2. Consent is sought for the erection of two storey side and rear extension, Juliette balcony to first floor rear elevation, erection of single storey rear and forward extensions including front porch and canopy and proposed render to front elevation of dwelling.
- 1.3. The proposed two storey side and rear extension would have a hipped roof design mirroring that of the original dwelling house. Amended plans were received from those originally submitted setting down the roof of the proposed two storey side extension by 0.5m and also setting back the first-floor part of the extension from the front elevation by 0.5m.
- 1.4. The proposed two storey side extension would be 3.1m in width to the front and 1.8m to the rear elevation and total length of 8m. The proposed two storey rear extension would be 4m in depth and 6m in width at ground floor level and 2m in depth and 4.1m in width at first floor level.

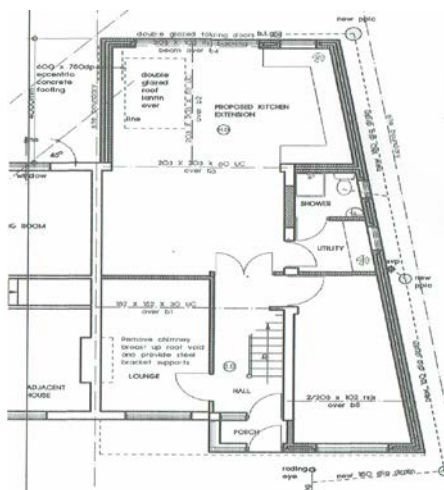


Figure 1 – proposed ground floor layout plan

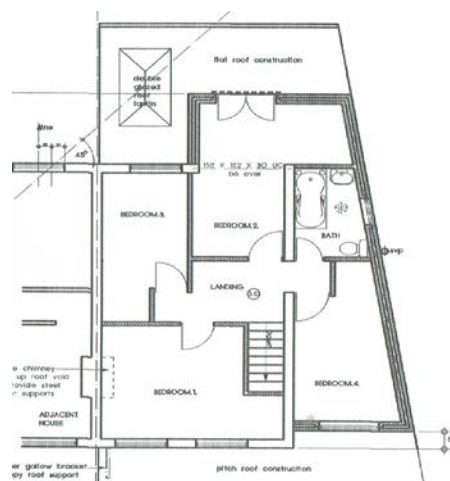


Figure 2 – proposed first floor layout plan

- 1.5. The proposed single storey forward extension including the porch would be 1m deep; 5.3m in width and total height including the front canopy would be 3.2m.



Figure 3 - existing front elevation



Figure 4 – proposed front elevation

- 1.6. The proposed side and rear elevations of the extensions would be of brick finish to match existing elevations. The front elevation of the dwelling including the proposed two storey side extension would be finished in a white render.



Figure 5 – existing rear elevation

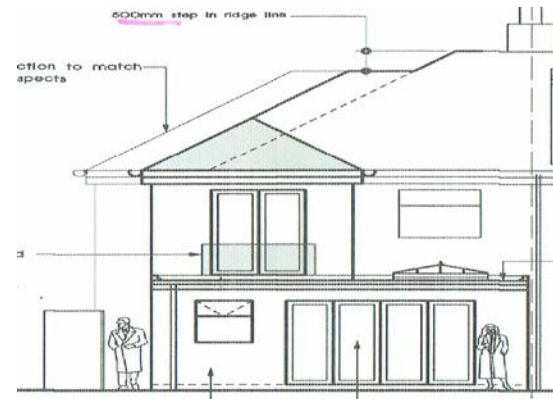


Figure 6 – proposed rear elevation

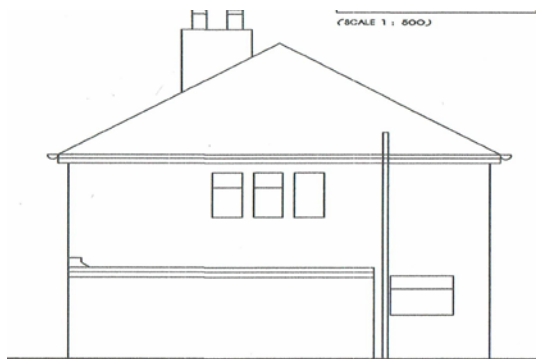


Figure 7 – existing side elevation

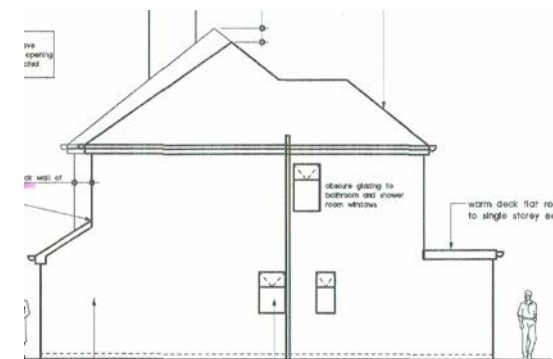


Figure 8 – proposed side elevation

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a semi-detached dwelling with a hipped roof design. There is an existing attached side covered lean-to structure with a polycarbonate roof which is attached to the side garage which has a flat roof. The garage and side lean-

to are to be demolished as part of the proposed works. The application premise is served by a predominately grassed modest rear garden area. The boundary treatment to the site mainly consists of 2m wooden fencing which encompasses the entire rear curtilage of the site.

- 2.2. The adjoining semi-detached property No. 323 Worlds End Lane falls to the east of the application property. This neighbouring dwelling has had a hip to gable roof enlargement and has a large rear dormer window. The nearest habitable rooms to this attached neighbour are ground floor rear kitchen windows and first floor rear bedroom window.
- 2.3. The application site is bounded to the west by a vehicular access leading into World's End Infant and Nursery School. The school itself is set back significantly from the road frontage and as such the school is not read within the residential street scene context. The next nearest residential neighbour is at 319 Worlds End Lane located on the opposite side of the vehicular access to the school. 319 Worlds End Lane is a detached dwelling with a gable-end roof design that is set back several metres from the application dwelling frontage.
- 2.4. The application dwelling is on a slightly higher ground level to the adjacent highway with a part sloping hardstanding driveway leading up to the garage and part of the front is a lawn area. The application boundary is splayed adjacent the school access-way with the rear garden narrowing in width towards the rear boundary.

[Site location](#)

3. Planning History

- 3.1. 07/10/1976 – 44158000 - Detached Garage – Approved.

4. Consultation/PP Responses

- 4.1. Adjoining residents, and local ward councillors notified – one response received from a local resident who considers the proposed rear extension must be compliant with the 45-degree code.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Birmingham Development Plan (2017).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
 - National Planning Policy Framework.

6. Planning Considerations

Impact on nearby neighbouring residential amenity

- 6.1. I note concerns raised that the proposed development should be compliant with the 45-Degree Code SPD which considers light impact on neighbouring properties. The proposed single storey rear kitchen extension would breach a 45 degree line drawn from the nearest ground floor rear habitable window of No. 323 Worlds End Lane. However, the neighbour's nearest window is not the only source of light to their kitchen; there are glazed patio doors/windows located further along the rear elevation which provide a further natural light source to this habitable room. Taking into consideration the two sources of light to the neighbour's rear kitchen this proposal would not cause an unacceptable impact on light amenity to this nearest neighbour when considered against the 45 Degree Code SPD.
- 6.2. The proposal complies with the distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. There would therefore not be an unacceptable impact upon the privacy amenity of the adjacent neighbouring occupiers.
- 6.3. A condition is recommended to ensure that the proposed first floor rear Juliette balcony is installed with inward opening doors with safety balustrade and no external standing room. This is to ensure that there would be no overlooking of the neighbouring private amenity space.
- Design and character
- 6.4. The proposed extensions would be subservient to the main dwelling and as such would not detract from the architectural appearance of the property. It is considered the extensions would not be an excessive addition to the original dwelling and would have no significant impact on the character of the existing dwelling or the visual amenity of the local area. It is also noted that there are other two storey side and rear extensions visible in the surrounding area.
- 6.5. The single storey forward extension including porch and canopy as proposed are similar in design to other examples within the nearby street scene. The forward extension would have no significant impact on the character of the original dwelling.
- 6.6. The proposed render to the front of the property would not detract from the architectural appearance of the property. The proposal would not have a detrimental impact on the street scene which comprises of a mix of brick and rendered properties. A sample materials condition is recommended for the external surfaces of the extensions including the render detail to ensure the character of the area. Overall the proposed design is considered to be in accordance with the principles contained within 'Extending Your Home' Design Guide.
7. Conclusion
- 7.1. This application is recommended for approval as the proposed development complies with the objectives of the policies that have been set out above.

