

61 ST CHADS AVENUE PORTSMOUTH PO2 0SD**CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION****23/00676/FUL | Change of use from dwellinghouse (Class C3) to 7 person/7 bedroom House in Multiple Occupation | 61 St Chads Avenue Portsmouth PO2 0SD****Application Submitted By:**

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr Reynolds
CER Property Ltd

RDD:**LDD:****1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought before Planning Committee due to 75 objections and at the request of Councillors Wemyss, Simpson and Swann.
- 1.2 The main issues for consideration in the determination of the application are as follows:
- Principle of Development including compliance with policy
 - Standard of accommodation
 - Impacts on Amenity
 - Parking
 - Waste
 - Special Protection Areas
 - Other material considerations

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, end-terraced dwellinghouse (Class C3) located on the northern side of St Chads Avenue, a cul-de-sac. The existing dwellinghouse is served by bay windows to the front over two floors and has a small, paved garden area enclosed with a white painted boundary wall with the addition of small railings to the front of the property, and a back garden with sizeable outbuilding. The existing layout comprises a lounge, dining, kitchen and conservatory at ground floor and 3 bedrooms and a bathroom at first floor.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the Change of use from dwellinghouse (Class C3) to House in Multiple Occupation for seven people.
- 2.2 The proposed internal accommodation, as shown in the below proposed floorplans comprises the following:
- Ground Floor - 2 bedrooms with ensembles, tank room, kitchen/dining area, WC;
 - First Floor - 2 bedrooms with ensembles, and a shared bathroom; and

- Second Floor - 2 bedrooms with ensuites.

3.3 External works have been carried out under permitted development, namely a ground floor rear extension, and a rear roof extension, they are marked on the submitted plans as works under permitted development. As such, no further consideration will be given to this aspect of the property.

3.0 PLANNING HISTORY

4.1 There is no planning history.

4.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation).

5.3 Other Guidance

5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

5.0 CONSULTATIONS

6.1 Private Sector Housing: would require to be licenced under Part 2, Housing Act 2004.

6.2 Transport: No objection subject to a condition requiring details of cycle storage

7.0 REPRESENTATIONS

7.1 There have been 75 objections to the proposed development, including from Councillor Wemyss, Councillor Simpson and Councillor Swann.

7.2 The above representations of objection have raised the following concerns:

- a) Lack of parking provision leading to increase in traffic and exacerbation of existing on-street parking problems. School and NHS establishment at the end of the road.
- b) Strain on water supply and sewers.
- c) Already too many HMOs in the area.
- d) Increase in noise.
- e) Will negatively affect the value of the neighbours houses
- f) The cleanliness of the road itself is at risk, due to the increased amount of rubbish produced by an HMO. Increase in rodents and pests.

- g) The design of extensions already being built not in keeping with style of property.
- h) Overlooking issues.
- i) Privacy.
- j) risk of increased anti-social behaviour in the area.
- k) Detrimental to mental health and wellbeing
- l) Bicycle storage for 7 bikes, is there room for this amount?
- m) Not enough room for 7 bins at the front.
- n) The Council needs to get an updated register of all the (illegal) HMOs in Portsmouth
- o) The property is old, not built for purpose of HMO.

8.0 COMMENT

8.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Special Protection Areas, and
- Any other raised matters

8.2 Principle of development

8.3 Permission is sought for the use of the property as a Sui Generis HMO for 7 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3).

8.4 Policy PCS20 of the Portsmouth Plan states that applications for 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 (as amended October 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. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.



Figure 1

- 8.6 Currently there are no other HMOs in the 50m radius. The use of 61 St Chads Avenue as an HMO would result in 1 HMO uses out of a total of 51 residential properties. This produces an HMO percentage of 1.96% which, falls well below the 10% threshold allowed by PCS20.
- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

Five year Housing Land supply.

- 8.9 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:
- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.10 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.
- 8.11 Standard of accommodation
- 8.12 The application seeks Sui Generis HMO use for 7 persons and proposes the following room sizes, as shown in **Table 1** below.

