

DELEGATED APPLICATION REPORT - Application No.: 190090 Target Expiry: 15/3/19

Address: 17 Lorne Street, Reading

Proposal: Change of use from dwellinghouse (C3) to 7-bed HMO (Sui Generis) and associated works

Case officer: Anthony Scholes

Site Description and Surrounding Area:

The application site is a terraced residential property on the eastern side of Lorne Street in a predominantly residential area which was last in use as a C3 (dwellinghouse).

Proposal:

The proposal includes the change of use of the dwellinghouse (C3 use) to that of a Sui Generis house of multiple occupation (HMO) for 7 persons. To facilitate the change of use, the applicant proposes to make a number of internal changes, as well as providing cycle parking, and bin storage within the front garden of the property.

Plans considered: All received 31 January 2019:

Dwg No. P1819-03 - Proposed plans and elevations

Dwg No. P1819-02 - Existing plans and elevations

Dwg No. P1819-04 - Proposed enlarged plans

Dwg No. P1819-01 - Location plan & block plan

Other documents:

Planning Statement, prepared by ET planning

Air quality assessment - Prepared by Hawkins environmental

CIL form

Summary of correspondence with agent

The agent has been advised that the application is likely to be refused, the agent has opted to continue with the application.

Relevant Planning History:

None

Consultation Responses

Neighbours - Nos. 15 & 19 Lorne Street, & 14 Prospect Street were consulted.

One response was received from No. 15, the comment was in relation to parking and anti-social behaviour associated with the proposed use. In response, the provision of parking was not proposed with the development, and in accordance with the Residential Conversions SPD, a condition and informative would be attached to any approval stating that no occupants will be automatically entitled to a parking permit. Additionally, as the property would become a 7-person HMO, it would be required to be licenced by the Council and maintained on a register, although anti-social behaviour would be a civil matter.

Environmental Protection and Nuisance (standing advice) - The property will be classed as a HMO and must meet the requirements of the Housing Act 2004.

From 1st October 2018 in Reading Borough Council area properties containing 5 or more persons within an HMO required a mandatory HMO licence.

Further information on fire safety standards in HMOs is available at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

Adequate facilities are required in all dwellings for personal washing, sanitary conveniences and for the storage, preparation and cooking of food.

If adequate facilities are not provided this could result in the need for enforcement action under the HHSRS.

Mandatory licensable HMOs have a set of national minimum standards relating to:

- Sanitary conveniences and
- Personal washing facilities

For amenity standards in HMOs visit our website: <http://www.reading.gov.uk/hmo>

There is no prescribed space standard for HMOs and the property will be assessed under the HHSRS. However, the Council has provided guidance to meet an optimum standard, which is intended to prevent, avoid or minimise any related hazard. For licensable HMOs, numbers of persons permitted per room, and an overall maximum number of persons permitted per property, will be detailed on the HMO licence.

Where cooking facilities are provided in a separate room, each bedroom must be minimum:

- 6.5 m² if occupied by one person;
- 10.5 m² if occupied by two persons.

For rooms with cooking facilities within the room, the following minimum room sizes shall apply:

- 10.5 m² if occupied by one person;
- 14.5 m² if occupied by two persons.

Transport: The site is located within the Primary Core Area, Zone 2, of the Council's adopted Parking Standards and Design SPD. The site is well served by public transport services to and from the town centre from the Oxford Road and within walking distance of Reading West railway station.

In accordance with the adopted Parking SPD, the proposed 7 Bed HMO development would be required to provide 0.25 on-site parking spaces per bedroom totalling a required provision of 2 parking spaces, however there is no off road parking associated with the existing dwelling.

The proposed development is located in a CPZ and is therefore part of the Council's residential parking permit scheme; if this application is approved there should be an assumption that any future occupants of the proposed dwelling will not be issued with a resident parking permit which should 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 car parking in the area.

