

File No: CHE/19/00784/FUL
Plot No: 2/1980

Ctte Date: 9th March 2020

ITEM 2

CHANGE OF USE FROM DWELLING HOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPANCY (USE CLASS C4) AT 20 ALBION ROAD, CHESTERFIELD FOR MR R CUSIMANO

Local Plan: Town, District and Local Areas
Ward: Brockwell

1.0 CONSULTATIONS

Ward Members	Objections from ward councillors Fordham and Hollingworth – see report.
Environmental Services	No comments received.
Private Housing Services	No objection, with comments – see report.
Derbyshire Constabulary	Objection to the scheme on grounds of additional crime, disorder and anti-social behaviour – see report.
Community Safety Ptnsp	Objection as the proposal would lead to an oversaturation of this use in the area - see report.
DCC Highways	No objection
Chesterfield Cycle Campaign	Comments received – see report.
Neighbours/Site Notice	19 objections have been received from 19 local residents. Some of these comments are signed by

more than one person, whilst other residents have provided more than one comment. A petition has also been received with 19 signatures. – see report

The proposal was advertised by a site notice and neighbour letters.

2.0 **THE SITE**

2.1 This application concerns No 20 Albion Road which is a two storey 4 bedroom dwelling with attic rooms situated on the northern side of the street. It is a red brick terraced building with dormer windows to the front and rear elevations. The existing dwelling has a conservatory/garden room to the rear that has no access directly from the dwelling.



2.2 The dwelling is within a generally residential area and is surrounded by housing to the north, south and west. All surrounding properties are in residential use. To the north there is a car parking area related to retail units along the Saltergate frontage.

- 2.3 The property has a small front garden area with low front boundary wall and a 60 sqm back garden area. There is no off street parking related to the dwelling however resident only on-street parking is available along the northern edge of the street. On the southern side of the street there is a footway/cycleway.
- 2.4 Three houses on the opposite side of the street have been converted into flats (multiple occupation) at no.23, 25 and 27).

3.0 **RELEVANT SITE HISTORY**

- 3.1 There are no relevant applications relating to No 20 Albion Road.

- 3.2 Relevant applications in locality –

23 Albion Road – CHE/1092/0602 – Conversion of the property to a House in Multiple Occupation (HIMO) was accepted as permitted development on 17th November 1992.

25 Albion Road – CHE/05/00116/COU – Change of Use of Office to Dwelling was granted on 14th April 2005

25 Albion Road – CHE/14/00453/COU - Change of Use of single residential dwelling into 3 flats with retention of current basement flat – Conditional Permission – 16th September 2014

27 Albion Road – CHE/17/00585/COU - Change of Use of house to create 3 flats and retention of lower basement flat – Conditional Permission – 10th October 2017

4.0 **THE PROPOSAL**

- 4.1 The proposal is for the change of use from a residential dwelling into a house in multiple occupation with seven bedrooms. A new window is also shown to be included in the front elevation to facilitate an additional room. At ground floor level the scheme would have a bedroom with en-suite bathroom in the front room, with a shared lounge, dining

room, kitchen and utility room to the rear. The first floor would have four bedrooms, with three en-suite bathrooms and one offsuite bathroom. The second floor would have two bedrooms, both of which have en-suite bathrooms.

4.2 All rooms show single beds for single occupancy. The first and second floor accommodation sails over the ground floor passageway to the rear.

4.3 The following room sizes are shown
Bedroom 1 – 13.4m² with 3.6m² ensuite
GF living room – 16.1m²
GF kitchen – 11.7m²
Utility – 6.93m²
Bedroom 2 – 9.2m² with 2.2m² ensuite
Bedroom 3 – 9.1m² with 3.0m² ensuite
Bedroom 4 – 12.3m² with 2.7m² ensuite
Bedroom 5 – 8.7m² with 2.5m² offsuite
Bedroom 6 – 10.4m² (9.6m² over 1.5m headheight) with 3.2m² ensuite
Bedroom 7 – 13.8m² (11.8m² over 1.5m headheight) with 2.4m² ensuite

4.4 The proposal would not include any off-street vehicle parking or cycle parking.

4.5 Works on the interior of the property have already commenced.

5.0 **CONSIDERATIONS**

The Development Plan

5.1 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. The Emerging Local Plan (2018 –

2035) is also relevant and which is currently being examined and was the subject of hearing sessions in October/November 2019. The Inspector's initial response has indicated a number of modifications that are currently being prepared for consultation. Weight should be given to the emerging policies in accordance with the criteria of para 48 of the NPPF. Where this is relevant to the determination of this application, it is highlighted below.

5.2 **Replacement Chesterfield Borough Local Plan Policies ('RCBLP')**

There are no relevant policies

5.3 **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
- CS15 Vitality and Viability of Centres
- CS18 Design
- CS20 Influencing the Demand for Travel

5.4 **Submission Local Plan 2019**

- LP1 Spatial Strategy
- LP2 Principles for Location of Development
- LP5 Range of Housing
- LP21 Design

5.5 **National Planning Policies**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are;

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 8. Promoting Healthy and Safe Communities

- 9. Promoting sustainable transport
- 12. Achieving Well designed Places

5.6 Supplementary Planning Documents relevant to the decision are;

SPD 'Designing Out Crime' (adopted June 2007)

SPD 'Successful Places' A guide to sustainable housing layout and design' (adopted 24th July 2013).

5.7 Other relevant documents include;

Manual for Streets 2 (DfT March 2007)

Housing Act 2004

ASSESSMENT

Principle of Residential Use

5.8 The application site is located within the Chesterfield Town Centre boundary on the adopted Local Plan: Core Strategy Regulation 22 (1) (b) Policies Map and therefore policies CS15 and PS1 apply. CS15 considers that residential uses are appropriate above ground floor uses (in the retail centre) or in locations outside the primary retail frontages. The policy states that the mix of uses will be controlled in order that town centre uses other than A1 retail will:

.....b) contribute to an active, well used and safe environment in the evening with acceptable impacts on residential amenity.

Policy PS1 links back to CS15 and supports residential uses within the town centre where they enhance the range and quality of dwellings.

5.9 As the site sits outside of the designated Town Centre Retail Core in a predominately residential area it is not envisaged that the proposal would detract from the vitality and viability of the town centre area.

5.10 The site is located outside of the Chesterfield Town Centre boundary (SS1) within the emerging Local Plan, however as

this plan is subject to a number of modifications it should be afforded limited weight at this time.

- 5.11 On the basis that a residential use accords with the principle of uses as set out in policy CS15 and PS1 above it is also appropriate to consider policies CS1 and CS2 which seek to direct new development to locations within walking and cycling distance of centres. In addition, policy CS20 seeks to maximise the use of walking, cycling and public transport through the location of development and the council's residential SPD describes a 'walkable' development as one that has access to a good range of facilities within typically a 10-minute walking distance via a safe, convenient route. The application site is located within easy walking distance of Chesterfield Town Centre, within the built up area and on previously developed land and where easy access to services, employment, open space and public transport are available.
- 5.12 On balance the proposal generally accords therefore with policies CS1 and CS2, and the locational aspects of CS20, and supports the council's overall spatial strategy in terms of the location for new development within the Borough in a sustainable position. A residential use is considered to be acceptable in principle, subject to meeting the more detailed criteria within Policy CS2, CS15 and CS18 which considers the amenity of residents.
- 5.13 The proposed development is considered acceptable in principle against policies of the Core Strategy and the wider objectives of the revised NPPF which encourage sustainable development, however an assessment of the detailed impacts are required under policy CS2, CS15 and CS18 as referred to below. With regard to policy CS20 the highways impact of the proposal will also be assessed in the highways section below.

Design and Visual Amenity

- 5.14 Policy CS18 of the Core Strategy states that '*All development should identify, respond to and integrate with*

the character of the site and surroundings and respect the local distinctiveness of its context.

b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials;

The Council's adopted 'Successful Places – A Guide to Sustainable Housing Layout and Design' supplementary planning document is also a material consideration.

- 5.15 With regard to the design of the existing building the proposal will not significantly alter the exterior of the property. The application proposes the addition of a first floor window on the frontage of the existing building. As a traditional dwelling such an installation would normally be accepted under permitted development rights however permission is required when such installation is associated with a HIMO use. In this case no elevational details have been provided and the appearance of the window is uncertain. It is considered however that a window can be designed to reflect the character of the existing building which would not necessarily look out of place. In such circumstances a condition could be imposed to require appropriate detailing of the window in the event of a recommendation for approval.

Residential Amenity

- 5.16 Core Strategy Policy CS2 comments that all development will be expected to have an acceptable impact on the amenity of users and neighbours taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts. The Council's SPD 'Successful Places' also provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

Residential Amenity - Overlooking to surrounding dwellings

5.17 Whilst the proposal includes the addition of a window in the front elevation, this overlooks the street and the proposal is not considered to raise any adverse impact sufficient to warrant refusal of the scheme.

Residential Amenity – Noise, Disturbance, Crime and Anti-Social behaviour

5.18 The Spatial Vision for the Core Strategy identifies a number of themes including a desire for Chesterfield Borough to be a safe, healthy and active community where

Para 3.24 – people feel safe, whether in their homes or out and about and that the environment is designed to minimise opportunities for crime and anti-social behaviour. Para 3.25 states that opportunities for anti-social behaviour in new developments should be minimised, especially in the hot spots ofChesterfield Town Centre, paying attention to the Chesterfield Community Partnership and Safer Neighbourhoods Team local priorities.

5.19 This Vision is also reflected in the NPPF 2019 which states at para 91 that planning decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;

Para 95. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) Policies for relevant areas (such as town centre), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

5.20 It is also clear that under policy CS2 that developments will be required to have an acceptable impact on the amenity of occupiers and neighbours with regard to social issues, that

under policy CS15 developments should contribute to a safe environment in the evening with acceptable impacts on residential amenities and that under policy CS18 developments will be expected tok) have an acceptable impact on the amenity of users and neighbours andl) be designed to be safe and secure and to create environments which reduce the potential for crime.

5.21 Having regard to the above there have been a number of representations made as a result of the applications publicity that highlight the local area is already experiencing issues connected with crime and disorder and the representations indicate that these issues are having a serious adverse impact upon local amenity. Serious crime and disorder issues involving the police and safer neighbourhood partnership are reported involving No 25 and No 27 Albion Road (which are houses already in multiple occupancy). Local residents have commented in their responses that the proposal could well make a serious situation on the street worse. Such comments are based on their experiences of there already being an increased number of multiple occupancy properties in the local area. The prospect of a further property not being occupied as a single household, but with short term rental accommodation making the property more likely to attract a higher proportion of residents with social problems, chaotic lifestyles and no connection or affinity for their surroundings. It does not automatically follow that this will be the case with the application proposal however No 25 and 27 Albion Road have been leased by the property owners to NACRO, an organisation which specialises in housing former offenders or people transitioning through probationary routes. NACRO is a Registered Provider and are therefore exempt from Licensing by the local authority. Property owners are also likely to receive a higher financial return when leasing to such organisations making such a proposition an attractive one. The only other property on the street which is also a house in multiple occupancy is No 23 Albion Road, but the representations received from the occupants, landlord and neighbours do not suggest that this property is associated with the crime and disorder issues being experienced on the street.

- 5.22 In this case Albion Road in particular is a hot spot for crime and anti-social behaviour, with the police reporting to the local planning authority numerous cases ranging from kidnapping, dangerous dogs, knife crime, drug related crime including death with the associated increase in noise and disturbance issues. Some of the information received from the police is clearly sensitive and should not be available in the public domain however it is of significance and can be relied upon. The local representations which have been received are based on such issues and concerns, and in some cases residents have expressed their serious concerns and fears for their safety. Such concern is supported by the Community Safety Partnership Officer, the Police and local ward councillors. There is clear evidence from police records that for the 2 year period between January 2018 and the end of 2019, when NACRO leased both 25 and 27 Albion Road, that there were 35 calls for service (22 calls for service associated with no 27 and 13 calls for service associated with no 25).
- 5.23 It is also the case, compounding the problem, that the boundary of the Public Space Protection Order (PSPO) which attempts to deal with anti-social behaviour in the town centre runs along the west boundary of the public car park and Bayheath House at the eastern end of Albion Road. The PSPO allows for the dispersal out of the area however the application site and other property on Albion Road are directly adjacent to this boundary but outside of the area.
- 5.24 It is considered that in the case of Albion Road there is a generalised correlation between multiple occupancy properties and increased levels of anti-social behaviour and noise and disturbance to surrounding residents. It is appreciated however that the existing application site is an existing single occupancy residential dwelling where some level of noise could arise. The two NACRO properties across the road have no full time management on site such that, instead, any issues are relayed to the landlord and/or the Local Police and dealt with by them. The proposal similarly provides no management facilities on the site with all the available accommodation being used as part of the lettable HIMO accommodation. It is also considered that instances of excessive noise by residents can often be a management

issue for landlords, and that careful picking of residents for the accommodation and clear expectations of the behaviour standards of residents can help to ensure that there are less likely to be issues related to the amenity of the area however this is not a matter which can be appropriately controlled by the Council as local planning authority.

- 5.25 A fear of crime resulting in a detrimental impact on the amenity of the area can be regarded as a material planning consideration. Whilst there is no direct evidence to support such fears will come to fruition as a direct result of the current proposed conversion of 20 Albion Road into a HIMO, it is also impossible to prove that no risk exists, and speculation by neighbours can give rise to fears notwithstanding that they would not be supported by any evidence.
- 5.26 Notwithstanding the above, objections to the proposal have been received from adjacent residents on the street which refer to a very clear fear of crime and anti-social behaviour in the vicinity of the site and which is supported by the evidence of police calls outs to the street over the last 2 years. Objectors effectively challenge the council to take a precautionary approach, as referred to in the NPPF, by resisting proposals which have a higher risk of contributing to an existing problem situation. Whilst a number of representations focus on general public concerns a number of the letters refer to specific fear and subsequent effect on their amenity. Residents of the street (tenants of 23) have moved out as a direct result of the anti-social behaviour issues referred to on the street and a number of neighbours referenced in section 6 have stated that their quality of life is already intolerable and the perceived threats arising from the proposal would mean that they could not continue to live in the street.
- 5.27 Community Safety Partnership has commented that over the past 24 months Chesterfield Community Safety Partnership has been involved with the private residents and businesses on Albion Road. Many of the issues raised have been generated from the two NACRO properties, these being numbers 25 and 27. There have been significant calls for service to the Police, Chesterfield Borough Council and the

Community Safety Partnership. The nature of these calls have been for noise, anti-social behaviour, disturbing incidents of criminality and general nuisance at all times of day and night. The Partnership have conducted a number of meetings with the residents to try and resolve the issues being experienced, by working with the NACRO management team, the local Cllr Ed Fordham and the local police. This work is still ongoing as problems are still being experienced.

The Partnership holds genuine reservations about another property on this road applying for a change of use from a single residence to a house of multiple occupancy, given the problems the current HMOs are causing. Also aware that there are other HMO's on the adjoining road, Clarence Road, which have also been problematic in the past for the Partnership. Thus, raising concerns for all involved that the area is reaching saturation point, resulting in increased calls for service for the Partnership. In conclusion the Partnership takes the view that any further increase in this type of use would change the character of the street concerned and have an adverse effect on the amenities of the area.

- 5.28 Derbyshire Constabulary has commented that what was on face value a minor proposal has raised significant concerns from operational colleagues and their partner agencies. The proposal is likely to exacerbate existing amenity problems for residents and pedestrians using Albion Road which are linked to crime, disorder and anti-social behaviour. There is no doubt that resident behaviour seen as favourable for promoting community safety, such as territoriality, capable guardianship of the public realm and community interaction become diluted when tenure shifts away from owner-occupiers towards the rental sector, with a compounding factor being higher density. Conversely short-term tenancies of town or city centre HIMO properties tend to attract a higher proportion of residents with social problems, chaotic lifestyles and no connection or affinity for their surroundings.
- For the application site this appears to be the case, and an intensified use of HIMO's within a relatively small area, located on the town edge just out of the exclusion area for the consumption of alcohol has created an area which creates a disproportionate pull on police resources, both in

respect of the number and seriousness of incidents, and serious amenity problems for existing neighbours. The mix of tenure for this small section of Albion Street has exceeded the tipping point away from owner-occupiers towards the high-density short-term rental market, and therefore it is considered that to allow an additional HIMO property would inevitably aggravate existing problems. Therefore on balance police advice is to refuse the application on the grounds that additional crime, disorder and anti-social behaviour would be detrimental to resident amenity and generate avoidable demand for police resources.

5.29 In such circumstances it is considered that the proposal should be resisted based on the concerns referred to in the section above and the conflict with policy CS2, CS15 and CS18 and the NPPF.

Residential Amenity - Accommodation Provision

5.30 The development includes en-suite bathrooms with all seven bedrooms, together with communal facilities in the living, dining room and kitchen. The garden areas are also shared by the proposed residents of the property for external amenity space and drying space for clothing. The Private Housing Standards for HIMOs as referred to in the Housing Act legislation requires that all single bedrooms are at least 6.5 square metres in floor space. As referred to in paragraph 4.3 above all seven bedrooms are well above the 6.5 square metres referred to in the standards.

5.31 The Private Housing Team has been consulted on the proposal and they have made the following comments:

- that overall there is no shortage of bathroom amenities.
- for 7 persons we would expect to see two sets of cooking facilities, a minimum of two fridge freezers, two sink/drainers (or double sink/drainers or sink/drainers plus dishwasher), adequate food storage (a minimum of one single cupboard/person) with additional crockery/equipment storage, sufficient worktop space with adjacent splashback and electrical sockets above and below the work surface and space for washing machines and tumble dryers in a reasonable ratio for 7 persons. From the drawing it would appear that,

utilising the former conservatory as a utility room that there is likely to be adequate provision.

- There appears to be adequate communal living/dining space provided.
- On the basis that each room will be occupied by a single adult, all rooms exceed the mandatory minimum room size for an adult in an HIMO that will be licensable and exceed the general guidance on room sizes for single persons.
- as a minimum, the development would comply with Building Regulations. The Private Housing Team also refers to the LACORS Guide to fire safety in dwellings and on that basis we would expect to see a full 30 minute protected means of escape, a mixed system comprising a Grade A LD2 alarm system with detectors throughout the escape route, in the bedrooms, living room and cellar with a heat detector in the Kitchen.

5.32 The standards referred to above by the Private Housing team are not planning standards but are standards which are relevant to the licensing of the proposed HIMO under Housing Act legislation. Overall from a planning point of view it is considered that the development proposals provide acceptable space standards for the occupants and which are acceptable.

Drainage

5.33 The building has an existing drainage system and the proposal does not significantly alter the existing situation raising no adverse planning impacts.

Highways Issues

5.34 The existing property is a 4 bedroom dwelling and has no off-street parking and no reasonable possibility of creating any. All dwellings on this street and in the area rely completely on nearby town centre public car parks and on-street parking opportunities which require resident parking permits.

5.35 The parking standards for a HIMO are 0.5 per unit, as stated in Appendix G of the Core Strategy and on this basis the proposal generates the need for at least 3 spaces. Appendix

G of the Core Strategy also states that the below considerations should be including when assessing parking standards:

- *The size of the dwellings proposed.*
- *The type, mix and use of the development.*
- *The accessibility of the development including proximity of facilities such as schools, shops or employment areas.*
- *The availability of and capacity for safe on-street and public car parking in the area.*
- *Proximity to and availability of public transport and other sustainable transport options.*
- *The likelihood that any existing on-street parking problems will be made worse.*
- *Local car ownership levels*
- *Local air quality and the overall need to reduce the use of high-emission vehicles*

5.36 Whilst there is no opportunity to provide any off street parking provision, the site has to be considered on the basis of its central location close to public car parks but also the services and facilities close at hand in the town centre and the availability of public transport opportunities. A cycle route also passes immediately in front of the property. The Core Strategy refers to parking standards as guidelines and that they should be considered as a maximum standard. It is on this basis that the Highway Authority has confirmed that they have no objections to the proposals.

5.37 Local objections from residents have commented that the proposed use has insufficient parking spaces and the residential parking permit system in the area doesn't function very well and isn't managed appropriately. Local residents also fear that the scheme could lead to a negative impact on highway safety in the local area especially if the rooms proposed are occupied by more than one resident and which could double the parking requirements on site. On the basis it is considered that a condition could be included in the event that a planning permission was recommended to ensure that the units are only let on the basis of 1 person per room.

5.38 The scheme could lead to some increase in demand in parking permit spaces in the area, but this is not considered

to be a significantly negative issue, such that a refusal would be appropriate. It is the case however that increasing the number of residences on the street, and thereby increasing demand for parking, which is at a premium, will result in the prospect of more frequent parking on the pavement and cycle lane which is not in the best interests of highway and pedestrian safety. It is considered that the proposal would conflict with Core Strategy policies CS18 and CS20 and the NPPF in respect of highway and pedestrian safety.

5.39 The Chesterfield Cycle Campaign has referred to a change in the use of this dwelling to a house of multiple occupation may mean the occupants have several cars that will need to be parked on the already often full on street parking on Albion Road.

Because of the pressure on parking, vehicles often pull onto the segregated footway/cycleway along Albion Road (in contravention of the double yellow lines) and granting of this application may increase this occurrence which needs more enforcement.

5.40 It is accepted that inappropriate parking frequently takes place on a daily basis on the cycle route and which is not desirable. Whilst this is not a matter which can be controlled by the local planning authority and is a matter for parking enforcement it is the case that the proposal brings with it the increased risk of such parking taking place.



6.0 **Representations Received**

6.1 19 objections have been received from 19 local residents. Some of these comments are signed by more than one person, whilst other residents have provided more than one comment. A petition has also been received with 19 signatures. Two ward Councillors have also made representation on the proposal.

6.1.1 14 Albion Road - 2 comments objecting to the scheme raising the following points:

- Maximising profits at the expense of the proposed tenants and other residents of the street.
- Absence of any management on site. Resulting in the burden of resolving disputes being passed onto the Council and Police or the residents of the street.
- Noise from tenants of multiple occupancy properties on the street. Shouting matches late at night.
- Stink of cannabis in the area – prevents residents from sitting in garden and having windows open in the summer.
- Policy

- Residential Amenity -
- Traffic or Highways - Insufficient local capacity for additional vehicles and additional parking likely on street footway/cycleway with increased risk to highway safety. This happens every day.
- Too many people living in dwelling and sharing a single kitchen. Professional people would not want to live here.
- No considerations for disabled.
- Eroding of community identity. 7 extra 'vulnerable' people would be added to a street where known drug dealing and abuse already takes place.
- Increased levels of anti-social behaviour and crime. Drugs are already a mammoth problem on the street with frequent drug dealing taking place. There have been drug related thefts and violence and transactions taking place on a daily basis. Residents have had enough. Slowly being driven out of my own home and may have to move house in order to live in some sort of security.
- Negative impact from increased bin numbers
- Additional window to frontage would be out of character with the street and dwelling which remains largely unaltered.
- No fire escape from 1st or 2nd floors

6.1.2 16 Albion Road - comments objecting to the scheme raising the following points:

- Already 3 houses in multiple occupation and two are causing problems. Drugs are openly being exchanged on the street with streams of people. The street has a fair share of multi occupied properties.
- No management team to contact.
- There has been an increase in police activity on Albion Road. One occasion 8 police cars attended. The proposal will lead to an increase in crime and anti-social behaviour and that this has led to an effect on our lives and an increase in the fear of crime. We no longer feel safe going out after dark and we keep all windows and doors locked whether we are in or out.

- There is not enough capacity on street for additional parking with parking regularly on the pavement and cycle route.

