

## EXETER CITY COUNCIL

**EXECUTIVE  
5 JULY 2011**

### SUPPLEMENTARY PLANNING DOCUMENT HOUSES IN MULTIPLE OCCUPATION (INCLUDING CLASS C4 USES)

#### **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to consider the results of public consultation on a draft Houses in Multiple Occupation Supplementary Planning Document for adoption.

#### **2 BACKGROUND**

- 2.1 In March 2011, Planning Member Working Group agreed a draft SPD for public consultation. The purpose of the SPD is to amplify the application of policy H5 (b) of the Exeter Local Plan relating to imbalance in local communities as a result of over concentrations of certain types of residential accommodation such as shared student houses.

#### **3 UPDATED DATA**

- 3.1 The Council's proposed policy judges imbalance by reference to the proportion of properties in areas that are exempt from Council Tax due to entire occupation by full time students. The draft SPD used data based on May 2010. This data has been updated to May 2011. Appendix A includes updated data for the streets within and excluded from the Article 4 Direction, by ward.
- 3.2 The number of Council Tax exemptions has increased from 1,930 at May 2010 to about 2,417 at May 2011. The main reason for this significant increase is that purpose-built private sector student accommodation, such as the development at Birks Hall and by Opal on Cowley Bridge Road, now appear on the Valuation List. Officers need to further investigate the treatment of some schemes on the Valuation List, in particular, why some do not appear as 'exempt'.
- 3.3 Previous reports to Council have measured the number of Council Tax exemptions against the estimated dwelling stock at August 2008 that was calculated from address points on the Council's geographic information system. The opportunity has been taken to recalculate properties using total homes on the Valuation List. This eliminates some under-counting, particularly of converted flats, in the original source. This was greatest in St David's ward.
- 3.4 The updated data shows that there has been a general upward drift in the proportion of exemptions (43 roads up, 14 down, 8 the same). Within the main ward sub areas the new figures are (a plan is available at the meeting).

St James	(exc nine streets excluded from Article 4)	21.4%
	(the nine streets)	70.7%
	Total St James	29.1%
Polsloe	(area subject to immediate proposed restriction)	25.0%
Newtown	(area subject to immediate proposed restriction)	27.7%

Areas proposed to be subject to restriction on reaching 20%:

Newtown	(around Belmont)	12.0%
Newtown	(around Archibald Road)	13.6%
Pennsylvania	(southern part)	13.9%
Duryard	(around King Edward Street)	21.9%
St David's	(northern part)	13.0%

- 3.5 The small area around King Edward Street was below 20% and is now above the threshold, so it is proposed that this area be subject to the immediate restriction ('a pink area').

#### **4 PUBLIC CONSULTATION**

- 4.1 Details of the public consultation will be in an accompanying Consultation Statement Appendix B which includes an analysis of responses by address.
- 4.2 The Council received 157 representations from individuals, 6 from organisations and 8 petitions.
- 4.3 86 representations were in support of the draft SPD and 13 were objections. 55 people commented on the need for some form of system of exemption to avoid people becoming trapped in unsaleable homes, 3 respondents objected to any system of exemptions.
- 4.4 There are two main factors to the geographic pattern of representations:
- Residents in the area from West Avenue westwards to Velwell Road were generally in favour with 40 representations in support and only 1 objection.
  - In Prospect Park, Well Street/Oxford Road and Monks Road, there were a significant number of representations (51) seeking a system of exemptions, there were also 12 comments in support and 2 objections to the SPD.
- 4.5 There were 8 petitions. 7 were from the general Elm Grove/Velwell Road/Devonshire Place/Thornton West areas, with 228 signatures supporting the proposed SPD. A petition from Well Street comprising 36 duplicated letters sought the treatment of the area as an exemption.
- 4.6 There were 6 representations from organisations. The Powderham Crescent Residents' Association, Exeter Community Trust and St David's Neighbourhood Partnership supported the principles of the SPD. The University of Exeter asked a series of questions. The University of Exeter Student's Guild and National Residential Landlords Association opposed the proposals.

#### **5 MAIN ISSUES**

- 5.1 The following issues were raised in a number of representations:
- That the threshold of 20% was too high and restrictions should apply from a lower level.
  - A belief that the Council Tax exemptions meant that property owners were not making a fair financial contribution to the community.
  - Concern that the Council had been slow to take the initiative.
  - The restrictions should also apply to purpose-built student accommodation rather than such schemes being considered on their merit.

