

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

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| TO: | POLICY COMMITTEE | | |
| DATE: | 15 DECEMBER 2022 | | |
| TITLE: | DRAFT RESIDENTIAL CONVERSIONS SUPPLEMENTARY PLANNING DOCUMENT | | |
| LEAD COUNCILLOR: | COUNCILLOR LENG | PORTFOLIO: | PLANNING AND ASSETS |
| SERVICE: | PLANNING | WARDS: | BOROUGHWIDE |
| LEAD OFFICER: | MARK WORRINGHAM | TEL: | 0118 9373337 |
| JOB TITLE: | PLANNING POLICY MANAGER | E-MAIL: | mark.worringham@reading.gov.uk |

1. EXECUTIVE SUMMARY

- 1.1 With the new Reading Borough Local Plan having been adopted in November 2019, the Council is in the process of producing a number of Supplementary Planning Documents (SPDs), which give further guidance on the implementation of policies within the Local Plan.
- 1.2 This report seeks Committee's approval to undertake community involvement on a Draft Residential Conversions SPD (Appendix 2), a document which gives detailed guidance on proposals for conversion of dwellinghouses to flats or to houses in multiple occupation (HMOs). The proposal is that the SPD will be published for consultation, the results of which will inform the development of a final version for adoption.
- 1.3 Appendices:
Appendix 1 - Equality Impact Assessment
Appendix 2 - Draft Residential Conversions Supplementary Planning Document

2. RECOMMENDED ACTION

- 2.1 That the Draft Residential Conversions SPD (Appendix 2) be approved for consultation.
- 2.2 That the Assistant Director of Planning, Transport and Public Protection be authorised to make any minor amendments necessary to the SPD that do not alter the policy direction, in consultation with the Lead Councillor for Planning and Assets, prior to consultation.

3. POLICY CONTEXT

- 3.1 The Council adopted the Reading Borough Local Plan in November 2019, which contains the policies that guide decisions on planning applications within Reading up to 2036. Since the adoption of the plan, progress has been made on putting in place Supplementary Planning Documents (SPDs) that provide further guidance on important issues and sites to supplement the Local Plan. SPDs are documents which supplement higher level policy in a development plan, but which cannot introduce new policy in themselves.
- 3.2 The policy covering changes of use from residential to Houses in Multiple Occupation (HMOs) or for conversions to flats is set out in policy H8 (Residential Conversions) of the Local Plan. The Council has an existing Residential Conversions SPD, adopted in November 2013. This pre-dates the adoption of the Local Plan and supplements the previous development plan documents that the Local Plan replaced. Whilst the policy approach of those documents has not significantly altered, and paragraph 4.4.72 of the Local Plan makes clear that the SPD continues to apply, a need has nonetheless been identified to update and revise the SPD to ensure that it links in full to the Local Plan policy. This will in turn ensure that it can be given appropriate weight in decision making.
- 3.3 Policy H8 is a criteria-based policy for assessing proposals to convert houses to flats or HMOs. The main principle is that proposals will be assessed against the impact on the amenity or 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 and other related servicing.
- 3.4 As background, it is also worth being aware of some of the other measures that have been taken in relation to conversions to HMOs in Reading. In terms of Planning, there are two types of HMO:
- ‘Small’ HMOs, defined within the C4 planning use class, which consist of 3-6 unrelated inhabitants; and
 - ‘Large’ HMOs, considered to be a ‘sui generis’ use (i.e. falling within its own use class), consisting of 7 or more unrelated inhabitants.
- 3.5 A conversion from a house to a large HMO (under sui generis) always needs planning permission. However, a conversion from a house to a small HMO benefits from permitted development rights under the General Permitted Development Order (GPDO) and does not therefore generally require planning permission.
- 3.6 Due to concerns about the impact of changes from houses to small HMOs, the Council has legal directions in place under Article 4 of the GPDO covering much of Park, Redlands and Katesgrove wards (since May 2013) as well as Jesse Terrace (since February 2017) that removes this permitted development right to change a C3 dwellinghouse to a small HMO, meaning that, in those areas only, planning permission is required. For this reason, policy H8, as well as the existing SPD, specifies that proposals for a conversion to a small HMO in these areas should not result in the proportion of HMOs within 50m of the application property exceeding 25%.

4. THE PROPOSAL

(a) Current Position

4.1 The current position is that an existing Residential Conversions SPD dating from 2013 remains in effect. However, its age and the fact that it pre-dates the Local Plan could affect its weight in decision-making, and there are some issues that have arisen from its implementation that require addressing in a revised version.

