

RECORD OF EXECUTIVE DECISION

Monday, 24 October 2011

Decision No: (CAB 11/12 7290)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT
SUBJECT:	CONFIRMATION OF AN ARTICLE 4(1) DIRECTION
AUTHOR:	Steve Harrison

THE DECISION

- (i) To note and consider the consultation responses received during the extended consultation period.
- (ii) To confirm that the introduction of an Article 4(1) 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 from the effective date of 23rd March 2012.
- (iii) To delegate authority to the Head of Legal and Democratic Services 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.

REASONS FOR THE DECISION

1. It is considered that 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 the report to Cabinet on 14th March 2011. While HMOs are often associated with problems, particularly in the media, they also provide a valuable source of housing for students and 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 (ie. 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. There is a risk that landlords wishing to develop further HMOs would look to properties on the outer edge of any defined boundary, and the issues associated with concentrations of HMOs would not be resolved.
4. Following the Council's agreement to make an Article 4(1) Direction in March of this year, it is now necessary to consider the comments received during the consultation period and, if appropriate, confirm the Direction will become effective from 23rd March 2012.

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. Further consultation would be required before confirming this approach.

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: 24th October 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*)