

Case Officer: Rob Forrester
Tel. No: (01246) 345580
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File No: CHE/19/00469/REM1
Plot No: 2/2352

ITEM 1

Variation of condition 3 in relation to CHE/18/00816/FUL (which restricts the occupation of the premises to 8 residents) to allow occupation by 10 residents and associated works.

Local Plan: Unallocated
Ward: St Helens

1.0 CONSULTATIONS

Local Highways Authority	Comments awaited
Derbyshire Police	Comments received – see report.
Ward Members	No comments received
Site Notice/Neighbours	Representations received from 3 addresses, and a petition of 8 names received

2.0 THE SITE

2.1 The site at 30 Highfield Road is a detached former dwelling (previously flats) within this popular residential area.



Parkhouse Lodge and Gardens



Access drive from Highfield Road

- 2.2 The main building - which faces on to Highfield Road - is a substantial former dwelling (Parkfield Lodge) and has extensive private gardens behind a high boundary wall, with access gained at the S.W corner.
- 2.3 Parkfield Lodge is a prominent feature building in the street scene, whereas the outbuildings are barely visible from public vantage points around Highfield Road, and are only viewed from across the car-park at Trinity Close to the north. They are approached from the south-side of the main house, via a gated wall.



Entrance to the outbuildings



View of site from Trinity Close

- 2.4 The outbuildings are of no particular architectural merit and form a modest courtyard with the main building.



2-storey outbuilding - bedrooms/kitchen storey



New staff office within single-storey

3.0 **RELEVANT SITE HISTORY**

- 3.1 In addition to tree-works, the site has had the following permissions relating to:-

CHE/1189/0835 Use of part of property as day nursery
Approved - 15.02.1990

CHE/0990/0660 Conversion to 5 self-contained flats.
Approved - 17.12.1990

CHE/15/00436/COU C/use of 5 flats to 8 bedroom hostel & outbuildings ancillary to this change of use – 3 year temporary
Permission approved - 08.12.2015

CHE/18/00816/FUL Retain permanent consent for 8 bed hostel
Approved - 24.01.2019

4.0 **THE PROPOSAL**

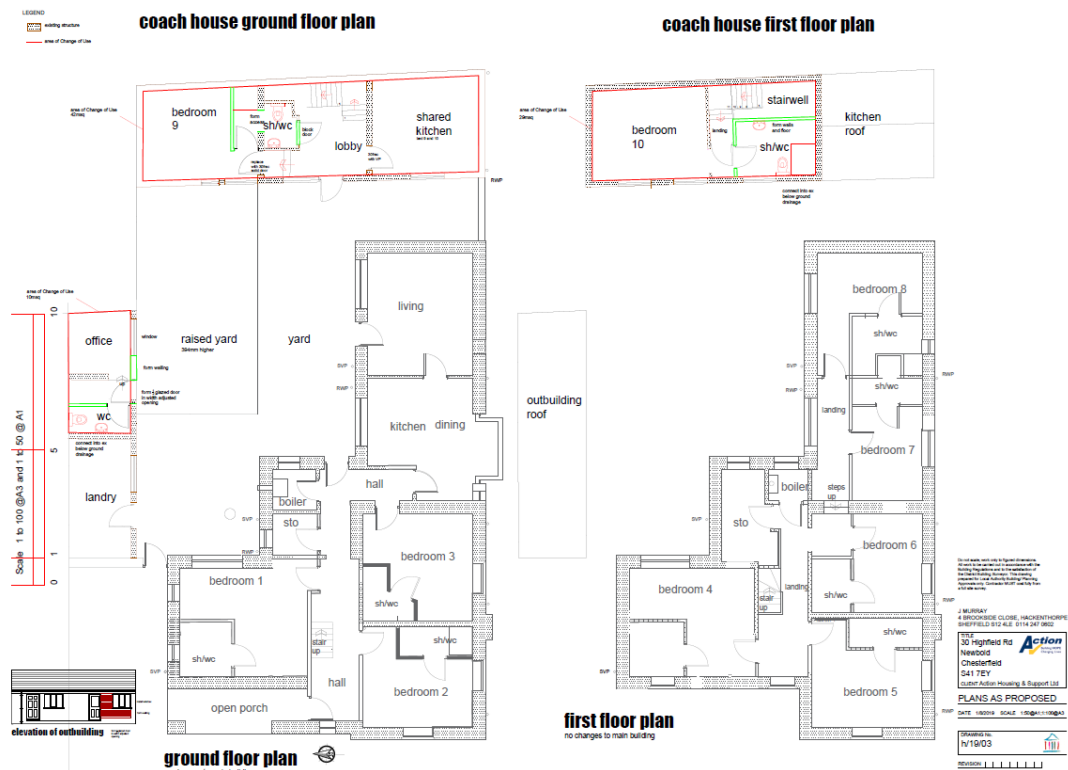
- 4.1 The proposal is to vary a condition imposed on an earlier planning permission (a change of use to a care-home for homeless young adults) which restricted the use of the premises to 8 residents. Normally, a change as currently proposed (within the single planning unit) would not require a further permission, however consent is needed in this instance to vary the control imposed on the level of occupancy by the relevant permission and allow 2 additional occupants increasing from 8 to 10 residents.
- 4.2 The proposal would involve the simple change of use with no elevational changes, of a 2-storey outbuilding (currently used as an office, staff kitchen/w.c and a training room), to provide 2 additional en-suite bedrooms, one on each floor, and a shared kitchen.
- 4.3 The occupants would be additional homeless young adults (as the main complex), and the staff facilities would be re-located in to a smaller single-storey outbuilding half of which is the laundry room, and the only change is the insertion of a new element of wall to create a front door and a window. A small office/w.c would be created.

