
Committee Date:	09/07/2015	Application Number:	2015/01963/PA
Accepted:	22/05/2015	Application Type:	Full Planning
Target Date:	17/07/2015		
Ward:	Acocks Green		

Avalon Hotel, 48 Sherbourne Road, Acocks Green, Birmingham, B27 6EA

Retention of change of use from a hotel (Use class C1) to a HMO (Sui Generis)

Applicant: Mr Dean Woodward
22 Liththorne Rd, Solihull, West Midlands, B91 2BD
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the change of use of an existing hotel (C1 use), known as the Avalon Hotel at 48 Sherborne Road in Acocks Green, to a House of Multiple Occupation (HMO) (Sui Generis Use) that would provide 11 separate bedrooms with en-suite bathroom facilities to be used to provide residential accommodation with a maximum of 11 occupants at any one time.
- 1.2. The proposal does not seek any internal or external modifications to the buildings as part of the change of use proposal and the applicant has stated that they intend to use the buildings existing layout (as a former hotel) to service the needs of the HMO and its occupants.
- 1.3. In addition to the 11 bedrooms with en-suite bathrooms facilities, of which 3 would be located on the ground floor and 7 on the first floor with stair and lift access, the building would also provide internal circulation space, communal kitchen facilities for occupants with a separate dining area, a communal lounge and an office space.
- 1.4. In addition, there is an existing parking area to the rear of the site that is currently used for the parking/storage of vehicles which the applicant has indicated upon submitted plans that 16 parking spaces could be accommodated within this area.
- 1.5. The applicant has indicated that residents who would occupy the building would be free market tenants (i.e. any person is able to rent subject to affordability and referencing checks) and that no care provision of any kind is to be provided (i.e. social care, etc.).
- 1.6. The planning submission has made reference within its written text and upon the submitted plans that the building has 12 bedrooms. However, other parts of the written submission have indicated that the property has 11 bedrooms. Upon viewing

the plans, the property does indeed have 11 existing bedrooms and the proposal does not seek to change this set up. As such, the application has been assessed and advertised as having 11 bedrooms.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located fronting onto Sherbourne Road and is located within Acocks Green. The application is located in a predominantly residential area with a mix of tenures and housing types, including dwelling houses, HMO's and flats with the immediate area to the application site outlined below;

Western Side of Road.

- 50 Sherbourne Road – House of Multiple Occupation,
- 48 Sherbourne Road – Application site (proposed HMO),
- 46 Sherbourne Road – Single Occupied Dwelling House,
- 44 Sherbourne Road – House converted in three apartments,
- 34-38 Sherbourne Road (Sherbourne Court) – Purpose Built Apartment Blocks,
- 1-5 Sherbourne Drive – Single Occupied Dwelling Houses.

Eastern Side of Road.

- 45-49 Sherbourne Road – Quality Inn Hotel,
- 37-43 Sherbourne Road – 4 no. houses converted into flats,
- 35 Sherbourne Road – Day Nursery (Education).

- 2.2. There are a number of public transport links in the vicinity of the application site with Sherbourne Road served by a number of bus routes and a greater number of bus routes serving the Acocks Green neighbourhood centre which is approximately 500m away. In addition, Acocks Green Train Station that provides services through Birmingham and the West Midlands region is located approximately 50m away along Sherbourne Road.
- 2.3. The application site measures approximately 950sqm in area and the topography of the site is predominantly flat with vehicular access gained from Sherbourne Road to a paved area to the front of the building and also a rear car park area using an access road to the east of the property that is shared with 50 Sherbourne Road and is within their ownership and control.
- 2.4. The building itself is a two storey semi-detached 19th century building (attached to adjacent property at the rear of the property) that is double fronted (with a bay window to the ground floor eastern window) and is of a brick built construction with a tiled, pitched roof which has previously been used as a hotel, known as the Avalon Hotel.
- 2.5. The building is a local listed, grade B property and local groups have made a statutory listing application for the property, to secure a grade II listing, has been made to Historic England who will determine whether the building is worthy of such designation.

