
Appeal Decision

Site visit made on 24 May 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/P4605/W/21/3287880

Rowton Hotel, 145 Alcester Street, Birmingham B12 0PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hotel Management UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/09472/PA, dated 26 November 2020, was refused by notice dated 3 September 2021.
 - The development proposed is described as 'Temporary use of the Rowton Hotel as initial accommodation for asylum seekers (Sui Generis use) for a period of three years (part-retrospective)'.
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Decision

1. The appeal is allowed, and planning permission is granted for temporary use of the Rowton Hotel as initial accommodation for asylum seekers (Sui Generis use) for a period of three years (part-retrospective) at Rowton Hotel, Birmingham, B12 0PJ in accordance with the terms of the application, Ref 2020/09472/PA, dated 26 November 2020, subject to the following conditions:

- 1) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. Thereafter the use hereby permitted shall be discontinued and the property reverted back to hotel accommodation.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

13637-P-00/A-003 Proposed ground floor plan

13637-P-01/A-001 Proposed first floor plan

13637-P-02/A-000 Proposed second floor plan

13637-P-03/A/001 Proposed third floor plan

13637-P-04/A-001 Proposed fourth floor plan

13637-P-05/A-001 Proposed fifth floor plan

13637-P-06/A001 Proposed section A-A

13637-P-07/A-001 Proposed west elevation 1 (Alcester Street)

13637-P-08/A-001 Proposed south elevation 2 (Park elevation)

13637-P-OB/A-001 Proposed basement plan

- 3) A scheme for the provision of a network of closed circuit television cameras shall be submitted to and approved in writing by the local planning authority within 3 months of this decision. The approved scheme shall be installed in accordance with a timetable to be agreed with the local planning authority and maintained thereafter for the duration of the approved use.

Preliminary Matters

2. On my site visit I noted that the use of the appeal site for the accommodation of asylum seekers had commenced, albeit some areas of the building that were identified for communal use were not available to residents.
3. At the time planning permission was refused The Birmingham Plan 2031 – Development Management in Birmingham Development Plan Document (DPD) was in draft form only. On 7 December 2021 the Council adopted the DPD. This was referred to in the Council’s statement of case and I am therefore satisfied that the appellant has had an opportunity to comment on this. I have proceeded to determine the appeal on this basis.

Main Issue

4. The main issue whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal and outdoor amenity space.

Reasons

5. The appeal site is located within a commercial area, close to residential properties. It comprises of a former hotel spread over 6 floors, with accommodation provided on the upper 5 floors. The ground floor has rooms dedicated towards catering, including a large and small dining room, a bar and games room. There are also interview rooms, toilet facilities and a reception area at this level. An outdoor patio area is provided on two sides of the building.
6. The details submitted by the appellant in its design and access statement indicate that the building consists of 241 en-suite hotel bedrooms. Their appeal statement indicates that they would wish to use 233 of the rooms to accommodate up to 327 asylum seekers.
7. The proposal is for specialist residential accommodation. In this context the Council require accommodation and facilities, including outdoor amenity space, that is suitable for the future occupiers. Policy DM12 of the Draft Development Management in Birmingham Development Plan Document (DPD) and the Specific Needs Residential Use Supplementary Planning Guidance (SPG) require a minimum of 16 sqm of outdoor amenity space per resident in order to provide a satisfactory living environment for residents. To meet this requirement 5232 sqm of outdoor amenity space would be needed if full occupation was to occur.
8. The amount of outdoor amenity space proposed, which equates to 255.3 square metres (sqm) according to the appellant’s appeal statement. When judged against the adopted standard, the proposed development would fall significantly below the minimum requirement.

