

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2012/0606/FP</b>
<b>APPLICATION Site:</b>	<b>50 The Runway, Hatfield</b>

**NOTATION:**

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

**DESCRIPTION OF SITE:**

The application site is situated on the western edge of the redeveloped former Hatfield Aerodrome site known as Salisbury Village. The site consists of a three storey dwelling, including accommodation within the roofspace, a double length garage and front and rear gardens. The surrounding area and street scene are residential in character although with Ellenbrook Park situated opposite the application site.

**DESCRIPTION OF PROPOSAL:**

Change of use from Dwellinghouse (Use Class C3) to a five bedroom House of Multiple Occupation (Use Class C4). No alterations to the application building are proposed. Accommodation comprises of five bedrooms, two with en-suite bathrooms, one shared bathroom, kitchen, lounge, dining room and wc.

**PLANNING HISTORY:**

None relevant

**SUMMARY OF POLICIES:**

National Planning Policy Framework, March, 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

T14: Parking

The Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

R5: Waste Management

D1: Quality of Design

D2: Character and Context

D7: Safety by Design

D8: Landscaping

## D9: Access and Design for People with Disabilities

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005  
Houses in Multiple Occupancy Supplementary Planning Document, February 2012

### **CONSULTATIONS:**

Hertfordshire County Council Transport Programmes & Strategy Department – Do not wish to restrict the grant of permission.

Welwyn Hatfield Council Planning Policy – Recommend refusal of planning permission.

Welwyn Hatfield Council Environmental Health – No response (consultation expired 20/06/212)

Welwyn Hatfield Council Client Services – No comment

Welwyn Hatfield Council Housing Strategy – No response (consultation expired 06/07/212)

### **HATFIELD TOWN COUNCIL COMMENTS:**

Hatfield Town Council – No response (consultation expired 22/06/212)

### **REPRESENTATIONS:**

The application was advertised by neighbour notification letters. No representations were received from neighbouring occupiers. The Welwyn Hatfield Access Group were consulted on this planning application and responded by letter, dated 21 June 2012, addressed to the applicant and copied to the Council. This letter queried matters relating to the location of toilets within the premises and provisions for fire alarms and emergency egress. No further correspondence was received and The Welwyn Hatfield Access Group did not submit any representation directly to the Council.

### **DISCUSSION:**

The main issues are:

1. The impact of the change of use upon the character and amenity of the locality
2. The proposed development's impact upon the residential amenity of the locality
3. Amenity standards for the future occupants
4. Parking and cycle parking provision
5. Other material planning considerations

#### **1. The impact of the change of use upon the character and amenity of the locality**

The Houses in Multiple Occupation (HMO) Supplementary Planning Document (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 use class C3 to C4 have been withdrawn by an Article 4 Direction over a large area in Hatfield.

Within Welwyn Hatfield, houses in multiple occupation form an important part of the housing stock, providing a valuable supply of privately rented accommodation.

Houses in multiple occupation provide accommodation for a variety of occupiers including; students, professionals in employment and those in receipt of housing benefit. Houses in multiple occupation are one of the most affordable forms of accommodation in the private rented sector.

Welwyn Hatfield has a variety of stock of houses in multiple occupation, some of which is occupied by students. Information from council tax records shows that 92% of student exempt properties within the borough are located in Hatfield and those properties that have student exemption from council tax account for 9.7% of all properties within Hatfield.

The number of student exempt properties has more than doubled over an eleven year period, with an increase of 793 properties, or 110%. In 2001 there were 722 student exempt properties and in 2011 there were 1515 student exempt properties in Welwyn Hatfield. This increase coincides with the University of Hertfordshire opening a new campus in Hatfield and closing campuses at other locations within Hertfordshire and moving the facilities to campuses in Hatfield. The University of Hertfordshire now has two main campuses and both of these are in Hatfield; one at College Lane and one at de Havilland.

There are particularly high concentrations of houses in multiple occupation 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. Concentrations of houses in multiple occupation in some areas of Hatfield are as high as 50%.

