

Public Document Pack

Scrutiny Panel A

Thursday, 8th May, 2014
at 5.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Burke (Chair)
Councillor Claisse (Vice-Chair)
Councillor L Harris
Councillor Lloyd
Councillor McEwing
Councillor Mintoff
Councillor Vinson

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PUBLIC INFORMATION

Role of Scrutiny Panel A

The Overview and Scrutiny Management Committee have instructed Scrutiny Panel A to undertake an inquiry into maintaining balanced neighbourhoods through planning.

Purpose:

To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working.

To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions, office to residential conversions and changing retail use without consent, and to consider if a local response should be developed.

To consider the Council's approach to planning enforcement.

Southampton City Council's Priorities

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Smoking policy – the Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – please turn off your mobile telephone whilst in the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – access is available for the disabled. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year

2013	2014
28 th November	9 th January
	6 th February
	6 th March
	3 rd April
	8 th May

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference of the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available via the City Council's website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

5 STATEMENT FROM THE CHAIR

6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the Inquiry Meeting held on 8th April, 2014, attached.

7 INQUIRY - DRAFT FINAL REPORT

Report of the Assistant Chief Executive detailing the Inquiry draft final report, attached.

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SCRUTINY PANEL A

MINUTES OF THE MEETING HELD ON 8 April 2014

Present: Councillors Burke (Chair), Claisse (Vice-Chair), L Harris, Lloyd, McEwing, Mintoff and Vinson

9. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED

- (i) that the Minutes of the Inquiry Meeting held on 6th February 2014 be approved subject to the following amendment to the third paragraph on page 7:-
- “Chris Lyons stated that it was likely that a HMO may only need to prove” instead of “Chris Lyons confirmed that a HMO only needed to prove”.
- Amended sentence to read “Chris Lyons stated that it was likely that a HMO may only need to prove that it had been used as such for 4 years now.”; and
- (ii) that the Minutes of the Inquiry Meeting held on 6th March 2014 be approved and signed as a correct record.

10. **NEIGHBOURHOOD PLANS**

The Panel received a presentation from Deb Appleby, Development Manager from Locality.

The background to Locality and its role with regard to Neighbourhood Planning was outlined. With partners, Locality formed part of a nationwide network which delivered funding and support under the Department of Communities and Local Government's “Supporting Communities and Neighbourhoods in Planning” programme to help communities produce neighbourhood plans. Neighbourhood Planning came about due to changes to the Planning process arising from the Localism Act 2011.

Key points of the presentation and subsequent discussion included:-

- Neighbourhood Plans (NPs) were a legal document that could be used as a tool to empower communities to identify local issues / solutions and influence aspects of land use and development.
- NPs had to comply with European, national and local planning policies and strategies, be community led, evidence based and could not be used to stop growth.
- Government regulations required that a forum be set up to prepare, publicise and manage the process for creating a Neighbourhood Plan.
- Local planning authorities had a statutory obligation to support Neighbourhood Forums (NFs) with their NP.
- As Southampton had no town or parish councils (which could produce their own NP) they would have to be via Neighbourhood Forums which had to consist of at least 21 residents or workers and include a locally elected councillor.

- There were no specific boundaries for a NP/Forum – it could be based on an existing ward boundary, or predefined area chosen by communities and could encroach into other LA areas but the area did have to be designated by the LPA.
- There were three main stages to the process of producing a NP:
 - Designation – by the LPA
 - Independent examination (by a locally appointed examiner agreed by both the Local Planning Authority and Neighbourhood Forum). Examiners could be appointed from a national register; they could be local and should be suitably qualified. They could be used to provide guidance and ultimately would recommend whether or not the Plan should go forward to referendum, with or without modifications, and who should vote in the referendum.
 - Referendum - where 51% or higher vote of support meant the adoption of the NP. Referendums represented substantial cost for local authorities but funding could be drawn down for this and there was a limit on the number of referendums that could be held for any plan.
- There were approximately 1,000 NPs at varying stages of development with 17 plans at examination stage and seven having become part of their local development plan.
- It was felt that development pressure led to the popularity for NPs being higher in the South East than anywhere else in the country
- It was emphasised that there had to be strong local interest for the NP to succeed – where the community recognised the need for development and wished to shape it – it could also be used as a tool for regeneration in deprived areas.
- Several examples were cited including:-
 - rural Cumbria which had held the first referendum 12 months ago and whose focus had been using redundant buildings for housing purposes;
 - Exeter St James where the NP was already in place – this example was said to demonstrate amongst other things how costs could be saved by involving highly skilled volunteers in the Forum and was a relevant example for Southampton sharing many issues as a university city trying to create a balanced community.

It was highlighted that a number of case studies were available on the Locality website <mailto:info@locality.org.uk>.

- The timescale taken to develop a NP was proving to be around 12-18 months but could take considerably longer – three to four years in one example.
- It was reported that university towns and cities had demonstrated many creative and cross generational collaborations using a variety of communication tools.
- With regard to funding in particular, it was reported that:
 - Locality was currently helping over 500 groups and had awarded over £2.5m in grants.
 - Funding was available to assist groups to develop NPs (up to £7k) but groups can also access the Big Lottery scheme 'Awards for All Scheme' (up to £10k).
 - The local authority drew down from central government funding for the referendum which represented a substantial cost for the local authority - estimated at around £12k
 - The Designation stage was the trigger for a £5k grant to the LA.

- The best NPs had given consideration to what communities wanted for their area, thought longer term aims (eg - 15 years ahead) and included consideration of sustainable growth. They also sought advice from their LPA at an early stage.

