
Committee Date:	23/07/2015	Application Number:	2015/03893/PA
Accepted:	15/05/2015	Application Type:	Full Planning
Target Date:	10/07/2015		
Ward:	Harborne		

Fountain Court Hotel, 339 Hagley Road, Harborne, Birmingham, B17 8NH

Change of use of The Fountain Court Hotel (Use Class C1) to student accommodation (Sui Generis) for up to 35 students and installation of new entrance door.

Applicant: YMCA Indian Student Hostel
41 Fitzroy Square, London, W1T 6AQ
Agent: Brooke Smith Planning
The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of the Fountain Court Hotel (Use Class C1) to student accommodation (Use Class Sui Generis) and the installation of a new entrance door.
- 1.2. The student accommodation would comprise 25 bedrooms for a maximum 35 students. The proposed change of use would not result in any increase to the total floor area of the existing building. Some internal alterations would be required to provide each bedroom with their own en-suite bathroom and some small amendments to provide communal areas, staff areas and services areas.
- 1.3. The ground floor would provide five bedrooms for 9 students comprising 1 single room and 4 twin bedrooms, all with en-suite bathrooms. The ground floor would also provide the communal areas for the students, consisting of a utility providing laundry facilities, a dining room, reading room and TV room. There would also be a manager's office, ancillary office, meeting room and kitchens. These areas would only be used by the staff. In addition, there would be a student reception area (formed by removing the bar) and a general reception area.
- 1.4. The first floor would provide twelve bedrooms for 17 students in 7 single bedrooms and 5 twin bedrooms, all with their own en-suite rooms. In addition, the first floor would accommodate a manager's flat comprising of a lounge, bedroom and bathroom. The second floor would provide eight bedrooms for 9 students in 7 single bedrooms and 1 twin bedroom, all with their own en-suite bathrooms.
- 1.5. Alterations to the external appearance of the building would comprise a new entrance door to the right of the existing hotel entrance door allowing access to the

student reception area. The existing entrance door would be used to access the manager's office accommodation.

- 1.6. Vehicle access to the development would remain as existing – off Hagley Road. The existing hotel car park at the front of the property has 13 spaces. The proposed new entrance would result in the loss of one car parking space resulting in 12 spaces, which the Applicant states would be for visitors – the Applicant states there would be no parking provision for students. 2 staff car parking spaces would be provided to the rear of the property and accessed via an existing rear gated access on Stanmore Road. Cycle storage would be available for use by students within the existing garage.
- 1.7. The development would create the following staff positions:
 - 1 no. Live in Manager (single person or with a family)
 - 3 no. Front Office Staff
 - 2 no. Kitchen Staff
 - 3 no. Cleaning / maintenance staff.
- 1.8. Amended plans have been submitted during the course of the application that reduces the number of bedrooms for use by students from 26 to 25 and student occupancy from 38 to 35.
- 1.9. Site area: 0.2 hectares.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises large 2/2.5 storey traditional Victorian buildings currently in use as a hotel. The buildings were originally one pair of semi-detached houses and a detached house but over the years the buildings have been joined by link extensions to accommodate the hotel use and have been subject to many alterations to the rear.
- 2.2. The hotel buildings sit parallel to the Hagley Road which is characterised by hotels, office developments and shops interspersed with residential development. The site extends to 0.2 hectares and sits at the junction of Hagley Road with Stanmore Road, the latter having a predominantly residential character.
- 2.3. The site is rectangular in shape having two frontages onto the flank highways. Much of the frontage of the site onto Hagley Road is hard surfaced and used for parking to the hotel; there are 5 separate accesses to the hotel here. The side of the hotel onto Stanmore Road is bounded by a close boarded fence, behind which there is a large garage and a shed.
- 2.4. To the east is a large electricity sub-station, to the north and south is predominantly residential development (including flatted infill) and to the west is a small parade of shops.
- 2.5. There are two significant trees close to the corner with Stanmore Road but are primarily to the Hagley Road frontage but these are unaffected by the proposal.