- 2.6. The rear of the property also benefits from a garden area that is accessed directly from the rear of the property and would remain as such as part of this current application.
- 2.7. [Site Location](#)
3. [Planning History](#)
- 3.1. None.
4. [Consultation Responses](#)
- 4.1. M.P, residents associations and adjoining occupiers were notified with the following comments received.
- 4.2. Arden Residents Association – Objection, received on the following points;
- We feel strongly that Acocks Green already has more than its fair share of HMOs and care homes and houses converted into flats, to such an extent that the character of the area is changing to the detriment of social cohesion and a feeling of community.
 - The fabric of this house will inevitably be changed, risking the loss of elegant plasterwork and valuable stained glass. The importance of this house to its setting, linked as it is to the development of the railway through Acocks Green, cannot be overlooked.
- 4.3. Acocks Green Neighbourhood Forum – Objection, received on the following points;
- Whilst it is acknowledged that having buildings occupied and in use is to be preferred, there are strong misgivings with the type of use proposed.
 - This building is considered to be of Local Architectural Interest, from around the 1850s, including it is reported fine period fixtures and fittings and particularly a very interesting stained glass window.
 - We are of the opinion that this current proposal would put at risk the fabric of the building and its position as part of Acocks Green heritage.
 - There are further ongoing local concerns with the rise in this type of change of use, that we are experiencing of the type which come under the title of 'Houses in Multiple Occupation' or unsupported social service type accommodation.
 - Such proposals result in a distinct change of character of an area and ever rising pressures on existing services.
 - Often seen as an unneighbourly form of development and endless pressures that are placed upon established areas from the intensification from such changes of use.
- 4.4. Acocks Green Focus Group – Objection, received on the following points;
- The Group voted unanimously to oppose the planning application for 48 Sherbourne Road.
 - We are moving forward with an application for a statutory (Grade II) listing of the building.
 - The house is to be purchased and then occupied by 11 unrelated occupants who are expected to share kitchen and communal facilities which we consider to be unworkable both for those that would be living at the property as well as the owners.

- Even with supervision (which we don't have here), we have direct experience within our group to demonstrate that the property is likely to become chaotic and problematic for everyone concerned.
 - It is our assertion that this proposal puts at risk the fabric of the building which includes some very fine period fixtures and fittings, in particular some very fine stained glass windows.
 - There are a number of alternatives that could be explored when looking at how this building could be utilised and this particular suggestion ranks as one of the least attractive.
 - The planning application for this property is, in our opinion, without any discernible merit, lacks imagination and would be to the detriment of this wonderful building.
- 4.5. Cllr Roger Harmer – Objection, received on the following points;
- I am aware that Acocks Green Focus Group have objected to this application. I attended the meeting where they discussed it and have seen their comments which I fully endorse.
 - In particular the plan to let this property to 11 potentially unrelated occupants who are expected to share kitchen and communal facilities would be a disaster. It is an unworkable suggestion both for those that would be living at the property as well as the owners. Even with supervision (which isn't suggested in the plans), the property is likely to become chaotic and problematic for everyone concerned.
 - The proposal also puts at risk the fabric of the building which includes some very fine period fixtures and fittings, in particular some very fine stained glass windows.
- 4.6. West Midlands Police – No objection to this proposal.
- 4.7. Regulatory Services – No objection subject to the imposition of conditions related to the provision of noise insulation within the property and the provision of an electric vehicle charging point.
- 4.8. Transportation Development – No objection, subject to site boundary being amended to include footway crossing access and driveway leading to rear parking area plus safeguarding conditions relating to parking layout and the provision of cycle storage facilities.
- 4.9. 3 letters of objection to the proposal from local residents who have stated the following points;
- The proposal is so intensive that it is likely, if implemented, to lead to degradation of the interior features of the house.
 - I understand that a proposal for the statutory listing of the building is being prepared, and I support this proposal, which I believe is justified.
 - I have several serious concerns about the limited scope, paucity of information and failure to reference any intention to improve the fabric of the property and its environs, contained within this Planning Application.
 - The property and its land is in a state of very serious and general disrepair with the rear of the property used for unlicensed business activities including vehicle repairs.
 - The external waste pipe running from the properties commercial kitchen discharges waste directly onto an adjacent driveway and the public highway.

