

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 21 MAY 2015
REPORT OF THE HEAD OF PLANNING

S6/2015/0121/FP

19 WALKER GROVE, HATFIELD AL10 9PL

CHANGE OF USE FROM A DWELLINGHOUSE (C3 USE) TO A HOUSE IN MULTIPLE OCCUPATION (C4 USE) FOR 6 TENANTS

APPLICANT: Mr Randhawa Dilbag

(Hatfield Villages)

1 Site Description

- 1.1 The application site is situated within the redeveloped former Hatfield Aerodrome site known as Salisbury Village. The site consists of a three storey detached dwelling, including accommodation within the roofspace, a garage and front and rear gardens. The surrounding area and street scene are residential in character although Ellenbrook Park is situated to the rear of the application site.

2 The Proposal

- 2.1 This application seeks full planning permission for the change of use from a dwellinghouse (C3 use) to a House in Multiple Occupation (C4 use) for 6 tenants. No changes to the internal layout or the external appearance of the property are proposed.

3 Reason for Committee Consideration

- 3.1 This application is presented to Development Management Committee because Councillor Duncan Bell has called it in for the following reason:

“I believe that the application raises sensitive planning issues which the Committee will wish to discuss, particularly in the light of previous HMO experience in this street. (Of which the Committee will be aware).

The sensitivity arises from the fact that the ability of Article 4 protection to allow us to maintain a “mixed, balanced, sustainable, and inclusive” community in Salisbury Village, (for which the protection is designed), currently hangs by a narrow thread, and could be permanently invalidated by further HMO conversions.”

4 Relevant Planning History

- 4.1 None relevant

5. Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance 2005
- 5.4 Houses in Multiple Occupancy Supplementary Planning Document 2012
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014

6. Site Designation

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

7. Representations Received

- 7.1 This application has been advertised by site notice and neighbour notifications. 12 representations have been received from addresses in Walker Grove. The objections raised can be summarised as:
 - Anti-social behaviour and crime
 - Parking issues and disputes including and the impact of the proposal on access to No.17 Walker Grove
 - Increase in litter and fly-tipping
 - Unkempt gardens
- 7.2 Welwyn Hatfield Access Group commented on the number of bathrooms and also parking provision in a letter addressed directly with the applicant and forwarded a copy of their letter to the Council. The letter did not state any objection to the proposal.

8. Consultations Received

- 8.1 No objections have been received from Hertfordshire Fire and Rescue Service WHBC Client Services, WHBC Private Sector Housing and WHBC Environmental Health

9. Town Council Representations

- 9.1 Hatfield Town Council have not responded to consultation.

10. Analysis

- 10.1 The main planning considerations with this application are:
 1. **Whether the proposed change of use from a dwellinghouse to a House in Multiple Occupation is acceptable in principle (Local Plan Policy D1, D2, SPD and NPPF)**
 2. **Impact upon the residential amenity of the locality (Local Plan Policy D1, R19 and NPPF)**
 3. **Amenity standards for the future occupants (Local Plan D1 and SPD)**
 4. **Car parking provision (Local Plan Policy M14, SPD and NPPF)**
 5. **Other material planning considerations (SPD)**

1. Whether the proposed change of use from a dwellinghouse to a House in Multiple Occupation is acceptable in principle

- 10.2 A key national housing objective is the creation of mixed, sustainable and inclusive communities, which contain a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. Within Welwyn Hatfield, Houses in Multiple Occupation (HMOs) form an important part of the housing stock, providing a valuable supply of privately rented accommodation. HMOs provide accommodation for a variety of occupiers including; students, professionals in employment and those in receipt of housing benefit. HMOs are one of the most affordable forms of accommodation in the private rented sector.
- 10.3 There are particularly high concentrations of HMOs in Hatfield within the redeveloped former Hatfield Aerodrome site (known as Salisbury Village), throughout the South Hatfield area and surrounding the University of Hertfordshire's College Lane Campus. The presence of a high concentration of HMOs in some areas of Hatfield results in a lack of mix and imbalance within local communities, is not inclusive and does not create sustainable communities.
- 10.4 The Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets out objectives and explains the reasons why the Council aims to retain a balance of different housing types. To retain an appropriate balance of housing the permitted development rights for changes of use from a dwellinghouse (Use Class C3) to a HMO (Use Class C4) have been withdrawn by an Article 4 Direction over a large area in Hatfield, including Salisbury Village.
- 10.5 The HMO SPD has been written specifically to address the problems and evidence associated with high concentrations of HMOs within Hatfield. The criteria within the document relate to specific themes associated with HMOs and these have been widely accepted by the general public, the private landlords forum (a forum of private landlords operating in the Welwyn Hatfield area hosted by Welwyn Hatfield Council), those looking to purchase HMOs and letting agents and estate agents operating within the local area. The SPD has been informed by extensive public consultation and this is set out within the accompanying Consultation Statement, including details of the consultation carried out, examples of publicity material and consultation responses received. The consultation included a workshop with members of Hatfield Town Council and Welwyn Hatfield Borough Council prior to public consultation on the Draft Houses in Multiple Occupation Supplementary Planning Document in September 2011. The consultation also included advertisement in the local newspaper, the Welwyn Hatfield Times (in addition to the statutory notice) and articles in the local press. The resulting Supplementary Planning Document provides a well informed, clear, logical approach to the determination of planning applications for HMOs which has gained broad acceptance.
- 10.6 Criterion HMO1 of the SPD sets a methodology for assessing whether there is an overconcentration of HMOs within an area. This particular criterion states that applications will not be permitted where the proportion of HMOs would exceed 20% of the total number of dwellings within a 50m radius of the application property. This approach has been selected, in consultation with the public, and based on the existing situation in Hatfield, where some parts of Hatfield are already characterised by an over-concentration of HMOs which has already had an adverse impact on residents in the surrounding area and local communities.