9. The outdoor amenity space within the appeal site is of limited size and width. Moreover, it is located close to the pavement and would be in shade for considerable periods of the day. Consequently, whilst it contributes to the overall amount of outdoor amenity space available it would not be of high quality.
10. That said, residents would also have access to indoor amenity space at ground floor level. In this regard the appellant indicates that 900 sqm of floorspace would be available for leisure facilities, such as a dining room, TV room and games area. Additional communal areas that would be available for uses including induction, interviews and seating. In total 2,345 sqm of floorspace would be available.
11. On my site visit I noted that the rooms identified for communal use were, in the main, spacious and well lit. They would provide good opportunities within which the residents could socialise and pursue recreational activities. In this regard I recognise that it is unlikely that everyone will want to be in the space at the same time. They would also be attractive alternatives for those less willing/able to use the outdoor spaces or choose not to for reasons such as inclement weather.
12. Highgate Park lies immediately to the north of the appeal site. It is a large park that has a range of facilities that would provide a good quality environment for those residents who seek outdoor activity. I noted on my site visit that the park was very close to the appeal site and highly accessible. This would make it attractive and convenient to residents of the scheme. Consequently, I find it reasonable to accept that the park would, in part, make up for some of the shortfall in on-site provision.
13. In combination, I find that the range of indoor and outdoor facilities would give the residents a choice as to how they spend their social and leisure time. They would be beneficial to their well-being. This would particularly be the case given their specific needs and the relatively short time they would be staying at the property.
14. In light of the above, I conclude that the proposal would provide acceptable living conditions for future occupiers and therefore would not be contrary to Policies GA1 and PG3 of the Birmingham Plan 2031 – Birmingham Development Plan (adopted 2017), Policy DM12 of the DPD and the SPG. These policies and guidance, amongst other matters, seek well designed high quality living environments, with flexible and adaptable accommodation to meet a range of needs.

Other Matters

15. I note from the Officer report that Council considers the use largely acceptable in principle. However, they do refer to the strategic objectives contained within the Birmingham Development Plan 2017 (BDP) and the non-statutory Big City Plan which identifies the area as a location for transformation. That said the property is a Grade 2 listed building and it would be highly likely that it would be retained in any future regeneration. The Council also recognise the benefits of it being occupied in the short term.
16. I have taken into account the representations made, with particular reference to the proposed development not being in keeping with the improving

character of the area, and the desire to create a high quality residential area. In this regard I consider that a temporary permission would not unreasonably affect the Council's future intentions for the site as set out above.

17. I have no compelling evidence before me to indicate that there is no need for the development, or that it is being adequately catered for elsewhere. I am also conscious that local and national policy is silent on this issue and does not limit, guide or direct the capacity of such accommodation.
18. I have only limited anecdotal evidence of social problems arising from the appeal site since its occupation. I have also considered the police authority's comments, which indicate that they have a good relationship with the site. Overall, they raise no objections subject to the provision of closed circuit television cameras (CCTV). This can be secured by an appropriately worded condition.
19. I note the reference to the pressure that is exerted on local authority resources, and those of other statutory partners, due to the number of units in the city. However, based on the reason for refusal given, and the absence of any compelling evidence in this regard, I give this matter neutral weight.
20. Furthermore, I find that the appeal site is located in a sustainable location with good access to public transport, services and facilities

Conditions

21. The Council has suggested conditions should the appeal be allowed, and the appellant has responded to them. I have considered these and imposed them where they meet the tests set out in paragraph 56 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
22. The application is expressed to be for a temporary period of 3 years and therefore I consider it necessary to impose a condition to ensure that it reverts to its former use at the end of this period.
23. I have imposed a condition to specify the relevant drawings as this provides certainty.
24. A condition requiring the provision of CCTV cameras is considered necessary in the interests of the health and safety of future residents and the wider community. I have amended the suggested condition to require the submission of details within 3 months, as suggested by the appellant, with a further requirement regarding the installation and maintenance of the agreed scheme.
- 25.** I do not consider a condition restrict the number of residents is necessary as this will be controlled by other legislation and will be dependent on the number of rooms available. Furthermore, I am not aware of any similar restrictions operating with regards to its use as a hotel. Therefore, I have no compelling reason to impose one here.

Conclusion

26. There are no relevant considerations to indicate the application should be determined otherwise than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out above.

John Gunn

INSPECTOR