- Nothing in the submission would allow me or the City Council to determine whether or not the interior is in a suitable condition for the proposed use.
- The submission states that the existing hotel has twelve bedrooms, although the plans indicate only eleven.
- I have seen no evidence of hotel use for some years - only evidence of permanent occupation by a number of residents.
- The applicant has not submitted any evidence to justify the change of use and the requirement for such accommodation in the area.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (UDP), Draft Birmingham Development Plan, Car Parking Guidelines (SPD), Special Residential Needs (SPG) and the National Planning Policy Framework (NPPF).

6. Planning Considerations

- 6.1. The main issues to take into consideration are whether the proposed change of use would be acceptable in this location, whether the scheme is of a satisfactory quality, whether it would cause any harm to the surrounding area and neighbours or would prejudice highway safety.
- 6.2. This application will be assessed in accordance with policies 3.8, 3.10, 8.23, 8.24 and 8.25 of the UDP (2005) and Specific Needs Residential Uses (SPG).
- 6.3. Policies 3.8 and 3.10 of the UDP (in summary) seek to protect and enhance what is good in the City's environment and to improve what is less good. Policy 3.10 identifies that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.4. Policy 8.23 applies to dwellings which are either let in one or more separate tenancies or are occupied by persons who do not form a single household.
- 6.5. Policy 8.24 states the following criteria will be referred to in determining planning applications:
- The effect of the proposal on the amenities of the surrounding area, and on adjoining premises;
 - The size and character of the property;
 - The floor space standards of the accommodation;
 - The facilities available for car parking;
 - The amount of provision in the locality.
- 6.6. Policy 8.25 states the following guidelines will also apply:
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area.

6.7. Principle of Development

- 6.8. The application property is set in a predominantly residential area, albeit one with various occupation types, with the property in question previously used as a hotel which has now closed. The proposal seeks to remove the transient nature of the hotel use and replace it with a more settled style of accommodation which is considered appropriate in this location. For these reasons, the principle of development is acceptable.
- 6.9. Design and Layout
- 6.10. The proposed change of use does not seek any elevation changes to an otherwise attractive double fronted, brick building. Also, the proposal does not seek to change the internal layout and instead intends to make use of the hotels previous internal layout which provides en-suite accommodation, communal kitchen and dining facilities along with lift access to the first floor.
- 6.11. As no amendments to the internal hotel layout are proposed, the proposed bedroom sizes, shared facilities and communal areas are of a good size and all of the rooms comply with the councils guidance upon accommodation sizes as identified within the 'Specific Needs Residential Uses' Supplementary Planning Guidance.
- 6.12. Also, whilst there are no minimum guidelines for the provision of private amenity space for the proposed use contained within the council's 'Specific Needs Residential Uses' (SPG) the existing property currently has a mature garden area to the rear of the property that is fenced off from the car park area which measures approximately 220sqm and is considered sufficient to accommodate residents of the proposed use should they wish to use it.
- 6.13. A number of councillors, local residents, residents associations and local action groups have raised concerns regarding the proposed use and its occupants adversely impacting upon the fabric of the building which is considered to be of local historic value, hence the local grade B listing.
- 6.14. Such is the concern that a statutory listing application has been submitted to Historic England by a local action group in order to pursue a Grade II listing of the building and its curtilage. However, the proposed change of use does not seek to make any internal or external alterations to the building as part of this application and would therefore not adversely impact upon the fabric of the building.
- 6.15. Local concerns regarding the occupant's impacts upon the fabric of the building are a management issue between the resident and landlord, a similar scenario to the previous set up between a hotel guest and a proprietor, and are something that the planning authority should not seek to resolve through the determination of this application.
- 6.16. However, should the statutory listing application made to Historic England be accepted then it would become an offence to destroy or remove any listed structure which would then be dealt with under separate legislation. Also, the general maintenance of a property is not a material planning consideration in the determination this application.
- 6.17. As such, it is considered that the design and layout is acceptable and planning permission would be acceptable in this regard.
- 6.18. Residential Amenity

