

## PLANNING CONTROL

**Document Title:** Areas of Restraint Middleton Hall Road and Bunberry Road (Bournville and Northfield) In Respect of Institutional and Non-Family Dwellinghouse Uses



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

WARDS: Bournville, Northfield

Restraint Policy in respect of  
Institutional and Non-Family Dwellinghouse  
Uses in Middleton Hall Road and Bunbury Road,  
in Bournville and Northfield Wards

1. Purpose of Report

- 1.1 To present an updated restraint policy in respect of non-family dwellinghouse uses in Middleton Hall Road and Bunbury Road, including rest/nursing homes, hostels, flat conversions/ houses in multiple paying occupation, day nurseries, hotels and guest houses.
- 1.2 Regular review and updating of the restraint policy/ supplementary guidance is important to ensure that it takes account of current development pressures, appeal decisions and ministerial advice.

2. Background

- 2.1 In April 1990 following concerns expressed by local Ward Councillors and Residents Associations your Committee requested a survey of institutional uses in the Selly Oak constituency. Your Committee subsequently approved a restraint policy in respect of Middleton Hall Road and Bunbury Road. This policy is included in the Draft Unitary Development Plan (UDP), and states: "the area around Middleton Hall Road and Bunbury Road contains many larger properties that have been converted into institutional uses and other non-family dwellinghouse uses, for example hotels. The area is identified as an area of restraint within which planning permission may be refused on grounds that further hostel, residential care homes and other similar uses would adversely affect the character of the area" (Policy HI3 Selly Oak Constituency Statement).
- 2.2 Further policies for hotel, day nurseries, flat conversions and special needs housing are set out in Chapter 8 of the UDP and in supplementary guidance.
- 2.3 It is over two years since the previous survey of non-family dwellinghouse uses in these roads was carried out. Also in that time revised guidelines have been approved for Special Needs Housing including Care Homes and Hostels, Houses in Multiple Paying Occupation, Flats, Day Nurseries and Hotels and Guest Houses. Accordingly I consider it is now an appropriate time to review and update the restraint policy for this area, with the aim of making the policy more robust. Currently the policy does not identify specific frontages where further non-dwellinghouse developments could demonstrably harm the residential character. I consider this weakens the effectiveness of the policy in potential appeal situations.

- 2.4 Middleton Hall Road and Bunbury Road continue to be the subject of change of use proposals and enquiries from persons wishing to make planning applications for changes of use of single family dwellinghouses to non-family dwellinghouse uses.
- 2.5 Middleton Hall Road and Bunbury Road have a total length of approximately 1.5 miles. They consist of a variety of dwelling types, including large Victorian and Edwardian detached and semi-detached houses, inter-war and post-war semi-detached and detached houses and more recent modern town houses and post-war low rise flat blocks. The road is a principal road, a bus route, and is particularly busy at peak commuting periods.

3. Non-Family Dwellinghouse Uses

- 3.1 Middleton Hall Road and Bunbury Road are bisected by a number of roads which divide the road into three identifiable frontages.

(a) Middleton Hall Road from its junction with Pershore Road South to its junction with Selly Oak Road.

The type of housing in this frontage consists mainly of large Victorian semi-detached properties on the south side with car parking facilities restricted to the forecourts whilst the north side includes mainly semi-detached family dwellinghouse types. In this frontage there are currently 25 non-family dwellinghouse uses out of a total of 79 properties excluding purpose built flat blocks within the frontage.

(b) Middleton Hall Road from its junction with Selly Oak Road to its junction with Northfield Road and Popes Lane.

This section includes a wide variety of house types including a number of substantial detached properties, smaller semi-detached and town houses with newer low rise flat blocks. A considerable number of houses have off-street parking and vehicular access facilities at the rear or side of the properties. Along this section of Middleton Hall Road are 11 non-family dwellinghouse uses out of a total of 87 properties.

(c) Bunbury Road

There are 10 non-family dwellinghouse type uses out of a total of nearly 200 properties. In addition there is planning approval for office use at 31 Bunbury Road.

4. Recent Appeals

- 4.1 Your Committee has recently refused a proposal for a new nursing home at No 59 Bunbury Road on the grounds of over concentration and a subsequent appeal was dismissed by the Department of the Environment. An application at 73 and 75 Bunbury Road, for extensions to an existing nursing home was refused and a subsequent appeal to the Department of the Environment was dismissed. However a revised extension was subsequently approved.

