

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 10 NOVEMBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

S6/2016/1031/FULL

8A HARPSFIELD BROADWAY, HATFIELD, HERTFORDSHIRE, AL10 9TF

PROPOSED CHANGE OF USE TO FIRST AND SECOND FLOOR FROM USE
CLASS C3 (DWELLING HOUSE) TO USE CLASS C4 (HMO)

APPLICANT: Mrs A Vekaria

(Hatfield Villages)

1 Site Description

- 1.1 The application site comprises a two storey maisonette on the first and second floors above a retail unit in the short parade on Harpsfield Broadway.
- 1.2 The property is accessed by a door in the site frontage and stairs to the first floor landing. There is another flight of stairs that leads down from a balcony accessed from a kitchen door on the back of the property to the rear yard. The maisonette has two bedrooms and a box room (2m x 2m) at the second floor and two habitable rooms at first floor.
- 1.3 The ground floor unit (No 8) is a retail unit with a single storey rear extension (referred to as a cabin on the site layout plan). The rear yard is open and hard-surfaced and contains a smaller cabin and open parking but it is not clear whether the space is allocated to the occupants of the flat or the shop. The yard area is accessed from a service road along the back of the parade of 12 units.
- 1.4 The access road has one entrance point at the south end. To the rear of the access road is the bus station and Travelodge Hotel.

2 The Proposal

- 2.1 Full planning permission is sought for change of use from Class C3 (a two bedroom maisonette) to Class C4 (a House in Multiple Occupation). The HMO would contain three bedsit rooms with en-suite showers (floor areas of approximately 24sqm, 20sqm and 15sqm) and a communal kitchen (9.3sqm).
- 2.2 Amenity space would be limited to the small rear balcony. An additional block plan shows parking spaces for three cars and four bicycles and storage for four bins, which would be provided on removal of two cabins which are currently on the rear of the site behind the retail unit. One of the car parking spaces would be a parallel space on the far side of the rear access road.

The other two would be on the rear of the yard at 90degrees to the access road. One car spaces would be required for the shop unit. The area beneath the access veranda would be fenced in for use in association with the shop. An open paved area would be left to allow service access to the rear of the shop.

- 2.3 No extensions or new windows are proposed.
- 2.4 Council records indicate that the property was already in use as an HMO in June 2014 and in 2011, although the use may not have been continuous.
- 2.5 The current application is to authorise this previous use which appears to have lapsed.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council has objected to the application.

4 Relevant Planning History

- 4.1 No. 8 Harpsfield Broadway 6/2016/1275/FULL - Change of use from A1 (Shops) to create 2no studio flats C3 (Residential). Under consideration.
- 4.2 Nos 1-5 Harpsfield Broadway – S6/2014/1174/OR – change of use from B1(a) to C3 (15 one bed and studio residential flats). Prior Approval not required (Implemented)
- 4.3 No 12 Harpsfield Broadway – S6/2013/0603/FP – Use of first and second floors as offices. Granted 14.5.2013 (Implemented)

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012 (NPPF).
- 5.2 PPS10: Planning for Sustainable Waste Management
- 5.3 Welwyn Hatfield District Plan 2005
- 5.4 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.7 Houses in Multiple Occupation, Supplementary Planning Document, February 2012

6 Site Designation

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

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters. The table below details the number of parties who have responded to the application, together with the statutory timescales. Responses received after these dates below are considered as part of the application. Any numbers under 'other' represents comments received which are neither objection or support but raise, in the main, general questions.

Neighbour Notifications			
Statutory advertising period	Initial advertising	Re-advertising	
	Press Advert Expiry Date	n/a	
	Neighbour Expiry Date 19.7.2016	n/a	
	Site Notice Expiry Date	n/a	
Neighbour Responses	Support: 0	Object: 0	Other: 0
	Petitions: 0	Signatures: N/A	

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal subject to conditions:

Welwyn Hatfield Borough Council Environmental Health Department (EH) -

"Future residents may be impacted by noise from traffic along the A1001, which is a significant noise source in the area. The applicant will need to ensure that all habitable rooms meet the noise levels found within BS8233:2014 and would not be compromised. Recommend a condition requiring noise assessment and a suitable sound insulation scheme be installed. Advise that insulation between the bedsits will need to meet Building Regulation standards."

- 8.2 No response has been received from the following consultees. Comments were due by 19.7.2016.

