

## Item 4

Case Officer: Chris Wright

Application No: CHE/22/00464/FUL

### **Change of use of office to 8 bed HMO and associated alterations at Former Corner House Independence Project, 48 Newbold Road, Newbold, Chesterfield for Mr James Norton (description altered from 9 to 8 bedrooms)**

Committee date: 31/10/22

Ward: Brockwell

#### **1.0 CONSULTATION RESPONSES**

Ward Members	- 1 comment received from Cllr Hollingworth, supporting the objections from local residents.
Highways Authority	- No objection
Environmental Health	- No comment received
CBC Private Housing	- No objection
Derbyshire Constabulary	- Comments received, noting issues of over-densification and anti-social issues in the area.
Forward Planning	- comment received – see report
Community Safety Officer	- No comment
Tree Officer	- No objection, subject to condition
Neighbours	- 22 comments received from local residents – see report.

#### **2.0 THE SITE**

2.1 This application concerns no.48 Newbold Road, which is a detached Victorian brick finished building sited on the eastern side of the junction of Cobden Road and Newbold Road. The building is on the local heritage list and has extensive mature soft landscaping to the front and sides including several larger trees. It has parking to the rear with a

driveway along with the rear of the site, as well as pedestrian access from the front of the site. The site was previously used for non-residential purposes for a children's charity's office, and is in a generally residential area, but there are several uses in the locality such as a vets, church and Barnados. The property was originally built for residential use, but it is unclear when this usage changed.

- 2.2 There is a garden to the front and side, space for bins to the rear and 4-6 vehicles on site, as well as a previous planning permission to increase the parking numbers on site by 2 vehicles.
- 2.3 The building is 2 storey with a basement space.
- 2.4 There are several HMOs and units split into multiple occupation in the locality including 1-3 Cobden Road, 18 Cobden Road, 31 Cobden Road, 50 Cobden Road, 56 Cobden Road, 85 Newbold Road, 87 Newbold Road, 89 Newbold Road and 91 Newbold Road.

### **3.0 SITE HISTORY**

- 3.1 CHE/20/00497/FUL - Creation of 5 parking spaces to the rear of the property and associated external works – Conditional Permission – 02/09/20

- 3.2 Relevant applications in locality –

85-87 Newbold Road - CHE/19/00606/FUL - Change of use from hotel (Use Class - C1) to a House-in-Multiple-Occupation (Sui-Generis - Use) involving shared residential accommodation, associated alterations and provision of parking spaces - revised drawings received 14 11 2019, further revisions and information received 25.11.2019 – Conditional Permission – 07/01/20

91 Newbold Road - CHE/17/00394/COU - Change of use from vacant vet's offices to a 1 bedroom flat - Revised site location plan received 26/06/17 – Conditional Permission – 09/08/17

91 Newbold Road – CHE/15/00234/COU - Change of use from C3 (dwelling) to sui generis (9 bedroom House in Multiple Occupation) – Conditional Permission – 05/08/15

1 Highfield Road - CHE/15/00351/FUL - Change of use of a residential care home (C2) to a 7 bed house in multiple occupation – Refused – 07/10/15 – A subsequent appeal was allowed on 6/4/16

#### **4.0 THE PROPOSAL**

4.1 Planning approval is sought to change the building into an 8 bed house in multiple occupancy, with a communal lounge area and utility room in the basement, 4 bedrooms with en-suite bathrooms and a kitchen-diner at ground floor and 4 bedrooms with en-suite bathrooms and a lounge/dining area at 1<sup>st</sup> floor. There are also some minor external changes as well.

4.2 Schedule of rooms:

##### **Basement**

Lounge/tv room – 21.2m<sup>2</sup>

Utility room – 5.4m<sup>2</sup>

##### **Ground floor**

Bedroom 1 – 17.5m<sup>2</sup>

Bedroom 2 – 16.7m<sup>2</sup>

Bedroom 3 – 14.3m<sup>2</sup>

Bedroom 4 – 20m<sup>2</sup>

Kitchen/diner – 15.8m<sup>2</sup>

##### **First Floor**

Living/diner – 18.8m<sup>2</sup>

Bedroom 5 – 9.8m<sup>2</sup>

Bedroom 6 – 20.3m<sup>2</sup>

Bedroom 7 – 20.6m<sup>2</sup>

Bedroom 8 – 15.7m<sup>2</sup>

4.3 The shared garden area is approximately 250m<sup>2</sup>, but this includes areas of soft landscaping which cannot be easily utilised, and most of which is proposed to be retained. The proposed site plan also includes additional parking spaces to the rear/side of the site. The external works include introducing an entrance to the front of the basement with stairs down to this space and a new door, it is unclear at present what sort of door will be provided for the basement room, as well as removing an additional door to the side of the building.

#### **5.0 PLANNING POLICY**

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 Chesterfield Borough Local Plan 2018 – 2035.

## 5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP4 Range of Housing
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

## 5.3 **National Planning Policy Framework**

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 7. Ensuring the vitality of town centres
- Chapter 8. Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12. Achieving well-designed places

## 5.4 **Supplementary Planning Documents**

- Successful Places Residential Design Guide

## 6.0 **CONSIDERATION**

### 6.1 **Principle of Development**

6.1.1 The Council's strategic planning team has been consulted on the scheme with regard to the issue of principle. They have commented that the location of the proposed residential use would be in accordance with Local Plan policy CLP1 as it would be within walking distance of a range of Key Services as set out in policy CLP2. The proposal would also accord with the majority of requirements in policy CLP2 however, in relation to criterion (f) of policy CLP2, which requires that new development utilises existing capacity in social infrastructure (Policy

CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements, some closer analysis is appropriate.

- 6.1.2 Whilst the proposal in isolation is small scale, such development if repeated can cumulatively result in increases in population density that have implications for the provision of social infrastructure. The cumulative impact of similar types of development in the 'neighbourhood' is a material consideration and should be considered. This consideration is linked to the potential for such types of development to 'saturate' an area and lead to a detrimental impact on a places character and amenity. Whilst the Council has no adopted SPD on the matter, the cumulative impact of HMOs on an areas infrastructure, character and amenity are material considerations and require an analysis of the concentration and also frequency of HMOs in a locality and street.
- 6.1.3 There is no published guidance on what thresholds might be reasonable when assessing the number of HMOs in a locality although some Local Planning Authorities have adopted SPD's on the matter. These SPD's generally look to apply thresholds to the number of HMOs within a radius of new HMO proposals and also to the number of HMO's in a row. The council has a record of licensable HMO's in the area, however there are a number of unregistered HMO's in the area and the extent of unregistered HMO's or student accommodation within the locality is not evidenced.
- 6.1.4 The application site is not allocated for any specific land use of policy constraint on the adopted Local Plan. The main policies applying to the principle of the development are therefore policies CLP1 and CLP2. These seek to direct new development to locations within walking and cycling distance of centres. In addition, policy CLP20 seeks to maximise the use of walking, cycling and public transport through the location of development.
- 6.1.5 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 within walking distance of Chesterfield Town Centre and closer still to the Newbold Local Centre, which includes a Spar store. In addition, Newbold Road is a frequent bus route (with services to Chesterfield Town Centre approximately every 12 minutes on weekdays). The site is previously developed land and benefits from good access to a range of services. On balance the proposal is generally in line with the requirements of policies

CLP1 and CLP2 (and the locational aspects of CLP20) and supports the council's overall spatial strategy in terms of locations for new development.

- 6.1.6 The application site was an office building for a charity but was originally built as a dwelling, and it is proposed to change this to a residential HMO. It would be close to the town centre and re-uses an existing building. It would be within reasonable walking distance of existing services, facilities, employment, public transport and public open space.
- 6.1.7 The proposed development is considered acceptable in principle against policies CLP1, CLP2 and CLP20 of the Local Plan and the wider objectives of the revised NPPF, however an assessment of the detailed impacts are required under policy CLP14, CLP20 and CLP22 as referred to below.

## **6.2 Design and Appearance of the Proposal**

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.
- 6.2.2 The proposal does not include any significant external changes to the building. A basement entrance will be created but after visiting the site this is considered to be a re-introduction of the door which previously existed. This is also below ground level and will not be highly visible. It is also proposed to introduce a window into the bottom section of a bay window on the ground floor to provide more natural light into the basement area. In this regard the proposal is considered to have no significant impact on design and appearance issues and is acceptable from a planning perspective. The proposal therefore accords with the provisions of policy Local Plan policy CLP20 and should be approved in this regard.  
*CLP7 Managing the Water Cycle.*
- 6.2.3 The Planning Policy Officer has commented that the proposed accommodation will need to meet the optional building regulation water efficiency standard of 110 litres per occupier per day, and should permission be granted this will need to be secured by condition.

## **6.3 Residential Amenity/anti-social behaviour**

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 6.3.2 The proposal is for a type of development that would house unrelated individuals who will rely on a shared kitchen and dining area. These types of development can present design challenges in terms of achieving both an acceptable level of amenity for future occupiers of the proposal and also for neighbouring occupiers. Whilst the shared nature of the accommodation means that it is likely to be unreasonable to insist on levels of privacy and space that would normally be required for self-contained flats or dwellinghouses, nevertheless, there are still national and local policy requirements that require an acceptable level of residential amenity to be achieved, within reason.
- 6.3.3 The NPPF at paragraph 127f requires that planning decisions; create places that...promote health and well being, with a high standard of amenity for existing and future occupiers. Local Plan policy CLP20 also sets out relevant amenity related criteria for assessing the proposal, in particular:
- (a) promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;
  - (j) have an acceptable impact on the amenity of users and neighbours
- 6.3.4 The adopted Residential Design Guide SPD: A guide to sustainable housing layout and design also contains guidance on the provision of amenity space and bin storage.
- 6.3.5 When assessing the proposal against the above policies and guidance it is considered appropriate to assess the adequacy (in terms of amenity) of the following:
- The amount of floorspace provided within the bedrooms and communal areas.
  - The provision of areas for communal use such as sitting, dining, cooking and washing.
  - The amount and quality of private amenity space.
  - Levels of daylight, sunlight and privacy for future occupiers and neighbouring occupiers.

- Appropriately located and sized space for storing household waste and recycling.

6.3.6 Whilst the Council has no adopted internal space standards, the Government's technical housing standards – nationally described space standard and national design guidance are material considerations, as are the relevant sections of the Housing Act 2004 and The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006: Schedule 3. Meeting the minimums for rooms sizes and facilities in the housing and licensing legislation does not necessarily mean that a high standard of amenity is to be achieved but failure to meet them is likely to be evidence of a scheme which would have poor a level of amenity for future occupiers.

6.3.7 With regard to the above issues the proposal does not add new windows or propose any significant external building works and there is a reasonable sized garden for the residents to utilise. The proposed bedrooms are also of an adequate size for the residents and which meet the standards referred to.

6.3.8 The scheme was revised to remove a bedroom on the 1<sup>st</sup> floor and to introduce an additional lounge/diner space such that the scheme now has a lounge/diner in the basement, a kitchen/diner on the first floor and a lounge/diner at 1<sup>st</sup> floor. The basement room has also been amended to include a fully glazed door and a high-level window to introduce more natural light into the space since on its own this was not considered to be an adequate space for shared amenity, as it had no outlook or natural light. The addition of additional natural light into this space and the additional 1<sup>st</sup> floor communal space created is now considered to be acceptable.