5. Surrounding Area

- 5.1 Although there are other rest homes/nursing homes and a number of houses used as flats and houses in multiple paying occupation in surrounding roads, i.e. Northfield Road, Station Road and Selly Oak Road, I have not identified any undue concentrations in these roads.

6. Consultations

- 6.1 The Director of Environmental and Consumer Services (Urban Renewal Housing Action Team) has stated that restraint policies can discriminate against private landlords with existing approvals used up by larger institutional and commercial users who are better able to comply with requirements. This can put at risk valuable accommodation and put their department in a difficult position by requiring owners to undertake work only to find subsequently that planning approval is not available.

7. Observations

- 7.1 Middleton Hall Road and Bunbury Road have a full range of non-family dwellinghouse uses including 6 hotels, a YMCA hostel, 4 surgeries and properties used as elderly persons/ nursing homes and hostels. Whilst it is recognised that non-family dwellinghouse uses have a role to play in the local economy and in meeting community care housing and local health needs, I believe it is important to maintain the predominantly family dwellinghouse residential character of the road frontage and ensure that there is no undue over concentration of uses in particular local frontages.
- 7.2 Survey work has revealed (Appendix A) two frontages having particular concentrations. These are a section of Middleton Hall Road from Pershore Road South at Cotteridge to its junction with Longfellow Road. This section has a substantial number of its properties in non-family dwellinghouse use. I also note that off-street parking is mainly limited to forecourts and this frontage is close to Cotteridge shopping centre. I believe that it is important to maintain the family dwellinghouse use of the remaining houses and to restrict the growth of non-family dwellinghouse uses and service uses to prevent quasi commercial uses extending from Cotteridge shopping centre.
- 7.3 The second restraint frontage which I would recommend is along part of Bunbury Road from its junction with Middleton Hall Road to its junction with Norman Road. This section already has a number of hotels and surgeries in close proximity to one another. The road contains good standard family dwellinghouses and I would be concerned to see any further hotels, elderly persons homes or other non-family dwellinghouse uses being introduced into this section as it could well undermine the residential character of the road. Although there is not a numerically high proportion of non-residential uses along this whole section of road I note that opportunities for off-street parking are more limited and included in this frontage are highly visible uses such as hotels and surgeries.

- 7.4 There are no substantial concentrations of non-family dwellinghouse uses along the Middleton Hall Road frontage on both sides extending from the junction with Longfellow Road to where it meets Bunbury Road and along Bunbury Road between its junction with Church Road and its junction with Norman Road. I would exclude these from the frontages subject to the restraint policy.
- 7.5 Also, it is not intended that the restraint policy should be used to unduly restrict changes of uses between existing non-family dwellinghouse uses such as houses in multiple paying occupation changing to self-contained flats where there is clearly an upgrading of the standard of accommodation proposed or for changes of use (for example from a hotel to a nursing home) where the proposed use will have no greater impact on standards of residential amenity or the character of the residential frontage.
- 7.6 In respect of extensions to existing non-family dwellinghouse uses, these should still be treated on their individual merits bearing in mind existing development control criteria.
- 7.7 In relation to the comments of the Director of Environmental and Consumer Services, it is not intended that this restraint policy should be used to prevent the upgrading or carrying out of essential health and fire safety work at houses in multiple paying occupation, for example the installation of external fire escapes, particularly where it can be demonstrated that the use is likely to be able to comply with the requirements necessary for a grant of a Lawful Development Certificate and that the necessary planning consent has been obtained for the required works in connection with the upgrading of a property.
8. Implications for Women
- 8.1 No specific implications have been identified although the existence of a range of local non-family dwellinghouses such as day nurseries and institutional uses can be of special benefit to women in the vicinity, through the provision of services and employment.
9. Implications for Black and Ethnic Minority People and Race Relations
- 9.1 No specific implications have been identified.
10. Implications for People with Disabilities
- 10.1 The provision of specific facilities such as local surgeries, group hostels, halfway houses and care homes can benefit people with learning and mental illness disabilities.
11. Recommendation
- 11.1 That your Committee approve the adoption of a detailed restraint policy in respect of additional residential care homes, hotels, hostels, (Use Classes C1 and C2), day nurseries, surgeries (Use Classes D1), houses in multiple paying occupation (sui generis

use) and self contained flats (Use Class C3). That this restraint policy apply to Middleton Hall Road from its junction with Pershore Road South to its junction with Longfellow Road (Property Nos 4-158 and 3-113B Middleton Hall Road inclusive), also the policy would apply to the frontages in Bunbury Road frontages extending from its junction with Middleton Hall Road to its junction with Norman Road (Nos 2-120 Bunbury Road inclusive).