Dr Chris Lyons, Planning and Development Manager, outlined the Council's approach to Neighbourhood Planning. Key points included:-

- Southampton had two up-and-coming Neighbourhood Plans: Bassett NP and the business led East Street NP; although the latter has currently stalled. Bassett NP had passed designation stage, was awaiting independent examination and it was likely the referendum would be towards the end of this year. Chris Lyons had attended a number of meetings.
- Although funding (of around £30k) was available to a local authority the legal advice had been that referendum costs could be twice the funding available.
- Advice was available from the Planning Team regarding existing policies in relation to what the forum / plan wanted to achieve, how they wanted to shape and influence development in the area.
- There was a difficulty in providing local (ward) information. For example the City had an overall target of 16,000 additional homes - 5,000 of which in the inner city whilst the remainder was not broken down into areas.
- There could be difficulties for SCC Planning Policies if an NP crossed with other LA boundaries, especially where Planning Policies conflicted.
- The Council website had useful information on NPs.
- Although the Planning Authority was happy to talk with the NF, the reality was that staffing cuts had left just three Planning Policy Officers. It was not possible for the team to be involved in any technical work which therefore needed to be community led.

Councillor Les Harris, Southampton City Council, and Chair of the Bassett Neighbourhood Forum, gave a verbal update on the Forum's progress and approach to Neighbourhood Planning.

It was reported that development of the Forum and its NP had started two years ago and was now in the designation stage prior to consultation and examination and hoping to move to a referendum by the end of the year.

A lot of consideration had been given to the area that the NP should cover which eventually was the whole of the Bassett Ward which included active residents' associations who became part of the Forum. In areas where there were no regular residents' associations there had been house to house canvassing by councillors on behalf of the forum. The Forum considered that it had ensured good representation in the area and drawn together the consultation responses and mini-plans developed by the residents' associations into one overall development plan that had community ownership.

The Panel were informed that the NP area had a very mixed population and that there was a wide variation of housing styles in the ward. The Forum's consultation with residents, land owners, local developers, businesses, Southampton University and the Hospital, had resulted in three key themes:-

- housing density (including loss of family housing to flats and the impact on the character of housing in the area);

- HMOs – the statistics given highlighted the feeling of residents that the balance between family housing to HMOs was at tipping point; and
- parking issues – parking problems were felt to affect every street in the area. Whilst it was recognised that parking issues were not planning issues and thus could not be dealt with as such in the NP; the Plan encouraged any new development to include adequate off street parking.

It was reported that the Forum would monitor the NP but also take up the issues raised from the consultation which could not be included in the Plan.

The Forum had recognised the need to have planning expertise within the membership of the Forum particularly with regard to understanding planning law. There had been regular contact with the Council's Planning Department and planning advice had been from Planning Aid England (Bristol).

Funding had been received from Locality (£7k) following designation of the NP in December 2013. Funding prior to this had been from the residents' groups.

Overall, it was felt to have been a worthwhile community project which had left most residents feeling they could have influence over their local environment.

Jerry Gillen (Highfield Residents' Association) was present and with the consent of the Chair, addressed the meeting.

The Chair thanked everyone for their contributions to this enquiry and confirmed that the final meeting on 8th May would agree the draft report and recommendations.

Agenda Item 7

DECISION-MAKER:	SCRUTINY PANEL A		
SUBJECT:	INQUIRY - DRAFT FINAL REPORT		
DATE OF DECISION:	8 th May 2014		
REPORT OF:	ASSISTANT CHIEF EXECUTIVE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

At the concluding meeting of the Maintaining balanced neighbourhoods through planning review, Scrutiny Panel A are requested to discuss, amend and approve a final version of the draft report attached as Appendix 1.

RECOMMENDATION:

- (i) That the Panel discuss, amend and agree a final version of the draft final report attached as Appendix 1.
- (ii) That, to enable the comments made by Scrutiny Panel members at the meeting to be incorporated into the final report, authority be delegated to the Assistant Chief Executive to amend the final report, following consultation with the Chair of Scrutiny Panel A.
- (iii) That the Chair of Scrutiny Panel A presents the final report to the Overview and Scrutiny Management Committee on 12th June 2014.

REASON FOR REPORT RECOMMENDATIONS

1. To enable a final report to be presented to the Overview and Scrutiny Management Committee (OSMC) for consideration at the 12 June meeting.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. Over the course of 6 meetings the Scrutiny Panel has received information from a wide range of people relating to the contribution planning can make to maintaining balanced neighbourhoods and the quality of life for their residents. The meetings have focused on the following areas:
 - The City Council's Article 4 and HMOs Supplementary Planning Document

- The Council's approach to planning enforcement
 - Understanding the various Government proposals to relax permitted development rights
 - Neighbourhood Planning.
4. The draft recommendations, contained within Appendix 1, have been sent to the key stakeholders who provided evidence to the Inquiry. Comments generated from this consultation process will be reported to the Panel at the meeting.
5. The Panel is now invited to consider the attached draft document and approve a final report for submission to the OSMC in June 2014.

RESOURCE IMPLICATIONS

Capital/Revenue

6. In practice any future resource implications arising from this review will be dependent upon whether, and how, each of the individual recommendations within the Inquiry report are progressed by the Executive. More detailed work will need to be undertaken by the Executive in considering its response to each of the recommendations set out in the Inquiry report.

Property/Other

7. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

8. The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.

Other Legal Implications:

9. None

POLICY FRAMEWORK IMPLICATIONS

10. Implementation of the recommendations of the scrutiny review may contribute to the following priorities within the Council Plan:
- Making the city more attractive and sustainable
 - Encouraging new house building and improving existing homes
 - Helping individuals and communities to work together and to help themselves.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
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SUPPORTING DOCUMENTATION

Appendices

- | | |
|----|--|
| 1. | Maintaining balanced neighbourhoods through planning review – Draft final report |
|----|--|

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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Scrutiny Panel A - Draft

Maintaining Balanced Neighbourhoods Through Planning



PANEL MEMBERSHIP

Councillor Burke (Chair)
Councillor Claisse (Vice-Chair)
Councillor L Harris
Councillor Lloyd
Councillor Jones
Councillor McEwing
Councillor Mintoff
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Contents

Contents	Page
Introduction	3
Houses in Multiple Occupation	4
Planning Enforcement	7
Permitted Development Rights	9
Community Led Planning	11
Appendix 1 –Terms of Reference	14
Appendix 2 – Project Plan	17
Appendix 3 - Summary of Key Evidence	20

