

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: