

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	Strategic Environment Planning and Transport Committee		
DATE OF MEETING:	20 NOVEMBER 2013	AGENDA ITEM	14
TITLE:	Draft Residential Conversions Supplementary Planning Document		
LEAD COUNCILLOR:	Councillor Page	PORTFOLIO:	Regeneration, Transport and Planning
SERVICE:	Planning	WARDS:	All
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The existing supplementary planning guidance on converting residential properties to flats or Houses in Multiple Occupation (HMOs), entitled, 'House Conversions and Houses in Multiple Occupation' was adopted in September 2003. There have been several significant changes to national legislation surrounding HMOs since that time. Reading Borough Council has also adopted its suite of Local Development Framework Documents, which include up-to-date policies covering such conversions.
- 1.2 Additionally, an Article 4 Direction to remove permitted development rights to convert from C3 dwelling houses to C4 small houses in multiple occupation has been made for parts of Redlands, Katesgrove and Park Wards. This Direction came into force on 16 May 2013.
- 1.3 In response to the new policies and the need for detail on the interpretation of relevant policies in light of the Article 4 Direction, the Council approved a revised Draft Supplementary Planning Document entitled 'Residential Conversions' on 15 April 2013. This was approved for community involvement. The community involvement stage has now been completed, responses considered and minor changes made to the SPD. This report recommends that the SPD is adopted. This will mean that the SPD has full weight in the determination of planning applications.

2. RECOMMENDED ACTION

- 2.1 That Committee agree the attached Statement of Community Involvement (Appendix 1).
- 2.2 That Committee adopt the Residential Conversions Supplementary Planning Document (which shows minor changes to the Draft Residential Conversions Supplementary Planning Document) as attached at Appendix 2.

3. POLICY CONTEXT

- 3.1 The Residential Conversions Supplementary Planning Document (SPD) will form part of the Local Development Framework (LDF). Together, the documents in the LDF set out the planning strategy for Reading. A SPD is a lower-level document that expands upon existing policy within a higher-level Development Plan Document (DPD). In this case, the Draft SPD expands upon policy in the Core Strategy (adopted in 2008) and Sites and Detailed Policies Document (the SDPD, adopted in October 2012).
- 3.2 The main policies that the Draft SPD expands upon are policy CS18 of the Core Strategy (Residential Conversions) and policy DM8 of the SDPD (Residential Conversions). Policy CS18 sets out the strategic approach to converting residential properties into self-contained flats or for multiple occupation, covering aspects such as impact on the amenity and character of the area, loss of privacy, ensuring adequate car parking etc. Policy DM8 sets out additional detailed matters for consideration of all types of conversions, self-contained flats and 'sui generis' HMOs (i.e. those which already required planning permission before the C4 Use Class was introduced, typically those housing more than 6 unrelated persons). This includes, for example, unduly diluting or harming an existing mixed and sustainable community, minimum size for converting properties to flats or 'sui generis' HMOs and to ensure that 'sui generis' HMOs have an appropriate balance between communal and private areas.
- 3.3 The SPD will also be used to assess applications that are required as a result of the 'Article 4 Direction' that came into effect in May 2013 that has removed permitted development rights to convert from a dwellinghouse (C3 use) to a small house in multiple occupation (C4 use) in parts of Redlands, Katesgrove and Park Wards.
- 3.4 The background to this Direction is set out in the reports that went to Cabinet on 12 March 2012 (Minute 170 refers) and 1 October 2012 (Minute 55 refers), referenced in section 10 of this report. The Direction was made on 16 May 2012 and it came into force on 16 May 2013.
- 3.5 Adopted policies CS18 and DM8 will form the basis for consideration of applications submitted as a result of this Direction.
- 3.6 13 representations were received as a result of consultation on the Draft Residential Conversions Supplementary Planning Document. The consultation period ran from 15th May 2013 to 12th September 2013 and formed a part of the wider consultation, 'Let's Talk Housing, Private Sector Housing'.
- 3.7 Four consultation responses expressed support for the document including the proposed threshold level, six broadly welcomed the document but with some reservations, three of which specifically requested a lower threshold and three responses raised other matters relating to:
- amenity standards;
 - crime issues;
 - cross border impacts of the Article 4 Direction.
- 3.8 A Statement of Community Involvement is attached as Appendix 1. This provides a full summary of the consultation representations received along with recommended Council responses and proposed changes to the draft SPD.

