

Part I  
Item No: 0  
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Hatfield Central, Hatfield East, Hatfield  
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South Wards

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING AND PLANNING PANEL – 23 JANUARY 2014  
REPORT OF THE DIRECTOR (STRATEGY & DEVELOPMENT)

REVIEW OF HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING  
DOCUMENT, ADOPTED 7 FEBRUARY 2012.

**1 Executive Summary**

- 1.1 This report follows previous reports made to this committee regarding houses in multiple occupation, most recently the Annual Monitoring Report, as set out in the background papers. The purpose of this report is to review the Houses in Multiple Occupation Supplementary Planning Document and provide clarification where appropriate.

**2 Recommendation(s)**

- 2.1 That Cabinet Housing and Planning Panel note the contents of this report.

**Implications**

**3 Financial Implication(s)**

- 3.1 No financial implications have been identified arising from this report.

**4 Link to Corporate Priorities**

- 4.1 I confirm that the subject of this report is linked to the Council's Corporate Priority of Our Places in section three and within this Housing Growth and Infrastructure. The Welwyn Hatfield Business Plan 2012-15 also identifies Supplementary Planning Documents under Business Management.

**5 Legal Implication(s)**

- 5.1 There are no specific legal implications arising from this report.

**6 Climate Change Implication(s)**

- 6.1 No climate change implications have been identified resulting from the report.

**7 Risk Management Implications**

- 7.1 This committee report follows from the Annual Monitoring Report which reported on the performance of the Houses in Multiple Occupation Supplementary Planning Document during the monitoring year from 1 April 2012 to 31 March 2013. This report is a review of the Houses in Multiple Occupation Supplementary Planning Document based on the appeal decisions received and

the queries addressed to Planning Officers. Without clarification of the issues discussed in this report there is a risk of misunderstanding by neighbours and planning applicants. It is considered that this report will assist with the planning process by reducing any impact on the reputation of the council, providing clarity and reducing potential planning applications/appeals as well as avoiding costs for both the council and applicants.

## **8 Background**

- 8.1 The council made an Article 4 direction covering Hatfield on 11 January 2011 which following public consultation, was confirmed and came into effect on 12 January 2012. The Article 4 direction removes the permitted development right to move from a use falling within Class C3 (dwellinghouse) to a use falling within Class 4 (house in multiple occupation) from 12 January 2012.
- 8.2 The Houses in Multiple Occupation Supplementary Planning Document was adopted on 7 February 2012 and provides a basis to determine planning applications for houses in multiple occupation.

## **9 Explanation**

- 9.1 The Houses in Multiple Occupation Supplementary Planning Document has been in place for approaching two years.
- 9.2 The objectives of the Supplementary Planning Document are:
- *To achieve mixed, balanced, sustainable and inclusive communities which support a wide variety of households in all areas.*
  - *To ensure the long term sustainability of local communities.*
  - *To maintain and improve the character and quality of residential areas.*
  - *To ensure that houses in multiple occupation are well-designed and built to a high standard.*
  - *To maintain the residential amenities of existing and future residents.*
  - *Not to increase the number of people at risk of flooding.*
- 9.3 At the time of writing, the document has been used as a basis to determine 21 planning applications, of which 8 were approved and 13 were refused.
- 9.4 There have been decisions on two appeals, both of which were successfully dismissed. The main reasons the appeals were dismissed were not complying with; criterion HMO1: Creating mixed, balanced, sustainable and inclusive communities in Hatfield and the Houses in Multiple Occupation Supplementary Planning Document as a whole; Policy SD1 Sustainable Development of the Welwyn Hatfield District Plan; Policy D2 Character and Context of the Welwyn Hatfield District Plan; and The National Planning Policy Framework. Within the National Planning Policy Framework, paragraphs 50 and 69 were referenced.
- 9.5 Paragraph 50 states that:

*“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;...*”

9.6 Paragraph 69 states that:

*“The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. ... 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;...*”

9.7 Initially, planning applications were predominantly received in areas of existing high concentrations of houses in multiple occupation and were therefore refused, for not complying with criterion HMO1, among other reasons. Following two successful appeal decisions which supported the council’s approach, planning applications are increasingly being received in areas with lower concentrations of houses in multiple occupation as required by the Supplementary Planning Document.

9.8 The Annual Monitoring Report identified that for Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document, clarification of the methodology for calculating the 50m radius would aid transparency, as this had been queried during the process of determining applications and during appeals. In addition, the Executive Member for Planning and Business has requested that this report clarifies the parking standards for HMO’s.

9.9 The Houses in Multiple Occupation Supplementary Planning Document, criterion HMO1: Creating mixed, balanced, sustainable and inclusive communities in Hatfield states:

*“To maintain mixed, balanced, 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, applications will not be permitted where there would be an over-concentration of HMOs which would result in an adverse impact on the surrounding area, determined by:*

*The proportion of houses in multiple occupation (whether classified as Use Class C4 or other types of HMO in a sui generis use) within a 50m radius of the application property already exceeds, or would exceed, 20% of the total number of dwellings.”*

- 9.10 The criterion also includes four paragraphs of explanatory text and a figure showing a worked example (set out at Appendix A).

#### Application property

- 9.11 Where ‘application property’ is referred to, it is considered useful to clarify that this refers to the building as identified on the ordnance survey base map, rather than the curtilage of the property including any garden area, the application site or other land within the applicant’s ownership.
- 9.12 Paragraph 5.11 states: “*In the example figure 2, the application property is coloured blue*”. In the example at Figure 2, it is clear that the application property coloured blue, is the property, i.e. the physical building, rather than the entire application site or land within the applicant’s ownership.

#### 50 metre radius

- 9.13 For the extent of the 50 metre radius, the Houses in Multiple Occupation Supplementary Planning Document at paragraph 5.11 sets out that: “*The 50m radius is calculated using a buffer zone surrounding the application property from the centre of the property.*” This will be calculated using a 50m radius from the centre of the property as stated in the document. Using the council’s GIS system, the centre of the property is calculated from the centre of the application building as shown on the Ordnance Survey extract.

#### Number of houses in multiple occupation

- 9.14 As part of carrying out the calculation to determine the proportion of houses in multiple occupation within a 50m radius of the application property, it is useful to clarify the information sources used. The Houses in Multiple Occupation Supplementary Planning Document sets out at paragraph 5.13 that:

*“To assess the proportion of houses in multiple occupation within a 50m radius of the application property, the Council will draw in the following information sources: licensed houses in multiple occupation, council tax records for student exemption and its database of houses in multiple occupation. The database of houses in multiple occupation will include properties benefiting from C4 or sui generis HMO planning consent.”*

- 9.15 The number of houses in multiple occupation is calculated using the evidence sources set out in the Supplementary Planning Document. This can be supplemented by other material evidence. This includes properties known to the council to be in use as HMOs, for example established by data collected by the Housing and Community Services team in the normal course of their duties. In some circumstances, information provided by the applicant or in letters of representation can be used in evidence to support the Council’s decision, where the information is clear and can be easily verified. Unsupported statements about the use of a property or properties will normally carry very little weight.

#### Number of dwellings

- 9.16 The total number of dwellings within the 50m radius is calculated using the number of residential properties within the 50m radius. The total number of dwellings is the number of Use Class C3 dwellings, Use Class C4 and sui generis houses in multiple occupation. It does not include uses which fall outside

these categories, for example it does not include Use Class C2 residential institution or Use Class C2A secure residential institution.

### Flats

- 9.17 Flats are capable of falling within Use Class C3 and Use Class C4. Generally, where flats fall within the 50 metre radius, these will be included in the count of the total number of dwellings. As with the approach to houses, where less than half of the block of flats is within the 50m buffer the flats will not be included; where half of the block or more than half of the block is within the 50m buffer zone the flats will be included. In circumstances, where a block of flats is particularly large and would have a significantly disproportionate impact on the calculation (of both the number of dwellings and the number of houses in multiple occupation), this will be considered on a case by case basis.

### Parking

- 9.18 Criterion HMO2: Car Parking of the HMO SPD states:

*'...The minimum car parking requirement for houses in multiple occupation other than bedsits, is 0.5 spaces per tenancy unit(6) throughout the borough. The minimum car parking requirement for bedsits is 0.75 spaces in zones 1 and 2 and 1.25 spaces elsewhere.*

*For the purposes of applying this standard, where the requirement results in half a car parking space, this will be rounded up. For example, an application for a house in multiple occupation with 5 tenancy units (with 5 bedrooms), will have a car parking requirement of 2.5 car parking spaces, which will be rounded to 3 car parking spaces. Regard will also be had to the existing car parking situation in the area and the existing level of car parking provision at the property.*

*When considering the layout of car parking spaces within the curtilage of the house in multiple occupation, all car parking spaces should be capable of being used independently of one another...'*

For example:-

Zones 1 and 2 – 5 Bedroom House (under the adopted Parking Standards Supplementary Planning Guidance 2008) would require a maximum of 2 car parking spaces.

Zones 1 and 2 – 5 Bedroom HMO (under the adopted HMO Supplementary Planning Guidance 2012) would require a minimum of 3 car parking spaces.

- 9.18 Concern has arisen from neighbours where a property has a perceived existing deficit in parking provision (current adopted car parking standards give a maximum rather than minimum number of spaces). One of the basic premises of the planning system is that a planning applicant cannot be required through a planning application to address an existing deficiency. Therefore, Local Planning Authorities when considering a planning application can only consider the change in impact upon an area.

For example:-

Zones 1 and 2 – 5 Bedroom House with 1 parking space (a potential existing deficiency of 1 parking space compared to the Parking Standards).

The same house as a 5 Bedroom HMO (under the adopted HMO Supplementary Planning Guidance 2012) would require one new additional car parking space (3 spaces for new HMO minus the existing space and 1 space deficiency)

- 9.19 When parking spaces are identified within a planning permission it is important to ensure their retention. Recent conditions used in planning applications for houses in multiple occupation relating to the retention of car parking include:

*'The garage shall be kept available for the parking of motor vehicles at all times and shall not be converted to living accommodation. The garage shall be used solely for the benefit of the occupants of the building of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.'*

In a similar vein the council also conditions planning applications for HMO's so that the development is built for the number of bedrooms set out on the plans:-

*'subsequently there shall be no alteration or sub-division of the internal layout hereby approved to provide additional bedroom accommodation or occupation of any other room as a bedroom.'*

## **10 Equality and Diversity**

- 10.1 I confirm that an Equality Impact Assessment (EIA) has not been carried out in connection with this report. An EIA screening was carried out of the SPD.

Sarah Barker  
Strategy & Development  
6 January 2014

## **Appendices**

- A. Extract from the Houses in Multiple Occupation Supplementary Planning Document.

## **Background Papers**

- i. Houses in Multiple Occupation Supplementary Planning Document, adopted February 2012.
- ii. Report to Cabinet Housing and Planning Panel, 21 November 2013, Annual Monitoring Report.
- iii. Report to Cabinet Housing and Planning Panel, 10 January 2012, Houses in Multiple Occupation Supplementary Planning Document.
- iv. Report to Cabinet Housing and Planning Panel, 18 August 2011, Draft Houses in Multiple Occupation Supplementary Planning Document.

- v. Report to Cabinet Housing and Planning Panel, 22 March 2011, Houses in Multiple Occupation in Hatfield – Article 4 Direction.
- vi. Report to the Director of Strategy & Development, 7 January 2011, Planning Issues Related to Houses in Multiple Occupation - Proposed Article 4 Direction.
- vii. Report to Cabinet Housing and Planning Panel, 14 June 2010, Houses in Multiple Occupation.