6.3.9 The Council's Private Housing Team has commented that:  
*"The property will be a licensable HMO when complete; the landlord is an existing HMO landlord in Chesterfield and is well aware of his need to licence and will no doubt be in contact when appropriate. He has already been in contact with me regarding the conversion."*

*The bedrooms all exceed the minimum requirements for double bedrooms but given the level of kitchen facilities and knowing the landlord I imagine he will be letting to single people as those facilities will only support a maximum of 10 persons.*



*As all rooms are en-suite so there is no issue with bathing provision. The kitchen facilities appear to offer two sets of cooking facilities and two sinks/drainers; 2 fridge freezers, adequate worktop; adequate storage space is assumed. The utility provides an additional sink/drainer, 2 washing machines and 2 dryers plus additional worktop etc. The kitchen and communal spaces are adequately sized. The kitchen facilities meet our guidance standards.*

*There is an assumption that the conversion will meet all relevant building regulations including fire safety, ventilation etc; In terms of fire safety, there are no obvious significant layout issues or problems with escape.*

*Overall, therefore I have no objections to the application”*

6.3.10 There have been 22 objections received from local residents and one of the issues raised is the potential for the increase in anti-social behaviour, crime, noise and disturbance from the development, and/or the scheme leading to an over-densification of HMOs within the vicinity of the site, and this leading to an increase in negative impacts beyond acceptable levels.

The comments received included:

- Over-densification of HMOs in locality,
- Increased levels of anti-social behaviour in the area including drug dealing, littering, noise and increased crime levels
- Poor amenity for future residents on building,
- Impacting residential amenity of surrounding residents,
- Fear of crime on locality.

Local residents wrote about the existing situation in the area and some of the issues that have occurred in relation to crime levels, police activity, increased fear of crime and the general changes in the street that have occurred since more HMOs have been opened in the locality.

6.3.11 The Council consulted with Derbyshire Constabulary in regards the proposal and they provided the following comments:

*“My reply follows discussion with the area Police Safer Neighbourhood team and interrogation of our systems which record calls for service, crimes and criminal intelligence for the immediate area, with a view to forming a useful picture of the area profile.*

*There are no specific design issues which would be relevant for the application, so I expect that your determination will concentrate on proliferation of any particular use class, at least from a community safety and amenity perspective.*

*On balance the picture I see does resonate with that presented by residents and the local member who have provided comments, in that our resourcing is not exclusive to, but heavily weighted towards the current 7 bed HMO at 50 Cobden Road, with 22 visits listed since conversion to an HMO for matters of burglary, assaults, thefts, criminal damage, controlled drug offences, and noisy parties, more recently with a proliferation of domestic disputes through 2022.*

*These matters aren't exclusive to number 50, but are noticeably out of scale to the remainder of the street, where incidents are more sporadic at both smaller rental and owner occupied housing.*

*You will I'm sure have access to statistics over the balance of HMO, rental and owner occupier for the locality.*

*I expect that the key points for you and the planning committee to consider are the balance here and likely effects upon community cohesion in both the short, mid and long terms.*

*My own views formed over an extended time dealing with HMOs is that this form of short-term tenancy contributes much less active interest or capable guardianship to communities, both key factors in reducing crime and disorder, with levels of interest reducing and social problems increasing as density rises.*

*Consequently there is I think merit in the argument presented by some that lower density rental would be more appropriate in context, and I wonder if the applicants might be persuaded to explore this option, accepting a likely lower yield for them.*

*I accept of course that the behaviour and management of tenants may not be seen strictly as a material consideration, and that there is an argument that there are other HMOs within the area which exist without problems.*

*My advice in this case would be to consider both the scale of the proposal and proliferation of the immediate area in determining the likely effects of approving this application.*

