

DELEGATED APPLICATION REPORT

Ward: Coley

App Ref: 220982/FUL

Address: 32 Lorne Street, Reading, RG1 7YN

Proposals: Intensification of use of HMO to create Sui Generis House in Multiple Occupation.

Case Officer: Mr David Brett

Applicant: Mehek Holdings

Date received: 05/07/2022

Valid from: 08/07/2022

Target Decision date: 03/10/2022, extension of time on decision agreed from 02/09/2022.

1. INTRODUCTION

The proposal site is a three-storey semi-detached dwelling on the west side of Lorne Street. The surrounding area is characterised as predominately residential with Victorian terraced rows and semi-detached dwellings. The proposal site is located approximately 80m from the Castle Hill/Russell Street/Oxford Road Conservation Area to the east.

The proposal site is not located in the Article 4 direction, which removes normal permitted development rights to convert a house (C3 use) into a small house in multiple occupation (C4 use). This means planning permission is required to convert a house (C3) to a small house in multiple occupation (C4).



Fig 1. Front of 32 Lorne Street. Image captured in October 2020. Image retrieved from Google Maps on 03/10/2022.



Fig 2. Rear of 32 Lorne Street. Photo taken by case officer on 31/08/2022.

A site visit was carried out on 31/08/2022.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposed development seeks the intensification of the use of 32 Lorne Street as a HMO from a small HMO (C4 Use Class) to large HMO (Sui Generis Use Class). No external alterations are proposed within this application; however, internal alterations have been proposed to facilitate the change of use. The proposed development would result in a seven-bedroom, seven-person large HMO.

A rear dormer extension and roof lights have already been completed to the proposal site presumably under permitted development with the building being under a C3 or C4 use class, as there is no planning history for a dormer extension and roof lights. The extensions have been created to facilitate two bedrooms to the second floor.

Plans considered:

- Planning Statement
- Location Plan
- Pre-Existing & Existing Ground Floor Plan - P-08-VA-066-01 Rev 06
- Existing Loft & Roof Plan - P-08-VA-066-05 Rev 10

Received on 05/07/2022

- ~~Existing & Pre-Existing First Floor Plan - P-08-VA-066-02 Rev 06~~

Received on 08/07/2022

- Lettings Advert
- Existing & Pre-Existing First Floor Plan - P-08-VA-066-02 Rev 06

Received on 01/09/2022

- Block Plan
- HMO Management Plan

Received on 26/09/2022

3. RELEVANT PLANNING HISTORY

200156/HOU - Rear extension measuring 6m in depth, with a maximum height of 3.0m, and a flat roof. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. - Application Withdrawn on 01/04/2022.

4. CONSULTATIONS

4.1 The following addresses were consulted by letter.

30 Lorne Street, Reading, RG1 7YN - No response received.
Flat 1, 34 Lorne Street, Reading, RG1 7YN - No response received.
Flat 2, 34 Lorne Street, Reading, RG1 7YN - No response received.
43 Argyle Street, Reading, RG1 7YS - No response received.
47 Argyle Street, Reading, RG1 7YS - No response received.

Reading Borough Council, Environmental Protection - Response received on 08/08/2022

- No comments on this application.

Reading Borough Council, Transport - Response received on 13/07/2022

- *"The site is located within Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. Lorne Street is a residential street, permit parking occurs on one both sides of the street with double yellow lines on the opposite side therefore limiting the number of on street parking spaces available to residents and thereby increasing the competition for on street parking spaces in an already heavily congested street.*
- *The application proposes the conversion of the property to a 7 bedroom Sui Generis HMO. No on street parking is proposed as part of the development. As Unauthorised parking can be controlled via the on street parking restrictions in place a car free development can be accepted in this instance, however if this application is approved there should be an*

assumption that any future occupants of the proposed HMO will not be issued with resident or visitor parking permits which will be covered by condition and an informative applied. This will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street.