4.4 The 2 outbuildings the subject of this application, fall within the extensive grounds of this established care-home, the subject of the initial permission.

4.5 The Proposed Site Layout/Block Plans are shown below:-



The proposed plans and elevations are shown below:-



4.6 As can be seen from the above plans, the buildings concerned fall within the overall site, enclosed by a substantial wall.

4.7 There would be little visual change apparent from public vantage points, the minor works and the change to the occupation of the buildings, is within a 'hidden' internal courtyard.

5.0 CONSIDERATIONS

5.1 Planning Policy Background

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Local Plan Core Strategy (2011-2031).

5.1.2 The application relates to the variation of a condition and is made under section 73 of the Town and Country Planning Act 1990, and

whilst a new planning permission is issued, if consent is granted, Section 73 of the Act only allows consideration of the condition itself (and the reason for its imposition) and the local planning authority cannot re-consider the principle of the development, and irrespective of the result of the application, the existing planning permission continues to exist.

5.1.3 The reason for imposing the original 8-occupant only condition was to ensure that an adequate level of residential amenity would remain for the occupants of the development and the surrounding neighbours, and to ensure that appropriate levels of parking and other operational issues (refuse-bin storage) would continue to exist.

5.1.4 The existing permission established that the use of the property as a hostel for homeless young adults (referred from, and placed by Social Services) and that as a community facility, it was an acceptable development within the area.

5.1.5 The sole issue in this instance is whether the increase from 8 to 10 occupants would have any adverse impact on the amenity of the neighbours (and the development residents), or have an impact on highway safety arising from additional parking/more intensive use of the access, and that adequate bin-storage would remain.

5.1.6 In the light of the above matters, the key issues are considered to be:-

- Principle of Development
- Design and Appearance
- Highways Safety and Parking Provision
- Local Impact on Amenity
- Crime and fear of crime

5.1.7 Having regard to the nature of the application proposals the following policies are relevant:-

Chesterfield Local Plan: Core Strategy 2011 -2031 ('Core Strategy')

CS1 Spatial Strategy

CS2 Principles for Location of Development

CS3 Presumption in Favour of Sustainable Development

CS6 Sustainable Design and Construction

CS11 Range of Housing
CS17 Social Infrastructure
CS18 Design
CS20 Influencing the Demand for Travel

5.1.8 **Other Relevant Policy and Documents**

The Sections of the revised National Planning Policy Framework (NPPF 2019) considered relevant to the decision are; Chapter 4 - Decision-making; Chapter 5 – Delivering a sufficient supply of housing; Chapter 8 – Promoting healthy and safe communities; Chapter 9 - Promoting sustainable transport; Chapter 11 – Making efficient use of land and Chapter 12 - Achieving well-designed places.