8. Recommendation

- 8.1. Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Implement within 3 years (Full) |
-

4 Requires the Juliette balconies to be inward opening

5 Removes PD rights for new windows

Case Officer: Ricky Chima

Photo(s)



PHOTO 1 - FRONT ELEVATION



PHOTO 2 – REAR ELEVATION



PHOTO 3 – REAR ELEVATION OF No. 323 WORLDS END LANE

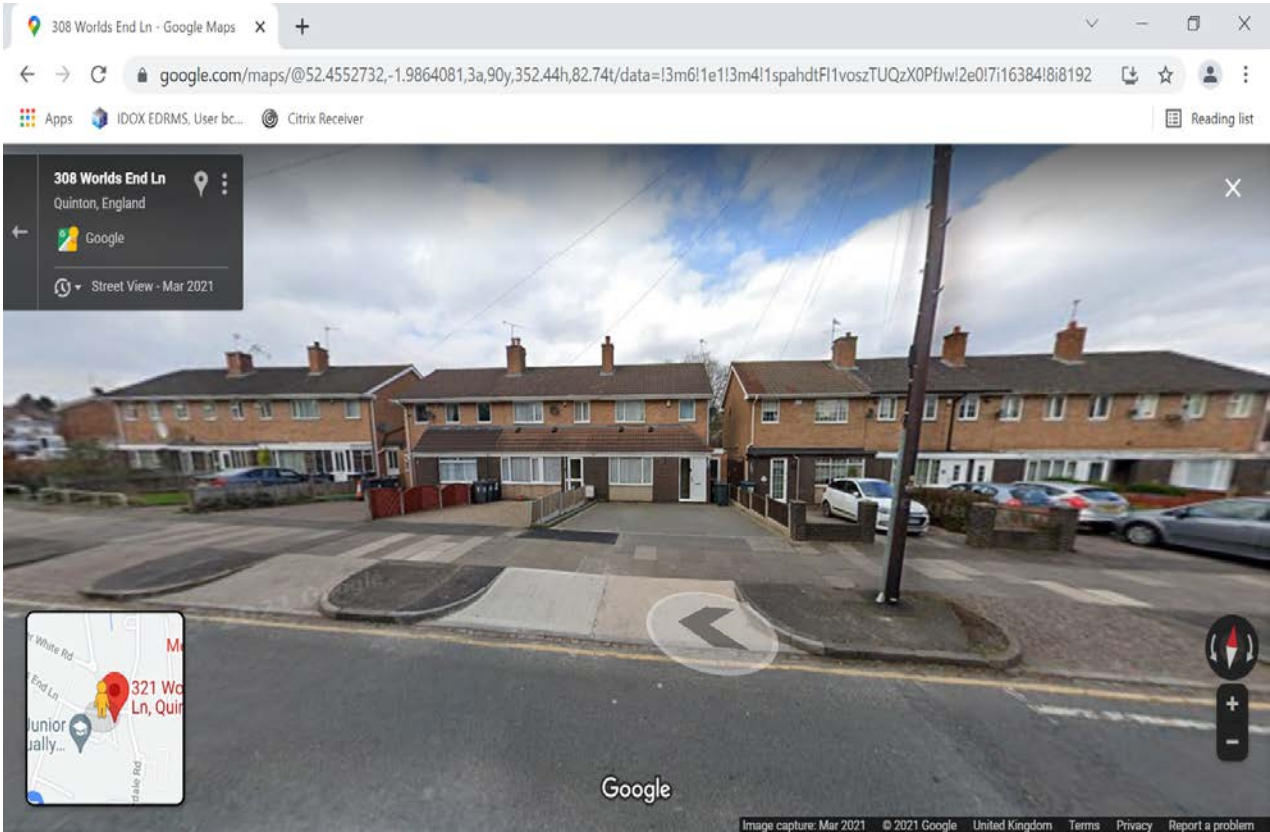
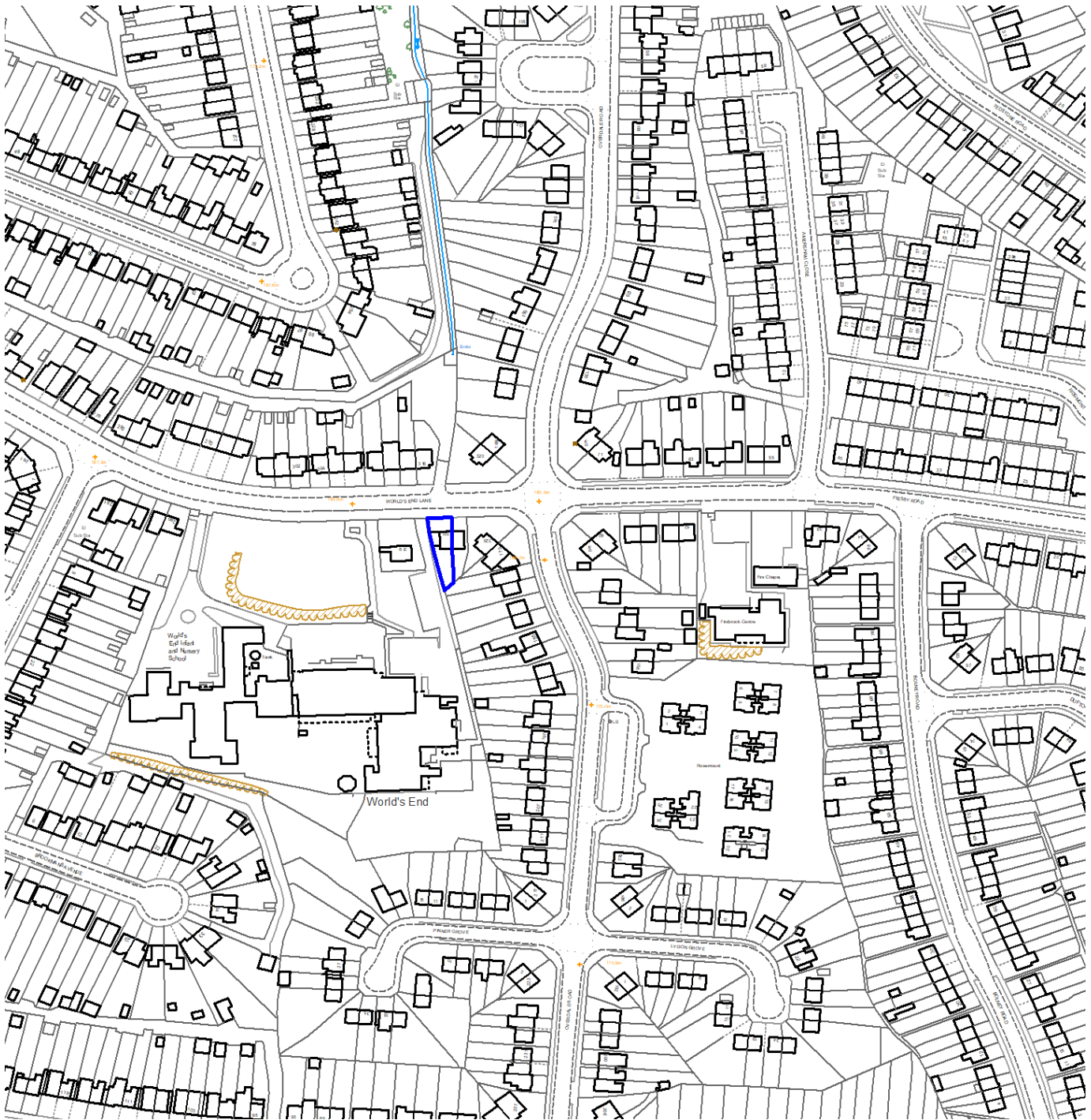


PHOTO 4 – Google street view image of dwellings opposite with similar forward extensions

Location Plan



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Birmingham City Council

Planning Committee Briefing Note

28th October 2021

Author: Sean Hannaby, Interim Assistant Director Planning

Email Address: sean.hannaby@birmingham.gov.uk

Background:

In June the Planning Advisory Service (PAS) published a revised guide to GDPR to advise LPAs about their obligations under data protection legislation (the UK General Data Protection Regulation, or UK GDPR, and the Data Protection Act 2018, or DPA) and how to balance this with the requirements of planning legislation. To date there has been a lack of national guidance and as a result there has been different approaches by LPAs.