- *In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a cycle parking provision of 0.5 spaces per letting room, therefore 4 cycle spaces (rounded up from 3.5) will need to be provided in a lockable secure store using Sheffield type stands. This has not been illustrated on existing or proposed plans.*
- *Bin storage should comply with Manual for Streets and British Standard 5906: 2005 for Waste Management in Buildings and should be located no further than 15m from the access point of the site to avoid the stationing of service vehicles on the carriageway for excessive periods; it is assumed that kerb side collection will be undertaken as is the existing arrangement. It is recommended that the Councils Waste Management team be contacted to ensure the correct capacity of bins is provided for the proposed size of the HMO. Bins storage has not been illustrated on existing or proposed plans."*

5. EQUALITY ACT 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

6. LEGAL AND PLANNING POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. The following local and national planning policy and guidance is relevant to this application:

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (Adopted November 2019)

CC7 Design and the Public Realm

CC8 Safeguarding Amenity

H8 Residential Conversions

H10 Private and Communal Outdoor Space

TR3 Access, Traffic and Highway-Related Matters

TR5 Car and Cycle Parking and Electric Vehicle Charging

SPG/SPD

Residential Conversions SPD (2013)

7. APPRAISAL

7.1 Character

Policy H8 (Residential Conversions) of the Reading Borough Local Plan states that:

In areas covered by an Article 4 direction that restricts changes of use from Class C3 to Class C4:

- *Planning permission will not normally be granted where the proportion of HMOs (either C4 or sui generis) will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site.*

It is acknowledged that the proposal site is not located within an Article 4 area that restricts the changes of use from Use Class C3 (Dwellinghouse) to Class C4 (Small HMO), however, this tool for assessing the impact of such a development upon the character of the surrounding area is considered useful in assessing the impact of this proposal in accordance with Policy CC7 of the Reading Borough Local Plan.

Whilst the applicant states that the site has been used as a small HMO (C4), the lawfulness of the use has not been established and it has not been demonstrated that there has been a continuous use as a small HMO over a period of 10 years. Evidence has been provided during the course of this application demonstrating that the site has only recently been advertised as a small HMO. Nevertheless, the proposal is considered a change of use from C3 to a Sui Generis HMO for the purposes of the threshold calculation.

The Residential Conversions SPD provides further detail with respect to Policy H8 and identifies that the ‘tipping point is when the concentration of HMOs becomes over dominant and the community is no longer considered to be mixed and sustainable.’ The SPD defines that “planning permission will not normally be granted where the proportion of HMOs will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site” (para. 5.43).

The concentration of HMOs in the area surrounding the application site has been calculated as a percentage of the total estimated number of existing HMOs (C4 or sui generis) against the total number of residential properties, i.e. those falling within C3, C4 or sui generis HMO use. Potential data sources are those from the Environmental Protection and Nuisance Team, in particular the publicly available Register of Houses in Multiple Occupation, Council Tax records, extant (unimplemented) permissions for HMOs, and data on property websites, and data held by the Enforcement Team.

The total number of properties within the 50m radius, including the application site, has been calculated as 39. This figure does not include buildings that are not classified as a dwelling (for example buildings under Use Class E) and purpose-built flats. A total number of 3 HMOs within a 50m radius of the proposal site have been identified. The estimated total percentage of existing HMOs within a 50m radius of 32 Lorne Street is 10%, the proposed HMO at 32 Lorne Street would increase this to 13%. As a result, the proposed increase in HMOs would not exceed 25% within a 50m radius of the proposal site. Therefore, it is not considered that the proposed development would have a harmful impact upon the character of the surrounding area in accordance with Policy CC7 of the Reading Borough Local Plan. The threshold estimate has been calculated in accordance with the guidance provided within paragraphs 5.30 to 5.45 of the Residential Conversions SPD (2013).

