
SCRUTINY PANEL A
MINUTES OF THE MEETING HELD ON 6TH MARCH 2014

Present: Councillors Claisse (Vice-Chair), Lloyd, Mintoff and Vinson

Apologies: Councillors Burke, Les Harris and McEwing

COUNCILLOR CLAISSE IN THE CHAIR

7. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 9th January, 2014 be approved as a correct record.

8. **PERMITTED DEVELOPMENT RIGHTS**

The Panel considered the report of the Assistant Chief Executive relating to the relaxation of permitted development rights.

Dr Chris Lyons, Planning and Development Manager, detailed the changes in the rules in relation to office permitted development rights and the number of proposals that the Council had been notified of since the changes were introduced, as detailed in Appendix 1 of the report.

As with other permitted development notifications, now there was no need for a planning application, the fee income was lost, together with any possible S106 money that may also have been attached to a planning approval.

He explained that there was an option to introduce an Article 4 to remove these rights. However, other authorities had not been successful in getting permission and he did not feel that Southampton would be considered any differently. He advised that the Council should keep a close eye on developments.

He also outlined the points relating to residential permitted development rights, also detailed in Appendix 1 to the report.

It was explained that the 42 day notice period started from the date that the application was received and considered valid.

Concerns were raised as to whether all members were receiving details of the notifications that were coming through. Chris Lyons confirmed that all members should receive the relevant notifications and applications by ward. He agreed to check to ensure that the process was operating correctly.

It was confirmed that the change of use from offices to residential was 50% within the city centre and the rest evenly split across the district centres.

It was reported that an application for an exemption to the permitted development rights had been applied for with regards to primary office stock but this had been refused.

The only grounds that the change of use can be refused on are contamination, flooding and transportation issues.

It was confirmed that the change of use would be to C3. Therefore if there was a desire to turn the offices into HMOs, planning permission would be needed as this would be C4. Cluster flats would also need planning permission as these were also not C3.

There was concern raised about the residential rights also applying to HMOs, but as Chris Lyons explained there was nothing that the Council could do about this.

Notification of proposal only have to go to immediate neighbours, whom were often other HMOs and sometimes owned by the same landlord, so objections were unlikely to be received. Technically, Councillors and others were not supposed to be notified, and they would not have a right to object.

These current permitted development rights would remain until 2016. It was confirmed that the current Article 4 relates to change of use from a C3 to a C4. A property that has permission to operate as a C4 can use the permitted development rights rules.

Although the supplementary planning document states that HMOs do not have permitted development rights, this was not enforceable due to the ruling from Government.

Concerns were raised about the increase in noise nuisance if HMOs were able to extend. Chris Lyons suggested that this would be better dealt with by Environmental Health.

With regards to the numbers of notifications following the change of the rules it was felt that the low numbers could possibly be due to the economic climate. Southampton's situation was very similar to the national picture and there was no real pattern emerging.

If the Council decided to apply for an Article 4 for these rights to not be allowed, to avoid the risk of compensation it would be advisable to give a year long notice period. During this time there was a risk that many notifications could be received and there was no guarantee that the Article 4 would be approved.

It was suggested that one reason to propose an Article 4, was that if houses had large extensions there could possibly be a lack of small housing for starter homes.

It was felt that the Government would have probably considered this before the rules were changed and felt that the balance would not be affected.

Chris Lyons explained that they had no control on the quality of the accommodation or the size. There may be concerns that properties were small but there was possibly a demand for this. All changes would be subject to the usual building regulation controls.

Highfield Residents' Association addressed the meeting and stated that they would want an Article 4 which would remove the permitted development rights, especially for HMOs.

They also expressed concerns about the views given at the previous meeting by the Leader of the Council and the Chair of the Planning and Rights of Way Panel.

Councillor Lloyd asked if there had been any progress with regards to the residents associations meeting with the landlord groups.

Highfield Residents' Association report that they were not aware of any progress, but felt that they were never likely to reach a common ground.

Mark Pirnie explained that Appendix 4 to the report had been included in the papers to enable it to be considered as evidence for the Inquiry. The paper identified the housing pressures within the City.