The PAS guidance has been reviewed and the changes as set out below are being made to the way in which personal data is managed.

Previously individual applicants' personal data and those of 3rd parties making representations for or against planning proposals has been redacted. The Planning Service Privacy Notice explains how personal data is handled. Companies or organisations are not covered by GDPR.

Assessment and Changes:

The new PAS guidance sets out some basic principles to encourage a consistent approach to processing and publishing personal data but recognises that different Councils will have different corporate attitudes.

Article 5 of the GDPR sets out the following principles for processing & publishing personal data:

- Lawfulness, fairness, transparency
- Purpose limitation (collected for specified, explicit and legitimate purposes)
- Data minimisation (limited to what is necessary)
- Accuracy
- Storage limitation (kept for no longer than is necessary)
- Integrity and confidentiality
- Accountability

Pre-application Advice:

Changes to current practice:

1. Individual applicant's personal data will not be shared with any consultees and will be redacted.
2. Individual applicants will be sent a link to the privacy notice.

Records of pre-application discussions are not required to be held on the planning register so there is no lawful basis for publication and in the past many LPAs have declined to disclose pre-app advice on the grounds of confidentiality (which has previously been accepted by the ICO).

However, moves towards more transparency have meant that more pre-application advice, viability appraisals and other previously confidential or heavily redacted documents are being published. The BCC pre-app process includes pre-app presentations to Committee and the circulation of the submission to consultees but the rules on personal data and document retention still apply.

Planning Applications:

Changes to current practice:

Individual Applicants:

1. Names & addresses will no longer be redacted (Email addresses and phone numbers will continue to be redacted).
2. Names will be included in reports.
3. Individual applicants will be sent a link to the privacy notice.

Ownership Certificates:

4. Individual personal data will be redacted where the owner is not the applicant and they will be sent a link to the privacy notice

Third party representations:

5. The representor's street name will not be redacted (the representor's name, the property identifier, email address & phone number will continue to be redacted).

Applicants:

In terms of the publication of personal data the PAS guidance is clear that the publication of individuals' *names* and *addresses* is justified but not the applicant's *email addresses*, *signatures* and *telephone numbers*; i.e. it is lawful, fair & transparent but is limited to what is necessary. This does not apply where the applicant is a company or organisation.

At present individual applicant's personal data is omitted from Officers reports but the decision to publish individuals' names and addresses will mean that applicants' names can be included in reports.

Ownership Certificates:

Other people's personal data are sent to us as part of an application – including individuals named on ownership certificates. Whilst there is a legal requirement to provide the information there is no specific requirement in law to publish it and it is not considered necessary to do so. According to the PAS guidance, the ICO have advised that third parties' personal data should not be automatically published even if they have been notified.

Any individuals named on Certificates have the right to be informed about the processing of their personal data by sending them a link to the privacy notice.

Third Party Comments on Applications:

The PAS guidance states that an LPA there is a case for publishing all or part of objectors (or supporters) name & addresses but not email addresses, phone numbers or signatures as this would not be proportionate. However, the advice does not clearly say how much data is justified to be published; leaving it to individual LPAs and individual cases. There has been a very clear judgement where the ICO confirmed that councils do not have to provide 3rd party's personal data, which seems to err away from blanket publication.

There is an argument that readers of an officer's report cannot properly assess the harm from a scheme upon the objector's property where the location of that property is redacted/concealed.

Anonymised objections mean that the reader of the report has no idea if the objections are from individuals who live close to the application site or much further away.

It is considered that identifying the location of the objectors (or supporters) is directly linked to the weight that can be given to their representations; particularly where a representation is treated as the main or a key consideration. This argument supports publishing a part of the personal data; enough to understand their relationship to the site but not enough to identify the individuals.

On balance it appears reasonable to publish the objector's (or supporter's) street name but not the house name or number and not the individual's names or other contact details.

The PAS guidance states that best practice is:

- All information that enables the public to participate effectively in the decision-making process should be published online – where that is consistent with the GDPR
- Information should be organised and presented in a way that makes it easy for the public to find what they need
- The need for access to information changes once decisions are made, or the opportunity for appeal has lapsed, and in the long term the public will only need to see the statutory register

The last bullet point is relevant to the Councils Document retention policy and Privacy Notice and it recommends that once the period for appeal has lapsed (or been heard), the third-party comments should be removed from the online register.

Special category data:

This is more sensitive personal data which needs more protection. It includes information about an individual's religion, health and ethnicity and publication of it could result in a serious breach of GDPR UK.

Some people, in submitting a planning application or making representations on a planning application, may disclose personal and/or special category data which could be relevant to the case and which must be processed, and consideration given whether to publish it.

Councillors who sit on the planning committee may require access to personal data and relevant special category data, to understand how much weight to give to certain representations. However, ward councillors should get the same access to information as members of the public.

Privacy Notice:

Under the GDPR individuals have the right to be informed about how their personal data is collected and used: via a privacy notice stating the lawful basis & purpose for processing personal data and who it will be shared with.

PAS advises that when applicants or objectors provide their personal data by submitting a planning application or a commenting on a neighbour's application, we should inform them how their data will be used by sending them a link to the privacy notice. This should include telling them up front that their data may be shared with the Planning Inspectorate in the event of an appeal.

Other individuals who are named on the ownership certificates also have the right to be informed about the processing of their personal data - by sending them a link to the privacy notice.

The Privacy Notice will be amended to reflect these changes.

Birmingham City Council

Report to Planning Committee

28th October 2021

Subject: Planning Application Performance

Report of: Acting Director, Inclusive Growth

Report author: Sean Hannaby, Interim Assistant Director Planning

Email Address: sean.hannaby@birmingham.gov.uk

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, provide exempt information paragraph number or reason if confidential:

1. Executive Summary

- 1.1 To update Members of the Planning Committee about performance in relation to the determination of planning applications in 2020-21 and 2021-22 (to date).

2. Recommendations:

- 2.1. That the content of this report be noted

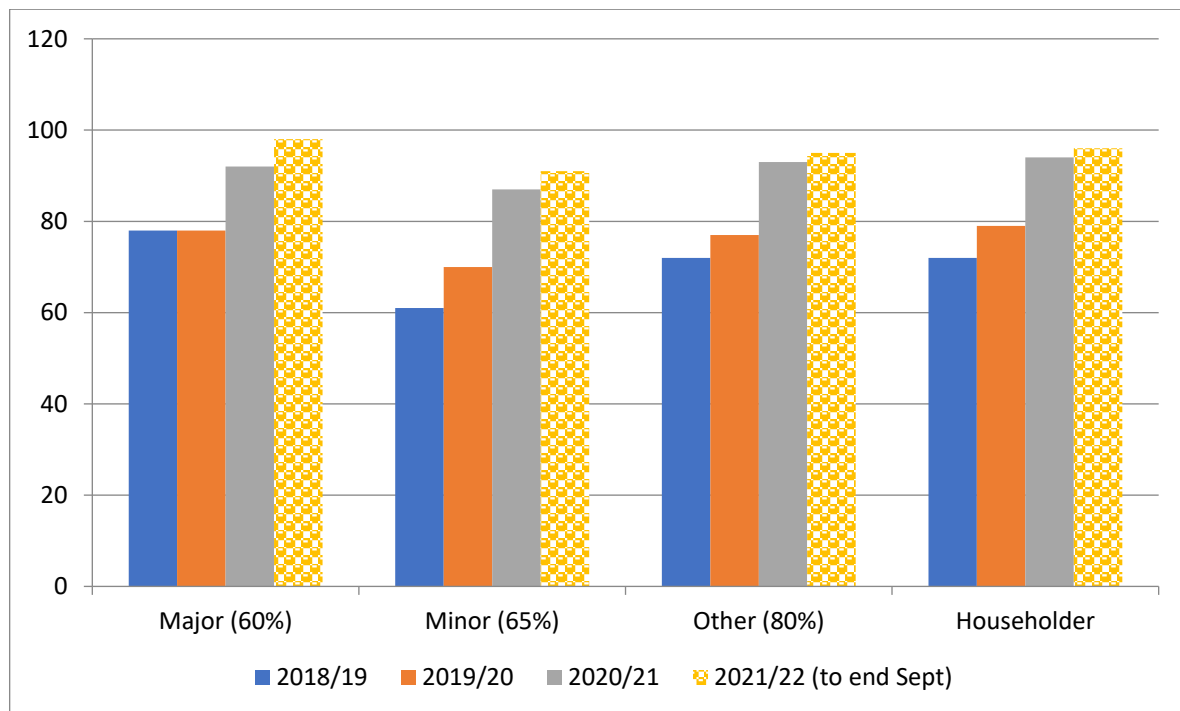
3. Background:

- 3.1. The planning service deals with a high workload and possesses highly competent and committed staff with a good skill range who adds value to development schemes when processing planning applications. However, there are national targets set for how quickly councils determine planning applications and if these targets are not met it can result in Government intervention; which was a point of concern raised in 2019 by the Peer Review team, following which there has been an increased focus upon planning performance.
- 3.2. The Table and graph below show planning application performance since 2018 and demonstrates that performance has dramatically improved since 2020 and now exceeds Government targets by a significant margin. The table and chart below shows the results since 2018, including the complete results for 2020-21 as well as the year to end of September for 2021-22.

Annual Planning Application Performance (2018-2021)

(Government Targets in brackets)

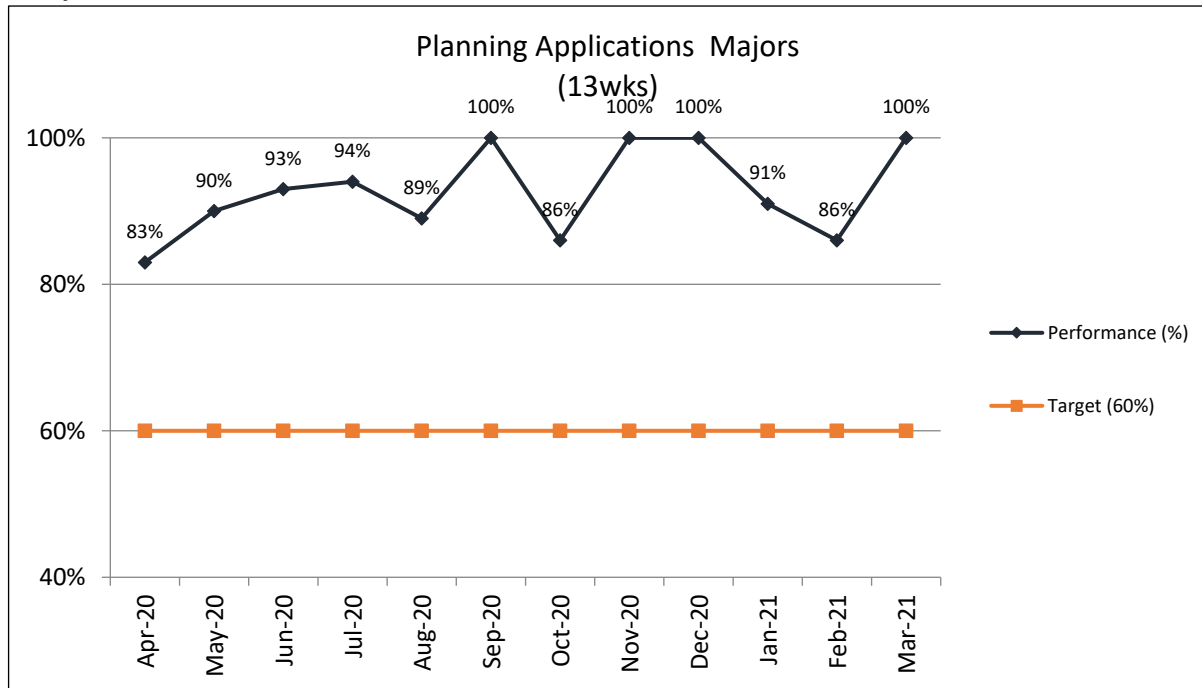
PA Cumulative performance				
Application type (Government Target)	2018/19	2019/20	2020/21	2021/22 (to end Sept 2021)
Major (60%)	78%	78%	92%	98%
Minor (65%)	61%	70%	87%	91%
Other (80%)	72%	77%	93%	95%
House Holder	72%	79%	94%	96%



- 3.3. The annual results for 2020/21 show a marked improvement on previous years with figures in three out of the four categories at over 90% and all are well above Government thresholds. This improved performance has continued so far through 2021-22, despite considerable challenges as a result of working during challenging times as a result of the pandemic and a number of staff leaving.
- 3.4. The following graphs focus on the last full year and show the monthly performance from April 2020 to the end of March 2021 for each of the categories. The red line indicates the Government threshold.

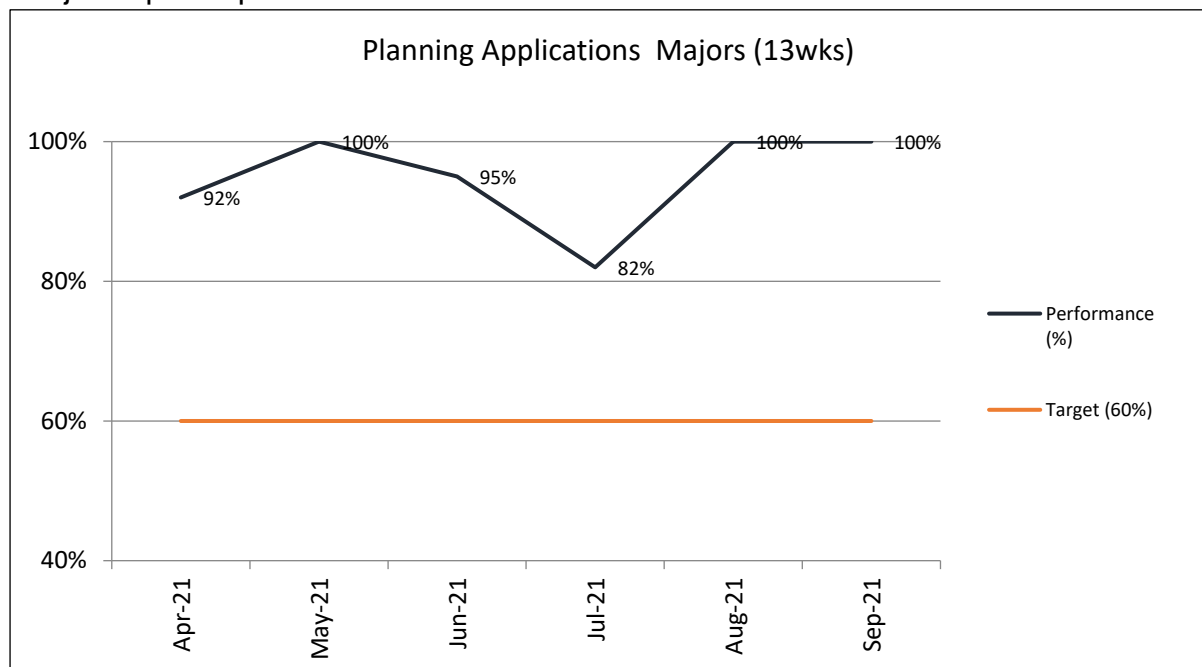
Major Applications:

Majors 2020-21:



- 3.5. Historically the service has performed well with major applications and stayed well above the threshold. Since February 2020 results have not dropped below 80% and show a steady increase overall with results being over 85% from May 2020 to the end of 2020-21.