- Councillor Lynne Sparks
- Councillor Howard Morgan

- Councillor Duncan Bell

9 Town / Parish Council Representations

9.1 Hatfield Town Council has objected to the application on the following grounds:

“We object on grounds of lack of parking. We comment that the Hatfield Article 4 Direction desperately needs reviewing and this has been recognised by the LPA. Until such time that this has been carried out and bearing in mind that the overall concentration of HMOs in Hatfield Town Council's area needs to be reduced, no further HMOs should be permitted within the boundaries of Hatfield Town Council's area hence forth.”

10 Analysis

10.1 The main planning issues to be considered in the determination of this application are:

- 1. The principle of the change of use**
- 2. As to whether the proposal features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1)**
- 3. The impacts on the amenities and living conditions of future residents**
- 4. The impact on existing neighbouring occupiers (D1)**
- 5. Other Planning considerations**
 - (i) Highways and Parking**
 - (ii) Refuse and recycling**
 - (iii) Flood Risk**

1. The principle of the change of use

10.2 A key national housing objective is the creation of mixed sustainable and inclusive communities with a variety of housing stock for a mix of different households. Within Welwyn Hatfield, houses in multiple occupation (HMO's) provide a valuable supply of private rented accommodation for students, professionals in employment and people on housing benefit. HMO's are one of the most affordable forms of accommodation in the private sector.

10.3 There are high concentrations of HMO's in parts of Hatfield, which in some areas result in an imbalance in local communities, are not inclusive and do not create sustainable communities.

10.4 The 'Houses in Multiple Occupancy Supplementary Planning Document' (HMO SPD 2012) sets out the Council's objective to retain a balance of different housing types and the policies/criteria for achieving this aim. The SPD has been informed by extensive public consultation.

- 10.5 Change of use from a dwelling house to a small HMO (3 to 6 people) in Hatfield, therefore, requires planning permission. The property is also a maisonette (flat) to which permitted development rights to change use do not apply.
- 10.6 Section 5.2 of the HMO SPD sets out that a change of use from C3 a flat to an HMO (C4) will be determined in relation to all the Criteria in the SPD (HMO1 to HMO6).
- 10.7 Criterion HMO1 of the SPD sets a benchmark for determining whether there is an overconcentration of HMO's within an area. Applications for change of use to an HMO will not be permitted where the proportion of HMO's would exceed 20% of the total number of dwellings within a 50m radius of the centre of the application property. This criterion enables the Council to manage future changes in land use and to ensure that the surrounding area is not adversely affected by new HMO's. The 20% concentration level has been selected to prevent concentrations which result in an adverse impact but still allows a number of new HMO's to meet future need.
- 10.8 Within the 50m radius there are 21 residential properties in total. The threshold of 20% would represent 4.2 units (4 units).
- 10.9 The Council's information sources (licensed HMO's, enforcement records, council tax records for student exemption, resident representations and database of HMO's) show that some properties have been previously used as HMO's within a 50m radius: No's 6A (2014 ad 2016) and 11A (Student HMO in 2014) although the latter appears to have lapsed to residential (tenanted flat). The only licensed HMO is at No 6A.
- 10.10 Should this property continue to be used as an HMO and the subject property be used as an HMO, the resultant percentage would comprise a 10% concentration. In such circumstances, the highlighted 20% threshold would not be exceeded. Given the above, the proposal is considered to be compliant with criterion HMO1 of the HMO SPD 2012 and there is no objection in principle to the proposed change of use.

2. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1)

- 10.11 The application does not involve alterations to the external appearance of the building other than removal of the cabins on the rear of the site which are presently associated with the retail unit at the ground floor.

3. Amenity and Living Conditions of future Residents

- 10.12 With regard to the living conditions of future residents of the development, Criterion HMO5 of the HMO SPD expects the layout and design of the building to be suitable for the number of units of occupation. The bedrooms include sitting areas and en-suite shower rooms and W.C's. If these facilities are excluded the bedrooms would meet the required size standards (8sqm minimum per room). The communal kitchen would be an adequate size

(9.3sqm). Although there is no separate lounge, the bedsits each provide an area for this purpose. These facilities meet the requirements of HMO5 (a).

