



NOTICE OF MEETING

CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT

TUESDAY, 31 JULY 2018 AT 4.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Vicki Plytas 02392 834058

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT

Decision maker -

Councillor Ben Dowling (Liberal Democrat)

Group Spokespersons

Councillor Donna Jones, Conservative

Councillor Judith Smyth, Labour

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendation/s). Email requests are accepted.

AGENDA

- 1 Apologies for Absence**
- 2 Declarations of Members' Interests**
- 3 Brownfield Land Register Update (Pages 5 - 8)**

The purpose of this report is to inform the committee members of the

requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 and to request authorisation for the Assistant Director of City Development to undertake a review of parts 1 and 2 of the register as required.

RECOMMENDED that:

- (1) The content of this report is noted**
- (2) The Assistant Director of City Development is authorised to prepare, maintain and publish a statutory Brownfield Land Register (Part 1) of previously developed land suitable for housing development in accordance with the relevant national legislation.**
- (3) The Assistant Director of City Development is authorised to prepare, maintain and publish a statutory Brownfield Land Register (Part 2) of previously developed land suitable for housing development in accordance with the relevant national legislation, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development.**

4 Houses in Multiple Occupation Supplementary Planning Document (Pages 9 - 38)

The purpose of the report is to confirm the results of the consultation into proposed amendments to the Houses in Multiple Occupation Supplementary Planning Document to covering the issue of sandwiching and three in a row. This is in response to the recommendation of the PRED members on 21st November 2017.

RECOMMENDED that:

- (1) The SPD: Houses in Multiple Occupation 2018 be approved for adoption with immediate effect including additional restrictions on sandwiching of residential properties and three or more in a row, as per paragraph 1.22a of the consultation document.**
- (2) The Assistant Director of City Development be authorised to make editorial amendments to the wording of the amended SPD prior to publication, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development. These amendments shall be restricted to correcting errors and formatting text and shall not alter the meaning of the document.**

5 Planning Fees (Pages 39 - 42)

The purpose of this report is to draw Members' attention to the implications of the recent amendment to the Fees Regulations insofar as they relate to

planning applications required by either an Article 4 Direction or a restrictive planning condition that effectively removed 'permitted development' rights.

RECOMMENDED that:

- (1) This report be noted, and
- (2) The Assistant Director of City Development be authorised to make editorial amendments to the Council's Planning website pages to advise applicants of the new Planning Fees.

6 Parking Standards and Transport Assessments Supplementary Planning Document (Pages 43 - 50)

The purpose of the report is to inform the Cabinet Member for PRED of commencement of work on a review of the Parking Standards and Transport Assessments Supplementary Planning Document (2014).

RECOMMENDED that the Cabinet Member for Planning, Regeneration and Economic Development notes this report.

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Title of meeting:	Cabinet Member for Planning, Regeneration and Economic Development
Date of meeting:	Tuesday 31 st July 2018
Subject:	Brownfield Land Register Update
Report by:	Assistant Director of Development
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 The purpose of this report is to inform the committee members of the requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 and to request authorisation for the Assistant Director of Culture and City Development to undertake a review of parts 1 and 2 of the register as required.

2. Recommendations

It is recommended that:

1. The content of this report is noted
2. The Assistant Director of Development is authorised to prepare, maintain and publish a statutory Brownfield Land Register (Part 1) of previously developed land suitable for housing development in accordance with the relevant national legislation.
3. The Assistant Director of Development is authorised to prepare, maintain and publish a statutory Brownfield Land Register (Part 2) of previously developed land suitable for housing development in accordance with the relevant national legislation, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development.

3. Background

- 3.1 Following the Housing and Planning Act 2016, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 came into force in April 2017, introducing a new statutory requirement to prepare and maintain a Brownfield Land Register (BLR).

- 3.2 The BLR must list all brownfield sites within a given local authority area that are considered to be suitable for housing or housing-led development. The intention of Government is that the BLR is used to help developers to identify sites that are suitable for development quickly and to speed up the construction of new homes on previously developed land.
- 3.3 The regulations state that the BLR must be published on the Council's website, presented in a prescribed format.
- 3.4 The BLR is made up of two parts; part 1 is mandatory and contains all sites which meet the following criteria:
- The land has an area of at least 0.25ha or is capable of supporting at least 5 dwellings;
 - The land is suitable for residential development;
 - The land is available for residential development; and
 - Residential development of the land is achievable
- 3.5 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require that the first version of part 1 of the register was published by 31st December 2017. In order to prepare the first version of the BLR in time for this publication deadline, officers initially assessed sites that had been promoted through the Strategic Housing Land Availability Assessment 2017. Sites that had existing planning permission were also reviewed to consider whether they met the criteria for inclusion on the BLR. Version 1 of part 1 of the Portsmouth BLR was published on 15th December 2017.
- 3.6 Part 2 of the BLR is a subset of part 1 and lists those sites which the Local Planning Authority deems suitable, in principle, for development. By adding a site to part 2 of the BLR the site is awarded a grant of Permission in Principle (PiP).
- 3.7 PiP is a newly introduced route to de-risking sites. The PiP is used to establish the principle of development, and is limited to issues such as location of development, amount of development and the land-use. The details of the proposed development are then assessed through a separate application for Technical Details Consent.
- 3.8 Before a site can be entered on part 2 of the BLR (and therefore granted PiP), statutory consultation and publicity must be undertaken in a similar way to a planning application. There is a requirement to display site notices and publicise the intention to include sites on part 2 of the register. Any representations received should be taken into account when deciding whether a site should be added to part 2.
- 3.9 The benefit of including sites on part 2 of the BLR is that it de-risks sites for developers. PiP was introduced for Local Planning Authorities to use to speed up the delivery of new housing. Including sites on part 2 of the BLR would also demonstrate that they are able to contribute towards the 5 year housing land supply.

3.10 Unlike part 1 of the BLR, Local Planning Authorities are not required to include any sites on part 2 of the register; therefore there is no statutory requirement to consider a site for a grant of PiP. With the introduction of part 2 of the register the Local Planning Authority will now review sites across the city to consider suitable sites for inclusion.

3.11 Should any site be considered appropriate for inclusion on part 2 of the register then it is proposed the Assistant Director for Development be given delegated authority, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development, to include that site on Part 2. This approach is suggested in recognition of the technical nature of the register and will enable the management of the register to be as responsive as possible while ensuring appropriate Member oversight. It is recognised that this approach would not be appropriate for certain sites.

4. Requirement to review the register

4.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require that the local planning authority review the entries on the BLR at least once each register year.

4.2 The review of the BLR should consider any sites that have existing planning permission, sites that are identified through the Strategic Housing and Employment Land Availability Assessment, and sites which are promoted for inclusion by developers and landowners as per the 2017 regulations.

5. Reasons for recommendations

5.1 Portsmouth City Council has a statutory duty to prepare, maintain and publish a Brownfield Land Register. There is a requirement for the entries on this register to be reviewed on an annual basis.

6. Equality impact assessment

6.1 An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

7. Legal implications

7.1 A review of the Brownfield Land Register meets with the requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 which state that the local planning authority must review the entries in the register at least once within each register year.

8. Director of Finance's comments

8.1 The recommendation within this report, to undertake a review of Portsmouth City Council's Brownfield Land Register, has no adverse financial implications to the Council, and any associated costs are anticipated to be met from existing approved budgets.

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Signed by:

Appendices: None

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Portsmouth Brownfield Land Register (version 1)	https://www.portsmouth.gov.uk/ext/development-and-planning/planning/brownfield-land-register
Town and Country Planning (Brownfield Land Register) Regulations 2017	http://www.legislation.gov.uk/uksi/2017/403/contents/made
Housing and Planning Act 2016	http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted
Town and Country Planning (Permission in Principle) Order 2017	http://www.legislation.gov.uk/uksi/2017/402/contents/made

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:



Title of meeting: Cabinet Member for Planning, Regeneration and Economic Development
Date of meeting: Tuesday 31st July 2018
Subject: Houses in Multiple Occupation Supplementary Planning Document
Report by: Assistant Director of Development
Wards affected: All
Key decision: No
Full Council decision: No

1. Purpose of report

- 1.1 The purpose of the report is to confirm the results of the consultation into proposed amendments to the Houses in Multiple Occupation Supplementary Planning Document to covering the issue of sandwiching and three in a row. This is in response to the recommendation of the PRED members on 21st November 2017.