(b) Option Proposed

4.2 Committee is recommended to approve a new draft Residential Conversions SPD for consultation. Appendix 2 contains a full draft of the SPD.

4.3 The revised version of the SPD is based on the existing SPD but with some important changes and updates. The following represent the main changes from the existing version:

- Clarification that, within the Article 4 area, the 25% threshold (see paragraph 3.6) applies to the total number of residential buildings as opposed to residential dwellings. This addresses an issue that has arisen in relation to recent planning applications.
- A new, criteria-based approach to proposals for conversion to both flats and HMOs outside the Article 4 area. This incorporates its own threshold approach, where the proportion of residential buildings within 50m of the application site that have been converted either to flats or an HMO would not be expected to exceed 50%. Other criteria would include whether or not the application site falls within the 30% most deprived local areas in Reading,
- Reference to avoiding a situation where a residential dwelling is sandwiched between two HMOs.
- General updates to policy references and alignment with the Local Plan.

4.4 If agreed, the document will be subject to a consultation, intended to begin on 19th December. SPD consultations generally last for six weeks, but the Council's Statement of Community Involvement proposes that this be extended to eight weeks where a consultation takes place over Christmas, and this will be the case here, meaning that the end date is currently intended to be 13th February.

4.5 Responses received will be considered in preparing a final draft SPD for adoption, which is intended for March 2023.

(c) Other Options Considered

4.6 The main alternative option is not to progress an update to the SPD at this stage. Whilst the existing SPD would continue to apply, the fact that it pre-dates Local Plan policy could cause issues in terms of its weight in decision-making. It would also fail to take the opportunity to address deficiencies in the existing SPD that have become apparent through its application in recent years.

- 4.7 There are also a variety of options for how the threshold approach within the SPD could be treated for the areas not covered by an Article 4 direction, including extending the 25% threshold that applies within the Article 4 area to the whole Borough. However, this would fail to take the main issue in the relevant areas, the proliferation of flat conversions, into account and would be unlikely to therefore address the particular situation in these areas.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 Production of the Residential Conversions SPD will guide future development in a way that will contribute to achieving the Council's priorities as set out in the Corporate Plan (2022-2025). It will contribute towards 'Healthy Environment' by ensuring that developments avoid detrimental effects on the character of the local environment, for example by inadequate or inappropriate bin storage. It contributes towards 'Thriving Communities' by seeking to avoid conversions to HMOs or flats harming existing mixed and sustainable communities.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

- 6.1 The Local Plan policy to which the SPD relates has been subject to a Sustainability Appraisal process, which assesses the impacts of policies on environmental, social and economic objectives. No significant adverse environmental impacts were identified. Conversions to flats or HMOs can have positive environmental impacts where they reduce the need for new build housing, but a careful balance is required because a reduction in family housing stock through conversions could also increase the need for new build family housing.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 The Council's consultation process for planning policy, as set out in the Statement of Community Involvement (adopted March 2014), is that the widest and most intensive community involvement should take place at the earliest possible stage, to allow the community a genuine chance to influence the document. Therefore, significant and wide-ranging community involvement exercises took place during development of the new Local Plan. The draft SPD provides more details for implementation.
- 7.2 Consultation is expected to last a period of eight weeks as described in paragraph 4.4 above. The consultation will involve contacting all individuals and groups on our consultation lists, as well as publication on the website.

8. EQUALITY ASSESSMENT

- 8.1 The Sustainability Appraisal of the Pre-Submission Draft Local Plan incorporated the requirement to carry out a screening stage of an Equality Impact Assessment. This did not identify any negative impacts of the policy in terms of equality. Nevertheless, an Equality Impact Assessment has been carried out in Appendix 1. This has identified that there are potential

implications of the SPD in terms of age, where family housing that can accommodate children must be balanced against HMOs which are frequently occupied by young adults. These effects will be quite geographically specific, and are unlikely to result in a significant negative effect overall in Reading.

9. LEGAL IMPLICATIONS

- 9.1 Regulation 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for undertaking consultation on SPDs. The production of and consultation on the SPD would be in compliance with the requirements under the Regulations. Once the SPD is adopted by the Council, it will hold weight in the determination of planning applications for development in the Borough.
- 9.2 The Levelling-Up and Regeneration Bill 2022 contains proposals to replace SPDs with Supplementary Plans, which would be subject to public examination as part of the process. The details of production of such Supplementary Plans and any transitional arrangements are delegated to future regulations, and it is likely that future work will be required to put an equivalent supplementary plan in place for this SPD as well as others. It is not clear at this stage what that would entail or when it would need to be undertaken, and it is recommended that progress on SPDs continue to be made, because this will reduce the workload in producing such a Supplementary Plan in future.

