

Agenda item: 

**Decision maker:** Cabinet Member for Planning, Regeneration and Economic Development, 28 January 2013

**Subject:** Housing Standards SPD

**Report by:** Assistant Head of Planning Services

**Wards affected:** All

**Key decision (over £250k):** No

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## 1. Purpose of report

- 1.1 The Housing Standards Supplementary Planning Document (SPD) supplements the housing policies of the Portsmouth Plan and provides guidance to developers on how to comply with these policies.
- 1.2 This document replaces parts of the Planning Obligations SPD which was adopted in 2008, and takes into account recent planning policy changes brought about by the newly adopted Portsmouth Plan and the CIL Charging Schedule.
- 1.3 The purpose of this report is to seek approval to adopt the Housing Standards SPD.

## 2. Recommendations

**The Cabinet Member is recommended to:**

1. **Note the results of the consultation on the draft SPD (Appendix A)**
2. **Adopt the Housing Standards SPD (Appendix B)**
3. **Authorise the Assistant Head of Planning Services to make editorial amendments to the SPD prior to publication, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development. These changes will not alter the meaning of the document and will be restricted to grammatical and typographical errors.**

## 3. Background

- 3.1 Portsmouth City Council adopted the Portsmouth Plan and the CIL Charging Schedule in January 2012. The adoption of these documents has resulted in the need to update guidance on housing standards and planning obligations, with key changes being:

- **The Portsmouth Plan**
  - The open space provision has been raised from 1ha/1000 population to 1.5ha/1000 population (PCS13).
  - The affordable housing requirements have been simplified and the threshold lowered to include developments of 8 or more dwellings (PCS19).
- **CIL Charging Schedule**
  - The CIL Charging Schedule has replaced the tariff-style financial contributions shown in the Planning Obligations SPD which collected developer contributions for a multitude of functions including sustainable travel, education and environment improvements.
- **Other**
  - 'Open space design standards' from the council's Parks and Open Space Strategy have also been included.
  - A new formula for calculating a commuted sum for off-site affordable housing has been introduced.
  - New guidance on the sub-division of existing properties has been included.

3.2 If the Cabinet Member approves this document, it will be adopted by the city council and be a material consideration in determining planning application.

#### **4. Summary of consultation**

4.1 Six email representations were received. The comments and the proposed city council responses are set out in Appendix A. Of the representations, two had no comments and two had further comments. The other two were from the Portsmouth Society, who were supportive, while the representation from Natural England welcomed the SPD's acknowledgment of the importance of open space in providing environmental benefit to people and wildlife.

4.2 The further comments included questioning Policy PCS19 and suggesting a reference to countryside access via walking and cycling.

4.3 The proposed changes to the final SPD include:

- Re-inclusion of section on Housing Density (PCS21)
- Deletion from the Conversion sub-section of the sentence:

“Living rooms / kitchens typically represent more active parts of a dwelling and the introduction of such concentrations of activity onto upper floors by sub-division, adjacent to neighbouring bedrooms, can detract from residential amenity through internally-generated noise and disturbance.”

**5. Equality Impact Assessment (EIA)**

5.1 A preliminary EIA was carried out on the draft Housing Standards SPD which concluded that a full assessment was not necessary. A preliminary EIA has been carried out on the changes to the SPD since then. This has concluded that a full EIA is not necessary.

**6. Legal Services' comments**

6.1 Public consultation in respect of supplementary planning documents 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 demonstrate compliance with the Council's statutory obligations as Local Planning Authority.

**7. Head of finance's comments**

7.1 Once formally adopted, the Housing SPD will be available online. Paper copies of the SPD may be requested and any associated costs will be met by the existing Planning Services revenue budget.

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Signed by Assistant Head of Planning Services:

**Appendices**

Appendix A – Summary of responses to Housing Standards SPD consultation

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

rejected by ..... on .....

.....  
Signed by:

**Appendix A: Summary of responses to the Housing Standards SPD consultation**

Overall we received six email representations. Of those, two had no comments and two had further comments (see below). The other two were from the Portsmouth Society, who were supportive, while the representation from Natural England welcomed the SPD's acknowledgment of the importance of open space in providing environmental benefit to people and wildlife.

