

RECORD OF EXECUTIVE DECISION

Monday, 14 March 2011

Decision No: (CAB 10/11 5858)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ENVIRONMENT AND TRANSPORT
SUBJECT:	PLANNING PERMISSION REQUIRED FOR THE HOUSES IN MULTIPLE OCCUPATION
AUTHOR:	Steve Harrison, Planning Officer

THE DECISION

On consideration of the report of the Cabinet Member for Environment and Transport, Cabinet agreed the following:

- (i) To resolve that the making of a direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 on a City wide basis to withdraw the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) is appropriate, and justified, in order to prevent harm to the local amenity and for the proper planning of the Southampton area.
- (ii) To approve the making of the Article 4(1) Direction for the City Boundary attached at Appendix 1.
- (iii) To delegate authority to the Solicitor to the Council, following consultation with the Head of Planning and Sustainability and the Cabinet Member for Environment and Transport to make the article 4 (1) direction for the city boundary and to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) To confirm that, in accordance with the Town and Country Planning (Compensation) (No.3) (England) Regulations 2010, the city-wide Article 4(1) Direction will be effective no earlier than 15th March 2012.
- (v) To note that, following public consultation, a further report will be presented to Cabinet reporting on the outcome of the consultation and recommending whether or not to confirm the Direction.

REASONS FOR THE DECISION

1. The permitted change from C3 to C4 (as explained above), and the subsequent loss of planning control, will harm the amenity of neighbourhoods within Southampton for the reasons set out in this report.

While HMOs are often associated with problems, particularly in the media, they also provide a valuable source of housing for students, young professionals and other groups. Such accommodation can be particularly important for new arrivals to the city, those requiring short term accommodation or those who simply cannot afford independent accommodation.

2. Circular 08/2010 (Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation) states that *“a high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short term tenants with little stake in the local community. So changes to legislation will give councils the freedom to choose areas where landlords must submit a planning application to rent their properties to unrelated tenants (i.e. houses in multiple occupation)”*.
3. It is recommended that Southampton’s Article 4(1) should be applied on a City-wide basis. HMOs are distributed throughout the city and arise in response to a range of housing need in the city. They can cause localised amenity issues wherever they arise. Were the direction to be confined only to some wards then there is a high risk that landlords wishing to develop further HMOs would look to properties on the outer edge of any defined boundary as such would not necessitate a planning application, thereby increasing concentrations of HMO’s in areas of the city not covered by the direction to the likely detriment of those living within such areas. Were this to happen then the issues associated with concentrations of HMOs would not be resolved as the council would have no power to decide whether or not planning permission should be granted for small HMO’s in areas that are not covered by the direction.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. Option 1 – Do nothing
This option is not recommended as the City Council would be unable to manage and monitor the growth and distribution of the HMO sector at the expense of its existing family housing stock.
2. Option 2 – Article 4(1) Pockets
To draw a tighter boundary based on an evidence base of existing HMO supply and demand in connection with the universities and hospitals. This is not regarded as a solution as evidence demonstrates this is a City-wide issue in Southampton and may simply move concentrations into different areas of the City. It could also be difficult to provide reasonable justification to property owners in the city for the inclusion of some streets and the exclusion of others.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 14th March 2011

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*