Maintaining Balanced Neighbourhoods Through Planning

Introduction

1. The role of Southampton as the sub-regions economic driver and a provider of higher education creates additional pressure on the city's housing stock and infrastructure.
2. Although the demography of the city is complex the planning system can assist in achieving a mix of households within the city's neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses.
3. Recognising the importance of maintaining balanced communities within Southampton the Overview and Scrutiny Management Committee (OSMC), at its meeting on 12th September 2013, requested that Scrutiny Panel A undertake an inquiry looking at 3 specific areas; the Houses in Multiple Occupation Supplementary Planning Document; Planning enforcement and Permitted development rights.
4. The agreed purpose of the Inquiry was to examine the contribution planning can make to maintaining balanced neighbourhoods and the quality of life for their residents.
5. The set objectives of the Inquiry were:
 - a. To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working.
 - b. To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions, office to residential conversions and changing retail use without consent, and to consider if a local response should be developed.
 - c. To consider the Council's approach to planning enforcement.
6. As the meetings progressed the Panel had a number of discussions relating to empowering communities to have a greater say in the future growth and development of their neighbourhoods. This led to a meeting of the Panel to focus on Neighbourhood Planning.

The full terms of reference for the Inquiry, agreed by the OSMC, are shown in Appendix 1.

Consultation

7. Scrutiny Panel A undertook the Inquiry over 4 evidence gathering meetings and received information from a wide variety of organisations to meet the agreed objectives. A list of witnesses that provided evidence to the Inquiry is detailed in Appendix 2. Members of the Scrutiny Panel would like to thank all those who have assisted with the development of this review.

Houses in Multiple Occupation

Background

8. Southampton has a large number of Houses in Multiple Occupation (HMOs). These play an important role in meeting people's housing needs in Southampton, by providing shared accommodation that is affordable to young workers, postgraduate students, some undergraduate students, and others. Without HMOs, many young professionals and students would not be able to afford to live in Southampton.
9. However, in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area, and may also contribute to local parking problems, large numbers of transient households, and the affordability of renting or buying homes in the city. This has led some people to believe that their communities are becoming unbalanced, because the number of short-term tenants with less established community ties has grown too large.
10. To prevent the development of excessive concentrations of HMOs, and to encourage a more even distribution across the city, the Council, in March 2012, resolved to make an Article 4 (1) direction to remove the permitted development rights of house owners to convert a single dwelling house (class C3) into an HMO. Accompanying this the Council approved a Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) to guide the interpretation of the policy and to ensure that HMOs were spread across the city with no area (within a 40m radius) having more than either 20% or 10% of properties as HMOs so communities were balanced (defined as the "tipping point").
11. As the Article 4 and HMO SPD had been in place for 18 months it was appropriate that the Panel reviewed the policies and considered how effective they were in meeting the objectives identified above.
12. In addition, the Panel discussed at the 9 January 2014 meeting the Additional HMO Licensing Scheme. Since July 2013 the City Council has had a designation for Additional HMO Licensing in 4 wards (Bevois, Bargate, Portswood and Swaythling). This means that all HMOs in these 4 wards need to be licensed.
13. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 9 January 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2816&Ver=4>

Conclusions and Recommendations

Houses in Multiple Occupation Supplementary Planning Document (HMO SPD)

14. Evidence was provided to the Panel from various sources advocating changing the HMO SPD thresholds currently in existence, or indeed removing the thresholds altogether. The Panel are aware that it is a balancing act between protecting family housing and balanced communities and meeting housing needs for the city. The Panel, whilst recognising the limitations within the HMO SPD, were not convinced that the evidence presented to them was robust enough to recommend changes to the existing HMO SPD thresholds, 10% (Bassett / Portswood / Swaythling) and 20% in the rest of the city, at this time. The Panel believe more research is required in assessing housing need in the city as it relates to HMO accommodation, tipping points and in clarifying the number of HMOs in Southampton before the Council reconsiders amending the thresholds. With this in mind the Panel recommend the following:
 - i. That the Administration reconsider the HMO SPD thresholds once detailed information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, ideally as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 wards of the city.
 - ii. That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density.
 - iii. To enable residents to sell properties at a fair price in areas that have exceeded the 'tipping point' there is a need for greater flexibility in the interpretation of 6.6.1 in the HMO SPD. It is recommended that Planning develop guidance outlining the evidence that the Planning Panel should take into consideration when determining an application to convert from C3 to C4 when only a few C3 houses remain in a street.
 - iv. That the Planning Department investigate opportunities to ensure that interested parties are aware of planning applications.

HMOs in General

- v. That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible, and deals robustly with irresponsible landlords as the

scheme moves in to the enforcement phase, including prosecuting where appropriate.

- vi.** To address the issue of the proliferation of to-let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others.
- vii.** Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:
 - a. engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation;
 - b. review the Council's existing policy with a view to adopting the approach employed within Oxford whereby the City Council insist that any additional academic floor space is matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution.
- viii.** That the Council seek agreement with letting agencies and Universities not to offer unlicensed/unapproved student accommodation to let.

Planning Enforcement

Background

15. The Planning Enforcement function was the subject of a review by Internal Audit in 2013. The review identified a number of concerns relating to policies and procedures, complaints and executing enforcement decisions within statutory and legal timeframes.
16. At the meeting of the Panel progress on the management actions undertaken in response to the Internal Audit report was presented. Progress had been made against a number of the actions, however a number of actions were still outstanding.
17. Progress must be seen alongside the workload of the Planning Enforcement Team outlined in the table below and presented to the Panel:

Table 1

	2011-12*	2012-13*	2013-14* (31st Dec 2013)
Enquiries	291	430	268
Stop Notice	3	1	0
Enforcement Notice	6	6	12
Breach of Condition Notice	8	5	4
s.215 untidy site notice	0	1	2

18. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 6 February 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2817&Ver=4>

Conclusions and Recommendations - Planning Enforcement

19. The Panel recognise that planning enforcement in Southampton has improved recently but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement. The following actions are recommended:
- i.** That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement, and when the audit plan is completed the service is re-assessed by Internal Audit to review how fit for purpose the service is now.
 - ii.** That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).
 - iii.** The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
 - a. The introduction of stop notices
 - b. Shifting enforceability to proof of intent instead of actual occupation
 - c. A cap on repeated submissions for the same site
 - d. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
 - e. An additional fee for those who have applied for retrospective planning permission
 - f. Permission to confiscate rent for unauthorised HMO occupancy
 - g. Power to charge fees for HMO applications and appeals.
 - iv.** The Council give full reasons for rejection of applications
 - v.** The Council strengthens checks on established use, with published guidelines.
 - vi.** The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.