- 10.7 The 50m buffer zone and 20% concentration level enables the Council to manage future changes in land use to ensure that the surrounding area is not adversely affected by new HMOs. The 20% concentration level has been selected based on an approach which analysed the levels of concentration which result in an adverse impact and also an assessment of what level of concentration would still allow an appropriate number of new HMOs to meet future need.
- 10.8 The approach adopted by Welwyn Hatfield Council applies equally in all areas of Hatfield. It is fair, clear and equitable. It has been developed in consultation with local councillors and the public. Indeed as part of the public consultation specific questions were included about the approach to assessing the number of HMOs. As part of the consultation, questions were asked about whether this is the correct approach to concentration, whether 20 per cent is an appropriate percentage above which to refuse planning applications for HMOs, and whether a 50 metre radius around the application property is an appropriate distance. In response to all three questions there was support for the approach taken to concentration, to the 20 per cent and a 50 metre radius around the application property.
- 10.9 To assess the proportion of HMOs within a 50m radius the Council has drawn on the following information sources; licensed HMOs, enforcement records, council tax records for student exemption, resident representations and its database of HMOs. The information sources from all Council records show that there is one existing HMO within a 50m radius of the application site (at No.25 Walker Grove). When combined with the proposed change of use, the number of HMOs would increase to two within the 50m radius. Within the same area there are 14 dwellings in total, if 2 were HMOs this would create a proportion of 14% which would not exceed 20% of the total number of dwellings. The proposal is therefore compliant with criterion HMO1 of the HMO SPD.

2. Impact upon the residential amenity of the locality

- 10.10 No external alterations are proposed to the application building, therefore, any impact upon the residential amenity of the locality would come from the change in use of the property from a dwellinghouse to a HMO. The Council's Environmental Health Team were consulted on this application and did not object. Hatfield Town Council did not respond to consultation.
- 10.11 Although several objections were received from occupiers of Walker Grove, the grounds for objection did not relate to issues of residential amenity. Objections generally referred to noise and anti-social behaviour in relation to existing HMOs, but no details were given to explain the source of noise or the harm that had occurred. None of the objections explained what impact the proposed change of use would have in terms of noise or how this would harm the residential amenity of neighbouring occupiers.
- 10.12 In regards to crime and anti-social behaviour, there is no evidence that offending is any higher among the occupants of HMOs. Assumptions regarding crime or anti-social behaviour of occupants are not material planning considerations. This has been confirmed in a recent legal case where it was held that fear had to have a reasonable basis and the object of that fear had to be the use of the land. A HMO is not inherently likely to cause difficulties to neighbours or cause the same level of concern as, for example, an institution such as a bail hostel. Well managed and HMOs do not generally cause trouble to the local community.

10.13 There is insufficient evidence to imply that six individuals living in the application property would be likely to generate materially more activity than a large family unit or cause an unacceptable level of noise or disturbance to neighbours through comings and goings or through their lifestyle. It is relevant to note that occupation of the property by more than six individuals would fall outside the defined parameters of Use Class C4 and that an increase in occupancy above six individuals would require planning permission for a Sui Genris use. In consequence, it is concluded that the proposed change of use would have no materially harmful effect on the living conditions of neighbouring residential occupiers with respect to noise and disturbance and thus no conflict with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

3. Amenity standards for the future occupants

10.14 The proposed layout would be acceptable in terms of the entrance which would open on to a hall as required by criterion HMO5 of the HMO SPD. Although there is not an allocated drying area within the plans, the rear garden is a sufficient size to accommodate an area for drying clothes which can be required by condition. There is also a utility room where a tumble dryer could be positioned. The garden area would exceed the minimum requirement of 23m² set out in the SPD, this area would be private and readily accessible to all occupants. All bedrooms would comfortably exceed the minimum space standards and the communal facilities are generous. It is considered that the dwelling as an HMO would comfortably accommodate six people in accordance with criterion HMO5 of the HMO SPD and the broad objectives designed to protect residential amenity in Local Plan Policy D1.

