



Decision maker:	Leader with responsibility for Planning, Regeneration and Economic Development
Subject:	Houses in Multiple Occupation (HMOs) – Draft Supplementary Planning Document
Report by:	Claire Upton-Brown Assistant Director of Culture and City Development
Wards affected:	All
Key decision (over £250k):	No

1.0 Purpose of report

- 1.1 The purpose of this report is to seek approval for public consultation on amendments to the Supplementary Planning Document (SPD): Houses in multiple occupation (HMOs): ensuring mixed and balanced communities
- 1.2 Whilst the SPD has proved a robust document detailing how Policy PCS20 will be applied when considering applications for HMOs, the Planning Committee has asked that the document be reviewed to specifically deal with matters relating to change of use from C4 to Sui Generis HMOs, thresholds, living conditions and impact on the amenities of neighbours specifically relating to the change of use of smaller homes.
- 1.3 The current policy PCS20 remains unchanged, the issues and options around future approaches to HMO will be examined and developed as part of the current Local Plan review.

2.0 Recommendations

It is recommended that:

- 1. the amended SPD (attached as Appendix 1) be approved for public consultation, and**
- 2. the Assistant Director of Culture and City Development be authorised to make editorial amendments to the wording of the amended SPD prior to public consultation, in consultation with the Leader with responsibility 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.**

3.0 Background

- 3.1 Policy PCS20 (HMOs: Ensuring mixed and balanced communities) of the Portsmouth Plan is the key local planning policy against which applications for HMO

use in the city are assessed. Where there is to be a material change of use to either a Class C4 HMO (between three and six unrelated people sharing amenities) or to an HMO in *sui generis* use (seven or more people sharing amenities), planning permission will be required.

- 3.2 This includes the need for planning permission where there is a material change of use from a Class C3 (dwellinghouse) to a Class C4 HMO. The reason why planning permission is required is that on 1st November 2011, a city wide Article 4 Direction came into force in the city which removed permitted development rights for such changes.
- 3.3 The SPD sets out how Policy PCS20 is implemented and explains how the city council applies this policy to planning decisions for HMO use. The amended SPD will be accorded some weight as a material planning consideration in the determination of applications for Class C4, HMOs in *sui generis* use and mixed C3 /C4 use once the consultation is agreed. This weight will increase following public consultation and adoption. The amendments to the SPD are set out as track changes, with new text underlined and deleted text ~~struck through~~, within the SPD document.

4.0 Consultation on the draft SPD

- 4.1 Public consultation on the draft SPD will take place for a six-week period. Whilst consultation would normally start within a few days of this decision, to avoid any confusion between this consultation and the current Local Plan Issues and Options consultation it is recommended that this consultation starts on the first Monday following the completion of the Issues and Options consultation. The start date being Monday 2nd October and ending on Monday 13th November.
- 4.2 The draft SPD will be made available on the Council website, at the civic offices and in all the libraries across the city. Targeted consultation will be undertaken with key stakeholders such as the University of Portsmouth and Landlords Associations, as well as those who have registered an interest on the Council's Local Plan.
- 4.3 Any interested parties will be able to comment on the document in writing or by e-mail. All consultation responses will be reported to the Leader with responsibility for PRED together with a final version of the amended SPD for approval.

5.0 Reasons for recommendations

- 5.1 The amended SPD sets out how the city council will implement Policy PCS20, the proposed amendments include consideration of other relevant policies including Policy PCS19 and PCS23. Consideration has been given to the following matters and amendments have been made where there is considered to be adequate justification to do so:

Threshold

- 5.2 Full consideration has been given to whether there is justification for lowering the % figure either across the city or within specific areas or wards within the city. The

Inspector who carried out the examination of the draft Portsmouth Plan in October 2011 concluded that the evidence base for the Policy PCS20 (then PCS19) was not sufficiently robust and that there was a lack of justification for the detailed criteria (threshold approach) contained in the draft policy at that stage. Policy PCS20 was amended during examination to remove this detailed criteria and the policy was subsequently adopted as part of the Portsmouth Plan.

- 5.3 The Inspector agreed that the city council should prepare a Supplementary Planning Document that would set out details of how Policy PCS20 would be implemented. In order to evidence the approach the city council carried out detailed research in order to evidence the approach set out in the SPD. This evidence '*Shared housing in Portsmouth: an assessment of demand, supply and community impacts*' has been revisited. It is considered that the evidence remains relevant and that there is insufficient justification to seek to reduce the threshold at this time.
- 5.4 When the original SPD was drafted considerable time and debate took place on how the community was measured. The 50m radius remains a reasonable approach and no amendment is suggested, amendments is suggested in cases where whole blocks of flats part fall into the 50m radius.

Living Conditions

- 5.5 There has been considerable debate and concerns raised on specific schemes by the Planning Committee about the size of bedrooms, the size and amount of communal space and bathroom accommodation. Amendments include space standards to ensure that the quality of accommodation meets the council's vision for the city.

Impact on amenities

- 5.6 Of specific concern to the Planning Committee has been a series of recent schemes that have sort to change the use of existing C4 HMOs to sui generis HMO in area where there is already a concentration of over 10%. In these circumstances it is considered that the more intensive use of these properties does not create a mixed and balanced community.
- 5.7 Whilst the Planning Committee's concern about the loss of smaller dwellings is noted based on current policies no amendment is proposed.

6.0 Equality impact assessment (EIA)

- 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. 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.

7.0 Legal comments

- 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.

8.0 Director of Finance's comments

- 8.1 The purpose of this report is to seek approval to consult on a draft Supplementary Planning Document (SPD). No additional resources will be required to carry out this consultation and therefore there are no financial implications as a result of the approval of the recommendations of this report.

Signed by:

.....

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
Report to Cabinet Member for Planning, Regeneration and Economic Development: Houses in multiple occupation (HMOs) – 22 nd September 2010	www.portsmouth.gov.uk/yourcouncil/18922.html
Shared housing in Portsmouth: an assessment of demand, supply and community impacts. Portsmouth City Council.	Planning Services section of Portsmouth City Council website

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

..... on

.....

Signed