Room	Area Provided:	Required Standard:
Bedroom 1	10.98m ²	6.51m ²
Bedroom 2	10.97m ²	6.51m ²
Bedroom 3	10m ²	6.51m ²
Bedroom 4	10.08m ²	6.51m ²
Bedroom 5	10.98m ²	6.51m ²
Bedroom 6	11.25m ²	6.51m ²

Bedroom 7	11.37m ²	6.51m
Combined Living Space	23m ²	22.5m ² , as all bedrooms exceed 10m ²
Ensuite Shower, Bed 1	2.90m ²	2.74m ²
Ensuite Shower, Bed 2	2.92m ²	2.74m ²
Ensuite Shower, Bed 3	2.74m ²	2.74m ²
Ensuite Shower, Bed 5	2.74m ²	2.74m ²
Ensuite Shower, Bed 6	2.76m ²	2.74m ²
Ensuite Shower, Bed 7	2.87m ²	2.74m ²
Ground floor wc	1.45m ²	Not required
First floor shower room	2.74m ²	2.74m ²
Tanks room	1.54m ²	n/a

Table 1 - HMO SPD (Oct 2019) compliance

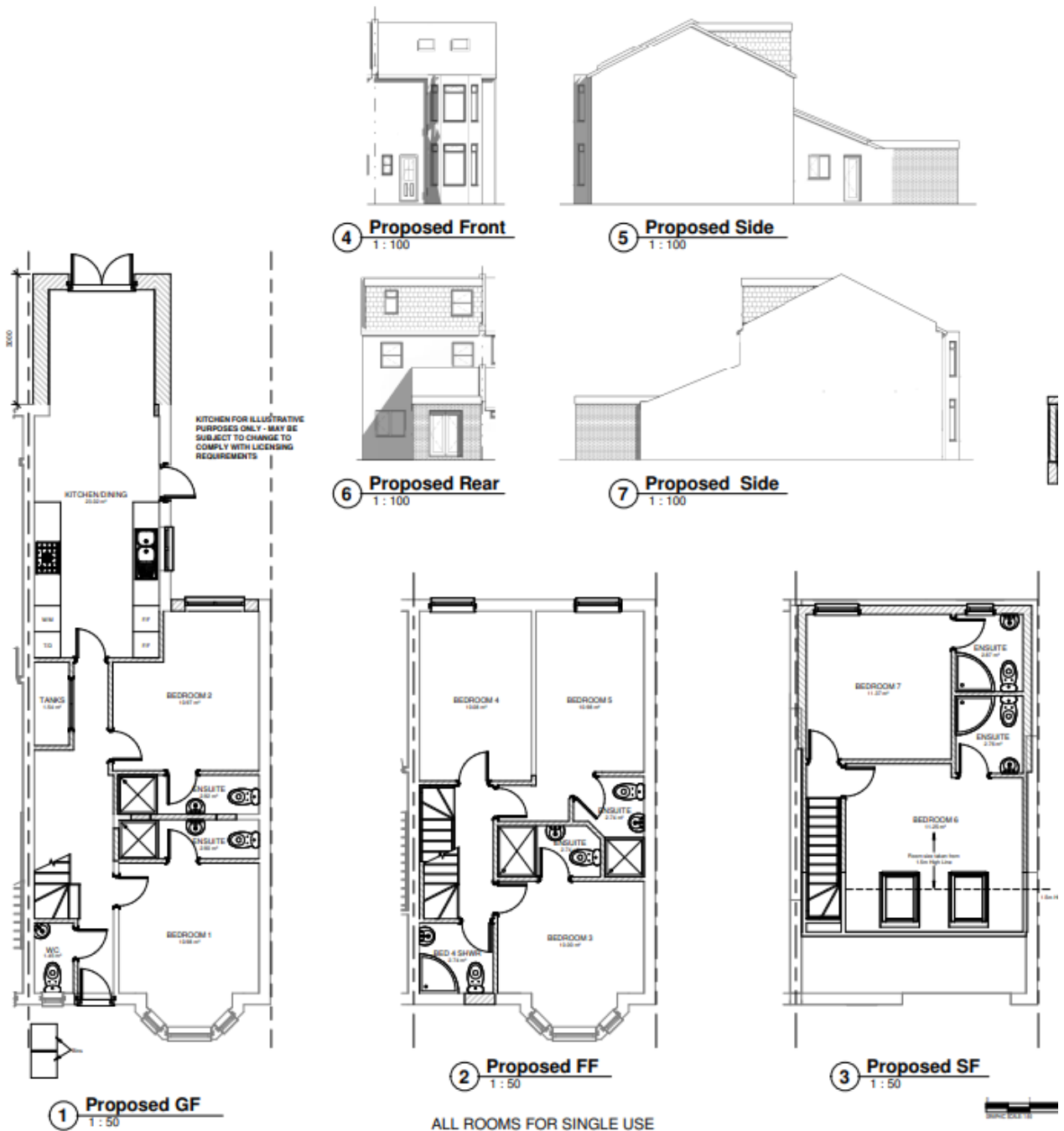


Figure 2: proposed plans.

- 8.13 All rooms exceed the required space standards, overall layout and access to light is acceptable and the proposal is considered to provide a good standard of living for future occupiers.
- 8.14 Impact on neighbouring living conditions
- 8.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse in Class C3, would be unlikely to be significantly different from the occupation of the as a house in multiple occupation.
- 8.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one HMO would not be significantly harmful, nor would the increase in occupants.
- 8.17 Given the realistic increase in number of occupants as a material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.18 Highways/Parking
- 8.19 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Sui Generis HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with three bedrooms would be \approx 1.5 off-road spaces, which is very little difference to the requirement for the proposed HMO occupation. As such, it is considered that refusal on a lack of parking is not reasonable or defensible. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle, or even more than 1 vehicle each.
- 8.21 The Council's Adopted Parking Standards set out a requirement for 7 person HMOs to provide space for the storage of at least 4 bicycles. The proposals have demonstrated a covered cycle store to the rear of the property, capable of accommodating 4 bicycles. The requirement for this store to be retained as secure and weatherproof cycle storage for 4 bicycles is recommended to be secured by condition.
- 8.22 Waste
- 8.23 The storage of refuse and recyclable materials can be accommodated in the front garden area.
- 8.24 Impact on Special Protection Areas
- 8.25 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 7 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This can be secured through a s111
- 8.24 Human Rights and the Public Sector Equality Duty ("PSED")

- 8.25 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.26 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.27 Other Matters raised in the representations
