

## EXETER CITY COUNCIL

EXECUTIVE  
7 DECEMBER 2010

### PETITION FROM RESIDENTS OF ST JAMES WARD – ARTICLE 4 DIRECTION

#### 1 PURPOSE OF REPORT

1.1 To brief Executive on a petition, received on 1 December 2010, from residents of St James Ward with 772 signatures.

1.2 The petition states:

*We the undersigned request that Exeter City Council, as a matter of urgency, implement planning policies, including Article 4 Direction, which:*

- 1. Prevent any further conversions to HMOs, except in those streets where the existing high number of HMOs has already significantly harmed the family residential character and where, therefore, it may be in the resident's or residents' interest to allow further conversions;*
- 2. Provide for all future Exeter University student accommodation in purpose-built developments on the campus itself or on discrete (individually distinct or separate) sites outside St. James' and other established residential neighbourhoods;*
- 3. Strengthen the residential character and community cohesion of St. James' Ward, including the identification of sites for new family accommodation in order to help reverse the harmful studentification process.*

#### 2 BACKGROUND

2.1 Executive considered a report on 28 September regarding proposals to make an Article 4 Direction and to review the Council's policies on student accommodation in residential areas.

2.2 Executive resolved:

- (1) authority be delegated to the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport to make an Article 4 Direction covering the area shown on Plan 1, to remove permitted development rights for changes of use from Class C3 dwellings to Class C4 (small HMOs) with twelve months notice and to consider any representations made and, if appropriate, confirm any direction with or without amendment; and*
- (2) officers undertake informal consultation on amending Council policy on student accommodation in residential areas, as outlined above and report back to Planning Member Working Group on a draft amended document for further public consultation.*

### **3 PROPOSED RESPONSE TO PETITION**

- 3.1 Executive has delegated authority to the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport, to make an Article 4 Direction and consider any representations received. A meeting has been arranged for Members of the six affected Wards on 14 December to brief them on the results of the consultation and receive feedback before the delegated power is exercised later this month.
- 3.2 The petition requests the Council to implement an Article 4 Direction as a matter of urgency. This will therefore be considered as a comment in support of the Article 4 Direction in association with any other representations received. It is understood that the reference to urgency is due to the twelve months notice proposed before the Direction takes effect. This is provided to avoid any compensation liability and was decided by Executive on 28 September 2010.
- 3.3 The three sub-clauses of the petition all relate to future planning policy. It is proposed that these issues be referred initially to Planning Member Working Group in accordance with the second part of Executive's previous resolution.

### **4 RECOMMENDATION**

- 4.1
- i) That the petition in respect of the proposed Article 4 Direction be considered by the Head of Planning and Building Control, in consultation with the Portfolio Holder Sustainable Development and Transport, in association with other responses to the recent consultation exercise.
  - ii) That any other petitions received on the proposed Article 4 Direction be treated in the same manner.
  - iii) That the representations in respect of future policy on HMOs, purpose built university related accommodation and strengthening the character of St James Ward be referred to Planning Member Working Group for initial consideration.

**RICHARD SHORT  
HEAD OF PLANNING AND BUILDING CONTROL**

**ECONOMY AND DEVELOPMENT DIRECTORATE**

**Local Government (Access to Information) Act 1985 (as amended)**  
**Background papers used in compiling this report:**  
File on Article 4 Direction