Permitted Development Rights

Background

20. On 30 May 2013 a raft of amendments to permitted development and change of use came into effect, lasting for 3 years. The two main changes are:
- The change of use of office to residential use
 - Increasing the size limits for single storey domestic extensions and conservatories.

Office to Residential Use

21. The coalition government amended legislation to allow for offices to convert to homes without having to apply for full planning permission. The policy goal was to make it easier to convert redundant, empty and under-used office space into new homes, promoting brownfield regeneration, increasing footfall in town centres and boosting housing supply.
22. The Panel were informed that in the first 9 months the Council has been notified of 33 proposals under these rights. 16 of these are in the city centre and total a loss of 20,000 sq m of offices. These premises are general older lower quality properties and it is likely the conversion of many of these sites would have been supported had planning permission been required.
23. There is some evidence that there was an initial 'spike' of major applications in response to this temporary measure. Of the 20,000 sq m loss, 90% relates to applications received within the first 3 months of the new permitted development rights.
24. The loss of 20,000 sq m can be seen in the following context. They are:
- 43% of the city centre office losses assumed by the Core Strategy Partial Review (2013 – 2026).
 - 7% of the total city centre office stock.

Permitted development rights for residential properties

25. The Government introduced additional permitted development rights for residential properties, allowing, with some exceptions, extensions of between 4m and 8m for detached houses and between 3m and 6m for all other houses.
26. The Panel were informed that since the scheme came into force, Southampton has received 44 applications under the consultation scheme. Only 3 received objections (4 were still under consideration).
27. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 6 March 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2818&Ver=4>

Conclusions and Recommendations - Permitted Development Rights

28. The Panel were informed about the office to residential conversion and the residential properties permitted development rights (PDR). Members recognised that the various PDRs had the ability to impact on the balance of neighbourhoods but were notified that neither of the PDRs has so far had a significant impact on the city and that they are scheduled to be removed in 2016. The following actions are recommended:
- i.** To raise awareness, the Planning Service provides information to all councillors about the permitted development rights.
 - ii.** That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact on the city.
 - iii.** That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.

Community Led Planning: New ways of working – Educate, engage and enforce

Background

29. Since April 2012, local communities have been able to produce Neighbourhood Plans for their local area, putting in place planning policies for the future development and growth of a neighbourhood. Neighbourhood Planning relates to the use and development of land and associated social, economic and environmental issues. It may deal with a wide range of issues (for example housing, employment, heritage and transport) or it may focus on one or two issues that are of particular importance in a local area. These may be issues that are relevant to the whole neighbourhood or just to part of the neighbourhood.
30. The Panel heard from the Development Manager from Locality who provided a national overview of Neighbourhood Planning. Locality is a nationwide network of settlements, development trusts, social action centres and community enterprises who have been actively involved in Neighbourhood Planning for over 18 months. The Panel were presented with information on how plans are addressing community issues in areas, particularly in urban areas similar to Southampton.
31. Southampton has two emerging Neighbourhood Plans, Basset NP and business led East Street NP, although the latter has currently stalled. The Chair of the Basset Neighbourhood Forum provided the Panel with a synopsis of the journey being undertaken in Bassett in the development of a neighbourhood plan. The key to the progress being made in Bassett has been the co-operative, supportive and hardworking residents associations who have helped drive the process forward.
32. A summary of the key findings from the meeting can be found attached at Appendix 3. The agenda papers for the 8 April 2014 Panel meeting can be found here:

<http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=424&MId=2819&Ver=4>

Conclusions and Recommendations – Community Led Planning

33. The Panel were informed about the new approaches that seek to empower local communities to shape their neighbourhoods. Despite limitations in approaches such as Neighbourhood Planning the Panel saw the value in encouraging, supporting and empowering communities across Southampton to work collectively to develop local solutions. These could work alongside Council enforcement in areas such as Waste Enforcement, HMO Additional Licensing Scheme, Planning Enforcement, Environmental Health and StreetCRED to address negative impacts associated with unbalanced communities. To further this community led approach it is recommended that:

- i. The Council supports Neighbourhood Plans across Southampton.
- ii. With councillors taking the lead, the Council pilots working on a street by street basis, with local residents, resident associations and landlords to address the problems associated with HMOs in certain communities.

General Comment

- 34. This review has identified the significant pressures facing the Planning Service. Whilst the Panel recognises the immense financial pressures facing the Council there were concerns that the existing service is under resourced and that further reductions in resources would be detrimental to maintaining balanced neighbourhoods in Southampton.

Appendices

Appendix 1 – Inquiry Terms of Reference

Appendix 2 – Inquiry Plan

Appendix 3 – Summary of Key Evidence

**Maintaining balanced neighbourhoods through planning
Terms of Reference**

1. Scrutiny Panel: Scrutiny Panel A

2. Membership:

- a. Councillor Derek Burke
- b. Councillor Matthew Claisse
- c. Councillor Les Harris
- d. Councillor Mary Lloyd
- e. Councillor Catherine McEwing
- f. Councillor Sharon Mintoff
- g. Councillor Adrian Vinson

3. Purpose:

To examine the contribution planning can make to maintaining balanced neighbourhoods and the quality of life for their residents.

5. Background:

- To address concerns related to Houses in Multiple Occupation (HMOs), the Council, in 2011, introduced an Article 4 direction to require planning consent to create new HMOs and has produced a Supplementary Planning Document to accompany this change. This policy has been in place for over 18 months and now is an opportunity to reflect on its effectiveness.
- In addition to HMOs there are wider issues relating to planning enforcement. The Council has recently undertaken an internal audit of this area and this review provides members with an opportunity to identify where improvements can be made in addition to the action plan developed following the audit.
- In May 2013 the Government relaxed certain Permitted Development Rights. These include the following;
 - increasing the size limits for single storey domestic extensions and conservatories;
 - the change of use of office to residential use.