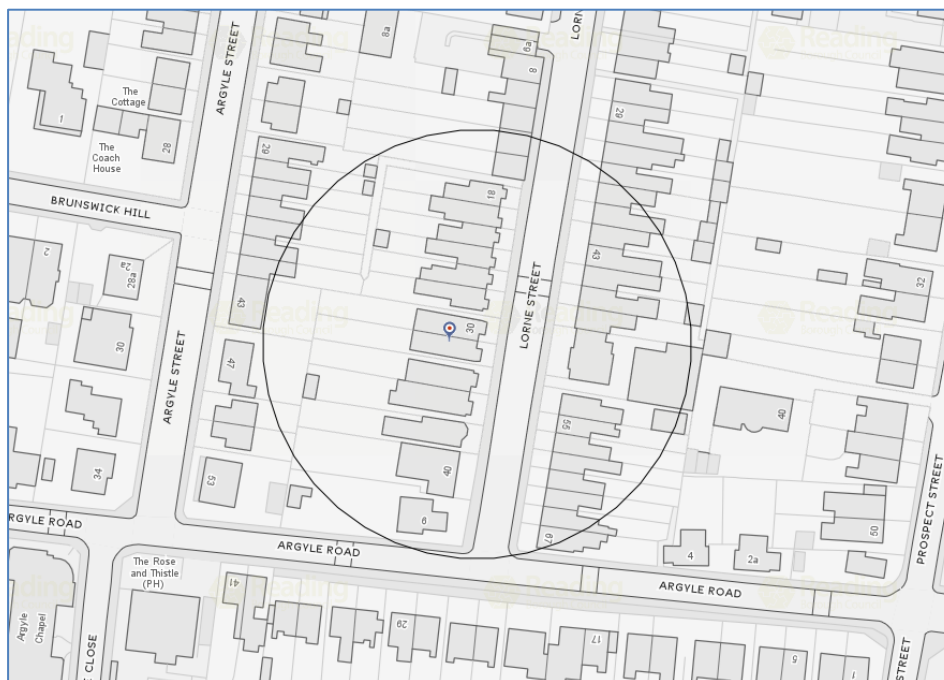


Fig 3. A 50m radius of 32 Lorne Street

No external alterations are proposed within this application, therefore, the development will not alter the appearance of the surrounding area. The development is therefore considered in accordance with Policy CC7 of the Reading Borough Local Plan.

7.2 Safeguarding Amenity

Future Occupants

Policy H8 (Residential Conversions) of the Reading Borough Local Plan states that:
Proposals to convert properties into self-contained flats or for multiple occupation will only be acceptable where:

- *There are no unacceptable adverse impacts to residents of the scheme or surrounding properties arising from noise and disturbance in terms of the number and layout of units proposed and the proximity to other properties;*
- *There is no inappropriate stacking and location of rooms between units;*
- *Bin and cycle storage is of an appropriate size and standard for the units proposed and should be located at ground floor level with easy access; and*
- *The resulting property or properties would provide adequate internal floorspace and headroom for residents.*

The Residential Conversions SPD sets out a number of checklist items which provide further detail related to adopted policies CC8, H8 and H10 and the relevant ones to this proposal are as follows.

Room Sizes

The SPD identifies minimum internal floorspace standards (Appendix 1) as 6.5sqm for a single bedroom and 7sqm for a kitchen. The kitchen and lounge/dining room is shown as 24m², with the bedrooms ranging from 10m² to 19m², with suitable head height. It is considered necessary to restrict the number of occupants to 7 (single occupancy rooms) in order to safeguard the residential amenity of future occupants given the number of communal rooms proposed.

Communal Space

There is a kitchen and lounge/dining room, which is considered acceptable for a 7-bedroom, large HMO. It is considered reasonable to retain the living room as demonstrated on the proposed plans as communal use. This is to ensure that the use of 32 Lorne Street as a large HMO is not intensified beyond 7 people, to ensure an adequate standard of living for future occupants in accordance with

Policy CC8. It is considered that further intensification of the use would either require a larger communal area or additional communal area in accordance with the Residential Conversions SPD.

It is also recognised that the size, layout and the quality of daylight and sunlight to bedrooms 1, 3, 5, 6 and 7 is such that it is not anticipated that there would be a reliance on the communal space other than for mealtimes.

Amenity Space

The private garden space is considered acceptable.

External windows

All habitable rooms would benefit from external windows.

Access to sunlight/daylight

Rooms 2 and 4 respectively benefit from a window that looks out on to the side elevation of 34 Lorne Street. There were officer concerns that access to sunlight and daylight would be restricted due to the proximity of the side elevation of number 34 to the bedroom windows. On balance, this arrangement is considered to be acceptable for future residents given the permitted development fallback of rooms 2 and 4 being used as bedrooms under a C4 use class, the size and layout of the two rooms (10m² at 3.6m x 2.9m, and single occupancy), both bedrooms are served by ensuite bathrooms, and the fact that all other bedrooms would receive suitable access to daylight and sunlight within the overall scheme.

