

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 8 DECEMBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/1695/FULL

98 MOSQUITO WAY, HATFIELD, AL10 9AY

CHANGE OF USE FROM CLASS C3 (DWELLINGHOUSE) TO CLASS C4 (HOUSES
IN MULTIPLE OCCUPATION)

APPLICANT: Mrs Xiangping Du

(Hatfield Villages)

1 Site Description

- 1.1 The application property is a flat on the second floor of a part three/part four storey block containing 13 flats. The block faces onto the Central Park area of Mosquito Way.
- 1.2 The flat has an allocated parking space in the undercroft parking and a share in two additional visitors' spaces. A similar block of 13 flats lies behind on Dragon Way (to the west of the site).
- 1.3 To the north is a wide pedestrian boulevard leading from Mosquito Way to Dragon way and the housing area behind. Beyond the path is a similar block of 13 flats at No's 52-78 Mosquito Way.
- 1.4 To the south is a terrace of 12 x three storey town houses. The area was developed around ten years ago on the site of Hatfield Aerodrome.

2 The Proposal

- 2.1 The application seeks full planning permission for change of use of the Flat at No 98 Mosquito Way from C3 (single family dwelling house) to C4 (house in multiple occupation). The property was originally a two bedroom flat with generous living room. The proposal is for a three-person HMO.

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 **S6/2005/0872/FP** - Variation of Condition 2 Attached to Outline Planning Permission S6/1999/1064/OP to Allow an Additional 5 Years for Submission of Reserved Matters (Up to 29/12/2015). Granted.
- 4.2 **S6/2005/0732/DE** – 120 dwellings (reserved matters for 1999/1064/OP – Phase II). Granted.

- 4.3 **S6/1999/1064/OP** - demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within use class B1, B2, B8 and sui generis use. Granted.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.4 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.5 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. On the Hatfield Aerodrome Map Inset 3 the application property is within Housing site HS1b.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters for 21 days. 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.
- 7.2 One response was received from a neighbouring property at 9 Errington Crescent objecting as follows:
- Their house faces onto the back of Mosquito Way.
 - Terrible problems of lack of parking, noise disturbance and excess rubbish being dumped.
 - The area has too many multiple occupancy residences and too few family properties.

8 Consultations Received

- 8.1 No response has been received from the following consultees. Comments were due by 22.09.2016
- Welwyn Hatfield Borough Council - Private Sector Housing Team

9 Town Council Representations

- 9.1 Hatfield Town Council objected to the scheme for the following reasons:

“The 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 are:

- 1. The Principle of the Proposed Use (GBSP2, HMO SPD 2012)**
- 2. Impact on Surrounding Area (GBSP2, D1, HMO SPD 2012, SPD Parking 2004, Interim Policy 2014)**
- 3. The Suitability of Accommodation for a mix of different households (D2, HMO SPD 2012)**
- 4. Layout and Design (D1, HMO SPD 2012)**