5.2 The use of the full Council Tax database, that includes private sector purpose-built student accommodation, does now mean that much of this accommodation is considered as part of the data that informs the policy approach albeit the SPD would not apply to new proposals.

The issue of exemptions for people whose property may become unsaleable  
5.3 This issue is the most significant raised by the consultation featuring in 55 letters and a petition. PMWG and Executive previously expressed a view that it would be inappropriate to set out the 'existence of any exemptions' since they would become the norm.

5.4 The representations raise five themes in relation to exemptions:

- (i) There should be an exemption where both adjoining properties are exempt from Council Tax.

Response: Officers have modelled this in the three main locations where residents raised it: Prospect Park, Monks Road and Well Street. About 120 properties are currently Council Tax exempt in these streets. A further 30 might qualify as exemptions. Together with the exemption already made by excluding the nine streets with over 50% HMOs from the Article 4 Direction (where a further 100 HMOs could be accommodated), the cumulative effect would be to significantly reduce the effectiveness of controlling HMOs in the wider areas.

- (ii) Some form of clause related to when properties become unsaleable.

Response: It would be very difficult to effectively police any system where residents might, for example, claim their property had been on the market but not sold in say a year. Much would depend upon the asking price, effort of the marketing and the preparedness of the vendor to consider offers.

- (iii) Consideration of the long term nature of residents.

Response: An owner's length of residence is not a material planning consideration. To consider such a factor would be unlawful.

- (iv) That further streets, in particular in Well Street, should be exempt from the policy because they have over 50% Council Tax exemptions, the criterion that was applied in excluding the nine streets from the Article 4 Direction. Some respondents argue that the proportion in Well Street is masked by the inclusion of various side streets within the previous statistics.

Response: The updated data provides detailed analysis of the proportion of exemptions. The exclusion of further streets would reduce the effectiveness of the overall policy in the wider area. Well Street remains below 50%, a further eight streets are now about 50%, to make all of them exemptions would seriously erode the effectiveness of the proposed policy.

- (v) Some form of case by case basis.

Response: This was originally advocated at the time of the draft SPD. It is proposed to include some additional text in the proposed adopted SPD that provides some examples of how this might apply. A copy of the proposed text is given below.

- Exceptional Circumstances  
5.5 PPS1 *The Planning System: General Principles* states (para 21):

*'Exceptionally, ... the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community may be material to the consideration of a planning application.... Such arguments will seldom outweigh the more general planning considerations, however.'*

They 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. In considering whether to make an exception in such cases to the policy and this SPD guidance the Council will have regard to:

- Local representations in support or objection from those directly affected by the proposal.
- 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 (eg if there were such uses on both adjoining sides).
- Any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling.
- Any other circumstances indicating the policy restriction is causing severe personal hardship.

## **6 PLANNING MEMBER WORKING GROUP**

- 6.1 Planning Member Working Group considered this report and the proposed SPD for adoption on 14 June and supported the proposed approach.

## **7 RECOMMENDATION**

- 7.1 That Executive adopts the proposed amendment SPD at Appendix C and agrees the accompanying Consultation Statements at Appendix B.