## Appendix A: Extract from the Houses in Multiple Occupation Supplementary Planning Document

### Criteria for Assessing Planning Applications

#### 5.1 Criterion HMO1: Creating mixed, balanced, sustainable and inclusive communities in Hatfield

To maintain mixed, balanced, 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, applications will not be permitted where there would be an over-concentration of HMOs which would result in an adverse impact on the surrounding area, determined by:

The proportion of houses in multiple occupation (whether classified as Use Class C4 or other types of HMO in a sui generis use<sup>(5)</sup>) within a 50m radius of the application property already exceeds, or would exceed, 20% of the total number of dwellings.

- 5.10 Some parts of Hatfield are already characterised by an over-concentration of HMOs and this is having an adverse impact on residents in the surrounding area and local communities (see paragraphs 1.13 to 1.20). The 50m buffer zone and 20% concentration level will enable the local planning authority to manage future changes in land use to ensure that the surrounding area is not adversely affected by new HMO development. The 20% concentration level has been selected based on an approach which has analysed what the levels of concentration are that result in an adverse impact and an assessment of what level would still allow HMOs to come forward to meet future need.
- 5.11 The 50m radius of the application property is calculated using a buffer zone surrounding the application property from the centre of the property. In the example figure 2, the application property is coloured blue. Properties within a 50m radius of the application property are coloured red. The extent of the 50m radius is shaded pink.
- 5.12 For properties on the edge of the 50 metre radius buffer zone; where less than half of the building (rather than the garden) is within the 50m buffer the property will not be included; where half of a building or more than half of a building is within the 50m buffer zone the property will be included.
- 5.13 To assess the proportion of houses in multiple occupation within a 50m radius of the application property, the Council will 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 database of houses in multiple occupation will include properties benefiting from C4 or sui generis HMO planning consent.

5 When calculating the proportion of houses in multiple occupation; houses in multiple occupation occupied by students and managed by an educational establishment will be included.

## Criteria for Assessing Planning Applications

Figure 2 Example showing 50m radius



## 5.2 Criterion HMO2: Car Parking

When considering the appropriate level of car parking spaces within the curtilage of the proposed house in multiple occupation, the car parking standard will be treated as a minimum. The minimum car parking requirement for houses in multiple occupation other than bedsits, is 0.5 spaces per tenancy unit<sup>(6)</sup> throughout the borough. The minimum car parking requirement for bedsits is 0.75 spaces in zones 1 and 2 and 1.25 spaces elsewhere.

For the purposes of applying this standard, where the requirement results in half a car parking space, this will be rounded up. For example, an application for a house in multiple occupation with 5 tenancy units (with 5 bedrooms), will have a car parking requirement of 2.5 car parking spaces, which will be rounded to 3 car parking spaces. Regard will also be had to the existing car parking situation in the area and the existing level of car parking provision at the property.

When considering the layout of car parking spaces within the curtilage of the house in multiple occupation, all car parking spaces should be capable of being used independently of one another.

When considering the location of car parking spaces, these should not be located in close proximity to habitable<sup>(7)</sup> room(s) so as to avoid an unacceptable noise and disturbance to existing and future occupiers or neighbours.

The standard size of a car parking space is 2.4m wide and 4.8m long. Car parking spaces should be capable of being accessed without requiring a considerable number of vehicle manoeuvres. Expanses of forecourt car parking should be avoided. Where areas are to be hard landscaped, measures should be taken to minimise rain water runoff such as through the use of permeable materials.

- 5.14 Policy M14 Parking Standards for New Development, of the Welwyn Hatfield District Plan requires parking provision. The supporting texts states that '*Residential development will generally be expected to accommodate all parking on-site and full provision to the maximum standard will be the norm.*'
- 5.15 Lack of sufficient car parking within Hatfield, particularly in areas with houses in multiple occupation is a local issue. The report *Economic and Social Impact of the University of Hertfordshire on Welwyn Hatfield*, found that two thirds (68%) of Hatfield residents perceive the amount of on-street parking to be a weakness in Hatfield. The report also found that residents perceive that the parking problem in Hatfield is progressively worsening.

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6 For the purposes of applying the car parking standards, the number of tenancy units will be considered to be the number of bedrooms.

7 See glossary for definition.