1. The Principle of the Proposed 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 such as families with children, single person households and older people. 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 with the result that they do not create inclusive and 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 together with the policies/criteria for achieving this aim. The SPD has been informed by extensive public consultation.
- 10.5 To this end the Council made an Article 4 Direction covering Hatfield, which came into effect in January 2012. The Article 4 Direction removes permitted development rights to change use from C3 to a small C4 (HMO). The Direction does not apply retrospectively. Change of use from a dwelling house to a small HMO (3 to 6 people) in Hatfield, therefore, requires planning permission. 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). However, the Article 4 Direction did not apply retrospectively.
- 10.6 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 there would be an overconcentration of HMO's which would result in an adverse impact on the surrounding area. The threshold is set at 20% of properties in use as HMO's of the total number of dwellings within a 50m radius of the centre of the application property.
- 10.7 This criterion enables the Council to assess 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 of the application property there are 33 residential properties in total; 27 flats and 6 town houses. The threshold of 20% would represent 6.6 units (7 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 the local area has a high concentration of HMO's and has done since 2011, prior to the adoption of the HMO SPD 2012.
- 10.10 In 2015 the proportion of units within 50m and recorded as in use as student HMO's was 77%. Within the block containing the application property there are 13 flats (10 in use as HMO's). Records also show that two other units have been used as student HMO's in the past and it is probable that these are also occupied by students but are not recorded (e.g. where students do not claim Council Tax exemption). The only licensed HMO is at No 84.
- 10.11 The application property was recorded as a student HMO in 2011. However, it has not been recorded as an HMO since 2012. The applicants acquired the property in 2014 and do not have information about how the flat was used before that date. Should the subject property be used as an HMO, the percentage of units recorded as in use as HMO's would rise to 84% and, clearly, the 20% threshold would be exceeded.
- 10.12 Whilst the proposal is substantially over the threshold, consideration needs to be given to the merits of the case in terms of the following:
- (i) whether the proposed change of use is one which would result in an adverse impact on the surrounding area and
 - (ii) the likelihood of the flat providing suitable accommodation for a mix of different households (including families with children, single people and older people).

2. Adverse Impact on Surrounding Area

- 10.14 The impact on the surrounding area is assessed with regard to impact on parking, refuse, and noise and disturbance.
- 10.15 In terms of parking, the adopted parking standards (SPD 2004 and Interim Policy 2014) require 1.5 spaces for a two bedroom flat. The parking standard for a three-person HMO (HMO SPD 2012 Criterion 2) is also 1.5 spaces. Consequently, although there is considerable parking pressure in the area, the change of use would not add to the parking demand for the property over and above the existing situation. Criterion 2 would be complied with subject to the allocated space being retained for use by occupants of the HMO. This is recommended to be the subject of a condition on approval.
- 10.16 With regard to cycle parking provision (HMO Criterion 3): a three bedroom flat requires 1 long term space while a three person HMO requires 1.5 spaces; 0.5 more spaces over and above the existing requirement. Given the communal provision of parking and space within the site, it is not practical to require further on site cycle parking spaces in the communal areas.
- 10.17 HMO Criterion 4 requires occupants to have direct access to adequate designated space for the storage of waste and recycling bins within the property boundary. The existing refuse provisions at the site are in a communal bin store

area at the rear of the block within the car park area. No alteration is proposed to this arrangement or likely to arise from the proposed change of use. Criterion 4 would be complied with.

- 10.18 The maintenance of the external landscaping, communal stairs and hallways is the responsibility of a management company. The proposed change of use would not affect this situation.
- 10.19 There may be more noise and disturbance from the occupants of an HMO than a single family dwelling. While there are concerns about the impact on the remaining units that are not currently recorded as HMO's, the existing occupants of the building have not objected to the proposal. The degree to which one additional HMO would increase the potential for noise and disturbance is unlikely to be significant in this situation.
- 10.20 For the above reasons the proposed use is not likely to significantly impact on the surrounding area over and above the existing situation.

3. Suitability of Accommodation for a Mix of different Households

- 10.21 The block of flats is not easily accessible. There is a steep flight of (13) steps up to the front and rear entrances, which are both controlled by intercom systems. Internally there is no lift. These factors make the flats inconvenient for families with young children and impractical for people with restricted mobility, such as elderly and disabled people.
- 10.22 The communal amenity space is adjacent to parking spaces and not fenced off or gated from them or the surrounding streets/roads. As such it does not provide a private or pleasant sitting area or a safe play area.
- 10.23 The communal areas (stair and hall ways) are not well maintained, partly as a result of the high proportion of HMO's in the building and high proportion of student occupants.
- 10.24 There is also more potential for noise and disturbance from the student residents in flats on the floors above and below, than in houses.
- 10.25 Taking the above factors into consideration, the flat would not provide a pleasant or practical living environment for a mix of different households. While it could accommodate small households, the general environment within the building and high proportion of existing student residents means that there is limited prospect of this flat letting for a use other than an HMO.
- 10.26 The existing owners are a young couple with a child and another on the way. They have owned the flat since Jan 2014. However, the property has become unsuitable for their changing needs, particularly with regard to access for the pram. The number of HMO's in other flats has created a very high proportion of student occupants and resulted in an environment that is not ideal for them to bring up their children.
- 10.27 The proposal is in an area already suffering from an overconcentration of HMO's. However, the specific circumstances of this case mean that the proposed change of use is not likely to result in a significantly adverse impact on the surrounding area over and above the existing situation. In addition, the flat does not provide a practical living environment for a mix of different households. There is limited prospect of the flat letting for a use other than an HMO.

4. Layout and Design

- 10.28 Applications for houses in multiple occupation are expected to demonstrate a layout and design suitable for the proposed use and number of occupants. Criterion 5 of the HMO SPD 2012 requires each bedroom to be 8sqm in area and the living room to be 8.5sqm and the kitchen to be 6sqm. The bedrooms measure approximately 12.5sqm, 10sqm and 8sqm, the living room and kitchen total 17sqm. These rooms are of an adequate size to accommodate three people. However, given the number of rooms and size of communal space available, the number of occupants should be limited by condition to three.
- 10.29 The amenity area for the flats is communal but not private, being adjacent to the car parking area and not fenced off. However, there is space to sit out. In terms of clothes drying, space for drying clothes is currently within the flat and this situation would continue. The access to the building and flat would not be altered by the proposal. Consequently, the proposal is considered acceptable in terms of layout and design.
- 10.30 With regard to Flood Risk (HMO Criterion6), the proposal is not in an area susceptible to flooding (Flood Zones 2 or 3) and would not result in any alteration to the surface water run-off on the site. Therefore, it would not increase the number of people at risk from flooding in accordance with this Criterion.

Conditions

- 10.31 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.
- 10.32 In this case conditions over using the flat in accordance with the submitted plans, retaining the parking space for use by occupants of the flat and restricting the number of occupants to three are recommended.

11 Conclusion

- 11.1 The proposal is in an area which has been suffering from an overconcentration of HMO's for some years. The Council's adopted Policies seek to limit the proportion of properties in use as HMO's in an area to 20%. However, the proportion of properties in use as HMO's in the vicinity of the site was over the threshold when it was introduced and the proposal is not, therefore, compliant with this threshold of 20%.
- 11.2 However, the merits of this particular case and its impact on the surrounding area has been assessed. The specific circumstances of this case mean that the proposed change of use is not likely to result in a significantly adverse impact on the surrounding area over and above the existing situation. In addition, the

flatted environment with poor accessibility does not provide a practical living environment for a mix of different households and given the high proportion of existing HMO's, there is limited prospect of the flat letting for a use other than an HMO.

- 11.3 Given the very specific circumstances of this case, the proposed change of use is considered acceptable subject to conditions over the retention of the parking space for use by the occupants of the HMO and restricting the number of occupants to three.

12 **Recommendation**

- 12.1 It is recommended that planning permission be granted 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:

Site Location Plan at scale 1:1250 and Floor Plan received 18.08.2016.

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. The designated car parking space in the under-croft car park shall be retained for use by occupants of the application site and not sublet to persons not resident at the site and shall be maintained as such thereafter.

REASON: To ensure the provision of adequate parking 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. 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.

Positive and Proactive Statement

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 viewed on the Council's website or 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.

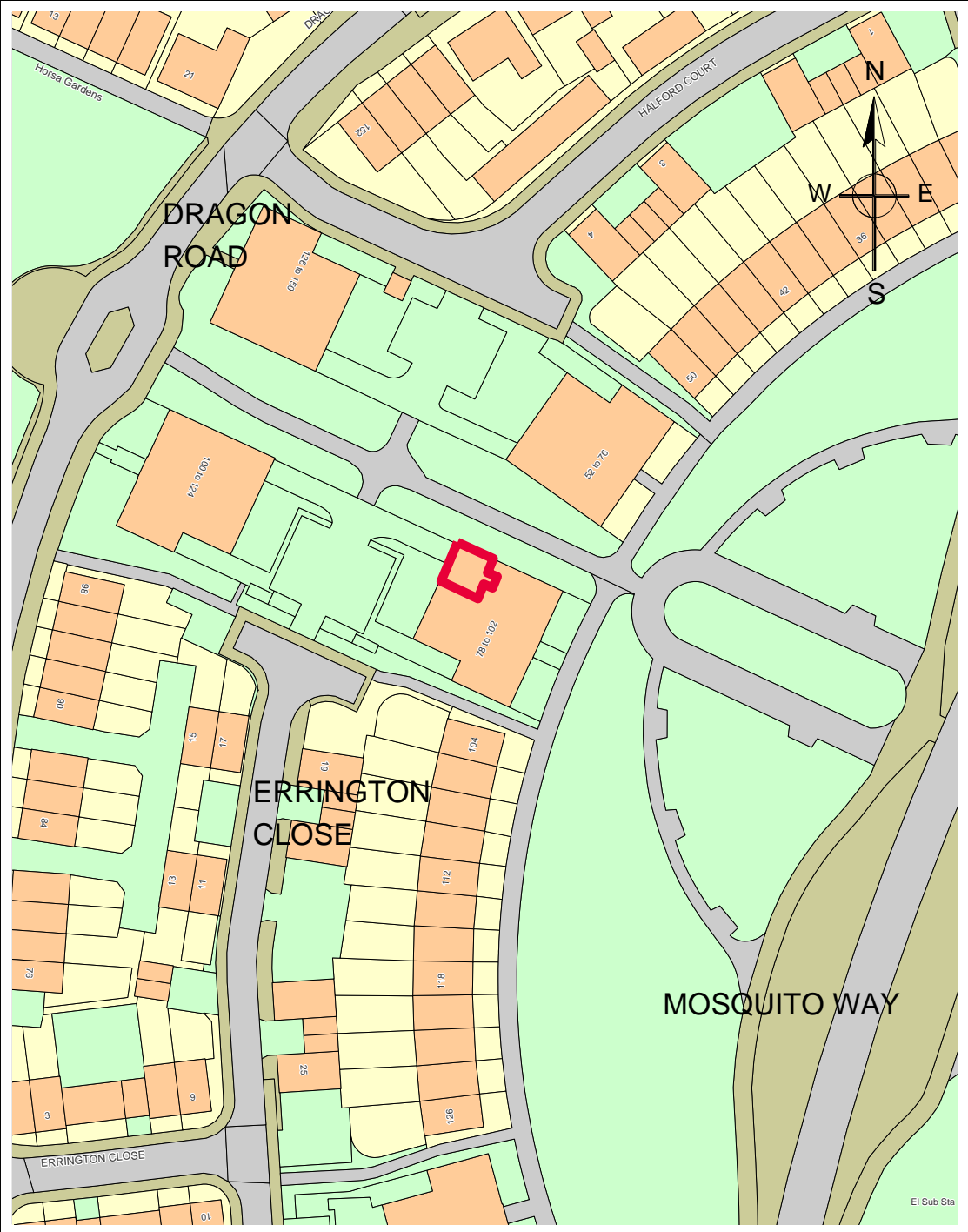
This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Under the Housing Act 2004, a house in multiple occupation is required to be licensed by statute where: the house in multiple occupation or any part of it comprises three 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 10/11/2016

Expiry Date: 26/10/2016 (Extension of time agreed until 09/12/2016)



 <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: 98 Mosquito Way, Hatfield		Scale: DNS
	Project: DMC Meeting		Date: 2016
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