This high concentration is changing the character of parts of Hatfield which can have a detrimental effect on surrounding residents and the wider local area. 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. The presence of a high concentration of houses in multiple occupation in areas of Hatfield results in a lack of mix and imbalance within local communities, is not inclusive and does not create sustainable communities.

The usage of a house in multiple occupation is considered to be very different than that of a family dwellinghouse. Due to the proximity of The University of Hertfordshire, if planning permission is granted for change of use to C4, there is considered to be a reasonable likelihood that the application property would be occupied by students. Individual occupants would therefore be transient in nature and unlikely to form a long term commitment to the area. Students often have different lifestyles to permanent residents and this can on occasion result in unneighbourliness and anti-social behaviour, particularly with regard to boisterousness and noise.

To ensure that an appropriate ratio of C4 and C3 properties is maintained it is necessary that applications comply with Criterion HMO1 of the SPD. This requires changes of use to C4 to not exceed 20% of the total number of dwellings within a 50m radius. To assess the proportion of houses in multiple occupation within a 50m radius of the application property the Council has draw on the following information

sources; licensed houses in multiple occupation, council tax records for student exemption and its database of houses in multiple occupation. The information sources show that there are four existing houses in multiple occupation within a 50m radius of the application site (at No.44, 46, 54 and 56 The Runway). When combined with the proposed change of use, the number of houses in multiple occupation would increase to five within 50m radius. Within the same area there are 19 dwellings in total, if five were houses in multiple occupation this would create a proportion of 26% houses in multiple occupation which would exceed 20% of the total number of dwellings. The proposal is therefore contrary to criterion HMO1.

This proposal is likely to result in a concentrated transient community alongside a more permanent community which are likely to have conflicting lifestyles. The over concentration of houses in multiple occupation would not lead to a well balanced community, so the proposal would not sit well with the National Planning Policy Framework (NPPF) which encourages the creation of sustainable communities and community cohesion. Section 6 of the NPPF 'Delivering a wide choice of high quality homes' sets out a number of objectives which include creating sustainable, inclusive and mixed communities. Section 8 of the NPPF 'Promoting healthy communities' states that planning policies and decisions, in turn, should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

In summary, the imbalance in the community identified above would have a material and harmful effect on the character and amenity of the area. This would conflict with criterion HMO1 of the Houses in Multiple Occupation SPD; Policies SD1, D1, D2, R19 of the Welwyn Hatfield District Plan the Council's Supplementary Design Guidance 2005; the proposal would also conflict with the National Planning Policy Framework.

## **2. The proposed development's impact upon the residential amenity of the locality**

No alterations to the application building are proposed. In this case, however, the harm is likely to come from the change in use from a family dwelling to a house in multiple occupation resulting in an intensification of the use of the site and a change in the character of use as discussed in detail under section 1 of this report. The change of use to a five bedroom house in multiple occupation by reason of the intensity and concentration of the proposed occupation, and the likely resultant levels of activity, noise and disturbance would materially harmfully affect the living conditions of neighbouring residential occupiers. As such the proposal is considered contrary Policies D1, D2, R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

## **3. Amenity standards for the future occupants**

The proposed layout would be acceptable in terms of the entrance would open on to a hall. 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. The garden area would exceed the minimum requirement of 22m<sup>2</sup> set out in the SPD, this area would be private and readily accessible to all occupants.

Three of the five bedrooms would meet the minimum space standards of 8m<sup>2</sup> as required by criterion HMO5 of the HMO SPD. The space standards are considered to be a minimum which is necessary to ensure that the occupants are not living within excessively cramped conditions and the HMO properties are not overcrowded. The smallest bedroom (bedroom 5) measures just 7m<sup>2</sup> (approximate) and bedroom 4 measures just 7.6 m<sup>2</sup>. These bedrooms fail to provide sufficient space for future occupants and may in fact be even smaller than calculated as the submitted drawings do not accurately represent the width of walls. The proposal would not provide satisfactory living conditions for its intended occupants contrary to criterion HMO5 of the House in Multiple Occupation SPD, the broad objectives designed to protect residential amenity in Policy D1 of the District Plan, and the Supplementary Design Guidance.