Layout/Stacking of Rooms

The Council's SPD seeks to avoid layouts which locate living rooms, bathrooms and kitchens, next to, above, or below, proposed or neighbouring bedrooms. The layout largely achieves this and is considered acceptable.

Noise and disturbance

In terms of noise and disturbance there is no evidence to suggest that a 7-bedroom HMO would create significantly greater levels of noise than a fully occupied small HMO for between 4 and 6 occupants, and in itself would not warrant refusal on this basis.

Bin storage

Bins would be stored within the front garden as demonstrated on the proposed block plan. Many of the residents along Lorne Street keep their bins within the front garden, this is also considered an acceptable solution.

A HMO Management Plan has been submitted for consideration. The plan submitted satisfactorily addresses the Council's requirements for a HMO Management Plan and is considered to suitably demonstrate the management of the property to safeguard the living conditions of both future occupants and neighbouring residents in accordance with Policies CC8 and H8 of the Reading Borough Local Plan. The HMO Management Plan provided is considered to have met the criteria for a good management plan as outlined within the informative to HMO applications:

- *Responsibilities and standards for the management of internal communal areas including kitchens, dining areas, living rooms and shared bathrooms;*
- *Responsibilities and standards for the management of common parts, fixtures, fittings and appliances. These must be maintained in good and clean decorative repair, maintained in a safe and working condition and kept reasonably clear from obstruction, e.g. banisters and handrails, stair coverings, windows, lighting, gardens and yards, walls and fences, etc.;*
- *Responsibilities and standards for the management of external areas in terms of landscaping, maintenance and tidiness, in particular areas visible from the public highway or street. This will include matters relating to the erection of Satellite dishes and television aerials;*
- *Responsibilities and standards for the use and tidiness of bins, binstores, and rubbish in the use of the property along with appropriate facilities to enable the recycling of waste that meets the Council's current practices;*

- *Responsibilities and standards for the parking of cycles.*
- *An undertaking to ensure all occupants/tenants will be provided with a copy of the management plan as part of their tenancy agreement or contract and the importance of complying with its measures emphasised;*

Whilst a suitable HMO Management Plan has been provided, it is considered necessary to include an informative to emphasise the need for the Landlords/owners to issue the plan to all occupants/tenants, preferably as part of their tenancy agreement or contract. This is to ensure an appropriate standard of accommodation that would benefit future occupants, whilst ensuring that the use does not harm the living conditions of neighbours.

Neighbouring Residents

This proposal has also been assessed against Reading Borough Local Plan policy CC8: Safeguarding Amenity, which states that proposals are acceptable where they will not cause a detrimental impact on the living environment of existing residential properties with regard to including factors (amongst others):

- *Privacy and overlooking*
- *Access to sunlight and daylight*
- *Visual dominance and overbearing effects of a development*
- *Harm to outlook*
- *Noise and disturbance*

With regards to the impact of the proposed development on adjoining properties 30 and 34 Lorne Street; as already discussed, the proposed use is not considered to give rise to harmful levels of noise and disturbance. No external alterations are proposed within this application, as such the development is not considered harmful to neighbouring residents with consideration given to criteria listed under Policy CC8 of the Reading Borough Local Plan.

No other nearby occupier is considered to be significantly impinged by the proposed development in relation to any amenity consideration. It is also recognised that the proposed works would improve the quality of accommodation for future occupiers at the site.

Overall, the proposed development is not considered harmful to the living conditions of neighbouring properties or residents is therefore considered in accordance with Policy CC8 of the Reading Borough Local Plan.

7.4 Transport

The applicant is advised that the future occupants are not entitled to Parking Permits and that these would need to be sought from the Council. With regards to cycle storage, secure cycle storage is proposed to the rear of the property, consisting of lockable cycle store for four cycles. The cycle provision is considered acceptable.

With regards to bin storage; the plans demonstrate that bins will be stored within the front garden near the proposed cycle storage. This provision is considered typical of the neighbouring properties along Lorne Street with bins stored within the front garden.

Transport Development Control have recommended conditions and informatives concerning car park permit, and the details of the cycle storage to be secured as approved. Therefore, the proposed development is considered in accordance with Policies TR3 and TR5 of the Reading Borough Local Plan.

8. CONCLUSION

The proposed development has been assessed and the proposed works are considered to be in accordance with the above relevant policies and planning permission can be granted.