**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:**

See list of background papers accompanying draft SPD

File of representations in Planning Services

## APPENDIX A

## PROPERTIES EXEMPT FROM COUNCIL TAX – UPDATED TO MAY 2011

WARD/ROAD	Council Tax Exemptions at 31/5/2011	Total Homes at 31/3/2011	% Exempt
<b>ST JAMES</b>			
Union Road, 1-25 odd, 27-73 odd	14	52	26.9
Prospect Park	17	64	26.6
Victoria Road	10	20	50.0
Rosewood Terrace	1	17	5.9
South View Terrace	1	13	7.7
Howell Road, inc Linden Vale, exc the Coach House	24	105	22.9
Pennsylvania Road to 45/82, inc Norwood House	31	137	22.6
Hoopern Street, inc Hoopern Mews	44	94	46.8
Blackall Road	14	91	15.4
Longbrook Street + Isca lofts (15)	41	96	42.7
Queens Crescent	17	29	58.6
York Road	2	14	14.3
Well Street	22	46	47.8
Oxford Road	30	88	34.1
St James Road	8	28	28.6
St James Close	2	10	20.0
York Terrace	6	9	66.7
St Sidwells Avenue	5	35	14.3
Trafalgar Place	2	3	66.7
St James Terrace	2	11	18.2
Brook Green Terrace	3	11	27.3
Clarence Place	0	5	0
Powderham Crescent	16	104	15.4
Leighton Terrace	9	20	45.0
Velwell Road	1	38	2.6
Castle Mount, inc Danes House	0	41	0
Elmgrove Road	0	16	0
New North Road, 1-29, 41A, Molly Hayes Apartments	16	67	23.9
Woodbine Terrace	4	11	36.4
Highcross Road	2	13	15.4
Hillside Avenue	1	15	6.7
Waverley Avenue	2	19	10.6
Pennsylvania Crescent	1	8	12.5
Addington Court, Horseguards	10	45	22.2
Kingstephen Close	0	49	0
The Quadrangle, Horseguards	0	28	0
Montague Rise	0	6	0
Hoopern Lane	0	2	0
Kingsgate, Pennsylvania Road	0	44	0
New Buildings, 2-8	0	7	0
Bridge Cottages, 1-8	1	8	12.5
Old Tiverton Road, 40-55	14	39	35.9
Longbrook Terrace, inc Camilla Ct, Longbrook Ct	3	72	4.2
Devonshire Place	9	34	26.5
York Terrace	6	8	75.0

King William Street	7	43	16.3
Horseguards	6	40	15.0
Lucombe Court, Stadium Way	0	23	0
Acland Terrace	0	6	0
Acland Road	16	61	26.2
Culverland Close	3	25	12.0
Sidwell Street (part 1-96)	9	50	18
West Avenue	0	34	0
Thornton Hill	3	53	5.7
Willow Walk	1	32	3.1
<b>TOTAL</b>	<b>436</b>	<b>2039</b>	<b>21.4</b>
<b>NINE STREETS</b>	<b>268</b>	<b>379</b>	<b>70.7</b>
<b>TOTAL including nine streets</b>	<b>704</b>	<b>2418</b>	<b>29.1</b>
<b>POLSLOE</b>			
Mount Pleasant Road, 31-112, inc St James Court	25	102	24.6
Pinhoe Road, 4-270 even, Watmore Ct	44	218	20.2
Monks Road	82	253	32.4
Polsloe Road, 1-35 all	18	55	32.7
Abbey Road	0	18	0
Priory Road	39	83	47.0
Thurlow Road	2	10	20.0
Elton Road	6	23	26.1
Monkswell Road	19	40	47.5
Kings Road	9	24	37.5
Morley Road	7	20	35.0
Clinton Avenue	9	18	50.0
Abbots Road	5	20	25.0
Jubilee Road	7	26	26.9
St Anne's Road	13	60	21.7
Manston Road	14	72	19.4
Park Road	33	110	30.0
St John's Road	23	64	35.9
Devon Road, inc Tuffery Court	0	12	0
Old Tiverton Road, 56-81	15	44	34.1
Mansfield Road	12	40	30.0
Tresillian Gardens	1	4	25.0
Greyfriars Walk, inc Pilgrim House	7	87	8.0
Whitefriars Walk	0	13	0
Ladysmith Road	6	135	4.4
Commins Road	0	33	0
St Marks Avenue, Collard House	0	1	0
<b>TOTAL</b>	<b>396</b>	<b>1584</b>	<b>25.0</b>
<b>NEWTOWN</b>			
Old Tiverton Road, 85-124, inc St Annes Chapel	20	69	29.0
Mount Pleasant Road, 1-30	12	55	21.8
Iddesleigh Road	9	27	33.3
Herschell Road	7	33	21.2