2. Recommendations

It is recommended that:

- 1. The SPD: Houses in Multiple Occupation 2018 be approved for adoption with immediate effect including additional restrictions on sandwiching of residential properties and three or more in a row, as per paragraph 1.22a of the consultation document.**
- 2. The Assistant Director City Development be authorised to make editorial amendments to the wording of the amended SPD prior to publication, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development. These amendments shall be restricted to correcting errors and formatting text and shall not alter the meaning of the document.**

3. Background

- 3.1 Following a period of consultation in September 2017 the Council adopted changes to the Houses in Multiple Occupation Supplementary Planning Document in November 2018. During the September 2017 period of consultation it was suggested that the Council considers the local impacts of rows of HMOs and the impact of being "sandwiched" between HMOs.

3.2 The Council therefore undertook an additional round of consultation in which responses were sought on the issues of preventing three or more HMOs in a row; "sandwiching" between HMOs, and allowing change of use for properties that had already become "sandwiched".

3.3 The consultation opened on Monday 5th February and was open for a 6 week period. Respondents were asked to provide comments via an online form, via email or in writing. An electronic copy of the consultation document was available on the council's website and paper copies were made available in the Civic Offices as well as in all libraries throughout the city.

4. Consultation responses

4.1 A total of 47 responses were received; three on behalf of organisations (Portsmouth Society, East St Thomas Residents Association and Portsmouth & District Landlords Association), and 44 from individuals.

4.2 In response to the question "Do you agree with the proposed changes to normally prevent three or more HMOs in a row?" the following responses were received from 39 respondents: 77% yes; 15% no; and 8% not sure.

4.3 Those who agreed with the proposal suggested that HMOs have a negative impact on local resources and can lead to reduced house prices of neighbouring properties due to poor maintenance of HMOs, excessive rubbish and noise. Others also noted that allowing three or more HMOs in a row can also ruin the balance of communities due to the transient nature of HMO residents. Some were also concerned that allow three or more HMOs in a row would negatively impact on the character of an area and add to existing parking problems.

4.4 The Portsmouth Society noted that the proposal added greater clarity to existing policy. East St Thomas Residents Forum also agreed with the proposal to normally prevent three or more HMOs in a row and noted "we are highly supportive of the proposals to prevent sandwiching and 3 in a row development. Most family households which become "sandwiched" between student HMOs have experienced a major impact on their amenity. As such we are highly supportive of these restrictions being imposed irrelevant of the HMO density in the area. We would however like to see clarification in the drafting that HMO applications which sought to further sandwich a property (e.g. a planning application to turn a C4 HMO – C3 Dwellinghouse – sui generis HMO sandwich into a sui generis HMO – C3 Dwellinghouse – sui generis HMO sandwich) would also not be permitted."

4.5 Those who disagreed with the proposal to usually prevent three or more HMOs in a row presented a number of reasons including the suggestion that the proposal did not go far enough and should be more limiting to HMOs, paying particular attention to their impact on parking. Others suggested that HMOs serve a wide market in the city, including those on low incomes; therefore provision should be left to the market.

- 4.6 Portsmouth & District Private Landlords Association did not agree with the proposal to usually prevent three or more HMOs in a row. They noted "where HMO density is low it would seem more sensible to allow 3 in a row as only one property has an HMO neighbour. New HMOs have to be created somewhere and 3 in a row seems more sensible than more equal distribution where more people have to have HMOs as neighbours."
- 4.7 In response to the question "Do you agree with the proposed changes to prevent a non-HMO from being 'sandwiched' between two HMO properties?" the following responses were received from 39 respondents: 90% yes; 5% no; and 5% not sure.
- 4.8 A number of respondents, including those who had experienced living in a 'sandwiched' property noted that this was a reasonable approach which would help to prevent some of the issues of noise disturbance, rubbish and antisocial behaviour that are sometimes associated with HMOs.
- 4.9 The two respondents who did not agree with the proposal to prevent a non-HMO property from becoming sandwiched held polarised views. One noted that HMOs were needed and should not be restricted but left to the market. The other respondent suggested that the proposal does not go far enough as it should be impossible for a house to become sandwiched.
- 4.10 One of the respondents who was not sure whether they agreed or disagreed with the proposal to prevent a non-HMO from becoming sandwiched pointed out a possible unintended consequence of the proposal: " The proposed changes to the policy would encourage Landlords, and those that wish to become HMO owners, to actively seek out properties that are sandwiched between two adjoining HMOs (Such as the property I currently own), thus bringing more HMOs to areas that are already over-populated with HMOs."
- 4.11 In response to the question "Do you agree with the proposed changes to allow, in circumstances that a property is already 'sandwiched', for the property to be considered for an HMO use?" the following responses were received for 39 respondents: 31% yes; 49% no; and 20% not sure.
- 4.12 Two of those who agreed with the proposal in question 17 noted that having lived in 'sandwiched' properties they felt that this approach would avoid the stress of having to live between two HMOs, particularly avoiding the issues with noise experienced by 'sandwiched' properties. Another respondent noted that although they supported this approach, further consideration should also be given to parking issues and the maximum number of HMOs in a street if this approach was applied.
- 4.13 A number of those who did not agree with the proposal in question 17 noted that this would in effect allow the presence of three or more HMOs "by the back door", with landlords likely to abuse the policy. Others suggested that the proposal would lead to increased issues with parking, noise and rubbish and

would negatively impact on the overall value of a street. One respondent noted that it would be difficult to apply the proposal because there have been a rising number of application for change of use from C4 to C3/C4.

- 4.14 The Portsmouth & District Private Landlords Association noted: "There is a particular concern in existing cases where residential properties (C3 use) are already 'sandwiched'. In those instances, and where, a community is not already 'imbalanced' by existing HMO uses permission will be granted for the 'sandwiched' C3 property to go to HMO use providing the new use would not lead to an imbalanced community in that area. Not permitting a C3 property already 'sandwiched' between two HMOs to be used as an HMO is grossly unfair on the owner. If one believes this negative impact of proximity to HMOs then PCC are forcing a family to live in this condition. What is more the value of a C3 property is less than a C4 and a 'sandwiched' one worth even less when the owner comes to sell. We ask for this exception to be given to already sandwiched C3 properties regardless of the current density."
- 4.15 As well as the questions on specific aspects of the proposals, respondents were also given the opportunity to provide any additional comments. Some respondents noted that it is important for licensing and planning to be more closely linked if we are to achieve balanced communities. There was a suggestion that the register of HMOs kept by PCC is out of date and there were queries as to how the register is checked.
- 4.16 Others suggested that there should be a limit on the overall number of HMOs in the city as young people and families are being priced out. A number of respondents also noted that more thought needs to be given to the impact of HMOs on parking, which is already an issue and needs to be tackled. However, others noted that a 'saturation point' for HMOs has been reached in the city, and the council should be seeking to ensure HMO stock is released for family use as new purpose built student accommodation becomes available.
- 4.17 East St Thomas Residents Forum noted " Since the last update of SPD20 in November 2017, we have seen some reduction in the pace of HMO development in the East St Thomas area; a change which has been welcomed by our members. Despite this, we do still see actions, applications and appeals from developers who continue to push the boundaries of the planning framework, trying to add further HMO bedrooms into the East St Thomas area, which because of the already exceptionally high density of HMO properties, further imbalances and reduces the sustainability of our community..."
- 4.18 Portsmouth & District Private Landlords Association took the opportunity to "remind decision makers that new HMOs are required. Government policy affecting landlords means many are being sold out of HMO use." They noted that Portsmouth has to cater for a large transient workforce and by putting obstacles in the way of those wishing to meet demand for HMOs this "must be hampering the economy of the city." The Association also noted that the vast numbers of purpose built student accommodation in the city centre are not affordable to many students with many wanting to "continue to spend half on

rent as much living happily and comfortably in the community in HMO's in Southsea."

5. Reasons for recommendations

- 5.1 It is recommended that the HMO SPD be revised to include restrictions to prevent residential properties becoming sandwiched between two HMOs and to prevent three or more HMOs being adjacent to each other, as per paragraph 1.22a of the consultation document.
- 5.2 The proposal to prevent residential properties from becoming sandwiched was supported by 90% of respondents and the proposal to prevent three or more HMOs in a row was supported by 77% of respondents.
- 5.3 The restrictions on sandwiching and three or more in a row in the HMO SPD will accord with policy PCS23 of the Portsmouth Plan as they seek to protect amenity and a good standard of living environment for neighbouring and local occupiers as well as future residents.
- 5.4 The recommendations do not seek to implement the proposal to allow, in instances where a residential property is already sandwiched, the property to be considered for HMO use. This proposal was met with limited support from respondents and it was highlighted that this approach may provide a route to enabling three or more HMOs in a row.