- 10.13 The amenity space would be limited to a small rear balcony accessed from the kitchen. This would be small in size and be below the standard set out in Criterion HMO5 (b) of 20sqm. However, it would not represent an exacerbation of the existing situation –serving the same number of people, albeit in a different household arrangement, and would provide some space for clothes drying or sitting out.
- 10.14 The Environmental Health Department has requested that a condition be applied to any planning permission, requiring noise insulation to protect the living conditions in the living rooms and bedrooms of the proposed HMO from traffic noise from the A1001. A condition to this effect is recommended.

4. Impact on Neighbouring occupiers (D1)

- 10.15 There is unlikely to be any increase in adverse impact in terms of privacy, sunlight and day light or overbearing impact on neighbouring properties. Any impact on the residential amenity of the locality would arise from the change of use from a single dwelling unit to a House in Multiple Occupation and the main concern would be noise nuisance. Policy R19 of the Welwyn Hatfield District Plan 2005 seeks to prevent adverse impact of noise on noise-sensitive uses. There have been no objections to the planning application proposal from neighbouring properties. The A1 use on the ground floor would retain an access for deliveries at the rear of the property. The proposal involves no new walls so it is assumed that no improvement would be made to the sound insulation between this dwelling and the adjacent ones or between the rooms within the unit. Any future issue in relation to noise, in particular noise nuisance, would be dealt with under the Building Regulations and Environmental Protection Acts. The proposal would, therefore, not be contrary to Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.
- 10.16 The site appears to have been used as an HMO since 2011 but does not have a Certificate of Lawfulness for the use. There have been no objections to the planning application proposal from neighbouring properties.

5. Other Planning considerations

(i) Highways and Parking

- 10.17 Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant 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 standards within the SPG should be taken as guidance only.
- 10.18 The car parking requirement for a two bedroom maisonette is 1.5 spaces. The requirement for a three bedroom HMO is also 1.5 spaces. Criterion

HMO2 of the HMO SPD states that all parking spaces should be capable of being used independently of each other.

- 10.19 The originally submitted form stated that there would be no alterations to parking spaces. As the parking requirement for both uses (a three bedroom maisonette and a three person HMO) is the same the existing situation should not be exacerbated by the proposed change of use. On-street long-term parking is not available in the roads around the site. The amended site layout plan shows two car parking spaces on the rear of the site and a third one on the service road. Provision of the two on-site spaces depends upon removal of both the cabins associated with the retail unit. These would be capable of independent use for the occupants of the proposed HMO. Subject to those spaces being provided the requirements for car parking would be met by the proposal in accordance with Policy M14 and Criterion HMO2 of the HMO SPD 2012. They would need to be secured by a condition.
- 10.20 Criterion HMO3 of the HMO SPD requires all Houses in Multiple Occupation to provide storage of cycles at a rate of 1 long-term space per unit. The application proposes three (units) bedrooms for single occupation and so requires parking for three cycles. Criterion HMO3 requires half of these to be covered spaces.
- 10.21 The amended site layout plan shows an area allocated for sufficient bicycle storage but provides no details of the shelter. Details of secure and weatherproof bicycle storage facilities shall be required by a condition on any planning permission.
- 10.22 Subject to conditions over removal of the cabins, provision of details of the cycle parking and implementation of the parking and bin storage layout, the proposal would comply with criteria HMO2 and HMO3.

(ii) Refuse and recycling

- 10.23 Criterion HMO4 of the HMO SPD requires the provision of an appropriate place for storage of waste and recycling bins. Adequate bin storage is shown on the layout plan DRWG 8HB/P03. It is recommended that implementation of this scheme is secured by a condition on any planning permission.

(iii) Flood Risk

- 10.24 The property is not in a Flood Risk Zone so meets criterion HMO6.

Conditions

- 10.15 The National Planning Policy Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable

and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

- 10.16 In this case development in accordance with approved plans is necessary for the grant of permission and in accordance with the six tests for conditions. Additionally, conditions requiring provision of parking, cycle storage bin storage areas and removal of the cabins prior to the first occupation and limiting the occupation to three persons are considered appropriate to ensure adequate living conditions for future occupants as discussed in this report. In addition, a condition requiring a scheme for noise insulation is recommended.