#### **4. Parking provision**

The National requirements for parking provision allow Councils to set their own parking standard appropriate for their local areas, this requirement is detailed within the National Planning Policy Framework.

Paragraph 39 of the NPPF states:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

In producing the HMO Supplementary Planning Document the above criteria were taken into account and the minimum of 0.5 spaces per bedroom sets a reasonable proportion of cars to be accommodated relative to the amount of likely occupants. The proposal is for a property to occupy up to five individuals. In addition, there are also likely to be visitors and deliveries that would frequently travel to and from the site by car and require temporary parking space. Without sufficient off road parking space the proposal is likely to result in parking in inappropriate places, which would subsequently reduce the ease of movement throughout the area. Parking outside of the designated areas would restrict the manoeuvring space for emergency and refuse vehicles and also restrict visibility which can affect highway and pedestrian safety. Furthermore, inappropriate parking has an impact upon the character and appearance of the surrounding streetscene. In this case, the car parking requirement for the proposed five bedrooms is three car parking spaces (rounded up from 2.5) which can be provided on site.

## 5. Other material planning considerations

**Cycle Parking:** The submitted application and the application drawings do not include any information about bicycle storage. Nonetheless, there is sufficient storage opportunities within the garage or the rear garden to accommodate the spaces required.

**Refuse and Recycling Storage:** No information has been provided regarding refuse and recycling storage. The application site does not currently have a designated bin store, however, there is access to the rear garden without going through the property. The requirement for a five person HMO is for 500 litres of waste to landfill bin capacity, 250 litres of recycling bin capacity and 250 litres of compost bin capacity. There is potential for a covered bin storage area to be provided. Therefore, if the application is to be approved additional details illustrating appropriate storage could be agreed by condition.

**Protected Species:** The presence of protected species is a material consideration, in accordance with, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

**East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

**Sustainable Development:** The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

### **CONCLUSION:**

The proposal seeks the change of use of the property from Class C3 to C4. The application site is within an area where there is already a high concentration of HMOs. The proposal would conflict with the purposes and spirit of criterion HMO1, in that it would increase the concentration of HMO use. The change of use to a five bedroom HMO by reason of the intensity and concentration of the proposed occupation, and the likely resultant levels of activity, noise and disturbance would materially harmfully affect the living conditions of neighbouring residential occupiers.

### **RECOMMENDATION: REFUSAL AND REASONS**

1. The proposal would result in a high concentration of houses in multiple occupation exceeding 20 percent of the total number of dwellings within a 50 meter radius of the application site contrary to Policy HMO1 of the Welwyn Hatfield Council Houses in Multiple Occupancy Supplementary Planning Document, February 2012. The application fails to maintain an appropriate balance and variety of residential properties within the locality and the resulting imbalance in the community would have a material and harmful effect on the character of the area contrary to Policies SD1, D1, D2, R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005. The proposal would also conflict with section 6 and 8 of the National Planning Policy Framework.
2. The proposed change of use to a five bedroom house in multiple occupation, by reason of the intensity and concentration of the proposed occupation, and the likely resultant levels of activity, noise and disturbance would materially harmfully affect the living conditions of neighbouring residential occupiers. As such the proposal is considered contrary Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.
3. The proposal would result in an unacceptable intensification in the use of the dwelling resulting in a cramped layout that would not provide satisfactory living conditions for its intended occupants contrary to criterion HMO5 of the House in Multiple Occupation SPD and the broad objectives designed to protect residential amenity in Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance.

### **INFORMATIVES:**

None

**REFUSED DRAWING NUMBERS:**

Site Location Plan & Block Plan & Ground Floor Plan & First Floor Plan & Second Floor Plan received and dated 18 May 2012

**Signature of author..... Date.....**