

COMMITTEE DATE: 7th September 2020

APPLICATION NO: 20/0293/FUL

APPLICANT: Mr Daniel Partridge

LOCATION: 89 Mount Pleasant Road, Exeter

PROPOSAL: Change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4).

REGISTRATION DATE: 28th February 2020

RELATED DOCUMENTS: <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6EKYJHBGLB00>

SITE HISTORY

Reference	Proposal	Decision	Decision Date
19/0667/FUL	Change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4)	WDN	09.09.2019

DESCRIPTION OF SITE/PROPOSAL

The proposal relates to a two storey three-bedroom mid-terrace dwelling on Mount Pleasant Road. The property is located within a zone where the Council has applied an Article 4 Direction to restrict changes of use from Class C3 (dwelling) to Class C4 (House in Multiple Occupation, or HMO). This was introduced in 2011 in order to address an identified problem with a growing concentration of HMOs in residential streets close to the city centre and the University of Exeter campus. The objective was to ensure the maintenance of balanced communities and to prevent streets being dominated by short stay student residents, which leaves properties vacant for significant periods outside of the academic terms.

This property was in student HMO use prior to 2013 when the applicant bought the property and, through Permitted Development, converted it back to a Class C3 dwelling. After a period of 6 years, the applicant has concluded that the dwelling is not suitable for normal family life and therefore wishes to move. He considers that it is unlikely that an owner occupier will purchase the property and therefore seeks planning permission for a change of use back to a Class C4 HMO.

REPRESENTATIONS

3 objections have been received.

2 of these are short objections effectively stating that there should be no more HMOs in the area.

1 letter of support from a Support Worker for the adjacent Salvation Army Housing Association HMO. He acknowledges that tenants in this property cause difficulties for the applicant. He states that he and his colleagues work with the residents of the HMO to help them to be good neighbours. However, once they develop these skills and are able to move to more permanent and independent accommodation a new resident takes their place and the process starts again. When No. 89 was occupied by students previously, prior to 2013, the occupiers kept irregular hours and had the odd party and seemed to tolerate their neighbours doing the same. The property is one of the few family houses in the street and the presence of so many bedsits and multiple-lets is discouraging owner occupiers from making offers.

CONSULTATIONS

The Police *Designing Out Crime* Officer at Devon and Cornwall Police has no objection to the proposal but provides some general advice on measures to improve security as HMOs can be at significant risk of burglary and theft.

PLANNING POLICIES/POLICY GUIDANCE

Exeter Local Plan First Review 1995-2011

H5 – Diversity of Housing

DG1 – Objectives of Urban Design

DG4 – Residential Layout and Amenity

Exeter City Council Supplementary Planning Document

HMO (Including Class C4 Uses)

Article 4 Direction restricting Permitted Development rights for changes of use from Class C3 (dwelling) to Class C4 (HMO)

OBSERVATIONS

The Council's Article 4 Direction is accompanied by a Supplementary Planning Document (SPD) on HMOs, which seeks to clarify Policy H5 of the Exeter Local Plan. This states that conversions of dwellings to HMOs will be permitted provided that "the proposal will not create an overconcentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community". The very presence of the Article 4 Direction indicates that the Council has identified a problem with an overconcentration of HMOs in the restricted zone. The question therefore is whether this particular change would create an imbalance in the local community.

In order to support its objectives, the Council's aforementioned SPD contains a presumption against granting planning permission for further Class C4 uses within the restricted zone. However, the document acknowledges that "there may be some cases where very localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. In these cases owners of Class C3 dwellings may find difficulty in finding a purchaser for continued Class C3 use and may therefore wish to change to Class C4/HMO use" (Paragraph 5.2). The Council sets out 4 criteria that it will take into account when these circumstances arise. These are addressed in turn below.

1. Local representations in support or objection from those directly affected by the proposal.

Two objections have been raised. One is from a resident in Beech Avenue in Pennsylvania, which is some distance from the site. It is not clear if the writer has any more local property interests in the area. The other objection is from a resident in the street behind this property, Abbots Road, who is concerned about the strain being put on parking and services. This is not a significant response from the local community although it could also be a reflection of a lack of owner occupiers in the immediate vicinity.

In his application form, the applicant refers to particular problems he is experiencing with the neighbouring HMO run by the Salvation Army Housing Association. He states that this is occupied by individuals in need of temporary housing that are recovering from homelessness and substance abuse. He stipulates that “we have had significant ongoing issues with noise, loud music and disturbance at all hours of the day and night throughout the period in which we have owned the property. We have been in regular contact with the housing charity about these ongoing issues, but these issues have not been (and will not be) resolved due to the ongoing nature of the use”. He also relates that the other neighbouring HMO is occupied by students and he has also had problems with late night noise and disturbance from this property. Consequently, he has concluded that the property is not suitable for normal family life.