- 6.19. The level and nature of concern raised by local residents in relation to noise and disturbance are noted. However, it is recognised that the application premises is substantial in size and can adequately accommodate the maximum of 11 residents sought with this application which when compared to the buildings previous use as a hotel catering for a similar number of guests would not cause noise and disturbance to neighbours to such a level that could support a reason for refusal.
- 6.20. Regulatory Services have also been consulted upon the proposal and have stated that whilst they have no objections to the proposal in principle they have requested that a planning condition requiring noise insulation to be installed at the property be imposed which would limit potential adverse impacts upon neighbouring properties and to those occupants within the building from other occupants.
- 6.21. In addition, Regulatory Services have requested the imposition of a planning condition requiring the provision of an electric vehicle charging point within the site. However, on balance it is not considered necessary or reasonable to request the provision of such facilities given that the proposal does not seek to provide any additional built accommodation.
- 6.22. Concerns have also been raised by objectors that occupants within the 11 separate bedrooms living together within one building would be unworkable. However, the building provides sufficiently sized accommodation with bedroom and bathroom facilities along with sufficient communal space and the behaviour of residents between each other is a management issue that should be managed between residents and their landlord.
- 6.23. As such, it is considered that subject to the imposition of planning conditions as discussed above that the proposal would not adversely impact upon residential amenity of both occupants and surrounding neighbours and planning permission would be acceptable in this regard.
- 6.24. Cumulative Impact
- 6.25. Other material considerations include the cumulative effect of the proposed use upon the residential character and appearance of the area. The application site is a large semi-detached property that has previously operated as a hotel with 11 en-suite rooms with parking provision for said guests.
- 6.26. The surrounding area contains a varied mix of single occupation residential properties, commercial properties, purpose built apartment blocks, house conversions into flats and HMO's.
- 6.27. Sherbourne Road, between the railway line and the junction with Station Road, contains a numbering off differing uses which are shown in Fig 3.
- 6.28. Based upon an assessment of nearby properties and land uses it is considered that the provision of the proposed HMO would not result in an adverse cumulative impact upon the residential character and appearance of the locality and in conjunction with the properties previous commercial use to provide hotel accommodation and as such would not result in the loss of private residential accommodation and the fact that the proposal does not seek to change the layout or capacity of the building, no objection is raised in principle to the provision of a HMO in this location.
- 6.29. Highway Safety

- 6.30. The supplementary planning document on Car Parking Standards does not provide maximum parking standards for Houses of Multiple Occupation. However, it is deemed that the proposed parking provision to the rear of the property is acceptable given that the proposed change of use would provide the same number of rooms as the previous hotel use.
- 6.31. Also, it is considered that the level of car ownership by occupants of this type of accommodation would be lower than the previous hotel use and the site is served with excellent high frequency public transport services including buses and the adjacent railway station.
- 6.32. Transportation Development raises no objection to the proposal with the access drive leading to the rear parking area likely to be able to accommodate the level of parking demand associated with this use.
- 6.33. They have however requested a number of planning conditions be imposed should permission be approved, which relate to the provision of an amended footway crossing where the access drive meets the public highway along with the provision of cycle storage facilities for use by residents and the provision of a layout plan for the rear car parking area to ensure that parking provision is provided in a structured and useable manner.
- 6.34. Given that the current hotel use would generate more vehicle movements than the proposed HMO use and that an existing footway crossing is already in existence to serve the application site it is considered unreasonable and unnecessary to impose a planning condition related to the provision of an amended footway crossing.
- 6.35. However, it is considered that subject to the imposition of planning conditions related to car parking layout and cycle storage facilities that the proposal would not adversely impact upon highway safety and planning permission would be acceptable in this regard.

7. Conclusion

- 7.1. Within the parameters of the planning system, it is concluded that the proposal would not cause undue harm to neighbour amenity to such an extent that a reason for refusal could be sustained.
- 7.2. Furthermore, there would be no adverse impact upon the residential character and appearance of the area or upon highway safety.