6.1.3 18 Albion Road - comment objecting to the scheme raising the following points:

- Increased noise day and night.
- No information on sound insulation to be installed.
- Loss of excellent family property.
- Increased risk of fire.
- Increased flow of people through ginal between properties.
- No allowances for disabled people.
- Proposed window would be out of keeping in local area.
- Increased impact on parking facilities in area and potential further impact on cycle way parking.
- Overlooking to rear.
- No demand for proposal.
- No consultation by the applicant with local persons about scheme.
- Increased risk to crime from other HMOs in area.
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6.1.4 19 Albion Road - comments objecting to the scheme raising the following points:

- There are 2 HMO's at No 25 and 27 already in existence. These houses were converted and then leased to NACRO to house ex offenders. There is very little management of the properties and the single person units are often occupied by more than single people. No 23 has been converted into bedsits which is owned by a private landlord and there have been problems with this property in the past.
- The proposal will lead to an increase in crime and anti-social behaviour and that this has led to an increase in the fear of crime. Females have moved out of the street due to feeling threatened. Drug dealing is a problem with streams of people coming to the street each day (at times 60-70 a day)

- This is the most threatened I have ever felt, and it has affected my health and well-being. It has affected my daughter too, who cannot walk from school on her own for fear of who she may meet on her way home and particularly on Albion Road. Furthermore, she is unable to use our back garden. I feel nervous when I walk from my car into my home, I will look to see who is on the street and wait near my car until they have passed. I never know who is down the side of our house. Regular occurrences of zombified people, and people injecting themselves on the street outside their home.
- That there are too many people proposed for this dwelling. Profit is being put first
- There is not enough capacity on street for additional parking.
- What if the property were converted and then leased to a charity like NACRO.
- Issues with the impact of the additional window

6.1.5 21 Albion Road - comments objecting to the scheme raising the following points:

- Already 2 HMOs on the street housing vulnerable people and which result in chronic anti-social behaviour with increased calls for service and causing residents to fear for their personal wellbeing. The proposal will lead to the prospect of exacerbating the fraught situation with a possible increase in crime and anti-social behaviour. This has led to an increase in the fear of crime.
- Sharing the rear garden access with the existing HMOs has resulted in my family ceasing to use our garden because of suspected drug detritus, strewn rubbish and glass. I no longer invite young members of my family to stay at the weekends for risk of exposing them to the frightening antics of some HMO tenants and their visitors including using the garden as a lavatory; bellowing in the night; very loud music after eleven in the evening and knocking loudly and insistently on my front-door or basement window in an attempt to determine the whereabouts of a tenant of the HMO. Should this planning application be permitted

I fear that the current situation will escalate and that for our health and well-being we will be forced to move out of the house that we love. I have a grave concern that we will not be able to sell the property into which we have invested our savings. Thus, out of necessity will have to downsize and rent ... leaving our home empty.

- Housing vulnerable people near to the town centre, where the unscrupulous prey on lonely, financially insecure citizens of the town - befriending and grooming them - flies in the face of responsible town planning.

6.1.6 23 Albion Road – residents provided 3 comments and objected to the scheme. They object on the grounds of:

- Increased noise from shouting in the street all hours of the day and night. Another multiple occupancy property on the street would bring more of this to the street.
- Residential amenity
- Traffic or highways – insufficient local capacity for additional vehicles and additional parking likely on street footway/cycleway. This has become worse since 25 and 27 were converted to multiple occupancy.
- Anti-social behaviour and crime directly attributable to conversion of 25 and 27 to multiple occupancy. The street is a haven for drug activity bringing a source of ongoing stress and anxiety to residents on Albion Road. Many residents have witnessed violence and drug dealing however reporting the problems causes stress, fear and anxiety over potential retribution and residents feel less safe and secure in their homes.
- Added pressure on already over-stretched police force
- Policy -
- Visual – window out of keeping as it won't match adjacent houses.

6.1.7 The Landlord of 23 Albion Road - provided the following comments objecting to the scheme.

- There is not enough capacity on street for additional parking with parking regularly on the pavement and cycle route.
- Additional window not in keeping

- Anti-social behaviour and crime directly attributable to conversion of 25 and 27 to multiple occupancy. The street is a haven for drug activity.
- Have tenants moving due to the ASB problems highlighted as they no longer feel comfortable living there. They are working professionals and it is a real shame to lose such a couple from the street. Families are nervous to use their gardens and access their homes from the rear. One neighbour has given my tenant a key so she can go into her house from the front and wait until groups have left.
- Relieved that don't live there. Difficulty in letting the accommodation and sale value reduced. An additional Multiple Occupancy on the street will be too much.

6.1.8 24 Albion Road - 2 comments objecting to the scheme raising the following points:

- The scheme would be too small for 7 residents. Relying on one kitchen will be mayhem.
- 7 residents would overload the local drainage network.
- That there isn't enough parking on street for the scheme.
- There is a lack of a fire escape in the attic.
- The ginal at the side of the house would be overloaded.
- The scheme will lead to an increase in noise.
- The new window would be out of keeping on the street.
- The proposal will impact the amenity of neighbouring dwellings, which are family houses.
- The scheme could lead to a neighbouring resident and their family to not use their rear access. In general they consider that the scheme will have an unacceptable impact on the street as there are already too many shared housing dwellings on the street, and these have led to many disruptions and problems in the neighbourhood.