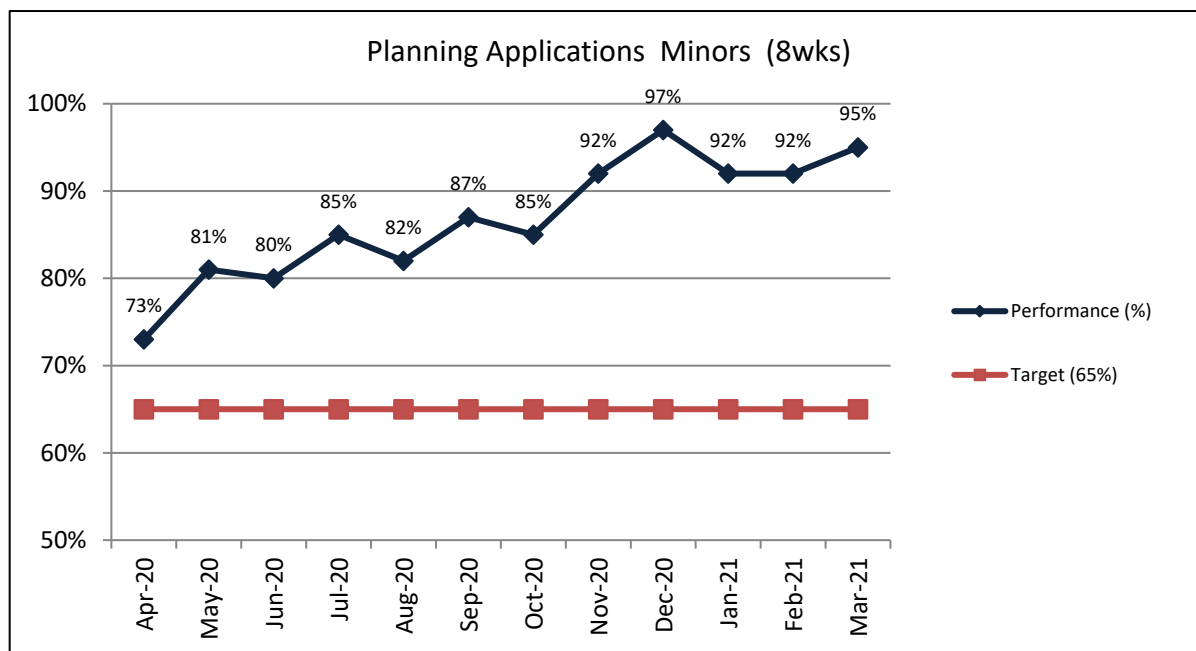
Majors April-Sept 2021:



- 3.6. During the current year performance has stayed high with a performance for major applications staying well above the threshold and not dropping below 80%.

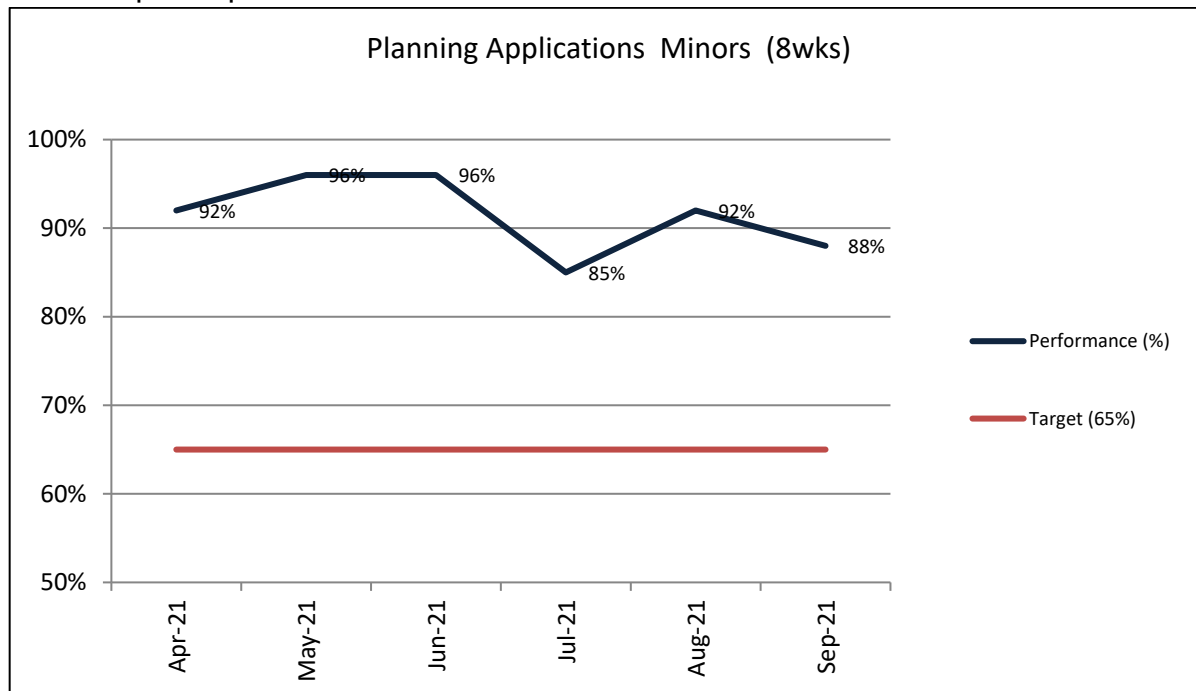
Minor Applications:

Minors 2020-21:



- 3.7. The improvement in dealing with Minor applications is clear to see with a steady improvement overall during 2020-21 since being below the threshold at the end of 2019. Results have not dropped below 80% from May 2020 to the end of 2020-21.

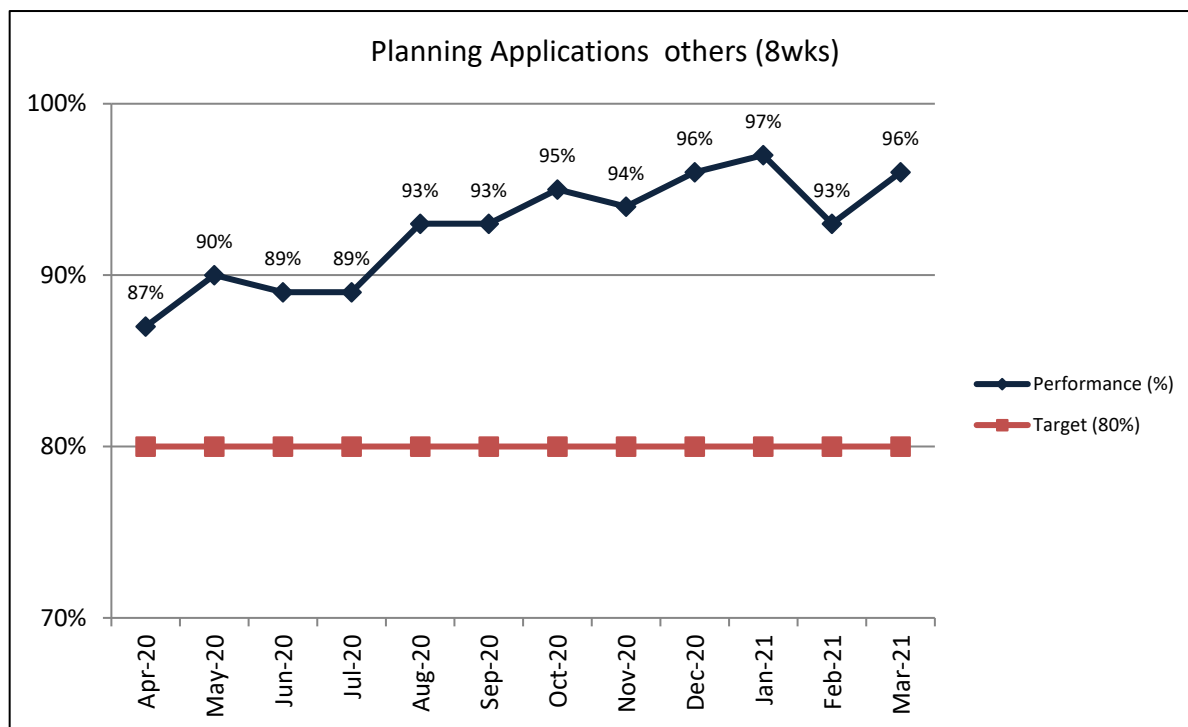
Minors April-Sept 2021:



- 3.8. During the current year performance has remained high; staying well above the threshold and not dropping below 85%.