6. Equality impact assessment

- 6.1 A full Equality Impact Assessment (EIA) has been carried out on the Portsmouth Plan (Core Strategy), including Policy PCS20: Houses in multiple occupation: ensuring mixed and balanced communities and Policy PCS23: Design and Conservation. This exercise did not highlight any specific issues relating to equalities groups in the city. As this supplementary planning document amplifies existing policy, no further EIA is considered necessary.

7. Legal implications

- 7.1 Preparation of the Council's supplementary planning documents, including the process of public consultation, is regulated in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. Publication, consultation with appropriate stakeholders, and receiving and considering relevant representations are necessary steps towards adoption, and the report and recommendation support compliance with the Council's statutory obligations as Local Planning Authority.

8. Director of Finance's comments

- 8.1 The recommendation within this report, Houses in Multiple Occupation Supplementary Planning Document, has no adverse financial implications to the

Council, and any associated costs are anticipated to be met from the existing cash limited budget.

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Signed by:

Appendices:

- Appendix 1: HMO SPD Consultation: Consultation Report
- Appendix 2: HMO SPD Consultation: Consultation Survey questions

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Houses in Multiple Occupation Supplementary Planning Document- Proposals February 2018	https://www.portsmouth.gov.uk/ext/documents-external/pln-hmo-spd-proposals-feb-2018.pdf
Report to Cabinet Member for Planning, Regeneration and Economic Development: Houses in Multiple Occupation HMO)- Draft Supplementary Planning Document- 21 st November 2017	https://democracy.portsmouth.gov.uk/documents/s17020/Report%20on%20HMO%20consultation%20Novemern%202017.pdf
Article 4 Direction (Art 4/HMO/01)	https://www.portsmouth.gov.uk/ext/documents-external/pln-hmo-article4direction-plan-nov10.pdf

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:

Houses in Multiple Occupation– Supplementary Planning Document (SPD)

Report on consultation responses to the proposed revisions to the January 2018 SPD

1. Introduction

- 1.1 This report details the findings of the consultation on the proposed amendments to the Houses in Multiple Occupation Supplementary Planning Document (SPD) - adopted January 2018. The SPD sets out how the City Council aims to prevent the high concentration of HMOs in the future and ensure that our communities are mixed, balanced and sustainable and that there is a range of accommodation across the city to meet different housing needs.
- 1.2 Following a period of consultation in September 2017 the Council adopted changes to the Houses in Multiple Occupation Supplementary Planning Document in November 2017. During the September 2017 period of consultation it was suggested that the Council considers the local impacts of rows of HMOs and the impact of being "sandwiched" between HMOs.
- 1.3 The Council therefore undertook an additional round of consultation in which responses were sought on the issues of preventing three or more HMOs in a row; "sandwiching" between HMOs, and allowing change of use for properties that had already become "sandwiched".
- 1.4 The purpose of this report is to outline the findings of the consultation.

2. Consultation process

- 2.1 Consultation on the Houses in Multiple Occupation Supplementary Planning Document – January 2018 was carried out from Monday 5th February 2018 to Monday 19th March 2018. The draft document was made available on the city council's website and printed copies were made available at the Civic Offices as well as at all libraries in the city. Comments were invited by post and email.
- 2.2 Publicity and promotion was undertaken via the council's website and local mailing lists. This included a letter / e-mail sent to known local residents groups and professional associations, statutory consultees as well as others who had registered their interest in participating in consultation on any planning related documents and those who had submitted consultation responses to previous consultations on the HMO SPD.

3. Responses to the proposed amendments

- 3.1 The council received 47 responses; three on behalf of organisations (Portsmouth Society, East St Thomas Residents Association and Portsmouth & District Landlords Association), and 44 from individuals. Table 1 details the comments received.

4. Summary

- 4.1 In response to the question "Do you agree with the proposed changes to normally prevent three or more HMOs in a row?" the following responses were received from 39 respondents: 77% yes; 15% no; and 8% not sure.

- 4.2 In response to the question "Do you agree with the proposed changes to prevent a non-HMO from being 'sandwiched' between two HMO properties?" the following responses were received from 39 respondents: 90% yes; 5% no; and 5% not sure.
- 4.3 In response to the question "Do you agree with the proposed changes to allow, in circumstances that a property is already 'sandwiched', for the property to be considered for an HMO use?" the following responses were received for 39 respondents: 31% yes; 49% no; and 20% not sure.

5. Conclusions

- 5.1 The consultation responses shows strong support for the proposals to normally prevent three or more HMOs in a row and to prevent non-HMOs from becoming sandwiched between two HMO properties. However there was a more mixed response to the proposal to allow, in circumstances that a property is already sandwiched, for the property to be considered for HMO use.
- 5.2 The responses to this consultation should be presented to the Cabinet Member for Planning, Regeneration and Economic Development for consideration by the committee.

Table 1: Summary table of comments and responses

ID	Do you agree with the proposed changes to normally prevent three or more HMOs in a row?	Why?
East St Thomas Residents Forum	Yes	1.22a Implementation of Policy PSC23. As outlined above, we are highly supportive of the proposals to prevent sandwiching and 3 in a row developments. Most family households which become “sandwiched” between student HMOs have experienced a major impact on their amenity. As such we are highly supportive of these restrictions being imposed irrelevant of the HMO density in the area. We would however like to see clarification in the drafting that HMO applications which sought to further sandwich a property (e.g. a planning application to turn a C4 HMO – C3 Dwellinghouse – sui generis HMO sandwich into a sui generis HMO – C3 Dwellinghouse – sui generis HMO sandwich) would also not be permitted.
I001	Not Sure	From experience as living as a non HMO in an area where the rules about overall occupancy have not been adhered to, it seems most important that non HMOs do not have a concentration of HMOs around them.
I003	Yes	Three in a row would swamp an area and severely impact upon local resources and character of are
I004	Yes	We are currently living sandwiched between 2 HMOS WHICH IS A LIVING HELL
I005	Yes	HMOs present a greater strain on resources and amenities than family houses
I006	Yes	My family's home is currently 'sandwiched' between two HMO - we have one directly opposite as well as a further four in the Road (at least). I have to say we have been lucky with our neighbours so far as the majority were young professionals, but that is changing. There are two HMO properties next to each other further down the road and there is constantly excessive rubbish and noise from both.

Portsmouth & District Private Landlords Association	No	<p>1.22b However, there is a particular concern in existing cases where residential properties (C3 use) are already 'sandwiched'. In those instances, and where, a community is not already 'imbalanced' by existing HMO uses permission will be granted for the 'sandwiched' C3 property to go to HMO use providing the new use would not lead to an imbalanced community in that area. Not permitting a C3 property already 'sandwiched' between two HMOs to be used as an HMO is grossly unfair on the owner. If one believes this negative impact of proximity to HMOs then PCC are forcing a family to live in this condition. What is more the value of a C3 property is less than a C4 and a 'sandwiched' one worth even less when the owner comes to sell. We ask for this exception to be given to already sandwiched C3 properties regardless of the current density. As an example, there is a terrace of 4 houses in River Street standing alone from all other housing. Three of these properties are HMO's and the 4th is a private residence. As things stand, the old gent living in the 4th property is sandwiched and cannot sell at anything like market price, so he is trapped there. If the rules allowed this property to be converted to an HMO he could sell at a premium price, a new HMO would be created where no one would complain and everyone involved would be happy. More generally where HMO density is low it would seem more sensible to allow 3 in a row as only one property has an HMO neighbour. New HMOs have to be created somewhere and 3 in a row seems more sensible than more equal distribution where more people have to have HMOs as neighbours.</p>
I007	No	HMO's are not always students. I am a young working professional that can't afford to buy. My housemate and I cause no problems to the properties around us, nor would a third party.
I008	Yes	Because there are too many HMO's
I009	Not Sure	There is an argument that they might be better concentrated in one area where their effect is less significant on family homes. My personal experience is that they are less cared for and maintained.
I010	Yes	
I011	Yes	