10. FINANCIAL IMPLICATIONS

- 10.1 The draft SPD has been produced using existing budgets.
- 10.2 Consultation exercises can be resource intensive. However, the Council's consultation process is based mainly on electronic communication, which helps to minimise resource costs, and consultation will also be carried out using existing budgets.
- 10.3 The SPD does not contain any proposals that would have additional financial implications for the Council.

Value for Money (VFM)

- 10.4 The preparation of a new SPD will ensure that development is appropriately guided and that significant effects are minimised. Production of the SPD, in line with legislation, national policy and best practice, therefore represents good value for money.

Risk Assessment

- 10.5 There are no direct financial risks associated with the report.

BACKGROUND PAPERS

None

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Draft Residential Conversions SPD

Directorate: DEGNS - Directorate of Economic Growth and Neighbourhood Services

Service: Planning

Name: Mark Worringham

Job Title: Planning Policy Manager

Date of assessment: 01/12/2022

Scope your proposal

What is the aim of your policy or new service?

To provide detailed policy and guidance on proposals to convert houses to flats or houses in multiple occupation.

Who will benefit from this proposal and how?

Local residents in areas subject to such proposals; applicants will benefit from clear policy.

What outcomes will the change achieve and for whom?

The production of the Residential Conversions SPD will ensure that there is up-to-date policy and guidance in place across the Borough to deal with proposals for conversions to HMOs and flats. This will achieve a consistent basis for decision making for applicants, local residents and the Council.

Who are the main stakeholders and what do they want?

Local residents - a policy framework that balances the need for housing with the impacts proposals can have on the amenity of local residents and the character of the local area.
Applicants - a clear policy framework that allows for consistent decision making.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes No

If the answer is **Yes** to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because: N/A

Assess the Impact of the Proposal

Your assessment must include:

- **Consultation**
- **Collection and Assessment of Data**
- **Judgement about whether the impact is negative or positive**

Consultation

| Relevant groups/experts | How were/will the views of these groups be obtained | Date when contacted |
|-------------------------|--|---|
| Developers, residents | As part of Local Plan consultation. Consultation involved notifying consultees of the documents, publication on the website and a number of consultation events. | January - March 2016 May - June 2017 November 2017 - January 2018 |

Collect and Assess your Data

Describe how could this proposal impact on Racial groups
No specific impacts are identified.
Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Gender/transgender (cover pregnancy and maternity, marriage)
No specific impacts are identified.
Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Disability
No specific impacts are identified.
Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Sexual orientation (cover civil partnership)
No specific impacts are identified.
Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Age

Younger people are considered particularly likely to be residents of HMOs, particularly students and young professionals. A policy that has the effect of reducing the overall number of HMOs would potentially have a negative effect in terms of the overall availability of accommodation for younger people. However, the policies in the SPD are spatially concentrated to avoid serious detrimental impacts on specific areas, including order to prevent the loss of family accommodation. As such in these instances it could have a positive effect on the availability of homes for families with children. Due to the geographical concentration of the policies, it is not considered that there will be a negative overall effect on the availability of space within Reading.

Is there a negative impact? Yes No Not sure

Describe how could this proposal impact on Religious belief?

No specific impacts are identified.

Is there a negative impact? Yes No Not sure

Make a Decision

Tick which applies

1. **No negative impact identified** Go to sign off
2. **Negative impact identified but there is a justifiable reason**
You must give due regard or weight but this does not necessarily mean that the equality duty overrides other clearly conflicting statutory duties that you must comply with.
Reason
3. **Negative impact identified or uncertain**
What action will you take to eliminate or reduce the impact? Set out your actions and timescale?

How will you monitor for adverse impact in the future?

Monitoring the prevalence of HMOs in specific areas occurs through the planning application process, as it is required to assess applications. In overall terms, the impacts on the area in terms of loss of services, which may be a result of loss of family accommodation, may be highlighted in the Annual Monitoring Report.

Signed (completing officer) Mark Worringham Date: 1st December 2022
Signed (Lead Officer) Mark Worringham Date: 1st December 2022