Committee Date: 22/01/2015  Application Number: 2014/06388/PA
Accepted: 05/11/2014  Application Type: Full Planning
Target Date: 04/02/2015
Ward: Lozells and East Handsworth

Livingstone House, 50 Livingstone Road, Handsworth, Birmingham, B20 3LL

Change of use from residential school/day nursery (Class C2/D1) to house in multiple occupation (HMO) (Sui Generis) for 61 no. single bedrooms, 2 no. studios with associated gym, media room, library and offices, room for council (local community) use, proposed single storey swimming pool extension and external alterations to render parts of the building

Applicant: Aaronex Developments Limited
43 Stanley Road, Ilford, Essex, IG1 1RE
Agent: Architorium Limited
221 Cranbrook Road, Ilford, Essex, IG1 4TD

Recommendation
Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This application seeks planning permission for the change of use of a residential school and day nursery to form a 63 bedroom House in Multiple Occupation (HMO) with associated shared facilities, including a single storey extension within the internal courtyard and external alterations to render parts of the external walls.

1.2. The proposed accommodation would comprise:

- At the ground floor: 19 no. single bedrooms, 2 no. studios, 3 no. kitchen/dining rooms, gymnasium and associated changing rooms, swimming pool, living room, library/media room, meeting room, reception, laundry, and manager/admin room.
- At first, second and third floors: 14 no. single bedrooms, 2no. kitchen/dining rooms, laundry, bathroom & w/c's per floor.

1.3. The existing surface car park would be laid out to provide 20 no. car parking spaces.

1.4. The applicant proposes to promote the facility for use by students, graduates and young professionals.

1.5. The application is accompanied by a design and access statement, business plan, management plan, student needs statement, arboricultural assessment, and a noise impact assessment.
1.6. The applicant proposes a section 106 contribution towards enhancing accessibility of the site for student occupiers as follows:

- Term time Travelcard passes for full-time students in their first year of study (freshers) up to a total value of £25,000.

1.7. The applicant proposes to make the meeting room available for use by the Council and local community as a community resource which can be booked for meetings and community activities.

Proposed site layout plan
Proposed ground floor plan
Proposed elevations

2. Site & Surroundings

2.1. The site is an existing vacant former residential school which comprises of classrooms, seminar halls, main hall, kitchen, laundry rooms, stores, w/c's at ground floor with dormitory bedrooms, kitchen/dining rooms, bathrooms and w/c's above. The ground floor of the building is arranged in a square footprint with a central enclosed courtyard garden, with the three upper floors situated above the northernmost part of the building. The building is predominantly faced in a dark brown brick with a flat roof and is set within an established landscaped plot of grassed areas interspersed with individual and groups of trees.

2.2. The site is situated adjacent to land to the east being redeveloped for new housing by Birmingham Municipal Housing Trust (BMHT). Broadway Dance Centre adjoins the western boundary. The surrounding area to the west is predominantly residential in character with a mix of housing types and styles. The is an area of allotments to the north west.

2.3. The site adjoins the edge of Perry Barr District Centre with Perry Barr station approximately 5 minutes walk (450 metres) from the site to the north. The site is also accessible via bus services on the A38 into and out of the City Centre.

Street location
Street view

3. Planning History

3.1. 24/05/1962 – 17538011 - Aged Persons Home – Approved.

3.2. 01/03/2001 – 1999/03174/PA – Change of use of ground floor to day nursery and day school, first floor for training purposes with ancillary residential accommodation and one flat at 2nd and 3rd floors – Approved subject to conditions. The consent permits up to 130 children to occupy the school and day nursery.

4. Consultation/PP Responses
4.1. Prior to the submission of the application, the applicant presented their proposals to the Lozells and East Handsworth Ward Committee on 15th July 2014. Councillors Zaffar and Hussain commented that they welcomed the development and that residents in the area should be fully consulted. Councillor Hussain also commented that a community facility for functions etc was needed of a reasonable size.

4.2. Press and site notices erected. MP, Ward members, residents associations and neighbouring residents notified. No representations received.

4.3. Transportation Development – No objections. Recommends conditions relating to parking, cycle storage, signage, and footway crossovers.

4.4. Regulatory Services – No objections. Recommends conditions relating to noise insulation and noise levels from plant and machinery.

4.5. West Midlands Police – No objections. Makes detailed comments and recommends conditions relating to lighting and CCTV.

5. Policy Context

5.1. Adopted UDP 2005, Draft Birmingham Development Plan, Aston, Newtown and Lozells AAP, Places for All SPD, Car parking guidelines SPD, Special Needs Residential Uses SPG : Houses in Multiple Occupation, Hostels and Residential Care and Nursing Homes and bedroom sizes for student accommodation, NPPF.

6. Planning Considerations

6.1. Paragraph 5.28 of the UDP recognises the importance of the contribution of conversions to residential use from other uses to meeting the City’s overall housing requirement.

6.2. Paragraph 8.24 sets out that in determining applications for HMO’s the following criteria will be considered: the effect of the proposal on the amenities of the surrounding area, and on adjoining premises, the size and character of the property, floorspace standards of the accommodation, the facilities for car parking and the amount of provision in the locality. Paragraph 8.25 states that generally the use of small terraced or small semi-detached houses will be resisted. The impact of such use will be dependent on the use of adjoining properties and the ambient noise level in the immediate area.

6.3. The Special Needs Residential Uses SPG repeats these criteria and also sets out that the cumulative effect of clusters of such uses on the residential character of an area will also be considered. In an area of housing restraint such uses may be resisted on ground of the impact on the character of the area. The guidance also sets out details of minimum bedrooms sizes for student accommodation be 6.5 square metres for a single bedroom and 12.5 square metres for a double bedroom.

6.4. The Aston, Newtown and Lozells AAP includes provision for housing regeneration proposals at Birchfield adjoining the application site. The AAP also encourages high-quality residential accommodation above the ground floor as part of mixed-use developments within Perry Barr/Birchfield District Centre. Policy H2 sets out that proposals for new housing should take account of the Strategic Housing Market Assessment and detailed local housing market assessments (where they are
available), in particular the need for larger family accommodation. Proposals should assist in the creation of mixed, balanced and sustainable communities.

6.5. The draft Birmingham Development Plan includes a policy for the assessment of proposals for student accommodation. This sets out that proposals for purpose built student accommodation provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:

- There is a demonstrated need for the development,
- The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.
- The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.
- The scale, massing and architecture of the development is appropriate for the location.
- The design and layout of the accommodation together with the associated facilities provided will create a positive living experience.

6.6. Taking all of the above adopted and draft policies and guidance into account, I consider that the principle of the proposed development is acceptable. There is a need for additional accommodation for students in the City. The proposed development would also serve to provide HMO accommodation for non-students within a predominantly residential area. The nature and layout of the building lends itself to HMO accommodation having been previously used as a residential school and will provide an alternative type of accommodation to the predominantly family housing being developed at the adjoining site by Birmingham Municipal Housing Trust. The site is not located within an area of housing restraint and the submitted plans demonstrate that the study bedrooms would meet minimum guidelines with sufficient space for a study desk etc.

6.7. The applicant proposes to make modest alterations to the external façade of the building, by adding some render and replacing the windows. Some minor alterations to add some larger windows to the ground floor are also proposed which will improve the appearance of the building and aid natural surveillance of the entrance and the car parking areas. The proposal also includes provision for a swimming pool to be added to the internal courtyard. These alterations are also considered to be acceptable.