I012	Yes	They are disruptive to local community cohesion, lead to poor property maintenance and lower surrounding house prices. I think increased crime where blocks of these properties are - eg Waverly Rd
I013	No	I think the proposal should be MORE limiting to HMO's - 3 in a row would be dreadful for the people living opposite
I014	No	None of these changes considers the impact to parking which is already a very contentious issue in the city.
I017	Yes	I think it important to get the balance right between HMO and private Home ownership. However, no real community if too many HMO's. Parking is an issue: houses aren't necessarily looked after: noise level can be a real issue
I018	Yes	I hope it will reduce the number of HMOs being granted.
I019	Yes	There are too many HMO's popping up everywhere and the extra people packed into one space affects traffic, it affects parking and Portsmouth just doesn't have the space or infrastructure to deal with it all. You also never know who your neighbours are as people are constantly coming and going and that can be quite unnerving.
I020	Yes	There is a disproportionate number of HMO properties and when that is considered alongside the number of houses also split into flats or bedsits, it impacts on the properties which remain as family homes
I021	Yes	Due to a lack of vehicle restrictions, this would help reduce the lack of parking space in the roads.
I022	Yes	Residential streets are choked by too many HMOs and any measure to curb their expansion has got to be good.
I023	Yes	HMOs are ruining the composition of residential areas and need to be cut back
I025	Yes	I agree with this change as it reduces areas becoming highly concentrated with HMO's. High concentrations of HMO's lead to several issues in Southsea, including parking problems, anti-social behaviour issues, noise issues and so on
I026	Yes	Areas of Portsmouth are losing the ability to socialise, park and benefit families because of the sheer number of HMOs being granted planning permission. Rarely can I go out in my car after 6pm - I just won't get parking. I cannot find a home to buy that comfortably fits a family of 6 - they're all converted to HMO's. We barely know neighbours now because of the transient nature of HMO's and have made police reports because of possible drug selling in the HMO opposite our house.

The Portsmouth Society	Yes	It provides greater clarification
I028	Yes	We need less student accommodation, there should be more houses available for families, we have lost that community feeling
I029	Yes	
I030	Yes	Creates too much potential for unsociable disturbance.
I032	Yes	I live next to a student HMO and have first hand experience of having 9 students living next door. Students do not understand the needs of local residents/families and if I were sandwiched between two HMO properties it would make life extremely difficult
I033	Yes	
I034	Yes	Too many HMOs already in a cramped city like Portsmouth
I035	Yes	I think they will help.
I036	Yes	The proposed amendments will help to maintain a healthy balance of property types within communities.
I038	Yes	I have seen my friends lose value on their property and generally having a miserable time in areas where there is a high saturation of hmo properties.
I040	No	HMOS are needed in this city - stop trying to interfere and let market force direct.

		<p>Question 13 above, deals with room sizes, toilet facilities etc... for HMOs. Amenity and Room Sizes:- The dimensions seem very small for adults, almost like the dimensions of a prison cell. The occupiers of the rooms would have very little room to breath, let a loan study. Amenity of neighbours and local occupiers:- Yet again, buzz words, but what does "High quality Design" and "Good Standard of amenity" mean when put into practice? for example, is a bedroom of 7.5 meters squared, really enough space for a single bed, wardrobe, work/study area, places to store everyday items etc... or is this where "High Quality Design" makes an entrance? 1.21a and 1.21b:- Good words indeed, but very hard to put into practice, for example, the growth in HMOs in my area (PO4 0BB) means that it is impossible to park ones vehicle, near ones home. The Streets in this area are always filthy, and the HMO houses, are looking unloved, neglected (Dos houses) which has a knock on effect of devaluing C3 homes in the area. (Section 1.21 talks of 'Protecting the living environment of the residents', However, with no one to police and enforce section 1.21, the exact opposite of section 1.21 is achieved.) HMOs have a negative effect on the surrounding properties and areas they are located in. At the moment, HMOs house a large number of young adults, normally Students, but, as University and Councils build more and more student accommodation, then HMOs will become the sort after accommodation for those who just need a room, rather than a house to live in. Placing up to six unrelated people in properties that were designed for two adults, and two children, has a real negative effect on 1:- Parking in that area. 2:- The areas environment (Examples include excess rubbish. Abandoned Bicycles/Skateboards. Fly Tipping. Tenants using there forecourts as Waste Tips - The list goes on and on) 3:- The local Services (Street cleaning. Rubbish Collection etc...).</p>
I041	Not Sure	
I043	Yes	I agree with new paragraph 1.22a - it is important to protect residents not living in HMOs from being 'overwhelmed' by HMOs in their area.
I044	No	Amendments do not go far enough

ID	Do you agree with the proposed changes to prevent a non-HMO from being 'sandwiched' between two HMO properties?	Why?
East St Thomas Residents Forum	Yes	1.22a Implementation of Policy PSC23. As outlined above, we are highly supportive of the proposals to prevent sandwiching and 3 in a row developments. Most family households which become “sandwiched” between student HMOs have experienced a major impact on their amenity. As such we are highly supportive of these restrictions being imposed irrelevant of the HMO density in the area. We would however like to see clarification in the drafting that HMO applications which sought to further sandwich a property (e.g. a planning application to turn a C4 HMO – C3 Dwellinghouse – sui generis HMO sandwich into a sui generis HMO – C3 Dwellinghouse – sui generis HMO sandwich) would also not be permitted.
I001	Yes	I agree that a non HMO should not be squeezed between two HMOs (as in my case). Not sure how the proposal that the existing non HMO property should have the option to be HMO in this case doesn't contradict the earlier proposal for no more than 3 HMOs in a row? There is a difference in HMOs and impact on refuse/noise/balance - those for student use and for professional sharing. Perhaps more should be done to consider this balance in the proposals?
I003	Yes	As in 15, this would create three in a row. Too many.
I004	Yes	Portsmouth residents should not have to put up with living in these situations, as we have been doing for many years sandwiched between 2 HMOS that PCC have allowed. We as working tax payers must be given equal rights to rent out our property and move to a location out of this city were we are able to live in peace undisturbed daily and more importantly nightly by student partying and noise pollution.
I005	Yes	There is potential for noise disturbance from either side

I006	Yes	Because my family home is currently 'sandwiched'. The turnover of people in the properties is quite high and while most are respectful of us having a young family, not everyone is. Additionally I worry this will impact on our ability to sell our property in the future should we decide to.
Portsmouth & District Private Landlords Association	Yes	
I007	Yes	
I008	Yes	Neighbour disputes more likely to happen
I009	Yes	Portsmouth old houses are not built with decent soundproofing between terraced houses and it causes noise problems as people 'live' in bedrooms even if a joint room is available. To have this on both sides would cause even greater noise issues.. Residents are so transient that it is impossible to complain about their behaviour with sufficient evidence before they have moved on. To have this both sides of a family home would create problems. The streets are not adequate to allow for one car per house, HMO's could bring multiple cars adding to the parking issues where they are close together. (I speak from personal experience.)
I010	Yes	Parking, noise
I011	Yes	
I012	Yes	Would reduce price of sandwiched house
I013	Yes	Its bad enough living NEAR one! Being sandwiched between 2 would be awful.
I014	No	It doesn't go far enough. It should be impossible for a house to be sandwiched.
I017	Yes	Having been 'sandwiched' between HMO's it is not great. Noise level could be dreadful. Parking a massive issue if five people in each house all own cars! We looked after our property but either side could look shabby
I018	Yes	I imagine it would be uncomfortable being sandwiched between two properties of this type.
I019	Yes	I would hate to be sandwiched between two HMO's, houses packed with lots of people are noisy and often have people coming and going at all hours.
I020	Yes	

I021	Yes	Due to a likely increase in noise from an HMO this is considerate. A normal single occupancy house should not be sandwiched. It's arguable that a terraced single occupancy house should not have an HMO attached to it at all.
I022	Yes	As before – parking, noise and untidiness can be problems associated with HMOs in residential streets.
I023	Yes	Living near HMOs is an absolute nightmare. Parking is impossible and in my experience the tenants do not care about the area and leave rubbish everywhere.
I025	Yes	I agree. HMO's increases the risk of noisy neighbours and anti-social behaviour, and contribute to the already terrible parking conditions in Southsea. To live sandwiched between two HMO's would be very stressful and not good for neighbourly relations.
I026	Yes	As above - if you want to lose the Portsmouth community feeling you'll allow more HMO's. If you don't want to lose a sense of community you'll focus on families, not individuals renting a horridly small room that used to be a lounge.
The Portsmouth Society	Yes	It seems to be a reasonable and fair rule for all parties
I028	Yes	more students together, makes more noise and rubbish
I029	Yes	
I030	Yes	Can feel secluded from a family neighbourhood feel
I032	Yes	experience of having 9 students living next door. Students do not understand the needs of local residents/families and if I were sandwiched between two HMO properties it would make life extremely difficult
I033	Yes	
I034	Yes	
I035	Yes	Helpful.
I036	Yes	Excessive noise pollution from HMO can be detrimental to other residents. This problem would be exacerbated by being sandwiched between two HMOs.
I038	Yes	The risk of having loud and disruptive neighbours doubles. Also i believe that having a true sense of community spirit and support that can be achieved via neighbours can improve mental health, help older people etc. This is more likely when neighbours are given time to get to know one another, rarely achieved with transient nature of students.