Salisbury Road	12	41	29.3
Rosebery Road	16	54	29.6
Lucas Avenue	8	32	25.0
Elmside	24	62	38.7
May Street	9	41	22.0
Bartholomew Terrace	0	13	0
Albion Place	1	18	5.6
Toronto Road	7	53	13.2
<b>TOTAL</b>	<b>138</b>	<b>498</b>	<b>27.7</b>
<b>Article 4 Direction and restriction on new homes when area of ward reaches 20%</b>			
<b>NEWTOWN (Main)</b>			
Elmside Close	0	8	0
Blackboy Road, inc Sydenham House and Exeter Trust House (35)	49	187	26.2
Alexandra Terrace	1	20	5.0
Jesmond Road, inc Bourne Court	4	27	14.8
Gordon Road	0	14	0
Clifton Hill, inc Clifton Court	4	62	6.5
Clifton Street	1	52	1.9
Clifton Road, inc Frances Gardens, Belmont Mews	5	75	6.6
Grosvenor Place, inc Cleveland Ct/Gardens	3	62	4.8
Belmont Road	8	79	10.1
Parr Street	0	29	0
Ridgeway Ct, Nichols Way	0	19	0
Chute Street	2	36	5.6
Portland Street	33	111	29.7
Sandford Walk	8	67	11.9
East John Walk	7	52	13.5
Salem Place	0	5	0
Newtown Close	0	27	0
Codrington Street, inc Codrington Ct	3	45	6.7
Albert Street	2	26	7.7
Parr Close	1	22	4.5
Silver Lane, inc Belmont House	0	53	0
Kendall Close	0	24	0
<b>TOTAL</b>	<b>131</b>	<b>1094</b>	<b>12.0</b>
<b>NEWTON WARD (ARCHIBALD ROAD)</b>			
Archibald Road	7	36	19.4
Athelstan Road, 62-83 all	3	24	12.5
Barnfield Road, 19-37 odd	1	21	4.8
<b>TOTAL</b>	<b>11</b>	<b>81</b>	<b>13.6</b>
<b>PENNSYLVANIA</b>			
Union Road, 2-102 even, inc Mitchell	17	73	23.3

House			
Pennsylvania Road, 86-136 even	8	32	25.0
Maryfield Avenue	0	13	0
Lower Kings Avenue	2	47	4.3
Higher Kings Avenue	1	51	2.0
Elmdon Close	0	7	0
Hill Close	0	13	0
Charingthay Gate	0	8	0
Sylvan Road, 1 to 39A (all)	14	51	27.5
Sylvan Avenue, 1b	0	1	0
Pennsylvania Close	0	13	0
Clevedon Close	3	12	25.0
Brodick Close	0	2	0
<b>TOTAL</b>	<b>45</b>	<b>323</b>	<b>13.9</b>
<b>DURYARD</b>			
King Edward Street + King Edward Ct (adjoining Opal/KE Studios) excluded Cooks/Llewelyn Mews not exempt.	11	65	16.9
Cowley Bridge Road, 1-8	5	8	62.5
<b>TOTAL</b>	<b>73</b>	<b>16</b>	<b>21.9</b>
<b>ST DAVID'S</b>			
New North Road (part, inc Atwills Almshouses, Marcus House, Constantine House, Julius House, Augustus House, Bury Meadow Cottage, The Imperial)	73	285	25.6
Queen Street (part – no 1-20 or 74+)	0	2	0
Northernhay Street and Northernhay Square,	2	48	4.2
Lower North Street (inc St Annes Well Brewery, St Annes Well Mews, The Old Bakery, The Courtyard, Northgate Court)	31	62	50.0
Richmond Road, inc Silver Terrace, St Michaels Mews	12	92	13.0
Richmond Court	35	101	34.6
Jubilee Court, Queen Street	0	41	0
Bystock Terrace, inc Redvers Court	6	27	22.2
Queens Terrace, inc Bystock Close	4	23	17.4
Russell Terrace	0	8	0
Little Silver	1	11	9.1
St Davids Terrace	1	13	9.2
St David's Hill (Montpelier Court, North Bridge Place, Windsor Court, Shirehampton House	16	190	8.4
Howell Road	0	1	0
Exe Street, inc Barbican Ct, Bell Ct, Bridge Ct	0	182	0
Napier Terrace	0	13	0
Iron Bridge (inc Bell Court, Bridge Court)	2	12	16.7
Dinham Road	3	19	15.8



