

PLANNING COMMITTEE 08.01.2020

SUPPLEMENTARY MATTERS TO BE CONSIDERED AS PART OF THE REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

<u>ITEM NO</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>COMMENTS</u>	<u>RECOMMENDATION</u>
1	19/00435/FUL	11 PLAYFAIR ROAD SOUTHSEA PO5 1EQ	An additional condition for the provision and retention of waste storage at the property has been added (Condition 5).	<p>Officer's recommendation unchanged and additional condition included:</p> <p>Waste Storage 5) Prior to the first occupation of the property as a seven person/seven bedroom (Sui Generis) House of Multiple Occupation, two 360L refuse bins and one 360L recycling bin shall be provided and thereafter retained in the rear garden of the property (or such other waste arrangements as may be submitted to and approved by the Local Planning authority in writing).</p> <p>Reason: In the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.</p>

4	19/00806/FUL	66 MARGATE ROAD SOUTHSEA PO5 1EZ		See appendix 1
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Appendix 1

19/00806/FUL

WARD: ST THOMAS

66 MARGATE ROAD SOUTHSEA PO5 1EZ

CHANGE OF USE FROM 6 BED HOUSE IN MULTIPLE OCCUPATION (HMO) (WITH FLEXIBLE C3 / C4 USE CLASS CONSENT) TO HOUSE IN MULTIPLE OCCUPATION FOR MORE THAN 6 PERSONS (SUI GENERIS)

RECOMMENDATION UNCHANGED

This Supplementary Matters report (SMAT) has been drafted to accompany the published committee report for above referenced application at 66 Margate Road. It is intended to be read in conjunction with that report but seeks to provide some additional context and clarity to the officers recommendation:

Principle of development

- 1.1 Planning permission is sought for the change of use of the property from a flexible C3 (dwellinghouse) / C4 (HMO) use (currently providing a 6-bed / 6 person HMO) to a 7 bedroom / 7 person (Sui Generis) House in multiple occupation. Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (HMO SPD) as amended in 2019 sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.
- 1.2 The amended HMO SPD has been published to provide a tool for addressing the recognised negative impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity and housing mix of certain communities.
- 1.3 At paragraph 2.3, the HMO SPD document states that in situations such as this *"where planning permission is sought for the change of use of a class C4 or mixed C3/C4 use to a HMO in Sui Generis use, in areas where concentration of HMOs exceed the 10% threshold, the Council will consider the potential harm to amenity caused by an increase in the number of bedrooms in an already unbalanced community."*
- 1.4 Margate Road accommodates a large number of HMOs, a trend that is reflected throughout the local area. Statistics taken from the Council's HMO register indicate that of the 99 properties on Margate Road, 62 are currently in use as HMOs.
- 1.5 The 10% threshold contained within the HMO SPD applies to an areas within a 50m radius of an application site. In this instance a total of 103 properties fall within this area, 49 of which are in HMO use. This accounts for 47.5% of properties within a 50m radius. These statistics reflect the high degree of imbalance between residential properties and HMO's in the wider area, far in excess of the 10% threshold outlined within the HMO SPD.

- 1.6 In light of the fact that there is already an existing and significant imbalance, and there will be no change in the percentage of HMOs, a judgement must then be made on the potential harm to amenity resulting from the proposed additional bedroom in accordance with Paragraph 2.3 of the HMO SPD.
- 1.7 In making this judgement, the existing use of the premises at the time the application was made has been taken into account. In planning terms, authorisation for flexible C3/C4 use was made in 2018, and at the time of the Case Officer's site visit, the property was laid out to provide 6 bedrooms and communal living and bathroom facilities in accordance with the submitted existing plans (Drg. No. PG.3124.18.1). Based on these observations, the existing use of the site is deemed to be more consistent with and reflective of an HMO than a self-contained dwelling. As such, the potential impacts of the proposal have been assessed against those of a 6-bed HMO rather than a C3 dwelling.
- 1.8 In determining the amenity impacts of the proposal, a large degree of consideration has been made to adjacent dwellings, in particular the neighbouring property of No.68 Margate Road, which is in HMO use and the neighbouring dwelling of No.64 Margate Road, which is currently in C3 use. It is appreciated that the amenity of the occupiers of these properties may have been affected by the change of use of the application property from a 3-bed dwelling to a flexible C3/C4 use, however, as the works to implement a 6-bed HMO have already been carried out, it should be recognised that this application does not seek to create a new HMO, and would not in itself result in the neighbouring No. 64 being sandwiched between two HMO's (as this has already occurred). With this in mind, it is not considered that the addition of one extra occupier to the property would lead to further significant harm to the amenity of the occupiers of No. 64 Margate Road, or any other nearby properties.
- 1.9 In summary, it is recognised that there is an existing, significant imbalance between HMOs and C3 dwellings in the immediate environment of the application site, and this includes the previously authorised and implemented flexible C3/C4 use (6 bedrooms) at the site. However in light of the existing imbalance at this specific site it is considered that the implications to the character of the area and the policy purpose of PCS20 arising from the single additional bedroom under consideration would not result in demonstrable harm in this case to warrant the refusal of planning permission or outweigh the benefits through the provision of additional residential accommodation.

Standard of Accommodation

- 1.10 The HMO SPD (October 2019) states that HMOs for 6-10 people should incorporate a communal living area measuring a minimum of 34m². At paragraph 2.6 the SPD states that this guidance has been set to reflect licencing standards provided within the Council's '*Standards for Houses in Multiple Occupation*' guidance document (2018) (produced by the private sector housing department), and that this document should be referred to when assessing requirements in detail.
- 1.11 The '*Standards for Houses in Multiple Occupation*' guidance document goes on to state that in cases where bedrooms achieve a size of 10m² or larger, the communal living area expectations can be lowered to 22.5m². In this instance as 6 of the 7 bedrooms meet a minimum area of 10m², and the other only falls 0.6m² short of this standard, it is considered that at 28.12m² (5.62m² over the 22.5m² threshold), the proposed communal living area is acceptable for the proposed number of occupiers.
- 1.12 The overall floorspace standard required by the amended HMO SPD (October 2019) for a 7 bedroom / 7 person HMO amounts to 87.05m² as opposed to the 90.79m² stated within the published committee report.

Impact on Residential Amenity

- 1.13 These issues have been addressed in the published committee report and earlier in this SMAT report, but an additional assessment is provided in this section.
- 1.14 Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in Para 2.17 of the amended HMO SPD.
- 1.15 In this instance, it has been established that there is already an imbalance between C3 dwellings and HMOs within Margate Road, and within a 50m radius of the property; however, mindful of the fact that this property is already being used as a 6-bed HMO, it is not considered that the proposal would be likely to result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.
- 1.16 In terms of potential impacts on immediate adjoining properties, whilst the accommodation of a single additional resident would lead to a more intensive occupation of the property, regard must be made to the lawful use of the property that allows occupation by six unrelated individuals or a family of an unrestricted size. In light of the existing situation and the fact that the proposal would create an additional bedroom at ground floor in place of the existing lounge, a change to the internal layout of the property which is not considered to be likely to generate unacceptable internal noise or disturbance, it is concluded that the proposal will not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.
- 1.17 Therefore the proposal is deemed to be in accordance with the amended HMO SPD (including with guidance on potential impacts described in para 2.17), and Policy PCS23 of the Portsmouth Plan (2012).