

PLANNING CONTROL

Document Title: Specific Needs Residential Uses:
Unitary Development Plan Policies:
Houses in Multiple Paying
Occupation Hostels and Residential
Care and Nursing Homes
Supplementary Planning Guidance:
Bedroom Sizes for Student
Accommodation

(DC Guidelines No.6 and 7)



*“Securing a **Better** environment for all the people of **Birmingham**”*

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Appendix 1 Planning Control Division Key Contacts

1. INTRODUCTION

- 1.1 The following guidelines revise and update previous guidance relating to the use of land and buildings for the provision of residential accommodation, and in certain cases associated care of various types and levels, to people whose housing needs may be termed "specific". These people may be broadly identified as elderly people with disabilities, those with learning difficulties, the mentally ill, or former mentally ill ex-offenders, persons with alcohol or drug-related problems, women under stress, one parent families, young single people, the homeless and students.

These guidelines were approved by the Planning Committee on the 28 June 1992. The Unitary Development Plan Policies were adopted on 6 July 1993. On 5 January 2000 the former Urban and Economic Regeneration Group Committee approved draft alterations to the Unitary Development Plan. On the 21st February 2001 the Regeneration Advisory Team approved the alterations to form the deposit draft of the UDP. The alterations are in highlighted text with deletions having a line through them.

- 1.2 The nature of existing or prospective occupants of a property, in the context of any disability or former disability experienced by them, is not a material planning consideration. The key issue in planning terms is the manner in which the property is occupied. It is recognised that dwellings intended for occupation by a single household, and houses in multiple paying occupation, have a role to play in meeting the housing needs of certain groups in society in addition to types of residential premises such as hostels and care homes which are developed with the needs of specific groups in mind.
- 1.3 The Unitary Development Plan Policies and Supplementary Planning Guidance will be used when considering planning applications for the use of premises for two general types of use - firstly premises in multiple-paying occupation (not including properties converted into self-contained flats) and secondly, hostels and premises providing residential accommodation and care, eg. residential care and nursing homes for the elderly. Also attached are guidelines relating to bedroom sizes for student accommodation. However, it should be stressed that this is not exhaustive and there may be instances where other matters may be relevant. Each application will be considered on its merits having regard to these guidelines.

2. PLANNING POWERS

- 2.1 The Town and Country Planning (Use Classes) Order, defines three classes of residential use as follows:-

- Class C1 - Hotels

Use as a hotel, boarding house or guest house.

- Class C2 - Residential Institutions

- i) Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3)
- ii) Use as a hospital or nursing home.

- iii) Use as a residential school, college or training centre.
 - Class C3 - Dwellinghouses
Use as a dwellinghouse:
 - i) By a single person or people living together as a family
 - ii) By not more than 6 residents living together as a single household (including a household where care is provided for residents).
- 2.2 If a proposal involves the change of use of a building from one type of use to another which is contained within the same Use Class, it is not normally necessary to apply for planning permission. However, if the proposal is to change the use to one within a different Use Class, planning permission would be required.
- 2.3 The key difference between residential institutions such as residential homes for the elderly or nursing homes and hostels is the involvement of a greater degree of care of residents in the case of the former. Nonetheless, in land use planning terms similar considerations are involved and accordingly for the purpose of the planning policies contained in Para 3.2 these uses are treated together.
- 2.4 The Dwellinghouses Class (Class C3) permits a house previously occupied by a single family to be occupied by not more than 6 people (which may include resident staff) even where care is provided for residents without planning permission being required so long as the residents live together as a single household.
- 2.5 In planning terms the use of premises as multiple paying occupation and as a hostel where no care is provided is a Sui Generis use (ie. one of a unique kind). Accordingly, the change of use of a building to premises in multiple paying occupation from any other use (or vice versa) requires planning permission.
- 2.6 An accepted definition of what constitutes premises in multiple paying occupation is:
- A house or part of a house which is (a) let in two or more separate tenancies to individuals or families, or (b) occupied by persons who do not form a single household.

UDP Policy 8.23 - 8.25 and 8.28 - 8.30

3. UNITARY DEVELOPMENT PLAN POLICIES

Houses in Multiple Paying Occupation

8.23 This policy 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.

8.24 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 floorspace standards of the accommodation;

The facilities available for car parking;

- The amount of provision in the locality.

8.25 The following guidelines will also apply:

- Generally, the use of small terraced or small semi-detached houses for multiple paying occupation will cause disturbance to the adjoining house(s), and will **[normally]** be resisted. ~~**[The impact of such a use will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.]**~~
- 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. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

Hostels and Residential Homes

8.28 This policy applies to hostels and to residential care homes as defined by Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). ~~**[It also applies to hostels as defined by Class C1 (Hotels and Hostels) but does not apply to hotels and guest houses.]**~~

8.29 The following guidelines will apply in assessing planning applications for such uses:

- Proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Hostels and residential care homes are normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semi-detached or terraced houses ~~**[may also be acceptable, where]**~~ **will not be acceptable, unless [the amenity of]** adjoining occupiers can be safeguarded against loss of amenity due to, ~~**for example,**~~ undue noise ~~**or]**~~ or disturbance ~~**[etc].**~~
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area.

If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on grounds that further development of hostels, residential care homes or other similar uses would adversely affect the character and appearance of the area.

- Proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area.
- Proposals should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the proposed number of residents and their particular needs. This should normally be a minimum of 16 sq.m of space per resident, separate from car parking areas, access ways and circulation space, and should take account of factors such as privacy, aspect, shelter and gradient.

8.30 [Further guidance on likely conditions is outlined in Supplementary Planning Guidance.] In order to protect the amenity of occupiers of nearby properties and the character of the area, proposals should take account of other relevant policies in this Plan (e.g. the 45° Code for House Extensions - see paragraphs 8.39-8.44 - and Parking of Vehicles at Commercial, Institutional and Industrial Premises adjacent to Residential Property - see paragraphs 8.45-8.49), and in Supplementary Planning Guidance (e.g. Residential Buildings and Design, Design Guidelines for New Residential Development, Access for People with Disabilities and Car Parking Guidelines).

4.0 PLANNING GUIDELINES BEDROOM SIZES FOR STUDENT ACCOMMODATION (SUPPLEMENTARY PLANNING GUIDANCE)

- 4.1 The City Council recognises that the demand for student residential accommodation of all types generally exceeds the supply available and therefore does not wish to unduly restrict the supply of accommodation.
- 4.2 The following guidelines are applicable for the following types of student accommodation; purpose built student accommodation, changes of use proposals involving flats, hostels and houses in multiple payment occupation (Specific Needs Residential Uses) and New Residential Development Guidelines.
- 4.3 Minimum Space Requirements for Student Bedrooms

4.3.1 Essential facilities

- Single bed space together with circulation space, area requires 2.3 sq.m (25sq. ft), storage cupboards 0.8sq m (9sq ft), study desk and chair 1.1sq.m (12 sq.ft), heating system and circulation area 0.3sq.m (3.5sq.ft), basic circulation area 2.0sq m (20sq.ft).

Desirable facilities - easy chair 0.6 sq.m (7 sq.ft) wash hand basin 0.8sq. m (9sq.ft).

To provide the essential facilities mentioned above to a reasonable standard and to comply with Planning Committee guidelines, the following sized bedroom will be normally required.

Double bedroom 12.5sq.m (135sq.ft) single, bedroom 6.5 sqm (70sq.ft)

Where the above floor space standards are not achieved it will be necessary to submit a furniture layout which must demonstrate that the room can accommodate the essential facilities listed above and is capable of satisfactory functioning as a bedroom.

Further information - Space in the Home (HMSO) and Student Residences - University Building Design Bulletin No. 37 HMSO.

5. INTERNAL STANDARDS

- 5.1 Standards of internal accommodation and matters such as management and maintenance of properties are principally controlled through powers exercised by Housing and Environmental Health Agencies. Planning powers are limited in respect of these issues. As guidance however, planning applications for the use of premises for multiple occupation will be expected to demonstrate that the following space standards can be achieved: (Supplementary Planning Guidance).

a) Single room used for living/sleeping/cooking

One individual : 15.0 sq.m (160 sq.ft) minimum floor area. Only applies to existing registered and established houses in multiple occupation.

b) Two room letting as living/sleeping room and separate kitchen

(Excludes bathroom and kitchen)

One individual: 12.50 sq.m (135 sq.ft) living/sleeping room floor area.