8. Recommendation

- 8.1. Approve, subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires the prior approval of an amended car park layout |
| 4 | Limits the maximum number of residents to 11 at any one time. |
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| 5 | Requires the prior submission of noise insulation to the bedrooms |
| 6 | Limits the approval to 3 years (Full) |
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Case Officer: Mohammed Nasser

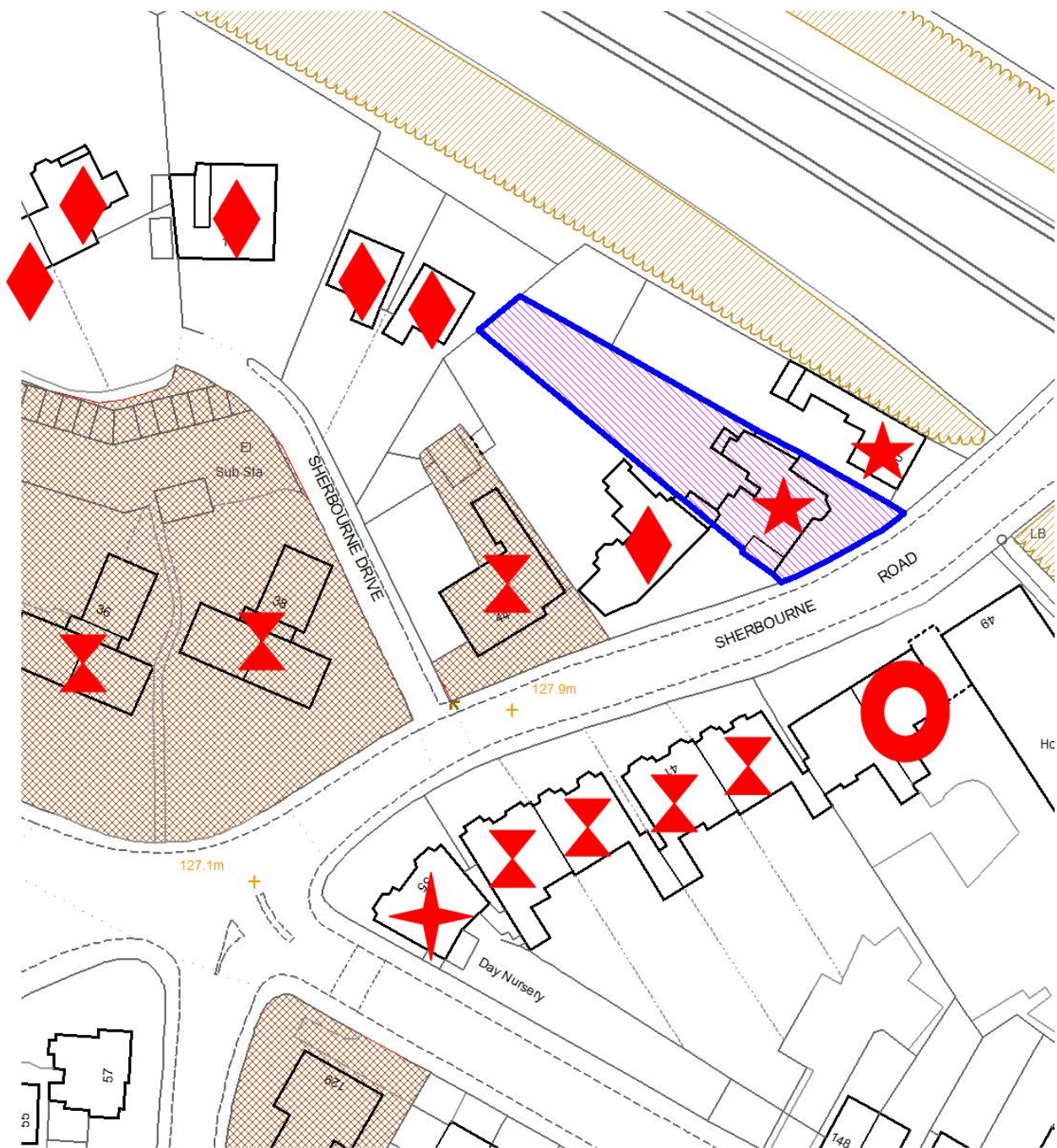
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Fig 1. Front Elevation of Avalon Hotel



Fig 2. Rear of Avalon Hotel.