9. RECOMMENDATION

GRANT

10. CONDITIONS

TL1: Time Limit (Standard)

The development hereby permitted shall begin no later than three years from the date of this planning permission.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

AP1: Approved Plans

The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

- Location Plan
- Pre-Existing & Existing Ground Floor Plan - P-08-VA-066-01 Rev 06
- Existing Loft & Roof Plan - P-08-VA-066-05 Rev 10

Received on 05/07/2022

- Existing & Pre-Existing First Floor Plan - P-08-VA-066-02 Rev 06

Received on 01/09/2022

- Block Plan

Received on 26/09/2022

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Restrict HMO Use

The HMO use hereby approved shall be restricted to a maximum occupancy of seven persons.

REASON: To safeguard the residential amenity of occupants in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Communal Use

The rooms, as shown on approved Drawing No: Pre-Existing & Existing Ground Floor Plan - P-08-VA-066-01 Rev 06 to be for communal use, shall be retained for communal use for so long as the property remains in use as a HMO.

REASON: To ensure that an adequate standard of amenity and living space is provided for the residents in accordance with Policy H8 of the Reading Borough Local Plan 2019.

HM5: HMO Parking Permits (Notification to LPA)

Prior to first occupation of the HMO hereby permitted, the Local Planning Authority shall be notified in writing of the full postal address of the property. Such notification shall be addressed to the Local Planning Authority quoting the planning application reference specified in this Decision Notice.

REASON: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy TR1 and TR3 of the Reading Borough Local Plan 2019.

HM6: HMO Parking Permits (Notification to Occupants)

Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the HMO accommodation hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

REASON: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy TR1 and TR3 of the Reading Borough Local Plan 2019.

DC5: Cycle Parking (As Specified)

The use hereby permitted shall not be occupied until the bicycle parking facility for that dwelling/building has been provided in accordance with the plans hereby approved. The facility shall be kept available for bicycle parking at all times thereafter.

REASON: To encourage travel by sustainable alternatives to driving a motorcar in accordance with Policy TR1 and TR5 of the Reading Local Plan 2019.

11. INFORMATIVES

Standard Informatives

IF3: Highways

- i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
- ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.

I13: Parking Permits

The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.

I27: HMO Management Plan

The Council expects all properties in HMO use to be properly managed in accordance with requirements under the Housing Acts and associated regulations. The Council publishes comprehensive information in its Houses in Multiple Occupation Management Pack, <http://www.reading.gov.uk/media/1412/HMOs-Management-Pack/pdf/HMOs-Management-Pack.pdf>. Landlords/ owners are advised to follow the advice in the pack to ensure compliance with the requirements of the Housing Acts. Landlords/ owners are advised that a property specific management plan should be drawn up. This plan should be given to all occupants/tenants, preferably as part of their tenancy agreement or contract. The operation of the property should be undertaken in accordance with the approved management plan.

A good management plan will include matters related to:

- Responsibilities and standards for the management of internal communal areas including kitchens, dining areas, living rooms and shared bathrooms;

- Responsibilities and standards for the management of common parts, fixtures, fittings and appliances. These must be maintained in good and clean decorative repair, maintained in a safe and working condition and kept reasonably clear from obstruction, e.g. banisters and handrails, stair coverings, windows, lighting, gardens and yards, walls and fences, etc.;
- Responsibilities and standards for the management of external areas in terms of landscaping, maintenance and tidiness, in particular areas visible from the public highway or street. This will include matters relating to the erection of Satellite dishes and television aerials;
- Responsibilities and standards for the use and tidiness of bins, binstores, and rubbish in the use of the property along with appropriate facilities to enable the recycling of waste that meets the Council's current practices;
- Responsibilities and standards for the parking of cycles.
- An undertaking to ensure all occupants/tenants will be provided with a copy of the management plan as part of their tenancy agreement or contract and the importance of complying with its measures emphasised;

Where a condition is imposed requiring the submission and approval of a management plan (usually for larger "sui generis" HMO uses), the Local Planning Authority will expect all the above matters to be addressed

Applicants should note that information on the collection of rubbish can be found on the Council's website at:

<http://www.reading.gov.uk/rubbish>

and information on the collection of bins can be found on the Council's website at:

<http://www.reading.gov.uk/binchanges>