I039		
I040	No	HMOS are needed in this city - stop trying to interfere and let market force direct.
I041	Not Sure	I believe the proposed changes to the policy would encourage Landlords, and those that wish to become HMO owners, to actively seek out properties that are sandwiched between two adjoining HMOs (Such as the property I currently own), thus bringing more HMOs to areas that are already over-populated with HMOs.
I042	Not Sure	
I043	Yes	I agree with new paragraph 1.22a - it is important to protect residents not living in HMOs from being 'overwhelmed' by HMOs in their area, particularly if it is proposed that HMOs be on both sides of a non-HMO.
I044	Yes	Measures need to be taken to protect residents' rights for access and noise and other disturbances

ID	Do you agree with the proposed changes to allow, in the circumstances that a property is already 'sandwiched', for the property to be considered for an HMO use?	Why?
East St Thomas Residents Forum	Not Sure	
I001	Yes	See previous answer
I003	No	We need to get back to a lower ratio. This would be three in a row by the back door. We need to reduce not increase numbers of HMOs.
I004	Yes	I am living in in this situation and it is causing stress and upset on a daily basis impacting on myself and my partners health as we are currently constantly being disturbed by HMO residents.
I005	Yes	My objection about noise issues would not apply
I006	Not Sure	I really don't know how I feel about this - obviously if we were selling our property and the only buyer interested was someone wanting to change the property to a HMO dwelling I would probably be in favour, but I don't think our neighbours would have the same opinion without the vested interest.

Portsmouth & District Private Landlords Association	No	No it should not be restricted even where the HMO density is high for the above reasons We would like to take the opportunity to remind decision makers that new HMOs are required. Government policy affecting landlords means many are being sold out of HMO use. While there is a perception that they are only required by students and young single people, relationships breakdown and Portsmouth has to cater for a large transient workforce. If 3 locum doctors or contract workers on the new carriers want to share an ordinary house it has to have planning permission first and may need a licence. There are very few of these sitting empty and perhaps none with landlords prepared to shift from their student business model. By putting so many obstacles in the way of those wishing to meet this demand PCC may be pleasing the family residents and certain councillors but it must be hampering the economy of the city.
I007	Yes	
I008	No	We need to stop these HMO's and they should either be converted back into houses or self-contained flats, example Ashburton Road
I009	Not Sure	This could ultimately lead to a row of many where you have already allowed too many HMO's before rules were tightened. However for the house owner sandwiched between it is a nightmare. The fact that you are raising the issues implies you are aware that HMO's create problems for house owners.
I010	Not Sure	
I011	No	No way to having 3 in a row!!!
I012	Yes	Well otherwise who is going to want to live there. Better to avoid though
I013	No	That would allow 3 in a row - hell for the other neighbours
I014	No	This has a gravely negative impact on parking and the overall value of the street.
I017	No	Because you'd have three in a row. What needs to be considered is less HMO's in certain areas
I018	Yes	It makes sense, how ever further consideration to parking and maximum numbers of HMOs in one street should be included.
I019	No	I would feel bad for the persona sandwiched but I also want to see an end, or at least a dramatic decrease in HMO's popping up everywhere so I would not want sandwiching to be used and abused as a way to get more HMOs in the city.
I020	No	

I021	No	Too many cars. Too much noise. Too much potential for structural integrity to be compromised in older properties.
I022	Yes	As above.
I023	Not Sure	I do not like the idea of more HMOs.
I025	No	I disagree. This just sounds like a "get out" clause for landlords to buy about property in certain areas to get away with having more HMO's.
I026	No	You just contradict your own planning if you allow the mistakes of previous applications granted to decide new ones - would you like to live on a Portsmouth street opposite 3 HMO's with a potential of 42 different occupants (2 per bedroom, 7 bedrooms - typical application made in Copnor at the moment) and 42 different vehicles on the road?
The Portsmouth Society	Yes	All the parties should already be aware of the issues
I028	No	same reason as question 16
I029	No	
I030	No	Same reason as answer 14
I032	No	Because of the extensive applications from C4 only to C3/C4 therefore these HMO Properties may not be in continual use as HMO
I033	Not Sure	
I034	Yes	
I035	Yes	Will help
I036	Yes	
I038	Not Sure	The question confused me
I040	Yes	HMOS are needed in this city - stop trying to interfere and let market force direct.

I041	Not Sure	Section 1.22b:- I always thought the idea was to reduce the amount of HMOs in areas with high HMO properties, yet this section will encourage Landlords and Home owners to seek out C3s that are sandwiched between HMOs, thus leading to more HMOs in an area which has a large number of HMOs. It's has already been reported that the PO4 0BB area, has the lowest number of owner occupiers in the Portsmouth area, and, as a resident of the PO4 0BB area, it saddens me to think that, whilst the council have good intentions, the results of those intentions, always seem to go in the landlords favour. If you wish to reduce the HMOs in areas which are heavily populated with HMOs, then
I042	No	
I043	No	I disagree with paragraph 1.22b - this seeks to allow to HMOs to sandwich a residential property, thereby going against the principle in paragraph 1.22a. Residents should not be put in the position of having an HMO on both sides of their residence, regardless of whether there is an 'imbalance' or not.
I044	No	Unable to see a difference between these and other properties.

ID	Do you have any additional comments?
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East St
Thomas
Residents
Forum

Since the last update of SPD20 in November 2017, we have seen some reduction in the pace of HMO development in the East St Thomas area; a change which has been welcomed by our members. Despite this, we do still see actions, applications and appeals from developers who continue to push the boundaries of the planning framework, trying to add further HMO bedrooms into the East St Thomas area, which because of the already exceptionally high density of HMO properties, further imbalances and reduces the sustainability of our community. During the 2017 consultation which primarily sought to close the loophole which allowed the uncontrolled increase of sui generis HMO property intensification, ESTRF requested that PCC introduce restrictions on HMOs "sandwiching" residential properties and "3 in a row" HMO developments, similar to those implemented by other UK councils who face similar issues with HMOs. As such, ESTRF is highly supportive of the recent proposals, although we would like to raise some additional points for clarification and consideration. Just to reiterate a point we made during the 2017 SPD20 consultation process, members of ESTRF are not anti-HMO or anti-student – it's just that we know from our own personal experience, there needs to be a robust set of policy measures to prevent the continuous over-densification and over-intensification of HMOs by developers in any one area. Specific Points on the current draft revisions:

- 1.18 and 1.19 Bedroom Space Standards. We are pleased to see that there are no proposals to change the minimum rooms sizes of 7.5m² (single) and 11.5m² (double) for an HMO bedroom. We see these limits as an important element of providing high quality accommodation for current and future residents.
- 1.21d Implementation of Policy PCS23. As a local residents' forum, we carefully monitor HMO planning applications in our area. In a significant number of cases, submitted plans provide very low levels of detail and appear deliberately vague regarding the nature of the accommodation being provided. We support the need for detailed, fully dimensioned floorplans to accompany each HMO application, as this level of detail is required to ensure that the aims of PCS23 are being met.
- 1.22a Implementation of Policy PSC23. As outlined above, we are highly supportive of the proposals to prevent sandwiching and 3 in a row developments. Most family households which become "sandwiched" between student HMOs have experienced a major impact on their amenity.

