

Bournbrook – Planning and Housing interventions

This paper sets out key issues associated with the predominance of student households in the Bournbrook area of Selly Oak, and some key interventions for Planning and Housing. There are further background papers available with more detail than this key issues paper.

Dr Lynne Jones MP and the Ward Members, together with the Tiverton Area Residents Association (TARA), have met with Officers and are taking a close interest in the Council's interventions in this area.

Bournbrook and “studentification”

Bournbrook lies adjacent to the main campus of the University of Birmingham. Located within the Selly Oak Ward and Constituency, the area is characterised by mainly terraced housing, together with a local centre on the Bristol Road. It contains one of the City's key private rented sector sub-markets, which has grown over the last two decades catering for predominantly student households. The area has become the principal locality in Birmingham of private housing for students at the nearby University - students account for as much as 76% of the population of Bournbrook and almost a third the total population of the Selly Oak ward. Coupled to this growth of private renting, the neighbourhood has experienced rapid social and economic change. This is often described as a process of “studentification”, which is composed of four main elements:

- Social – the replacement and/or displacement of established residents with a transient, generally young and single, social grouping;
- Cultural – the growth of concentrations of young people with shared cultures and lifestyles, and consumption practices, which in turn results in the increase of certain types of retail and service infrastructure;
- Physical – the downgrading or upgrading of the physical environment, depending on the local context; and
- Economic – the inflation of property prices and a change in the balance of the housing stock resulting in neighbourhoods becoming dominated by private rented accommodation and houses in multiple occupation, and decreasing levels of owner-occupation.

Birmingham's local area agreement recognises the impact that housing and planning can make to help achieve sustainable communities, which includes priorities on raising the quality, choice and affordability of housing in the city, maintaining high standards of decency across homes and ensuring more people choose to live and stay within the Birmingham. This is in line with the vision of the Selly Oak Local Action Plan and wider Selly Oak Constituency Community Plan, the former of which highlighted the need for new housing (particularly family housing):

“Within Bournbrook a more sustainable local housing market is needed to help attract and retain key workers and families, by reducing the proportion of empty properties and improving standards in the management of private rented sector accommodation.”

Houses in Multiple Occupation (HMOs)

A particular challenge in Bournbrook is that, while it includes a designated Area of Restraint for HMOs, under current planning legislation there is no clear definition of HMOs. The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Circulars 13/87 and 03/05 class HMOs as ‘sui-generis’ as opposed to a ‘C3’ dwelling house use which is defined as a house used by a single person, or any number of persons living together as a family, or by no more than six people living together as a single household. Planning permission is normally required before a dwelling house can undergo a material change of use to a HMO.

An appeal decision at 6 Bournbrook Road established the precedent that 7 students sharing a property does not automatically constitute a material change of use. This is because there has to be demonstrated a change in character or intensification which impacts on the amenity of adjoining properties for a material change of use to occur.

Planning Management has also carried out a programme of checks on HMO properties in Bournbrook and found that as most of the houses in question are small terraced properties which rarely accommodate 6 or more people, they fall within permitted development rights and thus enforcement action cannot be taken.

The Government is currently considering whether to change the definition of a HMO and introduce more stringent controls over changes of use to HMOs. This is in light of recent changes to the use classes order in Northern Ireland in 2004 which defines a HMO as a house occupied by more than two 'qualifying persons' (these being persons who are not all members of the same family). Where more than two people who are not members of the same family occupy a dwelling, planning permission would be required for a change of use from a dwelling to a HMO.

However, changing the use classes order is only part of the answer:

- Only applications for new HMOs would be impacted, established HMOs would not be affected at all;
- The time-lag between new legislation and the adoption of the required planning policies to support the new legislation would do little to prevent the concentration of HMOs in the short-term (for example, in Northern Ireland, there is a time-lag of 4 years between changes to the use classes order in 2004 and the adoption of the Belfast HMO Plan); and
- Resource pressures would be created for local planning authorities relating to the volume of planning applications for HMOs and associated enforcement issues.

Permitted development rights

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 replaced Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 to alter permitted development rights for such alterations as dwellinghouse extensions and loft conversions. Whilst some of the clauses have yet to be tested by case law and appeal decision precedent, it is deemed that there may be scope for larger extensions at the rear of properties under permitted development rights. Planning Management service has carried out a programme of checks on properties in Bournbrook and has found that the majority of extensions are permitted development and thus enforcement action cannot be taken.

Decline in the student market

The impact of tuition fees and other costs is leading to increasing numbers of students remaining at the family home, rather than seeking their own accommodation. The development of large blocks of bespoke student accommodation in both Selly Oak and the City Centre has also reduced demand from students in Bournbrook. Early figures are showing a marked increase in empty properties in Bournbrook, and work is underway to collect more data and provide an analysis.