[Site Location Map](#)

3. Planning History

- 3.1. 8 January 2009. 2008/05168/PA. Planning permission refused for the demolition of building and erection of 2, 3 and 4 storey building comprising 38 self-contained sheltered apartments for the elderly and associated facilities. Application was recommended for approval but was refused on the following ground "In the absence of a suitable legal agreement to secure an affordable housing contribution and a public open space contribution the proposed development would conflict with Policy 5.37, 5.20B and 5.20C of the Birmingham Unitary Development Plan 2005."
- 3.2. 29 August 2013. 2013/05822/PA. Pre-application enquiry for change of use of the premises from hotel to retail with residential. Advice provided that stated there is no support for retail in this out of centre location through the UDP and that the proposed residential use, at first and second floors, would be acceptable in principle subject to issues of intensity, design and scale.
- 3.3. 24 March 2014. 2014/01521/PA. Pre-application enquiry for the demolition of existing hotel and erection of restaurant and 2 houses. Advice provided stated that the existing hotel is located on the edge but outside of a small parade of local shops, the proposed use would be outside of this parade and would potentially expand this parade along the Hagley Road increasing the linear nature of the centre and this would not be to its benefit. The scale of the restaurant use proposed in this location could limit its ability to be located in an existing retail unit within the parade. The proposed retail A3 use would not be acceptable in this location and would be considered to be contrary to adopted policy. The two proposed residential houses to the rear of the premises would be acceptable in principle subject to issues of design, scale and whether the proposal meets the space standards in our adopted supplementary planning guidance; *Places for Living*.
- 3.4. 23 February 2015. 2014/09548/PA. Planning permission granted for the change of use of hotel to three separate dwellings (1 detached and a pair of semi-detached houses) and erection of three houses (1 detached and a pair of semi-detached houses) to rear of existing building.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. 2 letters of objection received from local residents and a petition of objection with 7 signatures. Objections are based on the following grounds:
 - The 26 bedroom development with an influx of 38 individuals creates a further imbalance to an already compromised area of former predominantly family homes and therefore we do not support the application. An important aspect in considering the application is the potential aftermath in the event that the YMCA Indian Student organization finds the venture no longer viable. The proposed development, despite Sui Generis, effectively would have Established Use that potentially could lead to an undesirable impact following a change of ownership or lease coupled with poor management.
 - Amongst the appropriately planning permitted conversions in the local environment there is a proliferation of Hostels, Rooms to let and dubious substandard Bedsits and a variable ongoing problem of prostitution and drug dealing in the vicinity and beyond the junction of Stanmore, Fountain and Hagley Roads i.e. in general there is an imbalance in occupation/demography to the former family orientated area.

- The Government underlines the need for more family homes and the previous approval granted application 2014/09548/PA fulfils that requirement appropriate to this residential area. More family homes will assist in reinstating the area to its former family orientated status.
- 4.2. Transportation – No objection subject to a safeguarding condition relating to a Car Park Management Plan to be provided & approved prior to occupation, including detail on management of student arrivals/departures.
- 4.3. Severn Trent Water Limited – No objection subject to a drainage condition.
- 4.4. West Midlands Fire Service – No objection.
- 4.5. Regulatory Services – No objection subject to a safeguarding condition requiring a noise and vibration assessment.
- 4.6. West Midlands Police – No objection.
- 5. Policy Context
- 5.1. NPPF, NPPG, Birmingham UDP, Draft Birmingham Development Plan, Specific Needs Residential Uses SPG.
- 6. Planning Considerations
- 6.1. The NPPF identifies that within the planning system lies a presumption in favour of sustainable development where development proposals accord with the development plan. Sustainable development is identified as having three dimensions: an economic role; a social role and an environmental role.
- 6.2. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.3. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Paragraph 6.18 of the UDP identifies where further hotel and office development will be permitted and notes that in the corridor *"all commercial development should maintain and enhance the character of the area, ensure the amenity of local residents is safeguarded and that car parking provision can be met within the site"*.
- 6.4. There are however no policies within the UDP to protect existing hotels and I note that there are a number of hotels along the Hagley Road. There are therefore no objections to the loss of the existing hotel use.
- 6.5. There is no specific policy relating to provision of student accommodation in the adopted UDP. The public examination into the Birmingham Development Plan 2031 has recently taken place and the Inspectors report is expected later this year.