11 Conclusion

- 11.1 The proposed use of the property as a HMO would not give rise to an imbalance of housing types within 50m of the application site and would be in accordance with the Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document (2012).
- 11.2 The proposed use as a three person HMO would not significantly increase the intensity and concentration of occupation of the site over and above the existing situation. Subject to the removal of the cabins, the proposal would have adequate amenity for three bedrooms and subject to further conditions, would provide sufficient car parking, cycle storage, amenity, noise insulation and bin storage areas within the application site. Therefore, it would provide satisfactory living conditions for its occupants in accordance with Criterion HMO5 and the objective of protecting residential amenity in Policy D1 of the Welwyn Hatfield District Plan 2005.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to the following conditions:
1. The development/works shall not be started and completed other than in accordance with the approved plans and details: 8HB/P01 & 8HB/P02 received 24 May 2016 & Location Plan & Block Plan received 17 June 2016 & 8HB/P03 received 10 October 2016.

REASON: To ensure that the development is carried out in accordance with the approved plans and details.
 2. Prior to the first occupation of the site for the use hereby permitted the areas designated on the site layout plan on DRWG 8HB/P03 for car

parking, cycle storage and bin storage shall be provided on the site. These areas shall be maintained as such thereafter.

REASON: To ensure the provision of adequate parking and bin storage facilities within the site in accordance with Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and to protect the amenity of the occupiers and adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

3. Prior to first occupation of the site for the use hereby permitted the two cabins associated with the use of the retail unit at ground floor shall be removed from the site.

REASON: To ensure the provision of adequate parking and bin storage facilities within the site in accordance with Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and to protect the amenity of the occupiers and adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

4. The application site shall not be occupied as a House in Multiple Occupation by more than three individuals.

REASON: To prevent intensification of the use and to protect the residential amenity of the occupiers and character of the surrounding area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012.

5. No development shall commence until details of the scheme for the provision of secure storage for three bicycles on site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented. The approved scheme shall be retained thereafter.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policies M6 and M8 of the Welwyn Hatfield District Plan 2005 and criterion HMO3 of the Houses in Multiple Occupation Supplementary Planning Document 2012.

6. Prior to the commencement of the development the applicant shall submit, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from traffic noise along the A1001. The scheme shall be implemented before any part of the accommodation hereby approved is occupied. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 and the ventilation standards within Approved Document F of the Building Regulations. The mechanical ventilation system shall provide a ventilation rate of at least the purge rate within Approved Document F (4 air changes per hour) when required to maintain thermal comfort.

REASON: To protect the occupants of the new development from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012.

Positive and Proactive Statement

The decision has also 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. Noise can transfer between buildings. This can be indirectly through the structure itself (flanking transmission) or directly through the separating wall into the neighbouring property. This can be a particular concern with houses in multiple occupation in proximity to other residential uses. Some existing buildings do not meet the current noise insulation standards. Therefore it is strongly recommended that all possible measures are taken to reduce noise transfer from houses in multiple occupation by improving sound insulation. In addition, self closing doors installed for reduce spread of fire can cause problems of impact noise. Self closers should be adjusted so the doors do not slam shut.

For more information please refer to:

- BS 8233:2014 Sound insulation and noise reduction for buildings (Code of Practice).
 - BS EN ISO 140 Measurement of sound transmission
 - Building research establishment paper "Improving Sound Insulation In Homes". An information paper provided by the BRE acoustics team.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. All Houses in Multiple Occupation must comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 under the Housing Act 2004. Further information is available from the Welwyn Hatfield Borough Council Private Sector Housing Team, Housing and Community Services at <http://www.welhat.gov.uk/hmo> or by email housingandcommunity@welhat.gov.uk or telephone 01707 357672.

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. All rented property must comply with the Housing Health and Safety

Rating System (HHSRS) under the Housing Act 2004. This requires all rented accommodation to be free of category 1 hazards in any of the 29 prescribed categories. Further information is available from the Welwyn Hatfield Borough Council Private Sector Housing Team, Housing and Community Services by email housingandcommunity@welhat.gov.uk or by telephone 01707 357672.