- 8.28 Some of the issues raised in the objections are not material planning issues, for example property values, and building structure (which is addressed by the Building Regulations).
- 8.29 Many objections centre around parking issues. This matter is discussed above in greater length. In summary, a lack of parking could not be defended at appeal due to policy having the same or similar parking requirement as the current C3 use (with some minor internal/PD works).
- 8.30 Many comments raise concerns over the impact of the PD works. These works are not included in this application and are beyond the control of the Local Planning Authority. These works could be implemented without the need to apply for permission under the current C3 use.
- 8.31 Some comments object due to the apparent poor quality of living for future occupiers and the high number of HMOs already in the area. Both of these objections are considered to be unfounded because the proposal is found to comply with both policies PCS20 and PCS23 of the Portsmouth Plan. As per the map detailed above, this would be the only HMO in the 50m radius area currently.
- 8.32 Some objectors have raised concerns regarding the type and number of people staying in the property. The application is for 7 persons and this would be monitored and controlled through the licensing regime. However, members may consider imposing an occupancy condition (although this is not considered necessary).

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations, and representations received, it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Sui Gen Plan PG.8021.23.5.Rev. A, Location Plan, Block Plan.

Reason: To ensure the development is implemented in accordance with the permission granted.

Cycle Storage:

- 3) Prior to first occupation of the property as a House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PD Works

- 4) Prior to the occupation of the property as a HMO for 7 persons, the single storey rear extension and roof alterations proposed to be constructed under permitted development allowances shall be completed.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.

Water Efficiency

- 5) The proposal hereby permitted shall not (unless otherwise agreed in writing with the LPA) be occupied until written documentary evidence has been submitted to and approved in writing

by the Local Planning Authority demonstrating that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)b of the Building Regulations (2010) (as amended). Such evidence shall be in the form of a post construction water efficiency calculator.

Reason: To ensure that the development complies with PCS15 of the Portsmouth Plan and does not exceed the scope of Nitrate Mitigation Credits purchased.