Although not adopted, weight should be given to the policies within the Draft BDP, and Policy TP32 refers specifically to student housing. It states that 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. One of the aims of this policy is stated to be that the City Council wishes to ensure that there is a sufficient supply of good quality accommodation which meets the needs of all members of the student community which is provided in a suitable and sustainable location, is well designed and provides a high quality living experience in attractive buildings which enhance the local area. I consider that this proposal would meet this aim and would comply with the requirements of Policy TP32.
- 6.7. The proposed student accommodation is to be operated by the YMCA Indian Student Hostel. The YMCA is well established and has a London hostel that first opened in 1920. The aims of the YMCA Indian Student Hostel are to provide accommodation for foreign students and to help new arrivals adjusting to a new environment by offering an appropriate atmosphere for study. The YMCA targets overseas students on a budget who wish to live in the particular form of accommodation that they provide following strict ethics and ethos of studying.
- 6.8. The site is considered to be in a suitable and sustainable location and is within an area characterised with mixed use development, with local shops and a doctors' surgery within walking distance. Given these adjacent uses, and the close proximity of the site to public transport services with access to all of the City's higher education institutions; I consider that the proposed use is acceptable in principle and would meet the aspirations of the adopted UDP, which identifies the City's education and training institutions as the key to achieving a successful economy by creating a skilled and motivated workforce.
- 6.9. Vehicle access to the development would remain off Hagley Road. The existing hotel car park at the front of the property has 13 spaces. The proposed change of use would involve the loss of one car parking space resulting in 12 spaces being available for visitors. No parking provision for students is proposed. 2 staff car parking spaces would be provided to the rear of the property and accessed via an existing rear gated access on Stanmore Road. Cycle storage would be available for use by students within the existing garage. Transportation has raised no objection to the proposed change of use from hotel to student accommodation subject to a condition relating to a car park management plan. I concur with this view and the condition is recommended below.
- 6.10. No external changes are proposed to the existing hotel except a new entrance door to a new student reception. On this basis, I consider that the proposal is acceptable in terms of design and visual amenity impact from the change of use. I note the comments from Regulatory Services requiring a noise assessment to ensure that the standard of glazing is acceptable. As the building currently operates as a hotel

with guest rooms fronting Hagley Road and no window replacements are proposed, I do not consider that the condition would be reasonable to impose and as such would fail the tests for applying conditions to planning permissions. I consider this to also be the case in relation to the drainage condition requested by Severn Trent Water.

- 6.11. Internal changes to the building are proposed, primarily to create larger communal areas for dining along with the creation of en-suite bathrooms to the rooms. The proposed change of use would see the removal of the hotel bar with the operator not allowing alcohol to be sold or allowed onto the premises. It is therefore considered that the proposed use would improve the quality of the local environment and nearby residential properties in relation to the removal of a transient population use and the ability to purchase and consume alcohol on site, albeit that this relates to the site management and the necessary licensing arrangements.
- 6.12. I note the objections received from local residents. The development could house a maximum of 35 students at any one time in a maximum 25 bedrooms. This would be unlike the majority of student accommodation in the City where students have their own bedroom. The Specific Residential Needs SPG gives guidance on single and double bedroom sizes (6.5 and 12.5 sq.m respectively), but does not advise on twin rooms. However, all of the rooms whether for a single person or for two people in a twin room, comply with the relevant room sizes. Furniture layouts are shown on the amended plans. The large rear garden would also be available as amenity space for the students. I note the concern regarding future uses and that the proposed development could establish a hostel use precedent however, the proposed student accommodation would fall within a Sui Generis use class and as such, any other use apart from student accommodation would require a further planning application, which would be assessed on its own merits against policy requirements.
- 6.13. West Midlands Police have raised no objections to the proposed change of use. Whilst the area does have a number of hostels, rooms to let and bedsits, I consider these, broadly speaking, may have different characteristics to managed student accommodation. I do not consider the proposed use would likely cause issues of noise disturbance, nor of anti-social behaviour or increased crime.
- 6.14. Planning permission has been previously granted for the conversion of the hotel back into three dwellings and whilst I note that this would have fulfilled the need for more family homes, the LPA has no ability to force the implementation of that planning permission and could not refuse this proposed development on that basis.
- 6.15. I consider that the proposed change of use to student accommodation complies with the policies outlined in the NPPF, adopted UDP and the Draft BDP.