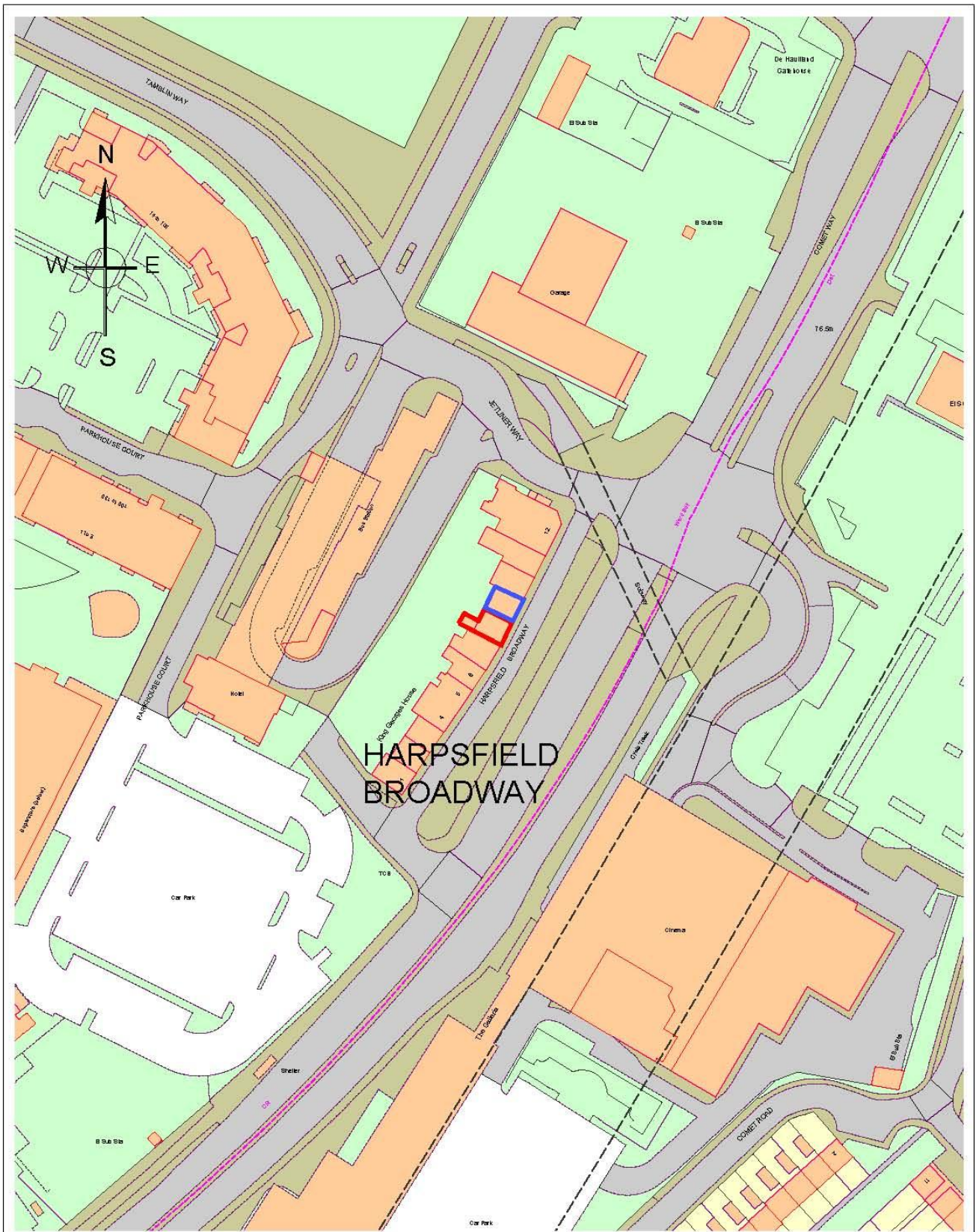
This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Under the Housing Act 2004, a house in multiple occupation is required to be licensed by statute where: the house in multiple occupation or any part of it comprises three storeys or more and is occupied by five or more persons living in two or more single households. For licensing contact the Welwyn Hatfield Borough Council Private Sector Housing Team, Housing and Community Services at <http://www.welhat.gov.uk/multipleoccupancy> or by email housingandcommunity@welhat.gov.uk or telephone 01707 357672.


PAL is a landlord and property accreditation scheme that aims to improve the standard of privately rented accommodation in Welwyn Hatfield. The free and voluntary scheme recognises landlords that meet their legal obligations and those that go above and beyond to provide quality homes. Further information is available at www.PAL-online.org.uk.

June Pagdin (Strategy and Development)

Date: 25th October 2016.

Expiry Date: 12th August 2016.



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: 8A Harpsfield Broadway Hatfield		Scale: DNS
	Project: DMC Meeting		Date: 2016
	Drawing Number: 6/2016/1031/FULL		Drawn: Baras Mast-Ingle
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