The Government has also recently consulted on another proposal, although there has been no decision as to whether this change will happen:

- the change of retail to residential use

Members have an opportunity to explore the proposals, their potential impact on Southampton and how, if at all, the Council want to respond to the proposals. All of the above must be considered in light of the budget pressures the Council is facing.

6. Objectives:

- a. To review how effectively the City Council's Article 4 and HMOs Supplementary Planning Document is working.
- b. To increase understanding of the various Government proposals to relax permitted development rights, including those relating to extensions, office to residential conversions and changing retail use without consent, and to consider if a local response should be developed.
- c. To consider the Council's approach to planning enforcement.

7. Methodology:

- a. Outline of current national policy and local activity including:
 - Key findings from recent internal audit of Planning Enforcement
 - Review recent decisions of the Planning Inspectorate
 - Government Policy
- b. Engage members, partners and community representatives
- c. Identify and consider best practice and options for future delivery:
 - National best practise examples
 - Local success stories

8. Proposed Timetable:

Six meetings November 2013 – May 2014

9. Inquiry Plan (subject to the availability of speakers)

Meeting 1: 28th November 2013

- Introduction, Context and Background

To be invited:

Cllr Letts

Senior officers from Planning

Meeting 2: 9th January 2014

- To review the effectiveness of the Councils Article 4 and HMO Supplementary Planning Document

To be invited:

Residents Association Representative

Landlord Representative

Universities / Student Unions

Senior officers from Planning and HMO licensing officer

Meeting 3: 6th February 2014

- Consider the Councils approach to planning enforcement

To be invited:

Cllr Blatchford, Chair of the Planning Committee

Senior officers from Planning

Meeting 4: 6th March 2014

- To increase understanding of the various proposals to relax certain permitted development rights

To be invited:

Senior officers from Planning

Meeting 5: 3rd April 2014

- To summarise the inquiry's evidence and highlight emerging recommendations

To be invited:

Senior officers from Planning

Meeting 6: 8th May 2014

To approve the final report of the inquiry and recommendations

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
28/11/13	Agree Terms of Reference		<ul style="list-style-type: none"> • Dr Chris Lyons (Planning & Development Manager, SCC) <p>Items appended to report:-</p> <ul style="list-style-type: none"> • Draft ToR • Background to the review • HMO SPD
09/01/14	To review the effectiveness of the Council’s Article 4 and HMO SPD	Since its introduction in April 2012, how effective has the HMO SPD been in terms of meeting its original aims?	<ul style="list-style-type: none"> • Dr Chris Lyons (Planning & Development Manager, SCC) • Janet Hawkins (HMO Licensing) • Prof Roger Brown, Simon Hill and Jerry Gillen (Highfield Residents Association) • Roger Bell and Dr Julian Jenkinson (Southern Landlords Assoc) • Liz Mackenzie (National Landlords Assoc) <p>Other written evidence submitted</p> <p>Member feedback from:-</p> <ul style="list-style-type: none"> • Cllrs Moulton, Hannides, Shields and Noon <p>Resident Association’s feedback from:-</p> <ul style="list-style-type: none"> • Pointout Residents Group • East Basset RA • Tower Gardens NWA RA • Thornbury RA • Portwood Residents Gardens Conservation Area (Planning group) • Individual residents from Polygon, Bedford Place, Freemantle, Highfield, Portwood <p>University and Student Union response: -</p>

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
			<ul style="list-style-type: none"> • University of Southampton • Southampton University Students' Union • Solent University • Solent Students' Union <p>Other items appended to report:-</p> <ul style="list-style-type: none"> • HMO SPD • Southampton HMO Planning applications - summary • HMO Licensing Scheme – FAQs
06/02/14	Consider the Councils approach to planning enforcement	To review the Council's approach to planning enforcement.	<ul style="list-style-type: none"> • Councillor Letts (Leader SCC) • Councillor Blatchford (Chair of Planning and Rights of Way Panel) • Dr Chris Lyons (Planning & Development Manager, SCC) <p>Other written evidence submitted</p> <ul style="list-style-type: none"> • Response from Pointout Residents Group • Response from Southern Landlords Assoc <p>Other items appended to report:-</p> <ul style="list-style-type: none"> • Internal Audit Final Report: Development Management – Enforcement • Update on Internal Audit Action Plan • Enforcement table of feedback (Including feedback from Cllrs Moulton, Noon, HRA, East Basset RA, Portswood RGCA, Bedford Place/ Polygon Resident, Southampton University Students' Union) • Roger Bell (SLA)
06/03/14	To increase understanding of the various proposals to relax certain permitted	The Panel will focus on increasing understanding of the various Government proposals to relax permitted	<ul style="list-style-type: none"> • Dr Chris Lyons (Planning & Development Manager, SCC) <p>Other items appended to report:-</p> <ul style="list-style-type: none"> • Southampton Overview of PDR's

DATE	MEETING THEME	TOPIC DETAIL	EVIDENCE PROVIDED BY
	development rights	development rights <ul style="list-style-type: none"> • Office to Residential (C3) • Residential Properties (extensions) 	<ul style="list-style-type: none"> • Written Ministerial Statement by Planning Minister • National Overview of Office to Residential Conversions - VGA • Liz Slater (Housing Needs Manager, SCC) submission of evidence 'HMOs – Housing Need in Southampton'.
08/04/14	Neighbourhood Plans	The Panel will focus on increasing understanding of Neighbourhood Plans. <ul style="list-style-type: none"> • Setting the scene including national context • The councils approach to Neighbourhood Planning • What's happening locally: update on Basset Neighbourhood Plan 	<ul style="list-style-type: none"> • Deb Appleby (Development Manager, Locality) • Councillor Les Harris (SCC and Chair of Basset Neighbourhood Forum) • Dr Chris Lyons (Planning & Development Manager, SCC) Other items appended to report:- <ul style="list-style-type: none"> • Locality: A quick guide to Neighbourhood Plans • DCLG: Notes on Neighbourhood Planning (March 2014)
08/05/14	To summarise the inquiry's evidence and highlight emerging recommendation and agree final report	Approve report for submission to Overview and Scrutiny Management Committee	

Summary of Key Evidence

Inquiry Meeting – 9th January 2014

To review the effectiveness of the Councils Article 4 and HMO Supplementary Planning Document.