6.3.12 In paragraph 92 of the NPPF (2021) it states that “*planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.*”

- 6.3.13 In policy CLP14 it states that *“all developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance”* and in policy CLP20 it states that *“all development will be expected to:*
- k) have an acceptable impact on the amenity of users and neighbours;*
  - l) be designed to be safe and secure and to create environments which reduce the potential for crime”*
- 6.3.14 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 have been reported involving No.50 Cobden Road (which is a house that has been split up into several units). Local residents have commented in their responses that the proposal could make a serious situation on the street worse. Such comments are based on their experiences of the fact that there are already is an increased number of multiple occupancy properties in the local area. The application increases the prospect of a further property not being occupied as a single household, but with short term rental accommodation and 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.
- 6.3.15 Some of the issues reported by Derbyshire Constabulary include burglary, assaults, thefts, criminal damage, controlled drug offences and noisy parties. Amongst the objections from local residents the comments have highlighted issues such as vandalism, drug dealing, drinking alcohol and unconscious people collapsed on local driveways and littering.
- 6.3.16 It is considered that 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 office use and a previous household where some level of noise could arise. The proposal 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. A specific, detailed management plan has been requested from the agent for the scheme and in response the applicant has confirmed that they personally self-manage all their local properties and that it is entirely in their interest to attract good, reliable tenants who treat the properties as their home and so the owners invest in those buildings to facilitate that with high quality finishes and well apportioned spaces. The team has 1.5 full time staff purely dedicated to the management of the properties and tenants to make sure that this is achieved. They say that in this case tenants apply through a strict consultation process managed by the Owners, with detailed ID, proof of current employment, signed agreements and deposits required, and the owners meet and show round all prospective tenants. There is also a general restriction to people over 25 years old and the rooms would not generally be available to those on social security benefits, but tenants include a wide range of different people, for example, mature / post graduate students, academic researchers, as well others in long term permanent employment, such as carers, teachers and construction industry workers. CCTV is provided to keep an eye on both the outside the property and in communal spaces, with the owners on site at least once a week to carry out maintenance, ensure the upkeep of the properties and resolve any issues. Detailed inspections occur every 3 months, but tenants, neighbours, staff and keyholders etc all have the owners' personal mobile numbers if there is anything that needs discussing.

- 6.3.17 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 48 Newbold 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.
- 6.3.18 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 area 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.

“It made me very scared and unsettled for weeks when the police visited us one evening asking if we had witnessed anything related to the stabbing in the next door HMO.”

“We are regularly subjected to drunken and drug abusive behaviour up and down, all hours of the day.”

“A couple of years ago we were burgled by some of the tenants residing in 50 Cobden Road and a friend of mine was sexually assaulted at the top of the road by a perpetrator resident in one of the local HMOs. We are worried that another HMO is a threat to public safety.”

“I fear not only for my friends mental health but the health and wellbeing of the residents and local community.”

Residents of the street have stated that their quality of life is already intolerable and the perceived threats arising from the proposal would mean that they may not continue to live on the street.

- 6.3.19 The Council does not hold an accurate database of the separate housing types in the local vicinity, with permitted development rights allowing the conversion of family homes into smaller HMOs without the need for planning permission and properties only required to be licensed when 5 or more people live there. The comments received from local residents have however made reference to local properties which have been changed from single units into multiple use units.
- 6.3.20 The proposal may exacerbate existing amenity problems for residents and pedestrians in this area in terms of increases to crime, disorder and anti-social behaviour. It is considered 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 units. Conversely short-term tenancies of town 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 within a relatively small area, located with walking distance of the town centre. It is unclear if the increase in multiple use buildings has exceeded the tipping point away from owner-occupiers towards the high-density short-term rental market, however there is a clear risk that the approval of an additional large HIMO property in the area would inevitably aggravate existing problems. It is considered that the strict management of these units with clear expected standards of tenants and landlords would help to manage some of the negative issues however no such proposals have been put forward by the applicant and in any event, once approved it is

considered that the planning system has limited powers in this regard, as the issues become environmental health/police issues.

6.3.21 The scheme has been reduced in scale from 9 to 8 bedrooms and includes 3 separate areas for amenity, as well as a reasonable sized garden for the benefit of the amenity of the residents of the property. It is accepted that there are existing anti-social and crime issues in the locality, and that some of these issues are associated to other houses in multiple occupancy or flats/bedsits. It is accepted that such issues could well relate to the poor management of those properties and not HMOs per se. The fear of crime is a legitimate material planning consideration, this issue has to be considered as part of the planning balance, and in this case it is considered that there is sufficient evidence to refuse this application on these grounds alone.

#### **6.4 Highways Safety**

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. In relation to highway safety the proposal includes 8 bedrooms and 6 parking spaces. Parking permits are required to utilise on-street parking. The Highway Authority has also confirmed that they have no objections to the proposal.