As such we are highly supportive of these restrictions being imposed irrelevant of the HMO density in the area. We would however like to see clarification in the drafting that HMO applications which sought to further sandwich a property (e.g. a planning application to turn a C4 HMO – C3 Dwellinghouse – sui generis HMO sandwich into a sui generis HMO – C3 Dwellinghouse – sui generis HMO sandwich) would also not be permitted. Additional points for consideration:

- Rebalancing Communities We continue to make reference to PCC's documented research that the number of people who will require larger, family sized properties is increasing and the Council's aim 'to avoid high concentrations of HMOs in the city, and to ensure the future provision of mixed and balanced communities'. Given that almost all the HMO properties in the East St. Thomas area have been specifically converted/developed to maximise the number of study bedrooms for student use, we continue to lobby the Council to support the approval and development of large purpose-built student halls of residence in the city centre which will ultimately reduce the financial attractiveness of taking family homes and converting them to student HMOs. We also welcome the fact that PCC has confirmed that there will be no change in the minimum room sizes introduced in the last consultation. We see this as important in ensuring high quality developments, with the potential of attracting young sharing professionals to the area.

- Process streamlining: Despite the wide general dissemination of the HMO planning guidance in SPD20 to landlord and developer associations, there are still applications coming into the planning system which have no chance of approval based on the 10% rule for both C4 and sui generis HMO development. Whilst we are clear that there is no requirement for applicants to seek pre-application advice and that the Council must assess all planning applications submitted to it, precious Council resources are being consumed processing and assessing essentially futile applications. In order to help stem this pointless waste of Council time, we would like to see a small modification to the Planning Application form so that it expressly states that for all applications to create or extend an HMO, there is a prescribed 10% cap on the HMO density within a 50M radius of the application site and applicants should seek to confirm that their application does not breach these limits prior to submission.
- Robust policy drafting: It is clear that developers in search of increased profits will look for further loopholes in the policies restricting HMO development. Over the last few months we have seen applications from developers looking to knock two adjacent terraced HMOs into one and another claiming that their property is not an HMO, and is actually a student hall of residence. This relentless creativity by developers continues to challenge the drafting, spirit and intent of the HMO planning framework and we would urge the council to complete an urgent review of all policy documents in this area to confirm that they are fit for purpose.
- Alignment between planning and licencing: We have long made the point that there is a fundamental disconnect between the planning and licencing processes which manage HMOs. The current situation where the PCC licencing team can process an application (frequently involving a site visit) for an HMO licence when the property has no prospect of obtaining the required planning permission for use as an HMO continues much to our disbelief. While we realise that applications for HMO licences and planning are completely separate processes, we believe there needs to be a step-change in the interaction between Planning and Licencing Departments to reduce confusion for developers and residents, and again to prevent the wanton waste of PCC resources.

	<p>During the 3Q 2017 consultation on SPD20 and planning committee meetings, we were told by the Director of Planning that a piece of work was underway to align the data and processes from PCC Planning and Licencing which relate to HMOs and that this work was due to complete in “early 2018”. Our understanding is that this has still not been completed, and to avoid further waste of council resources, we would urge PCC to bring this to a conclusion as soon as possible.</p> <p>- Transparency During the PRED meeting to approve the November 2017 revision of SPD 20, the council leader noted that, in a similar way to other councils, details of all HMO licences should be freely available online, and a commitment was again made to implement this system in Portsmouth by “early 2018”. We believe this transparency would be a huge help to both residents and developers and request an update on when this system will be available. Conclusion ESTRF is very supportive of the proposed additions to SPD 20 to restrict sandwiching and “3 in a row” developments. In addition, the revisions should also help raise the bar and encourage only high quality HMO developments, whilst helping maintain the now scarce family housing stock in the area. Martin Willoughby On behalf of the over 128 members of East St Thomas Residents Forum</p>
I001	It is critical to the success of any proposals to support better balanced community for licensing and planning considerations to be properly linked up. For example the licence for HMO to be removed at the point of sale of a property in areas where the saturation of HMO is in excess of recommended level.
I003	Three in a row is saturation and is a disaster for houses nearby. I recently saw what might be described as a archetypal granny coming out of her house in Southsea; a house next to two student HMOs. What a way to spend her twilight years.
I004	Yes ,if I can be of further help in this matter PLEASE feel free to contact me
I005	HMOs in general place a strain on resources and amenities, and make general housing less affordable for many people
I006	I understand there is a chronic housing shortage in Portsmouth and HMO provide a cheaper, quicker solution to this for a certain sector of the population. However I feel the number of HMOs allowed in a road is ridiculous - parking, anti social noise nuisance and excessive rubbish are just a few of the issues exacerbated by excessive numbers of people living in one road

Portsmouth & District Private Landlords Association	A fallacy that councilors need to understand is the belief that all of this new student housing being built around the town station will free up hundreds of houses in Southsea which are currently HMO's. The issue here is that councilors have allowed a 'one size fits all' premium solution to be built in vast numbers even against the Universities advice. Yes, we need purpose built student accommodation but premium studio and 5/6 person communal solutions at upwards of £200 per week are only affordable for a small proportion of students. The rest will continue to spend half on rent as much living happily and comfortably in the community in HMO's in Southsea.
I009	Young people and families are being pushed out of the housing market in the area as people buy properties to convert to HMO or rent out. Older people in my street say it all used to be owner occupier but there are now many rented out. Definitely need a strict limit on the overall number and placing of these.
I011	Parking is hideous in Copnor. Why would you want to add to this problem??
I012	Landlords should have to maintain the property's to higher standards. On my road the HMOs look a mess compared to the family homes. But we do still need accommodation for individuals. Waverly road is just a mess.
I013	HMO's are not conducive to quiet family residential streets.
I014	HMOs need to be limited to one per street block maximum. They are a disgusting way for landlords to profit on sub standard living and the council should not allow it.
I017	How are HMO's checked? I'm fairly sure that there are more in certain areas than there are supposed to be. No issue with HMO's. Lived in one as a student but they need to show more respect for house owners and their properties Many thanks
I018	Additional thought is needed around parking for these HMOs. Proposals should come alongside a parking review in the area that allows for the additional vehicles. There should also be a limit to the number of HMOs in one given area.
I021	Stop turning terraced houses into HMO. There is a breaking point and potential for over saturation with regards to cars, parking and noise.
I022	HMOs obviously add to parking problems on city streets, but multiple car ownership also needs to be tackled, as those of us with just one car often find ourselves disadvantaged by those who operate two or more vehicles.
I023	The PCC register of HMOs is out of date. There are far more HMOs than exist on the register.
I026	Please review the HMO databases for Portsmouth - physically get out and review each address and you'll see what's happening to our communities. Focus on families; keep family homes available.

The Portsmouth Society	No thank you
I032	PCC is aware of the extensive problems caused by the overwhelming number of HMO properties used by students in the PO5/PO4 area and the residents feel undervalued as contributors to maintaining, enhancing and creating of communities
I035	I am pleased to see these proposals. I would like to see planning laws changed so that 'unbalanced communities' can move towards being more balanced. Have you considered a need to re-apply for planning permission when an HMO comes up for sale in areas over 10%? I would also like to see consultation of more residents regarding HMO's. One near me only asked 7 local residents - this does not even cover the 50 metres around the property. I would also like to see more 'joined up' thinking around parking and HMO's. An HMO planning application must meet parking standards, but these do not seem very stringent in areas with huge parking problems already.
I038	I think the university needs to take more responsibility for their students.
I041	PCC. Please stop the development of HMOs in areas which are currently high in HMO property. I've owned my property in Manners road for some thirty three years, and have watched this area go down hill very fast. People in this area have been complaining to PCC for years, hoping that PCC would take this particular bull by the horns (HMOs) and put it back in its pen. We Don't Need anymore HMOs in this area. What we need from PCC, is policies that reduce HMOs, with the added knock-on effect of reducing the amount of people in this area. This would mean less, vehicles that need parking spaces, less rubbish that would litter our streets, less strain on local services, and less complains from those who truly care about this area, too PCC. Helps us please.
I043	Paragraph 1.22b appears to go against the principle in paragraph 1.22a. There should be no caveats to the principle in paragraph 1.22a.
I044	There is likely to be excess capacity of rooms in all the new blocks being converted/ erected, PCC should be taking every possible measure to free up much needed property for private use.

Appendix 2

HMO SPD Consultation Survey Questions

HMO SPD consultation January 2018

About the survey

This consultation survey is about further changes to the 2012 Supplementary Planning Document (SPD) for Houses in Multiple Occupation (HMOs).

Amendments to the document have been drafted which consider the following :

- Preventing three or more HMOs in a row;
- Preventing a non-HMO property from being 'sandwiched' between two HMO properties; and
- In the case of a property which is already 'sandwiched', allowing in those circumstances for the property to be used as an HMO.