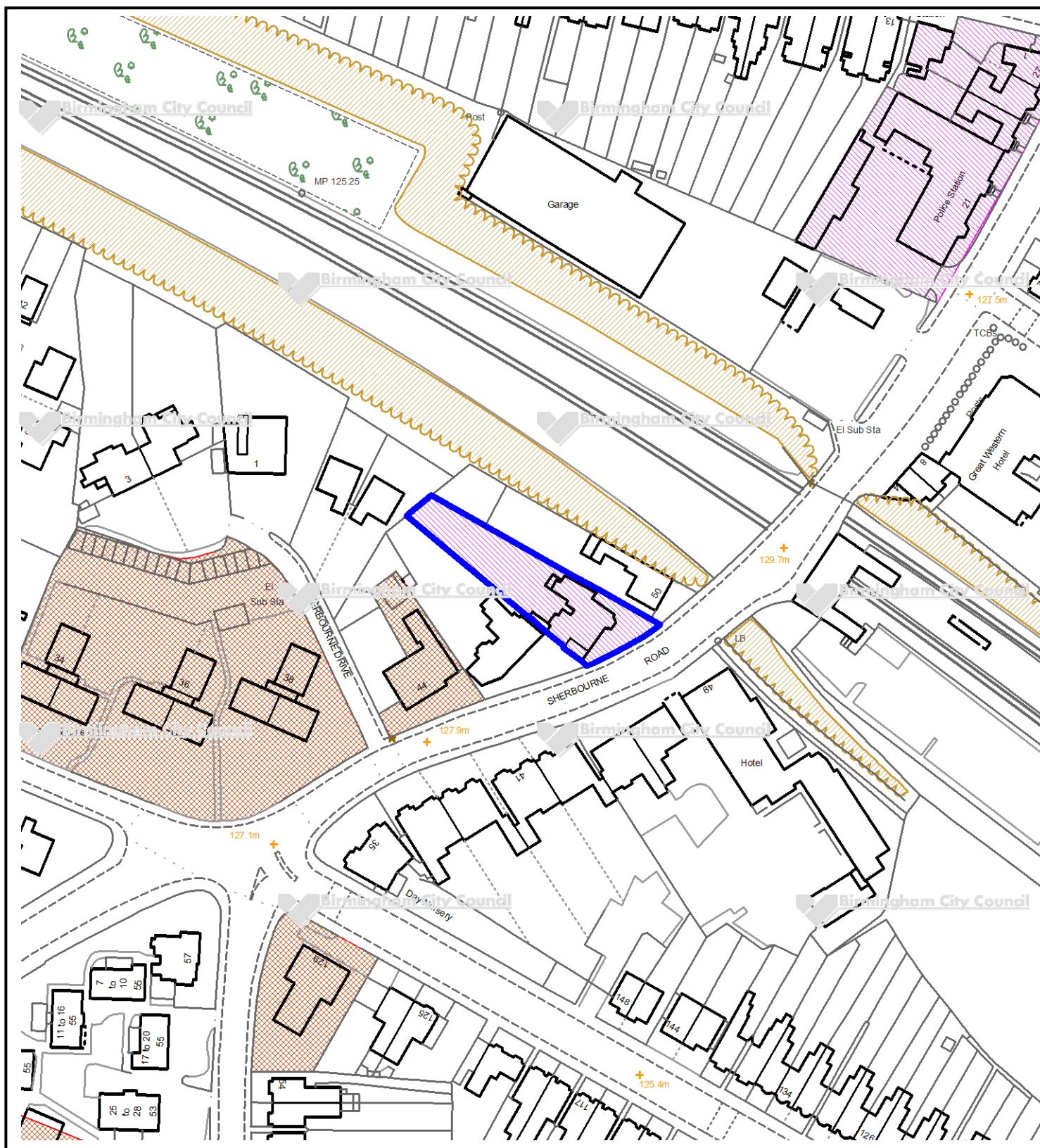


★	House of Multiple Occupation (HMO)
◆	Single Occupied Dwelling House
✕	Flats
★	Day Nursery (Education)
○	Hotel

1:750

Fig 3. Map of Land Uses in Vicinity of Application Site.

Location Plan



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