Dinham Crescent (inc Dinham Mews)	0	29	0
Mount Dinham	0	44	0
Haldon Road, inc St Lichfields Ct	10	120	7.8
Bonhay Road	20	98	20.5
Looe Road	1	43	2.3
Tavistock Road	1	18	5.5
Kingdom Mews	0	20	0
Telford Road	5	20	25.0
Clayton Road	0	25	0
Brunel Close, Point Exe (59) excluded	0	18	0
Eldertree Gardens	6	21	28.6
St Clements Lane	2	2	100.0
Windsor Close	0	4	0
Taddiford Road	0	17	0
St David's Place/Red Cow Village	1	13	7.7
Northfield Student Scheme	0	97	0
<b>TOTAL</b>	<b>230</b>	<b>1766</b>	<b>13.0</b>
<b>STREETS EXCLUDED FROM ARTICLE 4 DIRECTION</b>			
Culverland Road	36	59	61.0
Danes Road	51	65	78.5
Edgerton Park Road	18	25	72.0
Hillsborough Avenue	18	25	72.0
Mowbray Avenue	11	19	57.9
Old Park Road	11	15	73.3
Springfield Road	39	56	69.6
Victoria Street	76	100	76.0
Wrentham Estate	8	15	53.3
<b>TOTAL</b>	<b>268</b>	<b>379</b>	<b>70.7</b>



**EXETER CITY COUNCIL**

**HOUSES IN MULTIPLE OCCUPATION (INCLUDING CLASS C4 USES)  
CONSULTATION STATEMENT**

**1 PRE DRAFT SPD CONSULTATION**

- 1.1 Under the Planning and Compulsory Purchase Act 2004 (regulation 17 (1) (b)), it is a requirement to prepare and make available a Statement setting out:
- (i) the names of any persons whom the authority consulted in connection with the preparation of the SPD;
  - (ii) how the persons were consulted;
  - (iii) a summary of the main issues raised in those consultations, and
  - (iv) how these issues have been addressed in the SPD.
- 1.2 The draft SPD has been preceded by a consultation at the end of 2010 on a proposed Article 4 Direction. This proposed to remove permitted development rights to enable the Council to restrict the change of use to Class C4 HMOs. That consultation involved public notices in the Express & Echo, small Exhibitions in the Council offices, Exeter Community Centre, Central Library and Clifton Hill Sports Centre; and letters to all 7,300 homes affected. Officers of the Planning Service have previously met resident groups and associations in the area affected, addressed local PACT meetings, the local Landlords Association and Exeter Estate Agents Association.

**2 DRAFT SPD CONSULTATION ARRANGEMENTS**

- 2.1 The public consultation period was from 2 April to 14 May.
- 2.2 There was a Public Notice in the Express & Echo on 31 March 2011.
- 2.3 Copies of all the relevant documents were on the Council's website with a link from the front page during the consultation period.
- 2.4 The Council wrote to 810 persons who had provided contact details when they responded to the previous consultation on the Article 4 Direction in November/December 2010. The Council also wrote to the 67 estate agents active in Exeter and other known interest groups (see list at Annex A).
- 2.5 A small manned exhibition was staged at the University of Exeter Students Guild over the lunch times on 3 and 9 May.

**3 REPRESENTATIONS**

- 3.1 The representations are summarised in the schedule at Annex B and can be inspected by arrangement with Planning Services. The issues are addressed in the report to Planning Member Working Group and Executive on 14 June/5 July.

**CONSULTATION – INTEREST GROUPS**

Mr R Atkins, Exeter College, Hele Road, EXETER, EX4 4JS

Mr R Cunningham, University of Exeter, Devonshire House, Stocker Road, EXETER, EX4 4PZ

The Manager, St Sidwells Centre, Sidwell Street, EXETER, EX4 6NN

The Manager, Age Concern Exeter, Manaton Court, EXETER, EX2 8PF

The Manager, Age Concern Exeter, 7 Southernhay West, EXETER, EX1 1JG

The Manager, Community Council of Devon, County Hall, EXETER, EX2 4QB

The Manager, Homeless Action Group – Exeter, Palace Gate House, EXETER, EX1 1HX

Devon Racial Equality Council, 15 York Road, EXETER, EX4 6BA

The Manager, Living Options Devon, Isca House, Haven Road, EXETER, EX2 8DS

Cllr N Shiel, Chair, Exeter Senior Council, 4 St Leonards Road, EXETER, EX2 4LA

Rt Hon Ben Bradshaw, MP, Exeter Labour Party, Labour HQ, 26b Clifton Hill, EXETER, EX1 2DJ