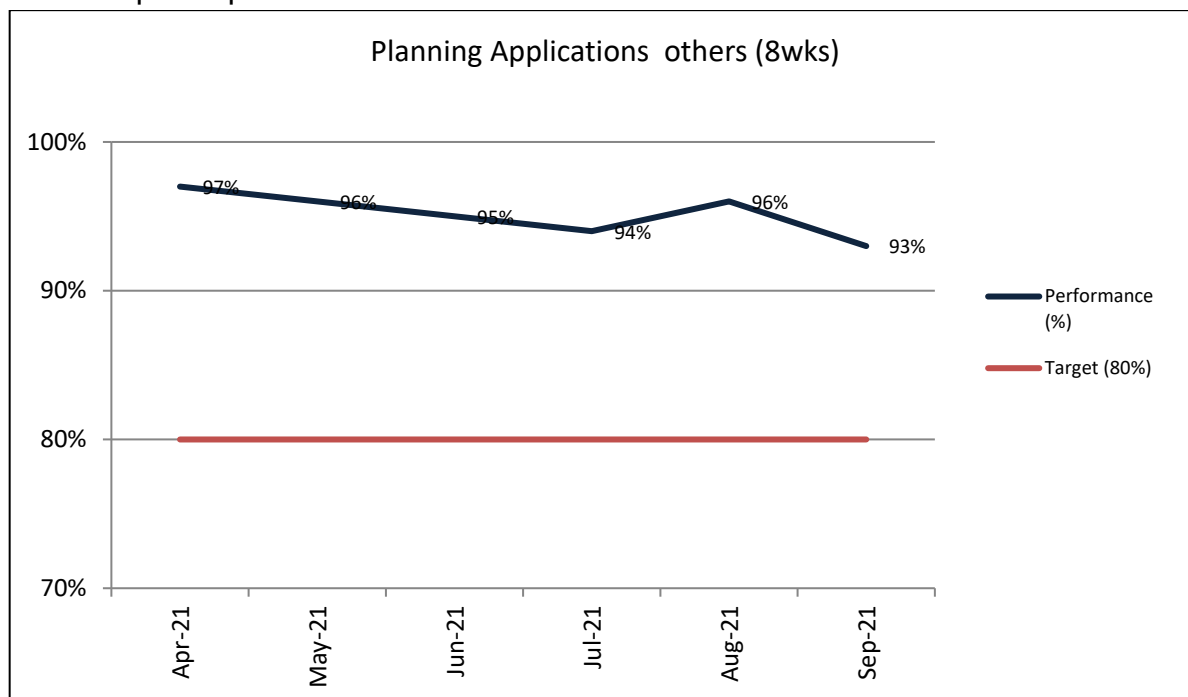
Other Applications:

Others 2020-21:



- 3.9. The improvement in dealing with Other applications is clear to see with a steady improvement overall during 2020-21 since being below the threshold at the end of 2019 and beginning of 2020. Results have not dropped below 85% from March 2020 to the end of 2020-21.

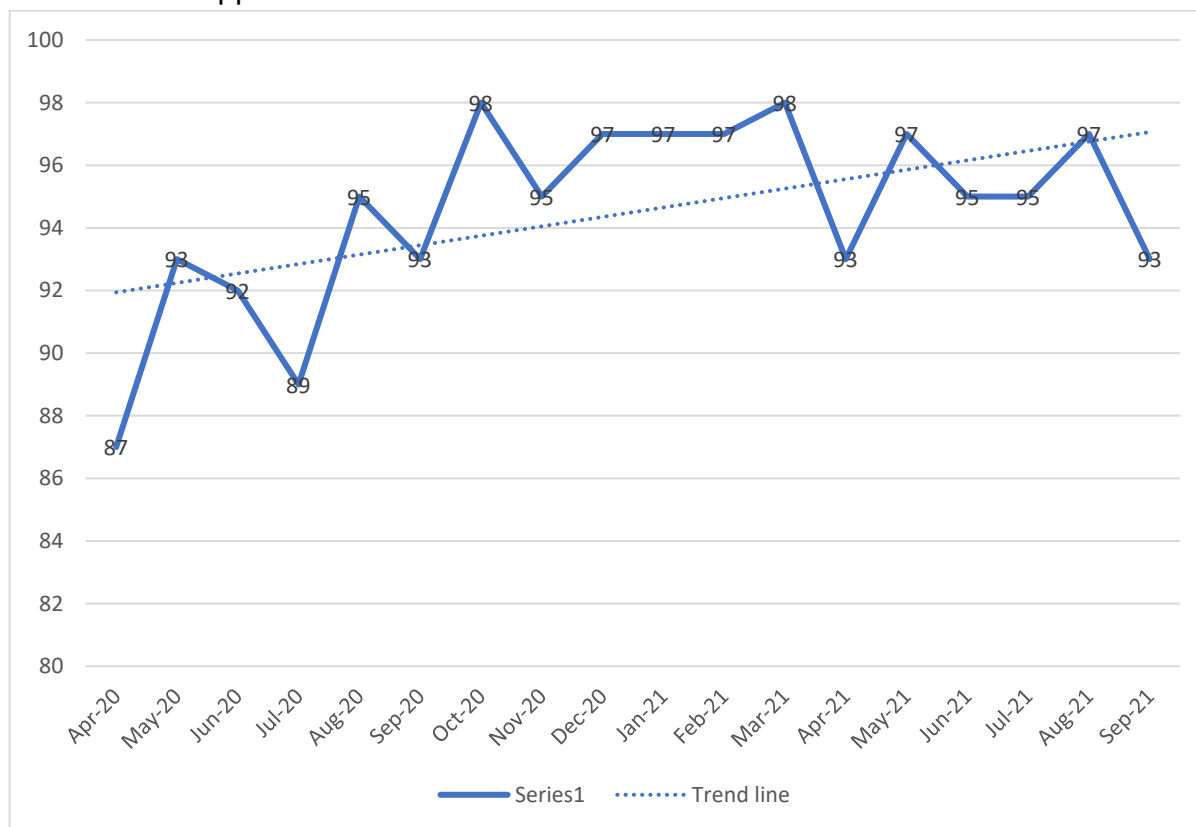
Others April-Sept 2021:



- 3.10. During the current year performance has remained high; staying well above the threshold and not dropping below 90%.

- 3.11. The 'Others' category includes all householder applications received which accounts for approximately half of all applications received and the graph below looks at just householder applications and performance from April 2020 to September 2021. This graph demonstrated that performance in dealing with householder applications has also increased since April 2020, as confirmed by the dotted 'trend line' that is shown on the chart. Performance has been maintained at over 90% since August 2020.










Householder applications:



- 3.12. The other aspect of performance that the Peer Review Team commented upon was the backlog of out of time applications that had risen to over 350 leading up to the Peer Review. These are applications that have not been dealt with and an extension of time has not been agreed with the applicant. The service management and DM teams have worked hard to reduce this number since the Peer review and overall, the results of this effort brought the figure steadily down during from the end of 2019 and continuing through 2020. The focus of the team has been on making decisions in time which has resulted in the number of out of time applications falling overall during 2020.

	Out of Time Applications in 2020										
Month	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Direction of performance		↑	↓	↓	↑	↓	↑	↑	↓	↓	↑
Totals	221	238	196	190	193	160	192	196	186	122	141

- 3.13. The number of out of time applications continued to decrease during the first part of 2021, as shown in the graph below. However, this downward trend has not continued through 2021 with numbers increasing again from April to August 2021 due to an increase in the number of applications submitted following the end of lockdown restrictions in March 2021 coupled with the effects of a number staff having left the authority. The impact of this increased workload was to initially overburden the registration team which built up a backlog of applications awaiting validation with the effect cascading down to the planning team dealing with applications.