It should be noted that these proposals would not affect the requirements for proposals to show they would not result in imbalanced communities (the 10% rule).

The document with proposed amendments can be viewed online at

<https://www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-houses-inmultiple-occupation.aspx>

About you

Please use the questions on this page to help us record some details about you. Please note that we cannot accept anonymous responses.

We aim to consult with our diverse communities to ensure all residents are represented. We monitor the delivery of our services to ensure they are representative and that all our service users are treated fairly. In addition, we are legally committed to promoting equality under the Equality Act 2010, which applies to everything we do. If you do not wish to provide details, please tick the "prefer not to say" option for each question.

1. What is your first name?
2. What is your last name?
3. Address
4. Postcode
5. Email address- please provide a valid email address so that we can keep you updated on future consultations. If you don't have an email address we will write to you at the postal address provided
6. Organisation (if applicable)
7. If you are acting on someone else's behalf please add your name, address and organisation here
8. Gender
9. How old are you?

HMO consultation January 2018

10. Do you have a disability?
11. Ethnicity
12. We keep a list of individuals are organisation to keep informed on planning matters. Please use the dropdown menu to state if you want to be included on the list.

You do not have to answer all questions

13. Do you agree with the proposed changes to normally prevent three or more HMOs in a row? (Pages 9, 10, 11 and 24)
14. Why do you agree or disagree to the proposed amendments in question 13?
15. Do you agree with the proposed changes to prevent a non-HMO from being 'sandwiched' between two HMO properties? (Pages 9, 10, 11 and 25)
16. Why do you agree or disagree to the proposed amendments in question 15?
17. Do you agree with the proposed changes to allow, in circumstances that a property is already 'sandwiched', for the property to be considered for an HMO use? (Pages 9, 10, 11 and 25)
18. Why do you agree or disagree to the proposed amendments in question 17?
19. Do you have any additional comments?



Title of meeting:	Cabinet Member for Planning, Regeneration and Economic Development
Date of meeting:	Tuesday 31 st July 2018
Subject:	Planning Fees
Report by:	Claire Upton-Brown, Assistant Director of Development
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 The purpose of this report is to draw Members' attention to the implications of the recent amendment to the Fees Regulations insofar as they relate to planning applications required by either an Article 4 Direction or a restrictive planning condition that effectively removed 'permitted development' rights.

2. Recommendations

It is recommended that:

- 1. This report be noted, and**
- 2. The Assistant Director of Regeneration be authorised to make editorial amendments to the Council's Planning website pages to advise applicants of the new Planning Fees.**

3. Background

- 3.1 Since the original inception of the Planning Fees Regulations the Government made provisions for precluding the requirement for a planning fee on all applications for development that would otherwise have had the benefit of a deemed permission under the provisions of the General Permitted Development Order. At the time this was seen as a compensatory measure to applicants who would otherwise need to submit an application at their expense for development that ordinarily could be undertaken without the need for the express permission of the planning authority.
- 3.2 The exception to the requirement to pay a planning fee in respect of Article 4 Directions and restrictive planning conditions under Regulation 3 was included at Regulation 5 of the The Town and Country Planning (Fees for Applications,

Deemed Applications, Requests and Site Visits) (England) Regulations 2012. In 2013 an amendment was issued to the 2012 Regulations which inserted a new Regulation 5A into the 2012 Regulations which extended the exception for a fee to applications for planning permission in respect of the demolition of certain buildings in a conservation area.

- 3.3 However, when the level of Planning Fees were increased under the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017, those Regulations repealed Regulation 5 of the 2012 Regulations, effectively removing the general exception for a planning fee under Regulation 3. The 'Explanatory Note' to the 2017 Amendment Regulations [which incidentally does not form part of the Regulations] stated "Regulation 5(2) omits regulation 5 of the 2012 Regulations. This means that a planning application fee may be charged by local planning authorities where they have made a direction withdrawing permitted development rights under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596 "the General Permitted Development Order 2015") or where permitted development rights have been withdrawn by a condition imposed on a planning permission."
- 3.4 Although the wording of the Explanatory Note appears to give local planning authorities discretion in relation to the level of a planning fee for applications required by Article 4 Directions or restrictive conditions, this is not borne out in the Regulations themselves.
- 3.5 Regulation 3 of the Fees Regulations 2012 has only been amended to include applications for 'permission in principle'. In all other respects it continues to stipulate that where an application is made to the local planning authority it must be accompanied by a fee calculated in accordance with the Schedule. There is no discretionary power.
- 4.0 Categories of applications affected.**
- 4.1 Applications that are required by virtue of the city-wide Article 4 Direction for the change of use between Class C3 and Class C4 would now attract the same planning fee as if the change of use was from Class C3 to a *sui generis* HMO, ie £462. This may affect the future behaviour of landlords who see little advantage in attempting to secure a Class C4 HMO where an application for a *sui generis* HMO could offer a greater return financially for the same outlay in application costs.
- 4.2 There are a number of Article 4 Directions in operation within conservation areas. These Directions are aimed at controlling householder developments that would otherwise be permitted development in the interests of protecting the character and appearance of the conservation area. They can vary from requiring planning permission for replacement windows and/or doors to replacement roof coverings or discouraging the loss of boundary walls and chimneys. Those applications would now incur the same planning fee as for

any other householder development, ie £206. Comparatively few applications are received as a result of Article 4 Directions in conservation areas.

- 4.3 Whilst restrictive planning conditions also remove householder permitted development rights, those conditions can also preclude commercial premises taking advantage of the change of use from one use to another within the same Use Class. Where a householder development requires planning permission because of a restrictive planning condition, the planning fee for such an application would amount to £206, the same as for any other householder development. However, the 2017 amendment to the 2012 Regulations has not affected the provisions of Regulation 5A (applications in respect of the demolition of certain buildings in a conservation area) or Regulation 6 (applications relating to same use class necessary because of condition). Those applications would not require a planning fee. Similarly, the exception under Regulation 4 for development that provides access and facilities for disabled persons remains unaltered.

5. Equality impact assessment

- 5.1 An equality impact assessment is not required as the recommendations do not have a disproportionately negative impact on any of the specific protected characteristics as described in the Equality Act 2010.

6. Legal implications

- 6.1 Legal Services have reviewed the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), detailed in part 3 of this report, at the request of Planning Officers. Legal Services confirm the exception previously provided by Regulation 5 has been repealed. Consequently, fees must be calculated by reference to Regulation 3 and Schedule 1, plus by having regard to the various remaining exceptions. As stated above, the explanatory note does not have the force of law, and in our view it is doubtful that the word "may" was intended to imply any discretionary power.

7. Director of Finance's comments

- 7.1 Apart from a nominal lift in planning fee receipts; there are no financial implications in approving the recommendations contained within this report.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Article 4 Direction (Art 4/HMO/01)	www.portsmouth.gov.uk/living/20617.html
The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012	https://www.legislation.gov.uk/ukdsi/2012/9780111527290/contents
The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017	https://www.legislation.gov.uk/ukdsi/2017/9780111160749

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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 Signed by:



Title of meeting:	Cabinet Member for Planning, Regeneration and Economic Development
Date of meeting:	Tuesday 31 st July 2018
Subject:	Parking Standards and Transport Assessments Supplementary Planning Document
Report by:	Assistant Director of Development
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 The purpose of the report is to inform PRED of commencement of work on a review of the Parking Standards and Transport Assessments Supplementary Planning Document (2014).

2. Recommendations

It is recommended that the Cabinet Member for Planning, Regeneration and Economic Development:

1. Note this report

3. Background

- 3.1 The city council has for many years published parking standards that it expects to be met in new development. The current standards were adopted in July 2014 and include parking and design standards for new residential and non-residential development for both cars and bicycles. The current version also includes guidance on when transport assessment and travel plans will be required to address the transport impacts of proposed developments.
- 3.2 The SPD sits alongside the Portsmouth Plan to supplement its policies; in particular policy PCS17. The policy outlines the council's aim to deliver a transport strategy that will reduce the need to travel and provide a sustainable and integrated transport network.
- 3.3 The SPD also supports policy PCS23 of the Portsmouth Plan which states that new development must be well designed; highlighting that car parking should be secure, well designed, integral to the overall scheme and convenient to users and accessible to all.

- 3.4 The current Parking Standards and Transport Assessments SPD is a material consideration for determining planning applications.