PCSO Sara Giles, Devon & Cornwall Police, Heavitree Road Police Station, Heavitree Road, EXETER, Devon

Claire Heale, National Landlords Association, 22-26 Albert Embankment, LONDON, SE1 7TJ

Residential Landlords Association Limited, 1 Roebuck Lane, SALE, Manchester, M33 7SY

Ms Elaine Tottie, Residential Landlords Association Limited, c/o Bury & Walkers LLP, 4 Butts Court, LEEDS, LS1 5JS

Devon County Council, Planning Services, Luccombe House, Topsham Road, EXETER, EX2 4QW

Mr David Stuart, English Heritage, 29 Queen Square, BRISTOL, BS1 4ND

'Oughton, Gareth'; Students' Guild, University of Exeter

'Hugh McCann ([h.f.mccann@exeter.ac.uk](mailto:h.f.mccann@exeter.ac.uk))'; Director Estate Development, University of Exeter

'steve.bartlett@landlords.org.uk';

Emma.SNOW@devonandcornwall.pnn.police.uk'; 'MarcelVenn@hotmail.com';

[info@nationalgypsytravellerfederation.org](mailto:info@nationalgypsytravellerfederation.org)

EXETER CITY COUNCIL

SUPPLEMENTARY PLANNING DOCUMENT  
HOUSES IN MULTIPLE OCCUPATION (INCLUDING CLASS C4 USES)

**1 STATUS OF DOCUMENT**

- 1.1 This Supplementary Planning Document was agreed by the Council's Executive on 5 July 2011.

**2 BACKGROUND**

- 2.1 The University of Exeter has grown significantly in recent years from 11,923 full time equivalent students in 2006/7 to 15,250 at 2010/11 and it expects to reach 18,700 by 2025/6. While a significant and increasing proportion of students live in purpose-built student accommodation, a large number live in shared student houses that are concentrated in certain parts of the City that are close to the University's Campuses. The number of properties in Exeter that are exempt from Council Tax due to entire occupation by full time students has increased from 1,184 in 2006 to 2,417 in May 2011. This includes an increasing number of purpose-built private student cluster flats and studios.
- 2.2 Not all students who live in private houses are in properties that are registered as exempt from Council Tax. There are students who lodge or share with non-students. There are also many houses in multiple occupation that are not occupied by students and small properties of 1 or 2 bedrooms that are Council Tax exempt that are not classified as houses in multiple occupation. Therefore the figures for Council Tax exemptions do not show the whole picture so far as houses in multiple occupation (HMO's) are concerned, but they do provide a useful measure for gauging the growth and distribution of student occupation in private dwellings.

**3 PURPOSE OF GUIDANCE**

- 3.1 The purpose of the guidance document is to clarify the implementation of Policy H5 (b) of the Exeter Local Plan.
- 3.2 The law requires that planning decisions be in accordance with the development plan unless other material considerations indicate otherwise. The main part of the development plan relevant to student accommodation is criterion (b) of Policy H5 of the adopted Exeter Local Plan. This states:

H5: THE CONVERSION OF DWELLINGS TO FLATS, SELF-CONTAINED BEDSITTERS OR HOUSES IN MULTIPLE OCCUPATION AND THE DEVELOPMENT OF SPECIAL NEEDS OR STUDENT HOUSING WILL BE PERMITTED PROVIDED THAT:

(b) THE PROPOSAL WILL NOT CREATE AN OVER CONCENTRATION 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.

## 4 SCOPE OF GUIDANCE

- 4.1 The guidance will apply to all planning applications for change of use from homes (Class C3 of the Use Classes Order) to Class C4 (houses in multiple occupation by three to six people) and to 'sui generis' houses in multiple occupation of seven or more occupants, within the areas shown stippled on Plan 1 and potentially within the areas shown striped. In all these areas planning permission will be required for material change of use from Class C3 to Class C4 following the removal of permitted development rights through an Article 4 Direction taking effect in January 2012. The guidance will not apply to purpose-built student accommodation or to nine streets that are not subject to an Article 4 Direction. They are:

Culverland Road  
Danes Road  
Edgerton Park Road  
Hillsborough Avenue  
Mowbray Avenue  
Old Park Road  
Springfield Road  
Victoria Street  
Wrentham Estate

- 4.2 Further guidance on the need for planning permission for houses in multiple occupation is available on the Council's website at <http://www.exeter.gov.uk/index.aspx?articleid=13208&listid=9485>
- 4.3 The proposed restriction on further houses in multiple occupation will not affect properties that can prove an existing lawful use as a house in multiple occupation.