In accordance with the Council's Parking Standards and Design SPD, cycle storage for a HMO should be provided at a ratio of 0.5 secure cycle storage spaces for each letting room in the form of a Sheffield type stand within a lockable and covered store, this would therefore equate to a minimum provision of 3 for a 6 bedroom HMO. The submitted block plan illustrates provision for 7 cycles (4 stands) in the front garden area; this clearly exceeds the minimum requirement, however given the space available 2 stands are more than adequate. This will ensure that cycles can be maneuvered in and out without conflicting with the bin storage area also located in the front garden area. However we would prefer to have a more secure and enclosed shelter as opposed to a mono pitch cover proposed. Low level storage lockers would be an option for consideration.

In principal Transport do not have any objections to this application subject to the conditions and informatives outlined below.

In the circumstances, Transport do not have any objections to this application subject to conditions securing:

- Details of cycle store to be submitted to, and approved by the LPA prior to occupation and maintained thereafter
- Notification to the Council prior to occupation to update records to ensure parkign permits are not issued to the occupiers
- Notification of prospective tenants that there is no automatic entitlement to parking permits
- Bin storage maintained in accordance with approved plans

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.

Relevant Planning Policy and Guidance:

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 Planning Policy Framework
National Planning Guidance

Reading Borough Local Development Framework Core Strategy Document, 2008 (altered 2015).

Policy CS1: Sustainable Construction and Design

Policy CS2: Waste Minimisation

Policy CS18: Residential Conversions

Policy CS24: Car/Cycle Parking

Reading Borough Local Development Framework: Sites and Detailed Policies Document (2012, altered 2015)

Policy SD1: Presumption in Favour of Sustainable Development

Policy DM4: Safeguarding Amenity

Policy DM8: Residential Conversions

Policy DM10: Private and Communal Outdoor Space

Supplementary Planning Guidance/Documents

Revised Parking Standards and Design (2011)

Residential Conversions (2013)

APPRAISAL:

For conversions to residential the main policies are: Policy CS18, which states that *“Proposals to convert properties into self-contained flats or for multiple occupation will be assessed against the impact on the amenity and character of the surrounding area, particularly in terms of intensification of activity, loss of privacy, loss of external amenity space, the provision and location of adequate on-site car parking, and the treatment of bin storage areas.”*

Policy DM8 provides further detail and states:

“Proposals to convert properties into self-contained flats or for multiple occupation under Core Strategy Policy CS18 will only be acceptable where:

- *The proposal respects the physical character of the area and additionally would not, either individually or cumulatively, unduly dilute or harm an existing mixed and sustainable community through the significant loss of single family housing;*
- *There are no unacceptable adverse impacts to other residential properties arising from noise and disturbance in terms of the number and layout of units proposed and the proximity to other properties;*
- *There is appropriate sound insulation between proposed and neighbouring units and layouts avoid 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.”*

Along with these adopted local planning policies any appraisal for a change of use to a Sui Generis large HMO is assessed against the Council’s ‘Residential Conversions Supplementary Planning Document SPD (2013)’. Section A of the SPD, deals with the ‘General Assessment of all Conversions’ (i.e from C3 dwellinghouses to flats or HMOs (both small C4 use and sui generis HMOs). In addition para 4.2 refers to the requirement to assess large HMOs under the threshold guidance set out in Section B. The SPD sets out a number of checklist items.

Main considerations:

The main issues to be considered are:

- a) Whether the conversion of the property results in unduly diluting or harming a mixed and sustainable community
- b) Is the property of the appropriate size for conversion?
- c) Amenity of future residents and those of existing neighbouring properties

- d) Car/ cycle parking
- e) Loss of landscaping

a) **Does the conversion of the property result in unduly diluting or harming a mixed and sustainable community?**

Policy DM8 seeks to prevent Sui Generis HMOs from unduly diluting or harming a mixed and sustainable community. To assess whether a property is suitable for conversion the 'tipping point' calculation is used (threshold), which is defined in the Residential Conversions SPD as "*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 house has been in use as a single dwellinghouse (C3) previously, and in accordance with the Residential Conversion SPD the conversion should be assessed against the threshold guidance. Using the Council's records for HMO's within the borough, available data from the Council's Environmental Health Team, Council Tax, extant (unimplemented) permissions for HMOs, and in accordance with the methodology outlined in section 2 of the Residential conversions supplementary planning document (SPD) (2013), the mix of uses should the proposal be approved would be 28.6%. This is above the threshold of a maximum of 25% as outlined by the guidance.