However, the decline in the student market has not led to families moving back into the area, and the long term status of Tiverton Junior and Infant School is uncertain. Landlords are instead finding other groups of people as tenants, as households made up of individuals usually provide higher rents than individual families. Such households have included refugees and asylum seekers, as well as ex-offenders – thus replicating the short term nature and high turnover of households in the area.

Key actions and interventions

Although there are clearly limits on the City Council's powers and resources, there are successful interventions being carried out in Bournbrook. It may also be that some time limited action in support of current voluntary initiatives could have a positive impact. The main areas of intervention

are set out below.

HMO licenses

Selly Oak ward contains the highest number of HMOs which are subject to mandatory licences under Part 2 of the Housing Act 2004 in Birmingham. While a substantial number of licenses (400+ at 26.01.09) have been issued a significant number of properties remain unlicensed. There is also a statutory duty to inspect all licensed properties to ensure compliance of any licence requirements. A dedicated team has been established to pursue this work in the Bournbrook area. It is intended that they will work with local groups and agencies to support their programme of work. A landlord operating in this area was successfully prosecuted in January 2009 for failing to hold licences on four of his properties - the first such case in the city.

Landlord accreditation

The City Council has also supported the Guild of Students and the University Housing Services to establish a landlord accreditation scheme for student accommodation in the private rented sector across the City. The Midland Landlord Accreditation Scheme seeks to recognise and support good landlords and can apply sanctions to landlords who fail to observe the scheme's code of conduct. Although based at the University the scheme has regional support from other local authorities and currently has 770 members. The recent Audit Commission inspection report of Strategic Housing recognised the accreditation scheme as an example of positive practice.

Lettings boards

The display of 'for sale' and 'to let' boards benefits from deemed consent under Class 3A, Schedule 3, Part 1 of the Town and Country Planning (Control of Advertisements) Regulations 2007, subject to the following criteria:

- Maximum one sign (including one per individual flat)
- Only 'for sale or let' signs
- Removal within 14 days of sale or letting of property

Currently 7 of the 16 major lettings agents in Bournbrook are participating in a voluntary pilot initiative to ensure the regulations are adhered to. While enforcement action would be resource intensive for Planning Management, a time limited and targeted campaign could produce results.

New actions

1. Planning Committee to be asked to approve a Voluntary Code of Practice on Lettings Boards.
2. Planning Enforcement to carry out a time limited enforcement campaign in support of the Code and multi agency activity, focussing in particular on multiple boards and issuing Planning Contravention notices.

Empty properties

The City Council has adopted an Empty Property Strategy which aims to use a range of powers and techniques to advise, encourage and coerce owners to bring empty properties back into use. The Empty Property Team programme balances a complaint based reactive workload with a proactive approach towards properties which have been empty for over five years. The nature of the housing market in Bournbrook, with seasonal letting linked to the academic year, can mask the actual level of long term empty properties in the area. The area has a dedicated officer who can work with other agencies to address the most serious cases and identify methods to influence as many owners as possible to bring homes into use.

S106 commuted sums

Committed sums available in Selly Oak are being used to bring empty properties back into use as social rented family homes. Future sums are likely to be limited and the number of properties delivered will be small. The draft non-statutory planning guidance for the Selly Oak Hospital site specifies significant numbers of family houses, which will reintroduce families to the wider area. The current planning permission for the Battery site includes large numbers of flats. It may be appropriate to seek some off site commuted sums, as well as an on site contribution of affordable housing, from future developments with large numbers of flats in this area. The current view of the

Homes & Communities Agency (HCA) is that investing in bringing back into use empty properties in Bournbrook would not be a priority. A further approach to the HCA for funding will be made once some social rented units have been delivered by commuted sums, including units built as EcoHomes pilots.

Domestic waste

The 'In Waste Deep' campaign of summer 2008, a four-week action plan was drawn up with a number of partner agencies operating within the Bournbrook area to combat the annual problem of accumulations of domestic waste at the end the academic year. The operation resulted in 121 tonnes of refuse being removed from the Bournbrook neighbourhood by Fleet & Waste Management which would have otherwise ended up on the public highway. Partners involved were Selly Oak Constituency Office; Selly Oak Ward Councillors and Community Groups; Bournbrook Community Safety Project; University of Birmingham Guild of Students; Community Wardens, and Birmingham City Council's Regulatory Services, Fleet & Waste Management and Highways Departments. The project cost of £8,000 was funded from Selly Oak Ward Community Chest. Subject to funding in 2009/10, the project will be repeated at the end of the academic year (June/July 2009).

Skip registration

There is a proposal to introduce Citywide registration for skip companies and charge for a license. Road side skips would be authorised for 7 days, and an application would be required for any time extension. Resources to introduce this are yet to be identified.