SPD ‘Sustainable Design’ (adopted Oct 2008)
SPD ‘Successful Places’ (adopted July 2013)

5.1.9 Other relevant documents include;

- Manual for Streets 2 (DfT March 2010)
- Planning Practice Guidance

5.2 **Principle of Development**

Local Plan Spatial Strategy

5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2, CS11 and CS17. These policies are viewed to be in date and relevant to the proposal.

5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. The hostel for the homeless already exists and is considered to be a sustainable and accessible location.

5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites, favouring previously-developed sites (the current site is brownfield). The re-use of existing buildings to allow a modest expansion of the existing use complies with this policy.

- 5.2.4 **CS11**(Range of Housing) seeks to ensure that there is a range of housing size, type and tenure available to meet the needs of the whole community as advocated by paragraphs 61 and 64 of the N.P.P.F.
- 5.2.5 **CS17** (Social Infrastructure) This policy advocates the protection of existing community services, noting that access to skills, training and education – particularly for young people – is lacking in some areas, and the current use is specifically directed at providing both housing and training for homeless young adults, and the current proposal would expand that facility.
- 5.2.6 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.
- 5.2.7 In this case when considering policies CS1/2, CS11 and CS17 together, the current proposal would provide an expansion of the current housing/social facility for a specific section of the community. The proposal would accord with the above policies and given the above, the proposal would not prejudice the spatial strategy and strategic objectives.
- 5.2.8 Weight should be given to policies CS11 and CS17, and whilst the earlier permission establishes the principle of development (which is not under consideration), in this particular instance, having regard to the small scale of the proposed expansion, it is considered that on balance the principle of development is acceptable.

5.3 **Design and Appearance**

- 5.3.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.
- 5.3.2 The proposal is to convert the 2-storey outbuilding into 2 additional en-suite bedrooms and the smaller building to staff use, and the

works are contained within an enclosed courtyard, and so, are not visible from public vantage-points outside of the site.

- 5.3.3 The outbuilding is partly visible from the nearby Trinity Court car-park at the rear, although no works are proposed to the visible elevation.
- 5.3.4 The area is one which is dominated by traditional period houses interspersed by more modern housing developments, and whilst the host dwelling is a feature building' of some character, the out-buildings are of lesser architectural quality, although only limited physical changes are proposed to the building and therefore the character of the locality would not be harmed and the proposal complies with Core Strategy Policies CS18.
- 5.3.5 In respect of design and appearance matters the proposal provides for a modest expansion of the existing facility, by the re-use of 2 existing outbuildings with little physical change and the alterations would not be apparent from public view-points as the site is walled and enclosed as proposed the development would not jar with the surrounding residential character of the area.
- 5.3.6 The development would not create a significant change in the amount of parking or bin-storage that would be required at the site and the development is an appropriate design that would have no direct physical change to the appearance and visual amenity of the locality.
- 5.3.7 The design of the changes to the building is acceptable, being contained within a walled courtyard and the increased density of the accommodation will have little change to the appearance.
- 5.3.8 No 'design matters' related to the application would materially affect crime, disorder or policing, however the impact of the additional occupants on the fear of crime is discussed in a later section.
- 5.3.9 The development maintains a reasonable 'gap' to surrounding dwellings and it is considered that the siting, design and scale of the development proposal is visually acceptable having regard to the provisions of policies CS2, CS6 and CS18 of the Core Strategy.