	Out of Time Applications in 2021								
Month	Jan	Feb	March	April	May	June	July	Aug	Sept
Direction of performance									
Totals	139	137	108	143	166	195	214	234	223

- 3.14. The impact has taken some time to deal with and is not helped by the fact that planning officers continue to leave the authority and it is difficult to recruit replacements quickly. However, September saw a drop in the number of out of time applications and whilst it is important that this remains under control the most significant figures are those reported above relating to speed of decision.

Conclusion

- 3.15. Overall the speed of performance in processing planning applications increased significantly during 2020-21 and that high level of performance is now being maintained during 2021-22 which is a testament to the hard work of the DM Planning Officers and the Area Team Managers who have collectively delivered these impressive results.
- 3.16. However, continued success can be fragile and can easily be upset by events such as those seen this year with a upsurge in the number of applications submitted after lockdown ended in March and a number of staff leaving the authority. The fact that there is substantial headroom above each of the thresholds should mean that the service is not vulnerable to dips in performance as long as they are effectively tackled as soon as possible. This includes continuing to address the number of out of time applications so that these numbers fall again over the next few months to more acceptable levels.
- 3.17. Overall performance is better than it has been for a number of years and it is now being regularly monitored and actively managed which should help ensure that the focus remains on performance.

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Birmingham City Council

Report to Planning Committee

28 October 2021

Subject: Enforcement Performance

Report of Ian MacLeod - Acting Director, Inclusive Growth Directorate
Email Address: Ian.MacLeod@birmingham.gov.uk

Report author: Mark Franklin - Principal Enforcement Officer, Planning & Development.
Email Address: mark.franklin@birmingham.gov.uk

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, provide exempt information paragraph number or reason if confidential:

1. Executive Summary

It was agreed at Planning Committee on 29 April 2021 that bi-annual reports would be provided to committee as stated in the Birmingham Local Enforcement Plan. This report shows performance/data for the financial year half 1, April 2021 to September 2021.

2. Recommendations:

- 2.1. The report is for information only and recommended that Planning Committee note the high volume of live case work within the Enforcement team and the positive actions in terms of cases closed; notices served, prosecutions and confiscation orders.

3. Background:

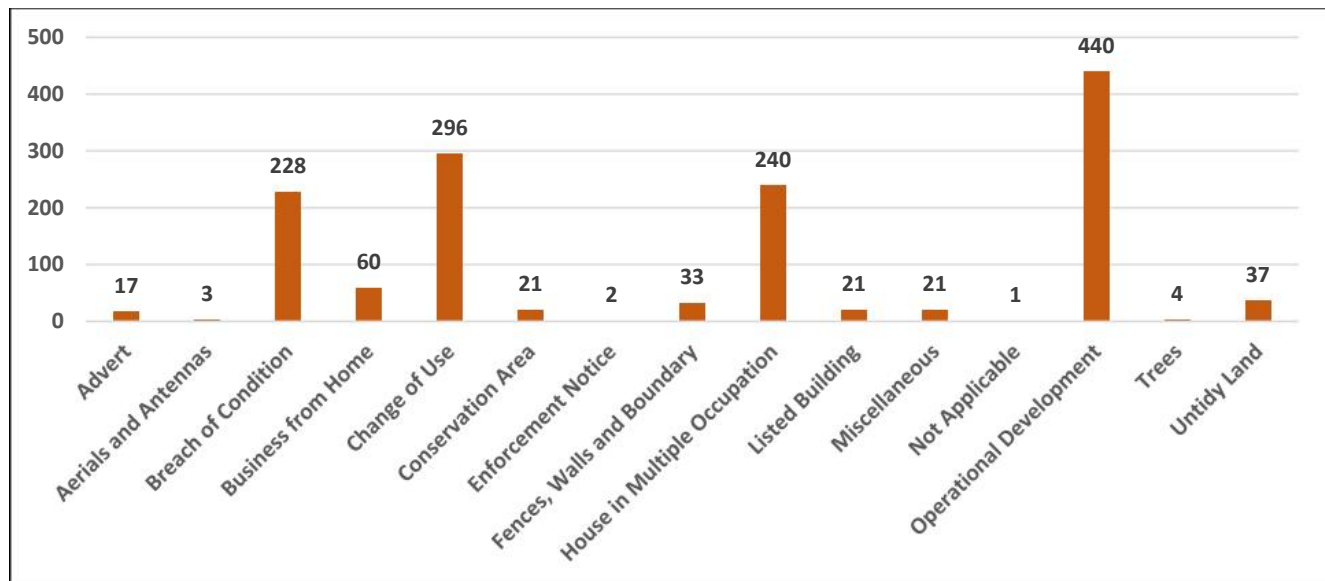
- 3.1 A review into the operation of the team was undertaken in November 2020 and it was concluded that the enforcement team would be divided into North and South teams. The North team managed by James Fox, Acting Principal Enforcement Officer and the South team managed by Mark Franklin, Principal Enforcement Officer.
- 3.2 Head of Enforcement, Householder and Technical Services is James Wagstaff. There are eight senior enforcement officers (two are part time) who investigate complaints received and one enforcement officer who registers the complaints and has a small caseload.
- 3.3 It is considered the above management structure of the team is more efficient and effective way of managing the workload.
- 3.4 February 2021 saw the loss of 1x Senior Enforcement Officer (SEO) to long term sick leave and the introduction of 2x Graduates onto the team. Due to the high volume of case work, 2 agency staff were appointed on a 6-month contract. As of October 2021, the officer has returned from long term sick leave, but is unable to operate in the substantive role as a SEO. For a temporary period of time this officer will be registering complaints. The officer currently registering complaints has increased his caseload. One

agency staff member left. We have secured the remaining agency member of staff until March 2022 using monies gained from our confiscation orders.

- 3.5 The Birmingham Local Enforcement Plan (BLEP) was reported to Cabinet in May 2021 and subsequently adopted. It is a live document on the Council's webpages and in particular is highlighted to be read by those wishing to make complaints as part of the complaint form.

4. Performance/Data:

- 4.1 The chart below outlines the total number of live cases as at 30 September 2021 (1424). These can be categorised as the following:



- 4.2 The table below illustrates the number of live cases per ward:

WARD	Count
Acocks Green	38
Allens Cross	4
Alum Rock	46
Aston	35
Balsall Heath West	11
Bartley Green	9
Billesley	15
Birchfield	35
Bordesley & Highgate	29
Bordesley Green	31
Bournbrook & Selly Park	69
Bournville & Cotteridge	22
Brandwood & King's Heath	23
Bromford & Hodge Hill	23
Castle Vale	2
Druids Heath & Monyhull	6
Edgbaston	14
Erdington	64
Frankley Great Park	4
Garretts Green	6

Glebe Farm & Tile Cross	15
Gravelly Hill	26
Hall Green North	35
Hall Green South	16
Handsworth	28
Handsworth Wood	38
Harborne	25
Heartlands	24
Highter's Heath	6
Holyhead	21
King's Norton North	7
King's Norton South	4
Kingstanding	11
Ladywood	16
Longbridge & West Heath	7
Lozells	15
Moseley	50
Nechells	10
Newtown	13
North Edgbaston	38
Northfield	3
Oscott	18
Perry Barr	42
Perry Common	9
Pype Hayes	20
Quinton	17
Rubery & Rednal	0
Shard End	7
Sheldon	16
Small Heath	30
Soho & Jewellery Quarter	63
South Yardley	17
Sparkbrook & Balsall Heath East	54
Sparkhill	37
Stirchley	15
Stockland Green	41
Sutton Four Oaks	11
Sutton Mere Green	4
Sutton Reddicap	6
Sutton Roughley	1
Sutton Trinity	8
Sutton Vesey	19
Sutton Walmley & Minworth	7
Sutton Wylde Green	7
Tyseley & Hay Mills	9
Ward End	31
Weoley & Selly Oak	14
Yardley East	13
Yardley West & Stechford	12