Of the applicable properties which fall within the search area, 72% remain as single dwellinghouses and these contribute to the overriding residential character of this particular street. This change of use would further weaken the existing composition and mix of residential uses along the street and as such, the proposal would cause unacceptable harm to the existing residential character and composition of the immediate area.

The principle of the conversion of the application property to a 7 person large Sui Generis HMO is therefore considered unacceptable.

b) **Is the property of the appropriate size for conversion?**

The internal floorspace of each bedroom exceeds the minimum standards (6.5m²) as set out in Appendix 1 of the SPD and are therefore generally acceptable in this regard, based on single occupancy (as confirmed in e-mail 04/03/2019) and would accord with National guidance.

Due to the shape of each of the rooms, the usable space is more accurately:

Bed 1 - 15.5m²
Bed 2 - 10.6m²
Bed 3 - 10.2m²
Bed 4 - 11.1m²
Bed 5 - 7.5m²
Bed 6 - 7.4m²
Bed 7 - 7.5m²

Where rooms are at the minimum size the SPD seeks a provision of 1 communal area per 4-6 rooms, not including a kitchen. However, in this case four of the rooms are considerably over the minimum size as outlined in the SPD, with three only being 1m²

over the size. In this instance, the provision of communal space is in the form of a kitchen room, which is 16.5m². This appears to be a primarily functional space without the area to accommodate the seven residents. As such, it is considered that there is not a sufficient balance of communal and private space within the development.

c) **Amenity of proposed residents and existing residents of nearby properties**

The Residential Conversions SPD sets out a number of checklist items which provide further detail related to adopted policies DM4, DM8, DM9 and DM10 of the Sites and Detailed Policies Document. These are addressed as follows:

Sound Insulation - HMOs do not require sound insulation under building regulation requirements.

Noise and Disturbance - The level of noise and disturbance from seven people is unlikely to be that different to its use for a small HMO. A condition is recommended requiring the submission and approval of a management agreement, which among other matters includes the requirement to set out how noise within and outside the property will be managed.

External windows - All habitable rooms benefit from an external window.

Amenity Space - There is a good sized rear garden which provides an appropriate level of amenity space in accordance with DM10.

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.

Bin storage - Sufficient refuse containers are provided and although located to the front of the property are set well back from the road frontage and close to the boundary fence.

d) **Car/ cycle parking**

Transport has confirmed that the proposed cycle storage, although not the typical provision, and that an enclosed cycle storage area would be preferable, that there are no objections in this regard.

e) **Loss of landscaping**

The proposed development would result in an increased amount of hardstanding within the front garden, and the loss of an established hedge. This is not a desirable outcome, and a condition could be included on any approval to ensure retention of the hedge. The bin storage, and cycle storage within the front garden are a generally acceptable solution.

RECOMMENDATION:

REFUSE

- 1) The conversion of the property from a C3 dwelling to Sui Generis HMO (7 person) would have a detrimental effect on the character of the area by exacerbating the

number of HMOs in the area and reduce the number of single dwellinghouses. The percentage of properties in HMO use within 50m of the property (including the site) is 28.6%, in excess of the target threshold of under 25% as defined in Reading Borough Council's adopted Residential Conversions Supplementary Planning Document (2013). This has a negative impact on the mixed and sustainable community and is contrary to policy DM8: Residential Conversions, of Reading Borough Council's Sites and Detailed Policies Document (adopted 2012, altered 2015).

- 2) The proposed development, by way of its layout, fails to provide an appropriate balance between private and communal space. The resulting layout and balance between communal and private areas would fail to provide an appropriate level of amenity for future occupants contrary to Policy DM4 (Safeguarding Amenity) and Policy DM8 (Residential Conversions) of the Core Strategy of the Reading Borough Local Development Framework (2008) and the Residential Conversions SPD.

Informatives:

- 1) Plans considered
- 2) Positive and proactive