Policy Context

- 3.5 The National Planning Framework (NPPF) details Government's planning policies and how these are expected to be applied through Local Plans and through decisions on planning applications.
- 3.6 At the heart of the NPPF is a presumption in favour of sustainable development; a golden thread that runs through plan-making and decision taking. In practice this means that development proposals that accord with the Local Plan should be approved, unless material considerations indicate otherwise.
- 3.7 Section 4 of the NPPF addresses the topic of 'Promoting Sustainable Transport'. Paragraph 35 notes how Local Plans should protect and exploit opportunities for use of sustainable transport modes for movement of goods and people.
- 3.8 Paragraph 39 then lists a number of considerations that local authorities should take into account when setting residential and non-residential parking standards:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles.
- 3.9 National Planning Practice Guidance (PPG) supplements the policies of the NPPF. The PPG suggests that local planning authorities should seek to ensure parking provision is appropriate to the needs of development and not reduced below a level that could be considered reasonable, noting that maximum standards should not be applied. The PPG also notes the important role that travel plans, transport assessment and transport statements play in promoting the most sustainable forms of transport.
- 3.10 In March 2015 a planning update from Government stated "Local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that is necessary to manage their local road network."
- 3.11 In order to conform to the NPPF and the 2015 planning statement, locally set car parking standards need to be based on and backed up by locally relevant evidence.
- 3.12 In March 2018 Government issued a revised draft of the updated National Planning Policy Framework (NPPF). Paragraph 106 of the draft NPPF requires that if local parking standards for residential and non-residential development are set, the policies should take into account: the accessibility of the

development; the type, mix and use of development; the availability of opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for plug-in and other ultra-low emission vehicles. Paragraph 107 takes into account the Government statement of March 2015 and states that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.

4.0 Current Parking Standards and Transport Assessments SPD

- 4.1 The guidance set out by the NPPF and PPG has been reflected in the Portsmouth Plan. Policy PCS17 seeks to reduce the need to travel and provide a sustainable and integrated transport network. The policy meets with the requirements of the NPPF in seeking to promote use of sustainable transport and encouraging development in areas that have good access to facilities, services and public transport.
- 4.2 Policy PCS17 itself does not set parking standards, however the requirement to refer to the Parking Standards and Transport Assessments SPD is written into the policy.
- 4.3 The current SPD provides separate parking standards for residential and non-residential developments, which is standards practice to have separate origin-based and destination-based standards. In both cases the standards are expressed as expected parking standards, rather than a minimum or maximum requirement.
- 4.4 With regards to residential development the introductory section the current SPD notes that dwelling size, type, tenure and location are important factors in determining levels of car ownership.
- 4.5 The SPD notes that the car parking standards for residential development have been derived from 2011 census data on the average number of vehicles available to different sizes of dwellings. However, it is noted that this data is now over seven years old, and it is not supplemented with evidence from local household surveys.
- 4.6 In particular the location of development is not broken down across use and tenure factors. Whilst paragraph 2.2 of the current SPD notes that lower car parking provision would be expected in the city centre, the SPD does not take into account other areas of the city that are in highly accessible locations with regards to facilities, services and public transport.
- 4.7 Policy PCS17 of the Portsmouth seeks to encourage development in areas around public transport and along corridors where there is good access to public transport, goods and services. The policy also seeks to promote walking and cycling and improved integration with other modes.

5.0 Application of current SPD

- 5.1 The current SPD has been used as a justification to refuse planning applications where the proposed level of parking falls below that set out in the expected standards table in figure 4 of the SPD. However the Council has failed to sustain this reason for refusal at appeal.
- 5.2 The following examples outline some of the recent cases in which decisions to refuse planning permission based on under provision of car parking spaces compared to the levels defined in the SPD have been overturned by the Planning Inspectorate.
- 5.3 On 26th July 2017 the Planning Inspectorate allowed an appeal against the council's refusal of planning application reference 16/02009/FUL which was for change of use from a C3 dwelling to a C4 House in Multiple Occupation. The Parking Standards and Transport Assessments SPD required two parking spaces for the proposed development which could not be provided.
- 5.4 The inspector noted that due to proximity to local facilities and a high frequency bus route, the necessity for car ownership by future occupiers would be substantially reduced. The proposal was therefore considered not to have a significant worsening of the current car parking issues. The Inspector allowed the appeal and required that a condition was attached to ensure the implementation and retention of cycle parking facilities.
- 5.5 On 20th April 2018 the Planning Inspectorate allowed an appeal against the council's refusal of planning application reference 17/00111/FUL which was for change of use from A1 retail to one two-bedroom dwelling and three one-bedroom dwellings. The Parking Standards and Transport Assessments SPD required the development to provide four parking spaces which could not be provided.
- 5.6 The Inspector noted that due to the development being within easy walking distance of facilities, services and public transport there was reduced need for occupiers of the development to have private cars. The Inspector concluded that the development would not add significantly to the highway problems in the area.
- 5.7 Another decision made on 20th April 2018 allowed an appeal against refusal to grant planning permission for application reference 17/00338/FUL which was for conversion to form two one-bedroom flats. When applying the level of parking expected in the Parking Standards and Transport Assessments SPD this development should have provided two parking spaces. The spaces could not be provided due to constraints of the site.
- 5.8 The Planning Inspector noted that the supporting census data underpinning the SPD is based on households with cars and excludes households without cars. (The calculation used to establish the average number of vehicles per dwelling, only includes in the calculation those households with at least one vehicle.

Households with no vehicles are excluded from the calculation, meaning that the average given in figure 4 of the SPD is an increased reflection of average car ownership in the city).

- 5.9 The development proposed to provide single bedroom accommodation in a location within easy walking distance of facilities, services and public transport. It was therefore concluded that despite being unable to deliver the level of parking required by the SPD, the proposed development still complied with policy PCS17 of the Portsmouth Plan.

6. Reasons for recommendations

- 6.1 The background and discussion in this report highlight that the current Parking Standards and Transport Assessments SPD now needs review due to the inflexibility allowed in considering the impact that accessibility to services, facilities and public transport, as well as the types, tenure and mix of development has on car ownership levels.
- 6.2 The current SPD does not set out requirements for developers to provide electric vehicle charging and does not set out expectation on how the Council will work with developers to agree travel plans to ensure that sustainable development is delivered.
- 6.3 Recent planning appeal decisions have not supported under delivery against the Parking Standards and Transport Assessments SPD as an adequate reason for refusing development.
- 6.4 The methodology used for calculating average car ownership levels for residential parking standards needs updating to accurately reflect local car ownership levels, as is required by the NPPF.

7. Equality impact assessment

- 7.1 A full Equality Impact Assessment (EIA) has been carried out on the Portsmouth Plan (Core Strategy), including Policy PCS17: Transport. This exercise did not highlight any specific issues relating to equalities groups in the city. As this supplementary planning document amplifies existing policy, no further EIA is considered necessary.

8. Legal implications

- 8.1 The provisions of The Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”) regulate the process by which the Council prepares supplementary planning documents (SPD), including public consultation.

8.2 Prior to the adoption of a SPD regulation 12 of the Regulations require a local planning authority (LPA) to prepare a statement (a ‘consultation statement’) setting out:

- the persons consulted by the LPA when preparing the SPD
- a summary of the main issues raised by those persons
- how the LPA has addressed those issues in the SPD

The Regulations allow any person to make representations about an SPD.

8.3 Publication, consultation with appropriate stakeholders, and receiving and considering relevant representations are necessary steps towards adoption, and the report and recommendation support compliance with the Council’s statutory obligations as LPA.

9. Director of Finance's comments

9.1 The recommendation within this report, to undertake a review of the Parking Standards and Transport Assessments Supplementary Planning Document, has no adverse financial implications to the Council, and any associated costs are anticipated to be met from existing approved budgets.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Parking Standards and Transport Assessments SPD	https://www.portsmouth.gov.uk/ext/documents-external/pln-parking-standards-transport-assessments-spd.pdf
The Portsmouth Plan	https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf
National Planning Policy Framework	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf



Planning Practice Guidance	https://www.gov.uk/government/collections/planning-practice-guidance
Planning Update (March 2015)	https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/
Appeal Ref: APP/Z1775/W/17/3188141	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?CaseID=3188141&ColD=0
Appeal Ref: APP/Z1775/W/17/3179828	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?CaseID=3179828&ColD=0
Appeal Ref: APP/Z1775/W/17/3169402	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?CaseID=3169402&ColD=0

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