4. Car parking provision

- 10.15 Local Plan Policy M14 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 10.16 The car parking requirement for a six bedroom HMO is three parking spaces. The submitted application form states that there are three parking spaces, however, the submitted Block Plan identifies three spaces plus one garage space. Two spaces are situated in front of the garage, whilst a single parking space is provided by a lay-by (dedicated to No.19 and within the applicant's ownership) at the front of the application site.
- 10.17 Criterion HMO2 of the HMO SPD states that all parking spaces should be capable of being used independently of one another. Whilst it is acknowledged that of the four parking spaces available at the application property, only two spaces could be used independently (the lay-by and one of the spaces in front of the garage), it would be unreasonable to withhold planning permission solely on these grounds.
- 10.18 Moreover, criterion HMO2 states that regard will also be had to the existing parking situation in the area. In this case, there is no substantive evidence to demonstrate that there is any significant pressure for car parking in the area of

the site. In this regard it is relevant that there are a considerable number of private garages nearby, as well as off-street parking spaces, and there are very few parking restrictions on the roads. Furthermore, on street parking appeared to be controlled by permits, which should ensure that it is available for use by local residents.

- 10.19 It is also relevant to consider how accessible the site is by means of transport other than the private car. In this regard, the site is located within convenient walking distance of The University of Hertfordshire, bus stops, local shops, leisure facilities and the Galleria shopping centre. Taking into account all of the above, it is considered that, on balance, the change of use would not have a harmful effect on car parking or highway safety in the area.

5. Other material considerations

- 10.20 **Cycle parking provision:** There is no information regarding cycle storage on the submitted application drawings and the relevant section of the application form has not been completed. Nonetheless, there is sufficient storage opportunities within the garage or the rear garden to accommodate the spaces required. It is therefore not necessary for a planning condition requiring details of cycle storage to be approved by the Local Planning Authority. If the garage is used for storage, there would still be three off street parking spaces (two spaces in front of the garage and a single space in the lay-by) which accords with the requirement for a six bedroom HMO.
- 10.21 **Refuse and recycling storage:** The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2. Criterion HMO4 of the HMO SPD requires the provision of an appropriate designated storage place outside the house and screened from view wherever possible. The application site does not currently have a designated bin store and there is no information regarding bin storage on the submitted application drawings. Nonetheless, there is sufficient storage opportunities within the garage or the rear garden to accommodate the number of bins required. Therefore, if the application is to be approved additional details illustrating appropriate storage could be agreed by condition.

Conclusion

- 10.22 The proposal would maintain a balance of different housing types within 50m radius of the application site in accordance with criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document. The proposal would not significantly increase the intensity and concentration of occupation over-and-above the existing situation and would provide satisfactory living conditions for its intended occupants in accordance with criterion HMO5 and the broad objectives designed to protect residential amenity in Local Plan Policy D1.
- 10.23 Whilst it is acknowledged that of the four parking spaces available at the application property only two spaces could be used independently, this is insufficient grounds on its own to justify refusal of planning permission. Given the accessible location of the application site and the fact that there is no substantive evidence to demonstrate a significant pressure for car parking in the area of the site, on balance, it is considered that the change of use would not have a harmful effect on car parking or highway safety in the area in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005.

11 Recommendation

11.1 It is recommended that planning permission be approved subject to the following conditions:

1. C.2.1 – The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended).

2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details: 1:1250 Site Location Plan & 1:500 Block Plan & Floor Plans received and dated 21 January 2015 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

Pre-development

3. The building shall not be occupied as a House in Multiple Occupation until details of the location and design of the refuse bin and recycling materials storage areas have been submitted to and approved by the Local Planning Authority. Subsequently, the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing. The location shall be retained in that form thereafter.

REASON: To ensure that there is adequate waste and recycling storage in accordance with criterion HMO4 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and to protect the residential amenity of the occupiers and adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

4. The building shall not be occupied as a House in Multiple Occupation until details of the location and design of an outdoor clothing drying area has been submitted to and approved by the Local Planning Authority. Subsequently, the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing. The outdoor drying area shall be retained in that form thereafter.

REASON: To ensure that there is an outdoor clothing drying area in accordance with criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012, to protect the residential amenity of the occupiers, and in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. The building shall not be occupied as a House in Multiple Occupation by more than six individuals.