Summary of information provided:

Regulatory Services- HMO Licensing, SCC - Janet Hawkins (outside the remit of the inquiry TOR - invited to attend to discuss additional HMO licensing scheme that is focussed on addressing some of the general concerns about impact of HMOs)

- Two licensing schemes; mandatory and additional, which is currently voluntary (enforcement phase March 2014)
- Both schemes aim to improve and regulate HMOs.
- Have received 1300 applications to date
- Good working relationship with Planning and Legal and have been working with landlords groups in the city through the new consultative forum.
- Starting to plan a new stakeholder's forum where interested residents can attend.

Planning & Development Manager, SCC - Dr Chris Lyons

- A number of issues have arisen since the Council adopted the HMO SPD relating to the Planning & Rights of Way Panel refusing planning applications that meet the requirements of the SPD. They have been rejected on the grounds of being out of character with the area and the Planning Inspectors have supported the Panel's decisions. However, the SPD was intended to address the character argument as well and to give clarity on where HMOs would be supported by the Council.
- This has created uncertainty. If the existing SPD is not right for Southampton then it is suggested that it should be changed but clarity is required.
- Any changes must take into account the resources available.

Highfield Residents Association (HRA) - Prof Roger Brown (chair), Simon Hill (Planning sub committee) and Jerry Gillian (committee member)

- HMO SPD not achieving its original aim. It is clear from the Planning Inspectorate's judgements that it is not having a sufficiently restrictive effect.
- **HRA recommendations presented to Panel:**
 - a) HRA would like to see a single limit of 10 per cent to be applied in each ward across the city. In areas where the 10 per cent has already been reached then no new HMOs to be introduced. This change is essential if Southampton is to not become a 'transit' city.

Or

b) HMO SPD is changed to reflect a two-tier approach, it would provide some protection against concentrations of HMOs but would not deal with the central issue of the city's character. The two-tier approach would consist of initially a 100 meter radius test, if the test finds a concentration of more than 10 per cent the application would be refused, if less than 10 per cent the 40 meter radius would be applied.

- To refuse an application where the site is adjacent to a family dwelling and where there is an existing approved HMO on the other side ('sandwiching').
- HMOs must not be created through the 'back-door' means such as the conversion of houses into flats, or extensions that require no planning permission.
- HRA feel that their recommendations are in line with the National Houses in Multiple Occupation Lobby and the National Organisation of Residents Association.

Southern Landlords Association - Roger Bell (chair) and Dr Julian Jenkinson (committee member)

- The current thresholds have limited any increase in HMOs in high concentration areas, and have the Planning Panel have stopped any successful applications elsewhere in the city. As a result HMO numbers are decreasing, the opposite of the HMO SPDs original aim.
- When thresholds were created they were merely a guesstimate and were produced on no evidence, as there wasn't the evidence to base it on. The council is now at a point where the thresholds can be set.
- The market could set the thresholds, and the 'tipping point' could be based upon whether there is a difference in the market value of family housing over HMOs on a street.
- Working collectively is the way forward - Most landlords are reasonable and would welcome participation in schemes to improve areas. Could collectively, pilot a street to target and improve areas.
- Cannot move HMOs to elsewhere in city if demand not there. Market will follow demand, but demand in other areas i.e. Bitterne is not there.
- Purpose built student accommodation will only be successful for first year students; second/ third year students prefer houses.
- **SLA recommendations presented to Panel:**
 - a) Amend HMO SPD to provide clarity with regards to areas where there are only a few C3 houses remaining.
 - b) To increase the threshold/ tipping point
 - c) To consider creating thresholds using housing market intelligence

National Landlords Association - Liz Mackenzie (area representative)

- The HMO SPD in its current form has created a catch 22 situation. This is because:-
 - 1.) Property within an area of high HMO density, C4 planning application is turned down because thresholds are exceeded.

- 2.) Property within an area of low HMO density, C4 planning application is granted initially, but then turned down on the change of character to the area an HMO would bring.
- The result of the HMO SPD and the Article 4 direction has so far frozen the housing mix at pre- April 2012 levels.
 - The HMO SPD increases the cost of renting because it limits the supply of rented housing, and this is at a time when there is increased demand. The HMO SPD has not taken welfare reform into consideration. It appears that the Council used planning to try and affect social issues, which is inappropriate.
- **NLA recommendations presented to Panel:**
 - a) To remove the HMO SPD and the Article 4 direction, as it has failed.
 - or
 - b) The Council clarifies the standard under which a property will be granted C4 planning permission in each ward.

Conclusions from meeting:

Impact of HMOs

- Most issues raised by residents focussed on the impact that HMOs can have on communities and were not directly related to the Article 4 or HMO SPD.
- There was universal support for the additional HMO licensing scheme, including from landlords association representatives who believe that it could help to address unscrupulous landlords.
- Recognition that to overcome wider HMO issues there is a need for landlords, residents and the council to work together, potentially on a street by street basis.

Article 4 & HMO SPD – Have objectives been achieved?

1. Spreading HMOs across the city to create balanced communities?
 - No - There have been only 19 successful C3 to C4 applications since the implementation of the A4D. The majority of these came in the early days of the A4D prior to any appeal results. In the last 12 months since we have had the benefit of the appeal results there have been 6 successful applications for conversion from C3 to C4 across the city.
 - Few applications for conversion to an HMO have been submitted for areas outside the central and northern wards, reflecting the lack of market driven demand in these locations (access to key locations is essential).
2. Preventing the development of excessive concentrations of HMOs?
 - Yes - As only 6 new HMOs have been created in last 12 months then concentrations remain unchanged.
3. Increased the supply of HMOs?
 - No – Only 6 new HMOs in past year, and this does not include HMOs that could have converted back to family housing.