4. THE PROPOSAL

- 4.1 The document has been prepared in consultation with colleagues in the Private Housing section and has been the subject of wide consultation with the community. The revised Residential Conversions Supplementary Planning Document contains up to date guidance on conversions of properties into flats and both 'sui generis' and smaller C4 HMOs, and provides details of how HMOs that are within the Article 4 Direction will be assessed.
- 4.2 The SPD provides information about ensuring the community remains mixed and sustainable. The draft SPD proposed that in areas where evidence shows that 25% or more of the properties within a specified area are in HMO use, there would be a presumption that no further HMOs would be permitted based on a radius of 50m taken from the location of the property. Careful consideration has been given to the threshold level proposed in the draft and has taken into account all consultation responses. It is considered that, on balance, the approach recommended in the draft SPD is the best approach (see options considered below).
- 4.3 Committee is recommended to adopt the Residential Conversions Supplementary Planning Document (which includes Minor Changes to the Draft Residential Conversions Supplementary Planning Document). (See Appendix 2).
- 4.4 A number of minor changes to the document are recommended. These include the following proposed changes:
- Clarification as to how the four bedroom threshold for conversions of houses to flats will be considered. The number of bedrooms is part of the minimum size of property requirement to enable a property to be converted under the policy. The SPD clarifies that this is referring to original bedrooms in the property as built i.e. bedrooms that are a result of extensions or using ground floor rooms intended as reception rooms cannot be counted as bedrooms under the policy. This is intended to reduce the loss of small/medium sized family housing while enabling conversions in larger properties;
 - How extensions will be taken into account in implementing the threshold (paragraphs 5.30 to 5.35).
 - Clarification as to how the application property itself will be taken into account when implementing the threshold.
 - Clarification as to how kitchens will be taken into account when considering communal accommodation (Paragraph 4.7).
 - Clarification to ensure opportunities for the provision of additional landscaping is taken (paragraph 2.37).
 - Reference to how satellite dishes and television aerials will be taken into account (paragraph 2.3 and 2.6).
 - Some minor typographical/ grammatical corrections.

Other Options Considered

- 4.5 There are several general alternative options that could be considered:
1. Not proceed to adopt this SPD on residential conversions and continue to rely on the existing SPD;

2. Adopt this SPD but with an alternative threshold level;
 3. Adopt this SPD but with an alternative measurement for the threshold area.
- 4.6 The first option of not proceeding to adopt the SPD on residential conversions would mean that the Council fails to take the opportunity to provide a more robust guidance framework for the consideration of residential conversions. Applications that are received as a result of the Article 4 Direction in particular may lack the clarity of guidance in how such applications should be determined. The existing House Conversions and Houses in Multiple Occupation SPD is now out of date and additionally was produced prior to the introduction of the C4 (small HMOs) use class. Whilst CS18 and DM8 are both robust policies, there could be a significant number of applications, particularly within the Article 4 Area, and there would be less likelihood of securing consistency of implementation, giving certainty to applicants, residents and the Council, without the SPD.
- 4.7 The second option would mean introducing either a higher or a lower threshold to inform the consideration of whether any further HMOs in an area would contribute to a mixed and sustainable community. Given the level of known HMOs across the area covered by the Article 4 Direction, partly a result of its proximity to the University, the evidence available to the Council to use in assessing levels of HMOs when considering planning applications, and the approach of other authorities, a threshold of 25% is considered to be a fair, balanced and defensible threshold. Significantly different thresholds would not be supported by the evidence and the consultation responses have not raised any material issues that have not previously been considered.
- 4.8 The third and last option would mean introducing an alternative means of measuring the area to inform the threshold of HMOs. This could either be a smaller or larger circle, based on a different radius size, or a sample not based on an area approach but a street approach. Whilst there are pros and cons to any method of measuring the radius, broadly it is considered that the radius approach is likely to be more consistent and take into account the slightly wider community. The consultation responses did not directly raise any concerns with the proposed methodology.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Residential Conversions SPD will contribute directly to promoting equality, social inclusion and a safe and healthy environment for all.
- 5.2 It could also contribute to all delivery themes of the Sustainable Community Strategy, April 2011, namely:
- People,
 - Places,
 - Prosperity.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Considerable consultation has already been undertaken with regards the Article 4 Direction as detailed in the Cabinet reports relating to the Article 4 Direction. Some responses and feedback from these consultations have been drawn upon in order to inform the approach recommended for the SPD.