## 5 BASIS OF PROPOSED POLICY

- 5.1 With effect from 1 January 2012, the Council is proposing to resist any further changes of use to houses in multiple occupation within the area shown stippled on Plan 1, where the proportion of homes exempt from Council Tax already exceeds 20%. In other words the Council will regard a proportion greater than 20% as an over-concentration of HMO use for the purposes of Policy H5 (b).

### Exceptional Circumstances

- 5.2 PPS1 *The Planning System: General Principles* states (para 21):

*'Exceptionally, ... the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community may be material to the consideration of a planning application.... Such arguments will seldom outweigh the more general planning considerations, however.'*

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. In considering whether to make an exception in such cases to the policy and this SPD guidance the Council will have regard to:

- Local representations in support or objection from those directly affected by the proposal.
  - 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 (eg if there were such uses on both adjoining sides).
  - Any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling.
  - Any other circumstances indicating the policy restriction is causing severe personal hardship.
- 5.3 If annual monitoring indicates that the proportion of Council Tax exemptions in the areas shown striped on the plan have increased to over 20%, then the restrictions will be applied to those areas. The proportion of existing Council Tax exemptions in these areas is shown on the plan.
- 5.4 This policy has been drafted on the basis of data at May 2011. Data will be updated on an annual basis every May. The proportions have been calculated on the basis of areas that respect ward boundaries.

## **6 FURTHER INFORMATION**

- 6.1 Annex 1 is a chronology listing events and the background documents on the Council's website that relate to the issue.
- 6.2 Anyone wishing to discuss the issues or seek further information should contact [planning@exeter.gov.uk](mailto:planning@exeter.gov.uk) or telephone 01392 265223.

## **7 PUBLIC CONSULTATION**

- 7.1 A copy of a Consultation Statement is available on the Council's website.

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

**CHRONOLOGY AND BACKGROUND DOCUMENTS RELATING TO UNIVERSITY OF  
EXETER STUDENT ACCOMMODATION ISSUES**

<b>DATE</b>	<b>DOCUMENT AND DESCRIPTION</b>
<b>Dec 2006</b>	<p><b>Report to Planning Committee on University of Exeter Supplementary Planning Guidance.</b> This report proposes to agree 9 principles for public consultation and adoption as supplementary planning guidance on future development of University of Exeter related facilities.</p> <p>It attaches a report that was considered by the Council's Planning Member Working Group in November 2006 on the University of Exeter's proposed Estates Strategy 2006-2016 that identifies the significant scale of future potential expansion and related residential accommodation and car parking issues.</p> <p><b>Planning Committee Report on draft SPG Report on draft SPG.</b></p> <p><a href="http://committees.exeter.gov.uk/Data/Planning%20Committee/20061211/Agenda/\$Item%2004a.doc.pdf">http://committees.exeter.gov.uk/Data/Planning%20Committee/20061211/Agenda/\$Item%2004a.doc.pdf</a></p> <p><b>PMWG report 28 November 2006</b> Report on Estates Strategy</p> <p><a href="http://s-civ-wap01:9071/Data/Planning%20Committee/20061211/Agenda/\$Item%2004a.doc.pdf">http://s-civ-wap01:9071/Data/Planning%20Committee/20061211/Agenda/\$Item%2004a.doc.pdf</a></p>
<b>June 2007</b>	<p><b>University of Exeter Related Development Supplementary Planning Guidance.</b> The adopted nine principles SPG. These include support for expansion of the University subject to 75% of additional students being accommodated in purpose built accommodation</p> <p><b>Adopted SPG</b></p> <p><a href="http://exeter.gov.uk/CHttpHandler.ashx?id=7530&amp;p=0">http://exeter.gov.uk/CHttpHandler.ashx?id=7530&amp;p=0</a></p> <p><b>Executive report</b> Explains the consultation process and response to comments upon the consultation draft</p> <p><a href="http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=1239">http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=1239</a></p>
<b>June 2007</b>	<p><b>PMWG report on proposed students in residential areas SPG.</b> Proposes draft supplementary planning guidance on Student Accommodation in Residential Areas</p> <p><a href="http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=1081">http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=1081</a></p>
<b>Feb 2008</b>	<p><b>Student Accommodation in Residential Areas Supplementary Planning Guidance.</b> Adopted SPG identifying three areas of the City where further student accommodation will be restricted to avoid creating imbalanced communities. The areas already have more than 25% of homes exempt from Council Tax due to their entire occupation by full time students</p> <p><b>Adopted Supplementary Planning Guidance.</b></p> <p><a href="http://co.exeter.gov.uk/mgConvert2PDF.aspx?ID=2588">http://co.exeter.gov.uk/mgConvert2PDF.aspx?ID=2588</a></p>