6.1.9 29 Albion Road - 2 comments objecting to the scheme raising the following points:

- There is insufficient capacity on the street for additional vehicles on the street; the residents may be able to get permit but may struggle to park on the street, and this puts pressure on the cycleway/footway as this is

regularly used by people for short term parking.
Difficulty when need to unload shopping.

- The scheme is for too many residents in this dwelling and will lead to unacceptable impact on their amenity. This could also lead to increased levels of noise, an impact on local drainage system and increased waste, which would require additional bins and their storage.
- The proposal includes no management plan and is likely to lead increased numbers of vulnerable people living in the area, and the associated increased levels of crime and anti-social behaviour that are likely to stem from them. They believe that the locating of this property so close to other dwellings of shared accommodation could lead to an increase in criminality. Crime figures and police call outs have increased disproportionately with drug dealing being rife. The 'clean up' of the town centre asb has made this area an 'overspill' for the homeless and substance abusers. This leads to an increase in anxiety and the fear of crime by local people.

6.1.10 Albion Dental Laboratories at 31 Albion Road - object to the scheme on the following grounds:

- Insufficient capacity in the area for parking
- Increased levels of crime and anti-social behaviour in the area with numerous drug related incidents. Believe the proposal will increase the problem.

6.1.11 Residents who resides on Albion Road but did not state their address objecting to the scheme raising the following points:

- Impact on air pollution from future vehicles at premises.
- Impact on parking within vicinity and increased parking on cycle way in front of site.
- Increased levels of crime and anti-social behaviour in the area.
- Increased levels of noise from future occupiers.
- Conflict with policy
- Proposal not in character with houses in area.
- Increased levels of crime and anti-social behaviour in the area.

6.1.12 Former owner of 20 Albion Road has commented she sold her mothers property and expressed her desire for the property to remain as a family home. The selling agent understood that Mr Cusimano was buying the property for himself and his family and therefore she accepted his offer. She would not have sold their property if they had known that it might have been turned into a HIMO as the neighbourhood has already suffered from the rental market with asb issues.

6.2 A petition has been received signed by 19 residents of 12 properties on the street. The objections state that the space and resulting quality of life is insufficient to create 7 independent units and that the street is ill placed to handle the resultant additional traffic and pressure. Reference is made to existing anti-social behaviour issues which are extreme, problematic and having an ongoing and disruptive effect upon the residents.

6.3 Cllr Ed Fordham – Raises the following objections:

- no prior dialogue with Council.
- Housing Regulation - This takes a terraced house, previously occupied as one family unit and seeks to convert it into seven flats. Whilst it seems the rooms each meet the national minimum standard they are substandard to that built or managed by CBC. The accommodation is patently inadequate. Small compacted units such as this often attract young people starting out on their careers yet, given the very demographic who often rent such accommodation it is concluded “it is likely that each room will be occupied by a single adult”. This is presumptuous, assumes too much and I would suggest not borne out by the evidence of life and experience. The other demographic who often find themselves forced into reduced accommodation, such as is proposed, are single widowed or divorced men, invariably over the age of 50. Do we consider it okay for this application to proceed because it meets “the minimum room sizes for an adult”? I would suggest that for anyone of that age and maturity, the last thing they need for their mental health and well-being is to be in a shoe-horned accommodation room that has been cut in half and sequestered from a formerly modest terraced house. This application takes a modest terraced house of basically two rooms per floors and forces into it an execution of seven

supposedly independent units with little or no meaningful quality or life within their residential space.

- The new window on the first floor above the front door would dramatically and significantly change the visual presentation of the entire run of the street.
- Taking the currently extant 11 properties (12 units) and the applicants house and subdividing that into 7 independent units transforms this part of the street into 19 units within 12 properties – if the two NACRO properties are taken into account this means 14 properties divided into 27 units. Of these 27 units, this means that the street will be dominated by prisoner rehabilitation on one side and house of multi Occupancy on the other. This is not an acceptable transformation of the locality under any understanding of community development.
- As a local councillor for the area I have met with the residents frequently for much of the past year and have been door to door discussing the application with every single household. In objecting I have the support of every single household. They have all signed a petition.
- Sadly, despite being a small modest street of just 30 houses and this part of the street just being 14 houses this road is well know to the Police. Directly opposite the planning application there are two NACRO residences which play host to 8 independent units of former prisoners seeking to achieve rehabilitation. Due to poor, limited and in some weeks and months, non-existent support by NACRO the residents have become the focus, target and exploited losers of a town centre ban on alcohol and drug use. This ban has forced out of the town centre all such activity and this street, almost literally the first residential street from the Town Centre, has become the conductor for activity. There have been a significant number of police call outs and this has culminated in two incidents on the same night resulting in 8 police vehicles in the street and a death of a non-resident. This was as a direct result of drug issues. Drug issues are a real problem and it has got to a stage whereby elderly residents are scared about leaving their house after dark. It is now a culture that means it is often best to avoid contact with visitors to the street, many of the residents do not allow their grandchildren to visit. The houses in this street have a back access alleyway structure and this makes it vulnerable, indeed typical of anti-social behaviour in these darkened