7. Conclusion

- 7.1. The proposed change of use to student accommodation accords with both national and local planning policy. The proposal is consistent with the key objectives of the UDP and draft BDP and would deliver a layout of accommodation together with the associated facilities that would create a positive living experience.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the retention and conversion of an existing hotel building which would in turn provide economic and social benefits for the existing and new occupiers, whilst supporting the provision of local employment

and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That planning permission is granted subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of extraction and odour control details |
| 3 | Requires the prior submission of a parking management strategy |
| 4 | Requires that the managers accommodation is occupied in conjunction with the student accommodation. |
| 5 | Limits the approval to 3 years (Full) |
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Case Officer: Pam Brennan

Photo(s)

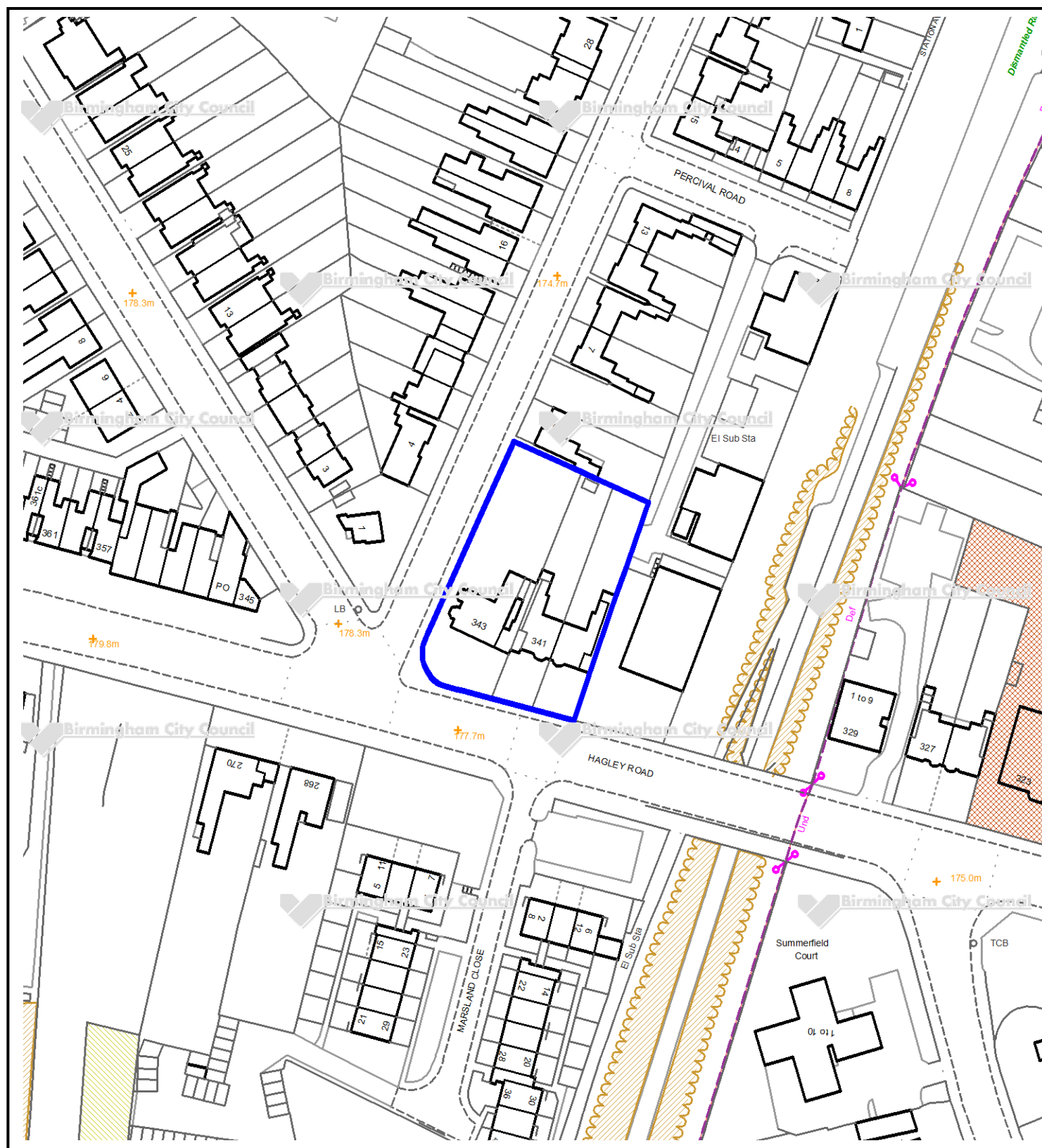


View from Hagley Road



View from Stanmore Road showing parking to front of premises

Location Plan



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