

**DELEGATED APPLICATION REPORT - Application No.: 182088 Target Expiry: 22/1/19**

**Address: 40 Angle Field Road, Caversham**

**Proposal: Retrospective planning permission for the change of use of a 6-bedroom House in Multiple Occupation (C4 class) to a 7-bedroom House in Multiple Occupation (Sui Generis) for a maximum of 7 occupants**

**Case officer: Anthony Scholes**

**Site Description and Surrounding Area:**

The application site is a semi-detached residential property on the southern side of Anglefield Road in a wholly residential area. It is currently being used as a seven person HMO and this application follows an enforcement enquiry and advice to submit a retrospective application.

**Proposal:**

- Retrospective change of use to Sui Generis seven person HMO (professionals and key workers only). It commenced its operation on 24<sup>th</sup> June 2014.
- 2 no. ensuite room to ground floor and 2 no. rooms sharing a bathroom to ground floor and 1 no. ensuite room and 2 no. rooms sharing a bathroom at first floor, with a communal kitchen/ dining/lounge area to ground floor.
- 2 no. car parking spaces, secure lockable bike store and bins to the front of the property.

**Plans considered: All received 27 November 2018:**

- Location Plan
- Block Plan
- Ground Floor Plan to show previous layout
- First Floor to show previous layout
- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Parking/bicycle storage/refuse details plan

*Other documents:*

Planning Statement, prepared by Platinum Property Partners`

Company brochure for Platinum Property Partners

CIL form

**Relevant Planning History:**

None

**Consultation Responses:** Nos. 38 & 42 Anglefield Road, 151 Henley Road, and 47 Lower Henley Road were consulted. No responses were received.

*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 1<sup>st</sup> 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 m<sup>2</sup> if occupied by one person;
- 10.5 m<sup>2</sup> if occupied by two persons.

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

- 10.5 m<sup>2</sup> if occupied by one person;
- 14.5 m<sup>2</sup> if occupied by two persons.

*Transport:* The application site is located on Anglefield Road. The property benefits from an existing dropped kerb access and an enlarged parking area.

The site is located in Zone 3, Secondary Core Area, of the Revised Parking Standards and Design SPD. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 0.25 spaces per HMO room equating to 2 parking spaces (rounded up from 1.75).

The plans submitted, following clarifications during the course of the application, illustrate off road parking provision for two independently accessible car parking spaces which meets the Councils standards and is therefore deemed acceptable.

In accordance with the adopted Parking SPD, the development is required to provide a minimum of 0.5 cycle parking spaces for each HMO room in a conveniently located, lockable, covered store. The applicant has provided a covered cycle storage area for tenants located at the front of the property.

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

- Vehicle parking space maintained in accordance with approved plans.
- Bicycle parking space maintained in accordance with approved plans
- 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:

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

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

Policy DM8 requires conversions to large Sui Generis HMOs to not result in 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).

However, as the house has been in HMO use for a number of years, and in accordance with the Residential Conversion SPD there is no requirement to assess it against the threshold guidance. This is because as the HMO has already been established in the street the retrospective change of use to a large Sui Generis HMO has no further effect on the concentration of HMOs and the balance and mix of households in the local community (para 4.3) as required under Sites and Detailed Policies Policy DM8: Residential Conversions.

The principle of the conversion of the application property to a 7 person large Sui Generis HMO is therefore considered acceptable subject to meeting other policy requirements below.

- Is the property of the appropriate size for conversion?

The internal floorspace of each bedroom exceeds the minimum standards as set out in Appendix 1 of the SPD and are therefore generally acceptable in this regard, based on single occupancy (as confirmed in the Design and Access Statement) and would accord with National guidance.

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 the rooms are over the minimum size and the communal area, which includes the lounge and dining in one, at approximately 16sqm is considered to be a sufficient size to accommodate the seven residents. A condition is recommended to ensure that the communal area is retained for communal use.

- 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, with the exception of the dining/lounge room. In this instance, the proposal does not change the internal layout and the amenity of the dining/lounge room, and is therefore considered appropriate.

*Amenity Space* - There is a gold 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. A condition is recommended requiring the retention of this bin storage area.

- d) Car/ cycle parking  
Transport has confirmed that the existing tow car parking spaces meet adopted standards and that the cycle storage is also adequate to meet standards.

A condition is recommended requiring the retention of the car parking spaces and cycle storage in association with the property's use as an HMO.

## **RECOMMENDATION:**

### **APPROVE**

- 1) Approved plans
- 2) The HMO use at ground and first floors hereby approved shall be restricted to 7 no. single occupancy bedrooms, with a maximum of seven tenants at any one time.

Reason: As an increase in the number of occupants could impact on the amenity of existing and future occupiers of the property and neighbouring properties in accordance with Policy DM4 and Policy DM8.

- 3) Bicycle parking to be retained.
- 4) Vehicle parking to be retained.
- 5) Bin storage to be retained.

- 6) Communal areas to be retained for communal use.
- 7) Within three months of this approval a management plan covering the internal and external communal areas, including the proper use of bin stores and responsibility for refuse and recycling collection arrangements, to be submitted to and approved by the Local Planning Authority. Thereafter the approved management plan shall be adhered to while the property is in use as a HMO (see attached management plan informative for further details).

Reason: In order that the prospective occupiers are made aware of their responsibilities for ensuring adequate standards of visual appearance and to safeguard the amenities of the area in accordance with Policy CS18, and Policy DM8, and the Residential Conversions Supplementary Planning Document (November 2013).

**Informatives:**

Terms and conditions  
HMO Management Plan  
Housing Act 2004  
Positive and proactive