- 6.2 13 representations were received as a result of consultation on the Draft Residential Conversions Supplementary Planning Document. The consultation period ran from 15th May 2013 to 12th September 2013 and formed a part of the wider Council consultation, 'Let's Talk Housing, Private Sector Housing'. This wider consultation involved a range of events at which there were further opportunities to discuss the SPD as part of a co-ordinated approach to Private Sector Housing. An exhibition relating to the SPD was held on Monday 3rd June at the Hamilton Centre on Bulmershe Road.
- 6.3 Local residents already on the Council's consultation list, Neighbourhood Action Groups, the University of Reading, Landlord Associations, neighbouring authorities and other internal departments were included in the formal consultation about this SPD, summarised in the Statement of Community Involvement, see Appendix 1. The consultation was carried out in accordance with the Council's Statement of Community Involvement.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 In taking the decision to produce a Residential Conversions SPD, the Council has had regard to the general equality duty imposed by the Equality Act 2010. This requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation etc.; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and to foster good relations between people who share a relevant protected characteristic and those who do not.
- 7.2 The Council has carried out an equality impact assessment, and considers that the production of the SPD itself does not have a direct impact on any groups with protected characteristics. It is intended that the SPD will be used as part of the assessment of planning applications for residential conversions assessed against policies DM8 and CS18. These policies and the SPD will also be used to assess applications required as a result of the HMO Article 4 Direction. Given the introduction of the threshold for levels of HMOs within that area through the Residential Conversions SPD, the SPD may have a potential impact on people with a protected characteristic (age) in that the area and type of housing affected by the direction is typically occupied by young students. It is considered however that the effect of the direction will promote good relations between people who do not share the protected characteristic (age) and those who do, in that it is likely to result in a more balanced and mixed community.

8. LEGAL IMPLICATIONS

- 8.1 Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the requirements for consulting on draft Supplementary Planning Documents. Regulation 12 specifies that the period for making representations should be a minimum of four weeks. The production of and consultation on the SPD are in compliance with the requirements under the Regulations.

9. FINANCIAL IMPLICATIONS

- 9.1 The work undertaken on drafting the documents and the expenditure on community engagement has been, and will continue to be, funded from existing budgets.
- 9.2 Whilst there are no other direct revenue or financial implications arising from this report, as set out previously in the Cabinet reports relating to the Article 4 Direction for small HMOs (referenced in the Background Papers), planning applications submitted solely because of an Article 4 Direction are not subject to any fee and the whole cost of considering and determining such applications therefore falls to the local planning authority.

Value for Money

- 9.3 The contents of the SPD provide clear and consistent interpretation of policy for assessing applications for residential conversions, which will bring valuable benefits to Reading. This will be evident in terms of ensuring any residential conversions that are granted are appropriate in terms of both the area and in terms of residential amenity and additionally enabling any negative planning implications of concentrations of HMOs to be managed and assessed against relevant planning policy. Where applications are required, residents will also have the opportunity to comment on applications.

Risk Assessment

- 9.4 There are no direct financial risks associated with the report. However, there are indirect risks given the links between this SPD and the Article 4 Direction for small HMOs which will come into force on 16 May 2013. These risks were initially set out in the Report plus Appendices put to Cabinet on 12 March 2012 entitled, 'Implementation of Article 4 Direction Relating to Houses in Multiple Occupation (C4 Use)'. They are also reiterated again below.
- 9.5 As the Article 4 Direction has now come into force, a planning application now needs to be submitted to convert a property from a C3 dwellinghouse to a C4 HMO. Planning applications submitted solely because of an Article 4 Direction are not subject to any fee and the whole cost of considering and determining such applications therefore falls to the local planning authority.
- 9.6 This Direction has brought and is likely to continue to bring to light potentially unauthorised HMOs. Investigation of these enforcement enquiries is placing an additional burden on the authority's enforcement function. Owners of properties falling into this category may decide to apply for a certificate of lawfulness rather than planning permission depending on when the change of use to an HMO took place. Again, the Certificate of Lawfulness would not be subject to any fee.
- 9.7 Additionally, depending on the resources available to assess the threshold approach, any application could be resource intensive in terms of the time taken to assess and determine it. The potential resource implications of researching and implementing the policy has been a consideration in determining the proposed approach.
- 9.8 The increase in workload needs to continue to be carefully monitored and the resource implications continue to be considered to deal with the increase in enforcement workload. Alternatively, the increase in workload could be accommodated through reconsidering the Planning Section's other priorities.

10. BACKGROUND PAPERS

- Report put to Cabinet 15 April 2013 entitled, 'Residential Conversions Draft Supplementary Planning Document'.
- Report plus Appendices put to Cabinet on 12 March 2012 entitled, 'Implementation of Article 4 Direction Relating to Houses in Multiple Occupation (C4 Use)'.
- Decision Book Report, Issue 390 dated 4 May 2012, entitled 'Neighbour Notification Procedure of Article 4 Direction Relating to Houses in Multiple Occupation (C4 Use)'
- Report put to Cabinet on 1 October 2012 entitled, 'Confirmation of Article 4 Direction relating to Houses in Multiple Occupation'
- Reading Borough Local Development Framework Core Strategy 2008
- Sites and Detailed Policies Document, Submission Draft July 2011
- National Planning Policy Framework