Summary

- For many residents associations, and some existing landlords, the Article 4 & HMO SPD is working by preventing additional HMOs in their neighbourhoods. The thresholds are preventing new HMOs in areas where there is a concentration of HMOs. The Planning and Rights of Way Panel, supported by the Planning Inspectorate, is rejecting applications for HMO conversions, in opposition to the HMO SPD, in areas where there are few HMOs on the grounds of the impact an HMO would have on the character of the area.
- This has created a static housing market for HMOs, causing problems for residents in family houses trying to move out of areas that have exceeded the 'tipping point' as homes are difficult to sell because strict interpretation of exceptional circumstances (para 6.6.1) allowing conversion to HMOs, as well as restricting the growth in supply of HMOs in the city.
- For residents, landlords, planning officers and the future of the city there is a need for clarity on HMO conversion policy.

Potential areas for recommendations

HMO SPD:

- Need to ensure that the HMO SPD is aligned to the interpretation of the impact on character being applied by the Planning and Rights of Way Panel, or change the SPD in a way that the Planning & Rights of Way Panel can support - *How? Is the evidence strong enough?*
- To enable residents to sell properties at a fair price in areas that have exceeded the tipping point there is a need for greater flexibility in the interpretation of 6.6.1 in the HMO SPD.
- Revisit the HMO SPD thresholds when the additional HMO licensing scheme has uncovered more accurate information on the number and location of HMOs.

HMOs in general:

- Roll out the additional HMO licensing scheme to wards that have HMO issues as soon as legally and feasibly possible.

Inquiry Meeting – 6th February 2014

To review the Council's approach to planning enforcement.

Summary of information provided:

Leader SCC – Cllr Letts

- Demand for HMOs will continue into the future – Supports development of more purpose built student accommodation by universities
- HMO Licensing Scheme – Suggested that if the Panel are considering recommending the geographical expansion of the scheme that focus is placed not on entire wards but on areas within wards that have a significant number of HMOs.

- Article 4 / HMOSPD – Would like the same threshold to be applied across the city
- Permitted Development Rights for extending HMOs – Whilst this may help to reduce pressure for new HMOs the Panel may wish to request that the Council write to the Government outlining concerns with this development.

Chair of Planning and Rights of Way Panel – Cllr Blatchford

- Article 4 / HMOSPD – For equality would like the same threshold to be applied across the city
- Concerned that areas of the city that do not have active residents associations have not made representations to the Panel.
- Enforcement – Need sufficient capacity within enforcement and legal services to enable the various aspects requiring enforcement to be enforced appropriately.

Planning and Development Manager – Dr Chris Lyons

- In recognition of the problems relating to protracted cases and decision making, it was requested that Internal Audit reviewed planning enforcement.
- Internal Audit identified several areas where improvement was required. An action plan was developed in response to the report findings. The action plan has not yet been fully implemented.
- Demand on the service has increased. Only 3 enforcement officers so capacity is a constraint.
- Operate within national legal system. Have a duty to negotiate with people and to try to find a solution. Serving notice is last resort and only take enforcement action if it is expedient to do so (harm that needs to be rectified).
- Legal system does not allow stop notices to be served until HMOs are occupied even if intent is clear.
- Provided re-assurance that planning enforcement has improved, stronger relationship with Legal Services, backlog is clearing and happy to listen to residents and consider evidence provided relating to enforcement issues.

Proactive enforcement

- General consensus that a more proactive, robust and well publicised approach to planning enforcement would help to improve confidence in the planning system.
- S215 notices (untidy site notices) for example are easier to prove, send the right message out, equitable but only 2 notices issued in 2013/14 so far.
- The resources available restrict Council's ability to be proactive. The Council does write to people about untidy sites and enforcement officers are active in Street CRED events. Most issues are resolved without the need to issue a notice.
- Publicising action taken place by house owners before enforcement would help reinforce the message about enforcement.

Conclusions from meeting:

- Recognition that planning enforcement in Southampton has improved but more could be done to ensure that the planning function is not undermined by a lack of prompt and effective enforcement.
- A more proactive approach to enforcement would be beneficial to the city but capacity limits ability of the service to be proactive.
- Clearer guidance on enforcement and publicity when enforcement action has been successful would be beneficial.
- The Council should seek to influence national policy.

Potential areas for recommendations

Planning enforcement:

- That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement, and the service is re-assessed by Internal Audit to review how fit for purpose the service is now.
- Successful enforcement action is publicised, including where issues have been rectified before the need for enforcement notices (may be included in Street CRED outcome publicity).
- Subject to legal restrictions, up to date progress on enforcement cases is available on the Council's website. *(Legal have subsequently confirmed we cannot advertise allegations on our website)*
- The Council seeks voluntary agreement from letting agents not to advertise properties that do not hold valid planning permissions
- The Council considers sharing the cost of legal advice with residents and residents associations who are willing to fund such action *(We cannot share advice with a third party as that could hamper our own case)*
- The Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting:
 1. The introduction of stop notices
 2. Burden of proof of intent
 3. Cap on repeated submissions for the same site. *(There already are stops on repeat applications)*
 4. Stopping the ability to appeal about a planning decision and a subsequent enforcement notice
 5. Additional fee for those who have applied for retrospective planning permission
 6. Fees should be chargeable for HMO applications and appeals. *(There is the power to confiscate income under the Proceeds of Crime Act already)*

Inquiry Meeting – 6th March 2014

Permitted Development Rights (PDRs)

Summary of information provided:

Planning and Development Manager – Dr Chris Lyons

Office to Residential (C3)

- Council has been notified of 33 proposals under these rights. Mostly they have been for older, lower quality premises. 90% of applications were received within first 3 months of new PDRs.
- SCC applied to Secretary of State for a small area of the city to be exempt from the PDR but this, along with most submitted nationally, was rejected.
- The option available to the City Council to remove the PDR is to use an Article 4 Direction. The Planning and Development Managers advice is that it is not necessary now to develop an Article 4 but to keep a close on eye on developments. The PDR is scheduled to be removed in 2016.
- Concerns about the quality of the office to residential accommodation. Building Regulations still apply, where relevant, but Planning Regulations do not.