5.4 **Highways Issues**

- 5.4.1 The site has an existing access drive that serves a modest hardstanding to the front of the main building and which can accommodate 4 or 5 car parking spaces with turning, and an area for refuse-bin storage.
- 5.4.2 Other areas to the side and rear would allow for the secure storage of cycles or motorcycles.
- 5.4.3 Given that the site lies close to a centre and bus-routes, the parking is considered to be appropriate. Appendix G – Parking Standards – within the Adopted Core Strategy requires (for Use-Class C2- Care Homes) 1 space per 2 staff on duty, and 1 space for every 4 bed-spaces, and so the increase from 8 to 10 bedrooms would only require an additional ½ a space.
- 5.4.4 The use is not a regular C2-Care home, as the original planning permission is for a specialist carer-home for young homeless adults, that have been referred to the premises by Social Services. It is not a general 'homeless' hostel. That condition is not to be changed. This application only seeks to vary the condition limiting the number of occupants to 8, to allow 2 additional residents for the 2 additional bedrooms.
- 5.4.5 The occupants are unlikely to have access to a vehicle and are far more likely to have a cycle or motorcycle, and so the level of parking is considered to be appropriate, as is the use of the existing access.
- 5.4.6 Whilst the comments of the Local Highway Authority (L.H.A) are awaited, it is not anticipated that any objections would be raised, as the proposal is acceptable in Highway safety terms and the N.P.P.F indicates that permission should only be refused on highway safety grounds when the resulting situation would be severe.
- 5.4.7 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

5.5 **Neighbouring Impact/Amenity**

- 5.5.1 The proposal relates to a use that is largely contained within the building and its private walled grounds that provides an adequate level of private amenity space for the occupants, and the conversion of the outbuilding would not lead to any overlooking, loss of daylight, sunlight or outlook for adjoining properties.
- 5.5.2 The site falls close to a local centre and is located on a busy road where some noise/disturbance is to be expected, although the hostel is closely monitored by staff, who provide support for the residents, and such uses do not generate high volumes of noise/disturbance although with additional residents, there is clearly some potential for additional disturbance, although this is unlikely to create any significant disturbance for any residents in the immediate locality, although it is acknowledged that there has been some minor incidents reported to the police.
- 5.5.3 The site has a modest level of parking (mostly used by staff) as few residents of the facility have cars, although there is road-side parking in the immediate locality and therefore coming and going in relation to the premises is unlikely to cause nuisance. The site also has a large enclosed amenity area as an enclosed garden, and so the residents would have an outside sitting area sited in a position where disturbance would be unlikely to occur.
- 5.5.4 The original proposal was initially given a temporary permission – to establish the impact of the proposal, and a permanent permission was ultimately granted when it was demonstrated that the use was not unduly problematic.
- 5.5.5 The provision of accommodation for an additional 2 residents (from 8 to 10) is not considered to have a significant impact on the level of amenity enjoyed by local residents, to the extent that planning permission could realistically be withheld.
- 5.5.6 The facility provided at the premises is a type of accommodation for which considerable need exists and the N.P.P.F indicates at paragraphs 61, 64 and 92, that planning decisions should serve to meet the needs of all types of housing, and to meet special needs of all sections of the community.

- 5.5.7 Paragraph 117 of the N.P.P.F indicates that land should be developed efficiently to meet housing need whilst safeguarding the environment and to promote under-used land and buildings and the proposal complies with that advice.
- 5.5.8 The development proposed is a more efficient use of the site to meet a particular community need, and the increased density is not considered to be unduly harmful to the amenity of the neighbouring property.
- 5.5.9 The proposal is therefore considered to comply with Policy CS18 of the Adopted Core Strategy Local Plan 2011-2031.

5.6 **Crime and the fear of crime**

- 5.6.1 Paragraph 91 of the N.P.P.F indicates that planning decisions should aim to achieve healthy, inclusive and safe places that:-
- promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other
 - are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and
 - enable and support healthy lifestyles, especially where this would address identified local health and well-being needs
- 5.6.2 It is apparent from the letters of representation (see section below) that local residents consider that their level of amenity has suffered and that they have experienced 'crime' or have a fear of crime occurring.
- 5.6.3 The Derbyshire Constabulary were initially concerned that the proposal could result in less staff supervision, and therefore more incidents, although once the applicant provided additional information relating to the staff supervision, which would be unchanged, with only the 'meeting room facility being removed, then the Police indicated that they were the satisfied with the proposals.
- 5.6.4 The Police consultation response indicated that whilst there had been some incidents of anti-social behaviour, this was to be

expected given the use, but the majority of residents were law-abiding.

5.6.5 The agent indicates that the anti-social behaviour incidents referred to, related to the friend of a resident who caused some noise disturbance with a motorcycle, and that the tenant was subsequently evicted.

5.6.6 The police comments refer to incidents of anti-social behaviour, but does not suggest, as do the letters of representation, that the existing use of the building can be attributed to adding to local crime, and in relation to the concerns of local residents, the agent has made the following points:-

“Police comments

We note that the police acknowledge that the extra bedrooms are being formed from a training suite and that a staff supervision office is still being provided on site so the status quo will be maintained.

Police incident reporting

What is the evidence base please where the neighbours say this has increased?

Neighbour comments

Intensification of use-the statement is incorrect as the property initially had 5 flats viz: _

Flat 1 2 bedroom (4 potential occupants)

Flat 2 1 bedroom (2 potential occupants)

Flat 3 1 bedroom (2 potential occupants)

Flat 4 1 bedroom (2 potential occupants)

Flat 5 1 bedroom (2 potential occupants)

giving rise to 12 potential occupants so 10 would actually be a reduction

AHSL has no control over the actions of others outside its site boundaries.

It should be noted that drugs and alcohol are expressly not permitted on the premises of AHSL as part of any lease and any tenant in contravention of this policy will be evicted”.

- 5.6.7 Crime and fear of crime is an emotive subject and it is difficult to distinguish between actual incidents attributable to a particular use or group of individuals, but given the comments of the police, it is apparent that the current use does not give rise to any actual crime.
- 5.6.8 It is appreciated that some local residents do have a genuine fear of crime, that they consider is attributable to, and which could be intensified by the current proposal, however there is no evidence that this is the case.
- 5.6.9 It is the Governments view expressed within the N.P.P.F, that Planning Policy and Decisions should provide housing for all members of the community, and that the aim is for inclusive communities.
- 5.6.10 The applicant provides a valuable community service in both housing and offering counselling for a vulnerable section of society and there is clearly a need for the level of service provided.
- 5.6.11 There is clearly a balance to be struck between the residents fear of crime, and the creation of a modest increase in the level of community service /type of housing provided.
- 5.6.12 The proposal to increase the level of accommodation at this site meets the N.P.P.F ideal to make an efficient use of available housing land and the re-use of an existing building (previously-developed land) meets the governments aims expressed in the Framework.
- 5.6.13 In the absence of any evidence to link the existing/proposed intensification of the use of this premises to actual crime, it is considered that the benefits arising from the scheme, outweighs any fear-of-crime that might exist and the proposal therefore meets the aims of the Framework and Policy CS18 of the Core Strategy.

5.7 Community Infrastructure Levy (C.I.L)

- 5.7.1 The C.I.L officer has stated that CIL was not charged on the original application in 2018 (i.e. the application to retain permanent consent for the 8 bed hostel) because the development was classed a non-C3 use.

- 5.7.2 The Chesterfield CIL charge applies only to C3 residential uses (Dwellings) and in this case, there will be no CIL charge on the proposed variation.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by means of a site notice (expired 08 July 2019) and neighbour letters (publicity period expired 22 July 2019).

- 6.2 As a result of the applications publicity, 3 letters of representations have been received from local residents at:-

37, 39 and 51 New Queen Street.