REASON: To prevent intensification of the use and to protect the residential amenity of the occupiers and character of the surrounding area and in accordance within Policies D1, D3 and D7 of the Welwyn Hatfield District Plan 2005.

Summary of reasons for the grant of planning permission:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Informatives:

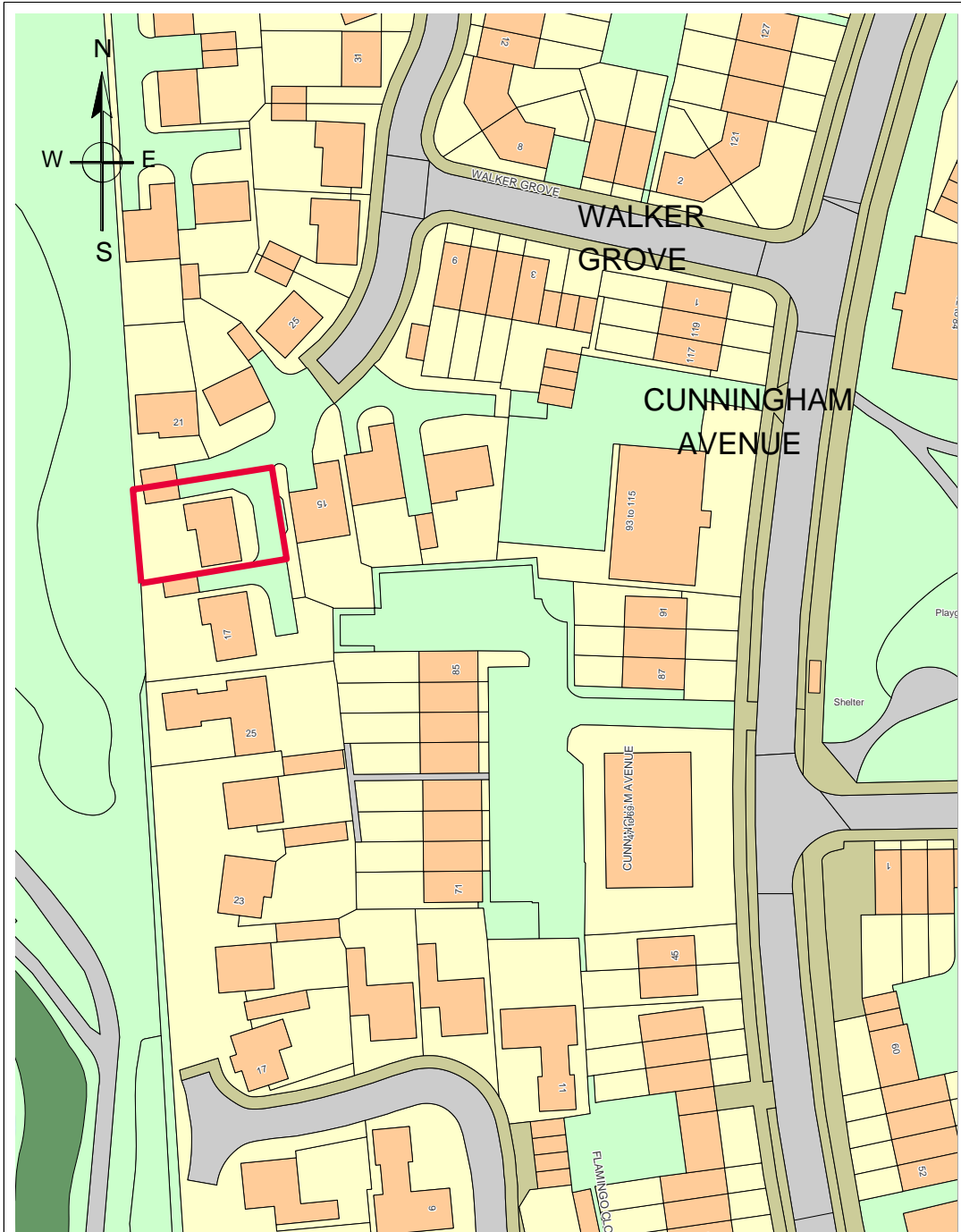
1. INF12. Noise
2. INF13. Management Regulations for Houses in Multiple Occupation
3. INF14. Health and Safety for all rented property under the Housing Act
4. INF15. Licensing Houses in Multiple Occupation
5. INF16. Landlord Accreditation for Houses in Multiple Occupation


Mark Peacock (Strategy and Development)

Date: 6 May 2015

Background papers to be listed (if applicable)

None



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: 19 Walker Grove, Hatfield		Scale: DNS
	Project: DMC Meeting	Drawing Number: S6/2015/0121/FP	Date: 21 May 2015
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