Customer reference	Comment made and changes sought	City council response and justification
Advoco Planning	<ol style="list-style-type: none"> <li>1. Policy PCS19 fails to achieve its objective of achieving a greater supply of family housing by allowing 60% of new dwellings to be one and two bedroom dwellings, of which there is an oversupply. This target is unachievable for smaller developments and as such a threshold of 8 dwellings or a specified land area should be included as the minimum threshold for requiring family housing.</li>   <li>2. The lack of protection of family homes in policy PCS19 and the loss of policy DC42 demonstrates that the council does not wish to protect family homes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Policy PCS19's target of 40% family homes in new developments is an adopted policy as part of the Portsmouth Plan. The evidence for this target was examined and found sound, with a higher provision risking making many schemes unviable. The council notes the smaller nature of many of the sites which come forward in the city, so the family home provision is only required "where appropriate" (PCS19). Applying a unit number or land threshold would ignore factors such as the location or layout of the site which may lend itself towards family homes.</li>   <li>2. The council does wish to protect family homes as well as encourage the development of new family housing as demonstrated through the 40% target in policy PCS19. In order to protect the existing family housing, paragraph 2.5 of the SPD states that the sub-division of properties of under 140m<sup>2</sup> would not be acceptable in order to:    <p><i>"make best possible use of [the city's] existing stock and find the right balance between housing needs... and maintaining the supply of family housing."</i></p> </li> </ol>



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| <ol style="list-style-type: none"><li>3. Paragraph 2.5 of the SPD unfairly restricts conversions to size standards above those stated under paragraph 2.3 of the document. As such, this restriction should be removed. This would also help the council to achieve its SHLAA five-year supply windfall target of 100 units from conversions.</li><li>4. The apparent resistance to conversions fails to address conversions which may be expressly for elderly occupation, which the policy seeks to support.</li><li>5. The sentence in paragraph 2.5 of the SPD describing potential noise problems from sub-divided conversions is indiscriminate as building control compliance should be all that is required.</li><li>6. The consultation draft fails to acknowledge policy PCS20. This policy allows for the conversion of potentially any house to a HMO, subject to the avoidance of over-concentrations. The protection of family homes which the SPD is stealthily seeking to introduce is therefore both inconsistent with other policy and incomplete as such homes can readily be lost to HMOs.</li><li>7. From looking at the accompanying SEA, it is noted that policy PCS21, which requires housing densities of 100dph in certain areas, has been removed from the SPD. This policy should be included as it is relevant, however it may be at odds with policy PCS19 and PCS13 which requires more family homes and open space.</li></ol> | <ol style="list-style-type: none"><li>3. The 140m<sup>2</sup> sub-division requirement was introduced to protect the original unit, not the size of resulting ones. The windfall target of 100 units is based on past trends when the 140m<sup>2</sup> threshold was applicable. Therefore the target should be achievable with the retention of this threshold.</li><li>4. The council does not have resistance to conversions per se. The policy aims to achieve a balance between allowing conversions and protecting family housing.</li><li>5. This sentence will be removed from the final SPD.</li><li>6. Policy PCS19 is consistent with other policies. The creation of a HMO would not inherently lead to the sub-division of a property and therefore the 140m<sup>2</sup> rule would not apply. If the conversion of a property to a HMO involved subdividing the property then the 140m<sup>2</sup> rule would apply. Furthermore, the adopted Houses of Multiple Occupation SPD, which explains policy PCS20 in more detail, has set a limit of 10% HMO's within a 50 metre radius, protecting 90% of the housing stock.</li><li>7. Regarding potentially overlapping requirements between PCS13, PCS19 and PCS21, developments will be judged on a case-by-case basis, based on the location, setting and viability of the site. Policy PCS21 was removed from the draft SPD as it felt it wasn't adding more detail to the policy. With note to this comment, the final document will include it.</li></ol> |
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<p>Hampshire County Council</p>	<p>1. Recommendation that the SPD includes reference to new developments facilitating access to the countryside through improved pedestrian and cycle ways, where appropriate.</p>	<p>1. PCC notes the positive nature of this comment, however transport access is not within the remit of this SPD.</p>
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