spaces. For number 20 this shares an alleyway with number 18 and the building works have already led to water being cut off and the frequency of unknown visitors along the access alley to significantly increase causing concern and distress to the solitary elderly resident and significant caution on visitors from her daughter and grand-daughter.

- Anyone standing in the street during day or evening hours will soon be aware of the traffic to and from the NACRO houses. This is a street that is on the police radar.
- Reference to the Councils Policies and Guidance - this application under any assessment fails the test of minimising anti-social behaviour. In fact the precise opposite is true. Reference to the NPPF section 8.
- The Community Safety and Safer Neighbourhoods working with myself and residents are willing to seek to test pilot a scheme that seeks to engage, support, remove isolation, increase engagement and remove the debilitating pressure of anti-social drug use in this part of town. To achieve this programme I have commenced dialogue with CBC Venues and Theatres, with the Chester Street Gym and with other service industries locally to see if we can establish a more inclusive and welcoming community atmosphere. The objective is to drive out the temptations that lead to abuse and drive up the rewarding activities that will enhance living in this community. This is provided to evidence that there is a willingness to enable change to take place and for progress to take its course - but the simple truth is that this application at this time, in the context of the massive and real crime experiences is poorly judged, inappropriate and wrong.
- It is my contention as councillor, as a resident and as a complainant and advocate for the residents that this application if passed will make matters worse. Urge you to recommend refusal with the application and that any dialogue with the application should better identify properties and areas and streets more suited to a development such as is being proposed. The residents themselves have submitted detailed and in some cases distressing evidence and statements about their experience of the street that has blown up over a period of time.

6.4

Cllr S Hollingworth - Formally object to the planning application to convert 20 Albion Road into a House of

Multiple Occupancy. Albion Road only has fourteen houses two of which are NACRO Houses and are multi occupancy. Adding another property with multiple occupancies will further add to the imbalance of housing on such a small street especially one that has an existing problems with anti social behaviour. In addition these type of properties are usually rented and occupied by single people who would not, I feel, help redress this imbalance. Also this type of dwelling would further impact the quality of life for residents by increasing extra traffic and parking issues.

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.

7.3 The applicant has the right to appeal a refusal of planning permission.

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 February 2019 National Planning Policy Framework (NPPF).

8.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above. The conflict with Development Plan policies has led the LPA to conclude the development does not fully meet the definitions of "sustainable development" having regard to local character and amenity issues and a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 **CONCLUSION**

9.1 The proposal to convert the property to a shared house in multiple occupancy for 7 units requires planning permission however it is acknowledged that subdivision to a house shared by 6 unrelated people would not need planning permission. Notwithstanding this the Council is able to consider the planning merits of conversion to 7 units and in this respect it is concluded that a further multi occupancy property on the street will potentially adversely affect the character of the area by increasing the risk of additional anti-social behaviour and more specifically the heightened anxiety of local residents and the fear of crime to the detriment of the amenity of the area and the existing residents. The local planning authority has no control over the way in which the property is managed or let to individuals and it is appropriate therefore to consider that the property could be developed and let as a similar property to those operating at 25 and 27 Albion Road. As such, the proposal conflicts with policies CS2, CS15 and CS18 of the Core Strategy and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

10.1 That the application be **REFUSED** for the following reasons:

1. The development is contrary to the best interests of the amenity of local residents. The proposed conversion to a property in multiple occupation would increase the likelihood of the property being occupied by short term tenancies which are more likely to attract a higher

proportion of residents with social problems, chaotic lifestyles and no connection or affinity for their surroundings. The street is already suffering from serious anti-social behaviour issues which are causing significant impacts on the existing residents who fear for their safety and the proposal brings with it the prospects of a worsening situation. This is considered to be harmful to the safety of the local community and residential amenity in general and is considered to be contrary to the requirements of Policy CS2, CS15 and CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011 – 2031 and the wider requirements of the NPPF 2019.

2. The development is contrary to the best interests of pedestrian and highway safety. The proposed development would increase the likelihood of indiscriminate vehicle parking on the pavement and cycle route. This is considered to be harmful to the safe operation of the highway on a one way road of limited width. The proposal therefore fails to accord with the requirements of Policy CS18 (g) of the Chesterfield Borough Council Local Plan: Core Strategy 2011 – 2031, which expects developments to provide adequate and safe vehicle access and parking. The development would conflict with the wider requirements of the NPPF.