11.2 That this policy be adopted as Supplementary Planning Guidance.

11.3 That this report be referred to the Bournville Ward Sub Committee for information.

DIRECTOR OF PLANNING AND ARCHITECTURE

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BACKGROUND PAPERS:

1. Report on concentration of residential care homes, nursing homes and hostels in Selly Oak, Bournville and Kings Norton Wards - 24 April 1990.
2. DOE Appeal decisions 59 Bunbury Road and 73-75 Middleton Hall Road.
3. Revised Unitary Development Plan 1991.

PC/P/GM/DMW/R064

LIST OF NON-FAMILY DWELLINGHOUSE USESMiddleton Hall Road from Pershore Road South Junction to Selly Oak  
Road Nos. 10-110 and 3-61 Middleton Hall Road

|                                                |                                           |
|------------------------------------------------|-------------------------------------------|
| 9 Middleton Hall Road - flats.                 | 59 Middleton Hall Road - H.M.O.           |
| 17/19 Middleton Hall Road -<br>halfway hostel. | 61 Middleton Hall Road - H.M.O.           |
| 21 Middleton Hall Road - flats.                | 12 Middleton Hall Road - surgery.         |
| 23 Middleton Hall Road - flats.                | 18 Middleton Hall Road - H.M.O.           |
| 25 Middleton Hall Road - flats.                | 26 Middleton Hall Road - surgery.         |
| 20 Middleton Hall Road - H.M.O.                | 28 Middleton Hall Road - flats.           |
| 31 Middleton Hall Road -<br>rest home.         | 38 Middleton Hall Road - H.M.O.           |
| 43 Middleton Hall Road - flats.                | 72 Middleton Hall Road -<br>nursing home. |
| 45 Middleton Hall Road - flats.                | 74 Middleton Hall Road - flats.           |
| 47a Middleton Hall Road - hotel.               | 76 Middleton Hall Road - flats.           |
| 53 Middleton Hall Road - flats.                | 88 Middleton Hall Road - H.M.O.           |
| 55 Middleton Hall Road - H.M.O.                | 92 Middleton Hall Road - H.M.O.           |
|                                                | 57 Middleton Hall Road - flats.           |

Frontage in Middleton Hall Road between Selly Oak Road and  
Northfield Road/Popes Lane  
(Properties from 114 and 73-75 Middleton Hall Road)

|                                              |                                                        |
|----------------------------------------------|--------------------------------------------------------|
| 73-75 Middleton Hall Road -<br>nursing home. | 150-152 Middleton Hall Road -<br>elderly persons home. |
| 97 Middleton Hall Road - flats.              | 154 Middleton Hall Road -<br>elderly persons home.     |
| 107 Middleton Hall Road - flats.             | 156 Middleton Hall Road - flats.                       |
| 153 Middleton Hall Road - flats.             | 168 Middleton Hall Road - flats.                       |
| 140 Middleton Hall Road - surgery.           | 170 Middleton Hall Road - flats.                       |
| 146 Middleton Hall Road - H.M.O.             |                                                        |

Bunbury Road

|                            |                                            |
|----------------------------|--------------------------------------------|
| 30 Bunbury Road - hotel.   | 66 Bunbury Road - elderly persons<br>home. |
| 32 Bunbury Road - hotel.   | 200 Bunbury Road - YMCA hostel.            |
| 44 Bunbury Road - hotel.   | 49 Bunbury Road - elderly persons<br>home. |
| 58 Bunbury Road - surgery. |                                            |
| 62 Bunbury Road - surgery. | 87 Bunbury Road - hotel.                   |
| 85 Bunbury Road - hotel.   |                                            |