6.8. The application has been accompanied by an arboricultural report which sets out that there are 26 trees on the site, of which 8 trees are to be removed (all of which are category C and category U trees), and 18 (category B and category C) are to be retained. The proposal will have little effect on the existing trees being principally related to the change of use of the building, though three of the removals are required to facilitate the development. I have recommended conditions relating to landscaping which would include suitable replacement tree planting, and of implementation of the tree protection works.

6.9. The site is well-situated to public transport facilities being within a few minutes walk of local bus services into the City and Perry Barr train station. However, the site is less accessible for students to walk to campus. With this in mind, the applicant proposes to fund the provision of term-time travelcards for students in their first year of study (ie.freshers) up to a total value of £25,000 to address this issue. It is
proposed that a section 106 agreement is completed to secure this provision with a
requirement for an annual monitoring report to be provided to demonstrate delivery.

6.10. It is unlikely that occupation of the HMO by students would generate a need for
parking. However, as the development will not be exclusively for students, some
parking may be required for other occupants and for the on-site manager. I consider
that the 20 car parking spaces proposed would be adequate for this purpose, taking
into account the accessibility of the site and the type of accommodation proposed. I
note that Transportation Development have no objections to the application.

6.11. Following pre-application consultation with the local community via the Ward
Committee, the applicant also proposes to provide a room within the building to be
available for hire by the Council or other local community representatives for local
community use. I have recommended that a community use agreement be secured
to agree the details of how this will be provided and managed as part of the section
106 agreement.

7. Conclusion

7.1. The proposed development accords with the Council’s adopted policies for HMO’s
and the policy for student accommodation in the draft Birmingham Development
Plan. Approval is therefore recommended subject to the completion of the section
106 agreement as set out below.

8. Recommendation

8.1. That consideration of planning application 2014/06388/PA be deferred pending the
completion of a suitable 106 legal agreement to secure the following:

   a) Provision of term time travelcards for all residents that are full time students
      within their first year of study and first year of occupation (ie. Freshers) up to a
total value of £25,000, and the submission of an annual monitoring report on the
      first anniversary of first occupation, and subsequently every 12 months thereafter
      until such time as the total contribution has been provided to demonstrate
      provision of the travelcards.

   b) That a Community Access Agreement be annexed to the section 106 agreement
to secure the use of the room designated for Council use, for use by the Council
and the local community and that this agreement is to be completed either prior
to the date of the service of the Implementation Notice or on the date of the
service of the notice.

8.2 That payment of a monitoring and administration fee associated with the legal
agreement of £1500 be secured,

8.3 That the Director of Legal and Democratic Services be authorised to prepare, seal
and complete the appropriate agreement,

8.4 That in the event of the s106 legal agreement not being completed to the satisfaction
of the Local Planning Authority on or before 3rd February 2015, that planning
permission be refused for the following reason:

   In the absence of any suitable planning obligation to secure the provision of term
time travelcards for full time students resident within the development, that the
The proposed HMO accommodation for students would not be suitably accessible to any University campus within Birmingham, contrary to paragraphs 3.8, 3.10 and 8.50-8.54 of the adopted UDP, policy TP32 of the Draft Birmingham Development Plan and the NPPF.

8.2. That in the event of the above s106 agreement being completed to the satisfaction of the Local Planning Authority on or before 3rd February 2015 that favourable consideration be given to the application 2014/06388/PA subject to the conditions listed below:

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<td>Requires the prior submission of hard and/or soft landscape details</td>
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<td>Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures</td>
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<td>8</td>
<td>Requires the prior submission a noise study to establish residential acoustic protection</td>
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<td>Limits the noise levels for Plant and Machinery</td>
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<td>Requires the parking area to be laid out prior to use</td>
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<td>Requires the provision of cycle parking prior to occupation</td>
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<td>12</td>
<td>Requires the scheme to be in accordance with the listed approved plans</td>
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<td>Limits the approval to 3 years (Full)</td>
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Case Officer: Stuart Morgans
Figure 1: Front and side elevation
Figure 2: Existing access to rear parking area