## **Executive report**

Explains the consultation process and response to comments upon the consultation draft

<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=1124>

- Oct 2008**      **Annual report to Planning Member Working Group on University/student related issues.**  
Includes proposed response to a DCLG consultation on the introduction of greater planning controls of houses in multiple occupation.
- PMWG report**
- <http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=4220&ISATT=1#search=%22annual%20monitoring%20%22>
- June 2009**      **Annual report to Planning Member Working Group on University/student related issues.**
- PMWG report**
- <http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=8832>
- Feb 2010**      **Report to PMWG on Government announcement regarding creation of new Class C4 giving councils planning control over small HMOs.**
- PMWG report**
- <http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=13000>
- Apr 2010**      **Government's proposed new Class C4 comes into effect.**  
Material changes of use from Class C3 homes to Class C4 small HMOs of 3-6 persons now require planning permission
- Aug 2010**      **Report to Planning Member Working Group on University/student related issues.**  
Updates Councillors on proposed changes in legislation to make change of use from Class C3 to Class C4 permitted development from 1 October. Councils can only retain planning control on the change of use from Class C3 to Class C4 by making an Article 4 Direction removing the permitted development right.
- PMWG report**
- <http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=15204&ISATT=1#search=%22Class%20C4%22>
- Sept 2010**      **Report to Executive**  
Authority delegated to the Head of Planning and Building Control Services in consultation with the Portfolio Holder Sustainable Development and Transport to make an Article 4 Direction including consideration of representations.
- Executive report**
- <http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=15652>

- Oct 2010**      **Government's new Permitted Development right takes effect.**  
Material changes of use from Class C3 homes to Class C4 small HMOs or 3-6 persons become 'Permitted Development' not requiring planning permission unless a local authority makes an Article 4 Direction removing that right.
- Nov 2010**      **Consultation on proposed Article 4 Direction.**  
Exeter City Council consults on a proposed Article 4 Direction covering about 7,300 homes mainly to the north and east of the City Centre. Letters are sent to all occupiers.
- Dec 2010**      **Report to Executive on a petition from about 800 residents of St James Ward.**  
The petition urgently sought an early Article 4 Direction and various policy initiatives. (Executive also received a report on the adoption of a Masterplan SPD for Streatham Campus the background to this document is not covered by this chronology)
- Executive report**  
<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=16501>
- Dec 2010**      **Article 4 Direction confirmed.**  
It is effective from 1 January 2012 due to the provision of 12 months notice and covers about 7,000 homes.
- Report on consultation on Direction**  
<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=16501>
- Article 4 Direction**  
<http://www.exeter.gov.uk/CHttpHandler.ashx?id=15237&p=0>
- Feb 2011**      **PMWG report on future planning policy on student accommodation issues.**  
Report proposes a series of principles as the basis of the proposed Supplementary Planning Document.
- PMWG report**  
<http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=17166>
- March 2011**      **Report to Executive on proposed draft Supplementary Planning Document.**  
Report recommends a draft document be published for public consultation
- <http://committees.exeter.gov.uk/ieListDocuments.aspx?CId=112&MID=2775#AI13774>
- 14 June/ 5 July 2011**      **Report to PMWG and Executive on Supplementary Planning Document Houses in Multiple Occupation (Including Class C4 Uses)**  
(links not yet available)
- Jan 2012**      **Article 4 Direction takes effect introducing planning control over new small HMOs in the area covered.**

*Copies of these documents can be inspected by prior arrangement with  
Planning Services*