The following points are made:-

- objects to the Planning Application for the reasons of Noise and residential amenity
- We're objecting to this on the grounds of low level antisocial behaviour, noise, theft of milk, etc
- Comment on Noise, drugs, ongoing problems already. Don't need any more
- Comment on The residents are noisy when walking to and from the property in the early hours of the morning

A petition of 8 names from local residents has also been received which objects to the proposal on the following grounds:-

- The development will increase the problem of noise nuisance, anti-social behaviour and criminal activities associated with the property
- When the initial application was submitted we raised these concerns and concluded that the proposal would conflict with Policy GEN 5 (homes and Neighbourhoods) and GEN 6 – Community Safety) of the Local Plan

- We drew the Committees attention to the paragraph in GEN 5 that states that the Borough Council is required by Section 17 of the Crime and Disorder Act 1998, to 'exercise their functions with due regard to the likely impact on crime and disorder' and by passing the initial application, the committee failed in their duty in this respect
- The Police confirm that there has been a noticeable rise in calls for service most connected to problematic individual current or ex-residents, and that any increase in residential numbers will clearly raise the likelihood of more incidents
- Despite assurances from the landlord, the project has served to create issues of noise nuisance - particularly out-of-hours - but worryingly drug-related issues
- It has been reported to the Safer Neighbourhoods Unit that the site is used for large-scale drug-dealing, but they have failed to respond
- Schemes of this nature within the borough are already subject to 'county-lines' infiltration and this gives a real fear that more serious incidents will occur in the future
- GEN6 states that development should only be granted for development that has regard for the prevention and reduction of crime and reducing the fear of crime and the Police have already noted that the development has already served to increase levels of crime and the proposal would intensify this as the development has minimal staff weekdays during office hours, with most incidents occurring in the evening
- The removal of staff areas and training suggests less involvement despite the proposed increase in residents
- Measures such as CCTV on the grounds of the property have served to push the problem out to the perimeter of the site causing disturbance for neighbours

- An increase in residents will increase the scope for crime, nuisance and disorder that neighbours are subject to and we request that permission is refused
- The original permission was passed off as a moderate intensification from a 5-bed to 8-bedroomed property, but an increase to 10 mans that it will have doubled the occupation
- If it had originally been submitted as 10 rather than 8 would it have been given permission?
- There are concerns that this is what the developer always intended, that it would be easier to gain consent for a lesser unit, then get an amendment
- The application is worrying in that other conditions could be challenged in the future – if there were insufficient referrals from Platform-for-life, will it become a larger super-hostel – could it end up being a ten resident ex-offenders home slowly removing the original restrictions

6.3 The officers comments and response on the above representations have been included within the main body of the report.

7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law noted above.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of

amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Following receipt of additional information as a result of concerns in relation to staffing levels, and given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 CONCLUSION

- 9.1 The proposed development is considered to be an appropriate expansion and more efficient use of this modest brown-field site, and the development has been detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS6, CS11, CS17, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.
- 9.2 The benefits arising from the development are considered to outweigh any other concerns including the loss of amenity and fear-of-crime, and Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2, CS6 and C18 of the Chesterfield Local Plan: Core

Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

10.0 RECOMMENDATION

- 10.1 It is therefore recommended that the application be GRANTED subject to the following conditions:

Conditions

01. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plans which are:

Drawing Number - h/19/01 - Location Plan, and
Drawing Number - h/19/03 - Floor Plans as Proposed.

02. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As Amended), the site shall only be used as a managed hostel for young people at risk of homelessness (aged between 18 and 24 years of age) with ancillary staff office and shall not be used as a direct access homeless person's hostel, or for any other use.

03. There shall be no more than 10 residents residing at the property at any one time.

Reasons for Conditions

01. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
02. To ensure that the development carried out is as considered by the Local Planning Authority and its effects on community safety and amenity having regard to policies CS2 and CS18 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.
03. To ensure a reasonable level of amenity for existing and future occupiers, ensure adequate provision in the interests of highway

safety and traffic flow, ensure adequate space for waste storage, in accordance with policies CS2 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.