A Support Worker at the Salvation Army Housing Association acknowledges the problems with the tenants in its HMO. Whilst he and his colleagues do all they can to encourage the tenants to be good neighbours, the individuals move on once they develop these skills and reach a point where they are equipped to be able to support themselves in permanent independent accommodation. A new tenant then arrives and the process starts again. This writer supports the change of use to an HMO.

2. The proximity of existing Class C4 uses, larger HMOs or Council Tax exempt properties where they might be likely to affect the amenities of normal family life (e.g. if there were such uses on both adjoining sides).

The applicant has provided a map of HMOs and properties subdivided into flats and bedsits in the immediate vicinity. This has been checked and verified as accurate by the Council's HMO Licensing team. It shows that of the thirteen properties in the row from Nos. 85 to 97 Mount Pleasant Road 10 are already in HMO use and 1 is subdivided into flats or bedsits. On the opposite side of the road, the row of 17 properties between Nos. 12a and 29 includes 12 HMOs and 4 subdivided properties.

This demonstrates that there is already a high percentage of HMOs in the locality and indicates that the area already contains a concentration that has changed the character of the area and resulted in a loss of community balance. The evidence tends to support the applicant's assertion that his property is not suitable for normal family life.

3. Any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling.

The applicant placed the property on the market in August 2019. Whilst it remains for sale, the property was on the market for around 7 months prior to the Coronavirus lockdown. In a letter dated 19 February 2020, the estate agent confirmed that there had been 36 viewings booked during that period although some were subsequently cancelled when clients realised the nature of the neighbouring uses. Two clients returned for second viewings but these were understood to be people interested in buying the property to let. No offers had been made at all, including none below the asking price.

In seeking feedback from clients, the estate agent discovered that 16 were not interested because of the neighbouring uses. 5 were discouraged because the Article 4 Direction would restrict buy to let. 2 were concerned about parking. None mentioned the price as a problem. The estate agent therefore stated that in his professional opinion a reduction in price would not make a significant difference in achieving a sale. He noted that other properties in the area that were not adjoined by HMOs had sold reasonably quickly. Nonetheless, the applicant revisited the price with the estate agent and in May 2020 it was reduced from £300000 to £290000.

In a further letter dated 25 August 2020, the estate agent has updated the situation. It asserts that the property market has been buoyant as lockdown has eased and that it has sold more properties in the past 3 months than in any other 3 month period over the past five years. This particular property has been advertised extensively both locally and online. A sale board also remains outside the property. However, the estate agent points out that 30% of its clients no longer choose to display a board because it is not considered necessary.

Online, the property details are being viewed around 40-50 times a day. In total there have now been around 50 viewings booked. 10 have been booked post-lockdown since the price has been reduced. However, around 30 have been subsequently cancelled. In obtaining feedback, the estate agent discovered that 31 were not interested because of the neighbouring uses. 2 were put off by parking arrangements. 5 were discouraged because the Article 4 Direction would restrict buy to let. No one has stated that the price is a problem. Indeed, the estate agent points to the fact that it has recently sold a much smaller 2 bedroom house in nearby Commins Road for £270000, just £20000 below the asking price for this property. "The overwhelming feedback that we have received throughout our time marketing the property", it concludes, "is that potential buyers do not want to live next door to HMOs and student accommodation."

To confirm that the price of the property is reasonable, the applicant has asked for valuations from two other estate agents. He reports that both have recently sold similar properties in the local area. They have valued the property in the region of £300000 to £325000.

To date, after more than a year on the market, it remains the case that no offers have been made including none below the asking price.

The evidence presented here suggests that the Council's policy objectives are difficult to achieve when there is a perception that a balanced community has already been lost.

4. Any other circumstances indicating the policy restriction is causing severe personal hardship. The applicant has not provided any information in his submission on this matter.

Taking all these points together, it is concluded that three of the four exceptional circumstances have been reasonably met in this instance. The immediate vicinity already has an overconcentration of HMOs and subdivided properties that have altered the character of the area and resulted in a loss of a balanced community. Consequently, as the marketing feedback has confirmed, it is difficult for the Council to achieve its policy objectives here. For these reasons, it is recommended that planning permission be granted.

DELEGATION BRIEFING - 7 April 2020 and 28 April 2020

Members expressed a range of views on the proposal and requested that it be presented to the Planning Committee for determination.

PLANNING COMMITTEE – 01 June 2020

Members deferred the application for a period of 3 months to allow more time for the property to be marketed.

RECOMMENDATION

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:-

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 February 2020 as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved details.