Total **1424**

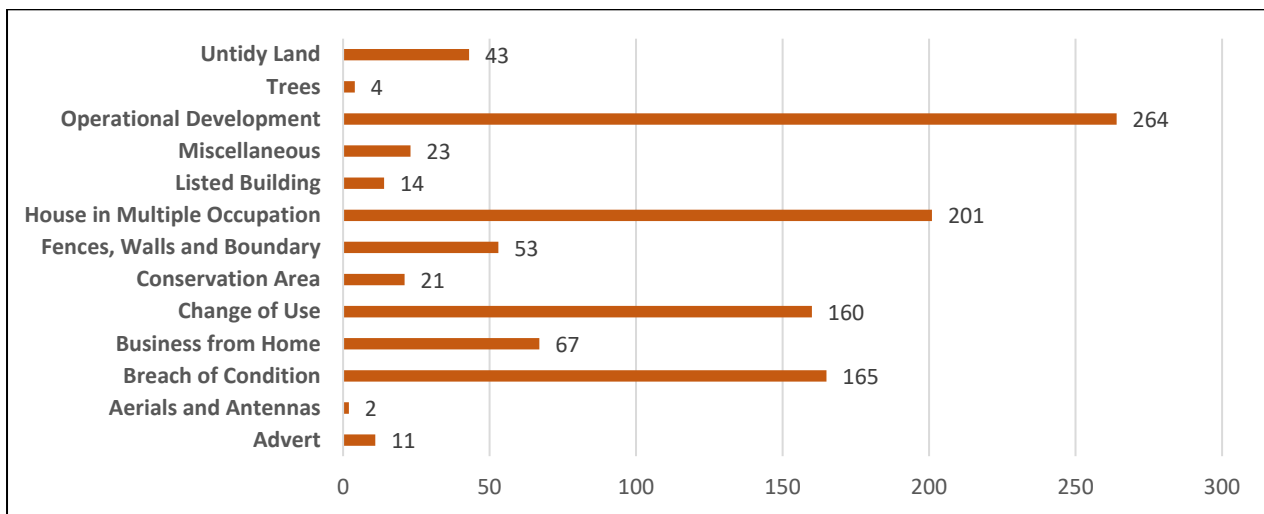
4.3 There has been a total of 1028 cases closed during the first six months of the financial year. The table below shows the number of closed cases per ward:

WARD	Count
Acocks Green	35
Allens Cross	6
Alum Rock	11
Aston	12
Balsall Heath West	14
Bartley Green	5
Billesley	17
Birchfield	19
Bordesley & Highgate	13
Bordesley Green	16
Bournbrook & Selly Park	65
Bournville & Cotteridge	6
Brandwood & King's Heath	28
Bromford & Hodge Hill	19
Castle Vale	1
Druids Heath & Monyhull	7
Edgbaston	14
Erdington	31
Frankley Great Park	7
Garretts Green	3
Glebe Farm & Tile Cross	15
Gravelly Hill	11
Hall Green North	43
Hall Green South	22
Handsworth	12
Handsworth Wood	11
Harborne	32
Heartlands	7
Highter's Heath	9
Holyhead	9
King's Norton North	5
King's Norton South	8
Kingstanding	12
Ladywood	17
Longbridge & West Heath	13
Lozells	21
Moseley	35
Nechells	8
Newtown	19
North Edgbaston	36
Northfield	17
Oscott	12
Perry Barr	12
Perry Common	3
Pype Hayes	10
Quinton	11
Rubery & Rednal	8
Shard End	3

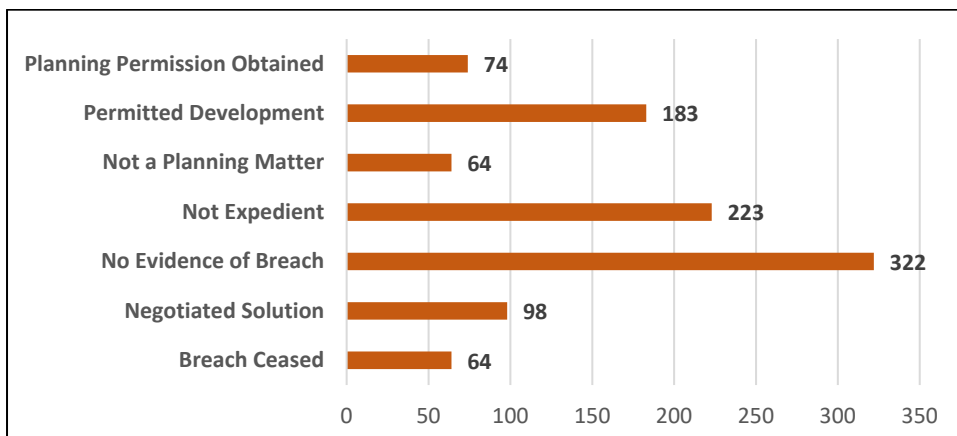
Sheldon	14
Small Heath	16
Soho & Jewellery Quarter	31
South Yardley	11
Sparkbrook & Balsall Heath East	23
Sparkhill	26
Stirchley	17
Stockland Green	33
Sutton Four Oaks	9
Sutton Mere Green	2
Sutton Reddicap	3
Sutton Roughley	5
Sutton Trinity	7
Sutton Vesey	17
Sutton Walmley & Minworth	2
Sutton Wylde Green	9
Tyseley & Hay Mills	10
Ward End	9
Weoley & Selly Oak	15
Yardley East	9
Yardley West & Stechford	10

1028

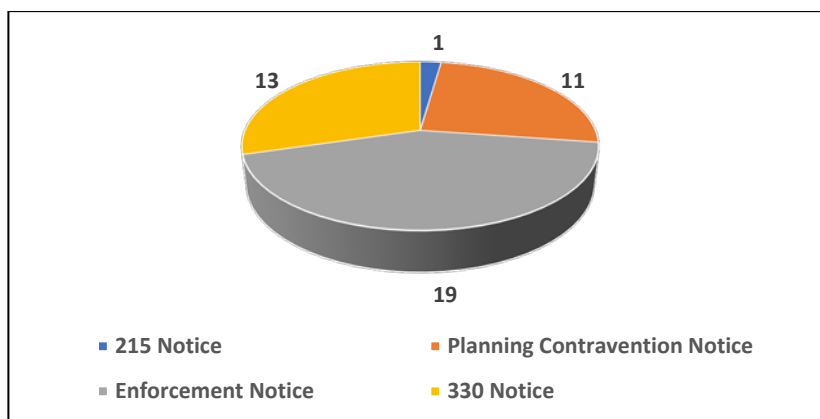
4.4 The chart below shows the categories of those cases closed:



4.4.1 The chart below shows the categories why those cases were closed:



4.5 The chart below displays the number of notices and type of notice issued during the first six months of the financial year.



4.6 Since 2018 the local planning authority has referred several cases, where appropriate, to Crown Court to obtain a confiscation order under the Proceeds of Crime Act. The table below shows our success to date. A total of £310,981.89 has been awarded to the Council. The Planning Enforcement Team receive roughly 1/6th of that figure, so approximately £60,000 which must be reinvested into prevention/detection of crime and separating offenders from the proceeds of their crimes.

<u>Date</u>	<u>Payment</u>	<u>Breach</u>
02/01/2018	£5,004.38	Unauthorised erection of a first-floor extension
04/01/2019	£114,000.00	Unauthorised change of use to a hot food takeaway
27/03/2019	£50,000.00	Unauthorised change of use to a hot food takeaway
02/04/2019	£5,896.00	Unauthorised change of use to a hot food takeaway
10/03/2020	£25,000.00	Unauthorised change of use to shisha cafe
11/03/2020	£25,000.00	Unauthorised change of use to shisha cafe
12/03/2020	£19,000.00	Unauthorised change of use to shisha cafe
14/04/2020	£28,000.00	Unauthorised rear extension
15/04/2020	£9,433.39	Unauthorised rear extension
05/03/2021	£15,000.00	Unauthorised first floor extension
10/03/2021	£14,648.12	Unauthorised first floor extension
01/10/2021	£50,000.00	Unauthorised change of use to a HMO
	£360,981.89	

4.7 Court cases concluded during the first six months of the financial year are as follows:

<u>Date</u>	<u>Fine and Costs</u>	<u>Breach</u>
01/10/2021	£16,758.30	Unauthorised change of use to a HMO
08/10/2021	£1,334.00	Unauthorised single storey building
	£18,092.30	

5.0 Recommendation

- 5.1 That the report be noted, and bi-annual reports continue to be presented to Planning Committee in accordance with the Birmingham Local Enforcement Plan.

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