Two individuals; 18.0 sq.m (190 sq.ft.) living/sleeping room floor area)

c) Two room letting with kitchen/living room and separate bedroom

One individual: bedroom 6.50 sq.m (70 sq.ft) floor area

One individual: kitchen/living room - 11.50 sq.m (120 sq.ft.) floor area.

Two individuals: bedroom - 12.50 sq.m. (135 sq.ft) floor area.

Two individuals: kitchen/living room 15.0 sq.m (160 sq.ft) floor area.

Where these standards are not achieved, applicants will be expected to demonstrate that the accommodation can function adequately.

6. **HIGHWAY AND PARKING GUIDELINES**

Proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character of the area, eg. front boundary walls, trees, hedges etc.

Parking guidelines for Hostels and Residential Care Homes state a requirement for 1 space per 3 bed spaces, including provision for staff as well as visitors. Homes in Multiple Paying Occupations are treated on their individual merits. Student accommodation again is treated on its merit through proximity to the campus is an important consideration.

7. **OTHER DEVELOPMENT CONTROL GUIDELINES WHICH MAY BE RELEVANT TO SPECIFIC NEEDS HOUSING**

- * 45° Code Residential Extensions Policy No.11 (UDP Policy 8.49)
- * Residential Buildings and Residential Design Policy No. 12 (DC2)
- * Residential Development Design against Crime Policy No. 14 (also Places for Living DC1)
- * Areas of Restraint in Respect of the location of Residential Care Homes, Hostels, Day Nurseries Flats and Houses in Multiple Paying Occupation Policy No. 23 (UDP Policies)
- * Flat Conversions Policy No. 8 (UDP Policy).

8. **OTHER LEGISLATION AND USEFUL CONTACTS**

Building Consultancy Division
Planning Department
Birmingham City Council
1 Lancaster Circus
Birmingham B4 7DH
Telephone Contact 0121 303 2911

It deals with the following Legislation/Regulations:

Building Regulations - The conversion of part of a building into a flat, the installation of wc's sinks also Structural alterations and Means of Escape in Case of Fire. The last point may need to be dealt with by West Midlands Fire Service but queries about fire escapes and certificates should initially go to the Building Consultancy Division Telephone 0121-303 2911

Environmental and Commercial Services Department

North (Sutton Coldfield,
Perry Barr, Erdington and
Hodge Hill)
581 Tyburn Road
Erdington B24 9RY
Telephone 0121-303 9900

Central Area (Ladywood, City Centre,
Small Heath, Sparkbrook, Yardley)
Greencoat House
261-271 Stratford Road
Birmingham
Telephone 0121-303 7433

or

South (Edgbaston, Selly Oak,
Northfield, Hall Green)
Four Dwellings
Quinton Road West
Quinton B32 1PY
Telephone 0121- 303 5440

Housing Department
Housing Action Team
1 Lancaster Circus
Birmingham B4 7DH
Telephone 0121 303-5346

Advice on safety, standards and registration of houses in multiple paying occupation (bedsits).

The Environment & Commercial Services Department deals with the following Legislation/Regulations:

Facilities for food preparation, storage, space standards, Health and Sanitary, Accommodation. A useful booklet for those considering that conversion is the "HMO Owners Handbook" which can be obtained from the Housing Action Team.

Transportation Department

Highways
1 Lancaster Circus
Birmingham
B4 7DH
Telephone 0121-303 7332 (North and City Centre) or 021-303 7484 (South and East and West) 0121-303 7332

The Transportation Department provides guidance on highway, access and parking aspects of development.

Director of Social Services

Inspection Division
Honeywell House
Orphanage Road
Erdington
Birmingham B24
Telephone 0121-303 2341

The Social Services Department deals with registration of Private and Voluntary Homes and Hostels.

Birmingham Health Authority
Nursing Home Registration (Inspection Unit)
Birmingham Health Authority
St Chads Court
213 Hagley Road
Birmingham
B16 9RG
Telephone 0121-695 2222

Birmingham Health Authority provides a Nursing Home Registration Service for Birmingham.

The contact details within this leaflet have been updated since its publication. Please use the contact details below.

Contact Us

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PO Box 28 Alpha Tower
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