6.4.2 The Local Plan does not set out any specific parking standards in its policies, although those in Appendix G of the previous Local Plan can be used to give an indication of expectations. This gives a figure of 1 space per 2 units for Houses in Multiple Occupation. For the proposed development (which proposes 8 single rooms) this would be 4 spaces. A total of six defined spaces are proposed, although additional parking could be provided on site if users utilise the space more efficiently. The site is in a sustainable location with a range of facilities within walking and/or public transport distance and there is a lack of an objection from the Highway Authority.

6.4.3 Local objections from residents have commented that the proposed use has insufficient parking spaces and there are limited spaces for the residential parking permit system in the area. Local residents also fear that the scheme could lead to a negative impact on highway safety in the local area. 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. The proposal is considered to have adequate parking for the intended use. It is also considered that the

scheme could include cycle parking facilities on site for the residents, and that this could be conditioned.

- 6.4.4 It is considered that due to the parking on site and its location and access to on-street parking in the local area that the development will not lead to any significant negative impact sufficient to justify a refusal. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

## **6.5 Biodiversity/landscaping**

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 Proportionate evidence is required to demonstrate that a net gain in biodiversity will be achieved. The applicant should submit a biodiversity baseline, and either the DEFRA small sites metric or CIEEM basic measurement tool, with measures to demonstrate a net gain in biodiversity (10% should be sought wherever possible).
- 6.5.2 The scheme does not include the significant loss of biodiversity on site, with the addition 2 bird/bat boxes and 4 habitat piles on site proposed. This is considered reasonable compared to the scale of the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan, subject to condition.

## **6.6 Tree Officer/Landscaping**

- 6.6.1 The Council’s Tree Officer was consulted on the proposal and he provided the following comments:
- “There is no objection to the application but as stated in the ‘Planning and Sustainability Statement’, the land surrounding the house which comprises of gardens, drive, and paved spaces have not been maintained and is very overgrown.*
- There are also proposals for minor alterations to the exterior of the building, the majority of which include external works alterations which have previously been approved under application CHE/20/00497/FUL and landscaping to improve the street frontages.*

*Further details should therefore be provided which can be attached as a condition for the protection of the existing trees and shrubs and any proposed new landscaping.*

*The following condition should therefore be attached if consent is granted to the application”.*

- 6.6.2 The site has many mature trees and shrubs in the surrounding gardens and is overgrown/unmanaged in places also. After clarifying the intentions of the applicant/agent, it was confirmed that the proposal does not include the removal of significant levels of trees/shrubs. This ensures that the scheme is acceptable in this regard, subject to condition.

## **7.0 REPRESENTATIONS**

- 7.1 22 comments from local residents received objecting on issues such as:
- Over-density of HMOs in locality,
  - Insufficient parking in the area,
  - Exacerbate highway safety in area,
  - Increased levels of anti-social behaviour in the area including drug dealing, littering, noise and increased crime levels
  - Potential impact on levels of soft landscaping on site and associated wildlife,
  - Poor amenity for future residents on building,
  - Impacting residential amenity of surrounding residents,
  - Increased demand on local sewers,
  - Fear of crime on locality.
- 7.2 The issues raised have been considered in the report.

## **8.0 HUMAN RIGHTS ACT 1998**

- 8.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is



considered that the recommendation accords with the above requirements in all respects. The applicant has a right of appeal against a refusal

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 9.1 The following is a statement on how the Local Planning Authority 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 the 2021 National Planning Policy Framework (NPPF).
- 9.2 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.

## **10.0 CONCLUSION**

- 10.1 The proposal to convert the property to a shared house in multiple occupancy for 8 units will most likely result in a further multi occupancy property on the street with potentially adversely affect on 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 and anti social behaviour 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 50 Cobden Road next door. As such, the proposal conflicts with policies CLP14 and CLP20 of the adopted Chesterfield Local Plan 2018-35 and the wider National Planning Policy Framework.

## **11.0 RECOMMENDATION**

- 11.1 It is therefore recommended 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 CLP14 and CLP20 of the adopted Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF 2021.