Residential Properties

- Since the scheme came into force 44 applications have been made and only 3 objections received. The Council can only refuse an application if an objection has been raised, and meets other criteria.
- The PDR applies to all residential properties, including HMOs following High Court proceedings that resulted in revised guidance to Planning Inspectors being issued.
- Again the option available to the Council to remove the PDR is to use an Article 4 Direction. For an Article 4 to be agreed by Govt there is a need to prove harm. Difficult to evidence harm with only 44 applications received and 3 objections. The Planning and Development Managers advice is that, to reduce risk of compensation it would be advisable to give 1 years notice if an Article 4 was to be developed. This would possibly lead to rush of applications in year when notice given (similar to HMO Article 4). The PDR is scheduled to end in 2016.

Conclusions from meeting:

- Neither PDR has so far had a significant impact on the city. To our knowledge this is largely reflected nationally outside of London.
- It is important that Members are aware of the PDRs and informed of applications.

Potential areas for recommendations

Permitted Development Rights – Residential properties

- That the Planning Service provides information to all councillors about the permitted development rights.

Inquiry Meeting – 8th April 2014

Neighbourhood Plans

Summary of information provided:

Locality Development Manager – Deb Appleby

- A new approach to Planning introduced by the Localism Act 2011, Neighbourhood Plan's (NP) are a legal document that can be used as a tool to empower communities to work collectively to identify local solutions by having a stronger influence over aspects of land use and development.
- Can help inform, direct and shape development and must comply with European, National and Local Planning Policies and strategies. NP cannot be used as a barrier to stop growth. Must be community led and evidence based.
- Three main stages: Designation > Independent examination (locally appointed examiner both agreed by LA and Forum) > Referendum (51% or more = adoption of NP)
- Approx 1,000 NPs are at varying stages, 17 plans at examination and have been most popular in the South East.
- Referendums present a cost to LA's, but £30k can draw down 'Additional Burdens Funding' to cover costs. There is a limit of how many referendums can be funded for NP, though it is approx 20. This shouldn't be an issue for Southampton as only 2 have been developing over the past year to 18 months.
- Areas must be designated by the LA, can be ward boundaries but often predefined areas chosen by communities (can encroach into other LA areas).
- Funding available to assist groups to develop NPs (up to £7k). Groups can also access the Big Lottery scheme 'Awards for All Scheme' (up to £10k).
- Southampton has no Parish Councils, meaning that a Neighbourhood Forum (with at least 21 local members) would need to be created to drive every NP.
- Urban areas such as Leeds, Exeter, Bristol and Birmingham are pursuing them. Case studies on the Locality website.
- Exeter St James adopted NP in 2013. It is an area with high number of HMOs. Projects include 'working with the Council and University to manage any adverse impacts that arise from high level of student accommodation within the ward' and have Planning Policies that relate to HMOs, and large/ small scale purpose build student accommodation. Survey for NP identified same issues of noise and bins being important to permanent residents and students.
- Limitations include: NPs can be a lengthy process, on average 12-18 months (one has taken up to 3 years) and it very much depends on the drive and skills of the local community.
- Some LA's have developed helpful guides to NP
- The best NP have given consideration to what they like and don't like about the area and think 15 years ahead and about sustainability.

Planning and Development Manager – Dr Chris Lyons

- Southampton has two emerging Neighbourhood Plans, Basset NP and business led East Street NP, although the latter has currently stalled.
- Basset NP has passed designation stage, awaiting independent examination and it is likely that the referendum will take place towards the end of this year.
- Would encourage members and the community to discuss with the Planning Dept a NP after giving consideration as to what you want to achieve.
- The city has a target of 16,000 additional homes, 5,000 of those in inner city. The remainder of the target is not broken down into other areas of the city.
- NP's could cause complications to SCC Planning Policies if it were to encroach into other LA boundaries, especially those where Planning Policies conflict (e.g. Code 4 and Code 3).
- Resources within the Planning Dept have been significantly reduced from six to three policy officers. Don't have resources to do technical work for NP
- Whilst the external resources available to fund a referendum is £30k this may not cover actual cost to LA.
- The Council website has some useful information on NPs.

Basset Neighbourhood Forum Plan (Chair) – Councillor Les Harris (SCC)

- Started journey two years ago, started off being a fairly simple process until the 'goal posts' changed part way through. This resulted in changing the style in the way the NP was written. Although, has now passed designation stage.
- The community, which include 12 Residents Associations, have put in a huge amount of time and effort which has resulted in community ownership of the NP.
- Whilst creating the Forum, in areas where there were no regular Resident Assoc's, Councillors on behalf of the forum, helped out by simply knocking on resident's doors to ensure these areas had fair representation. In turn, the Forum itself has resulted in the community working collectively to address some of the wider issues in their area.
- To help support the development of the plan, funding has been received from Locality (£7k) and have had assistance from Planning Aid to help with the technical planning aspects of the plan. Resident groups have also assisted with funding.
- The NP has the designated boundaries of Basset ward with a population of 14,559, with over 6,219 of those being residences and 2,397 flats. High levels of remaining homes have been converted to HMOs.
- Consulted with residents, land owners, local developers, businesses, the University and the hospital, which resulted in 3 key themes: *Housing density* (including area character), *HMO's* and *Parking*. Whilst a NP cannot deal with parking issues directly, as they are not planning issues, the NP encourages any new development to include adequate parking, unfortunately the City's parking policy does not promote or encourage development to provide sufficient parking off street, and accepts more on street parking.

- A real need to have planning expertise on hand as there is a need to understand planning law.
- Overall it has been a worthwhile community project.

Conclusions from meeting:

- Neighbourhood Plans are an effective tool for the community to come together to have a stronger influence over aspects of land use and development but in turn there appear to be 'spin-offs' from creating Neighbourhood Forums that in themselves could be used as a tool to address some of the underlying social issues within communities.
- It is recognised that Neighbourhood Plans are quite a lengthy process, taking on average 12-18 months to implementation and input from individuals with specialised skills (e.g. knowledge of Planning law) within the community to help drive them is invaluable.

Potential areas for recommendations

- The Council actively encourage Neighbourhood Plans across Southampton, with local councillors playing a pivotal role in bringing communities together to ensure representation.

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