

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE
COMMITTEE DATE: 4TH DECEMBER 2024

APPLICATION REF. NO:	24/00962/CU
STATUTORY DECISION DATE:	12 th December 2024
WARD/PARISH:	Bank Top And Lascelles / Darlington Urban Area
LOCATION:	41 Belgrave Street, Darlington
DESCRIPTION:	Change of use from single dwelling (use class C3) to holiday lets/serviced accommodation for short and long term let (use class Sui Generis) (retrospective)
APPLICANT:	Mr Johannes Baelemans

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SKMSNOFP0M900>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to an end of terrace property located at 41 Belgrave Street within Darlington. The application site is situated on a corner plot setting, with the main highway to the north and a shared access alleyway to the West and South of the site. It is situated within a residential estate, with No.43 Belgrave Street adjoining the application site to the East.
2. Retrospective planning permission is sought for a change of use from a dwelling to a holiday let and serviced accommodation for short and long term lets. This would be operated all year round for either holiday makers or those traveling to work in this location.
3. The submitted planning statement states that the property would be used for short stay accommodation, specialising in providing accommodation for traveling contractors coming to work within the area. It states that the typical stay length is between 7-30 days and the average occupancy is between 4-6 people. The property is cleaned on average about once a week and on longer stays it is cleaned every 10-14 days, with fresh linen also provided. Bills are included with the stay and waste is collected every week.

4. Whilst not specifically referenced within the submitted planning statement, it has been confirmed with the applicant that on occasion they do receive holidaymaker bookings at the property.
5. The applicant also confirmed that the property is booked by one person who will confirm how many people will stay at the property. It is not their intention to let out individual rooms, so whoever makes the booking, has access to the entire house. They also confirmed that 3 of the 4 bedrooms have a double bed, so there is scope to have up to 7 individuals within this household.
6. The description has been amended to change the use from Use Class C1 to a Sui Generis Use. This has been done for planning accuracy but does not fundamentally change what is proposed at this application site. In addition, whilst the floor plans do not scale, given the nature of the development and that the works are retrospective, it is considered that this amount and type of information is appropriate to determine this application.

MAIN PLANNING ISSUES

7. The main planning issues are whether the proposed retrospective works are acceptable in terms of their impact on:
 - (a) Principle of Development
 - (b) Character
 - (c) Amenity
 - (d) Highway Safety
 - (e) Nutrient Neutrality
 - (f) Residual Matters

PLANNING POLICIES

8. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
 - Reflects the presumption in favour of sustainable development contained within the NPPF and to secure developments wherever possible that would bring economic, social and environmental benefits to the Borough (*Policy SD1*).
 - Will be approved without delay where planning applications accord with policies within the development plan, or where there are no relevant development plan policies, permission will be granted unless policies within the NPPF provide clear reasons for refusing the development or any adverse impacts of the development significantly outweigh its benefits (*Policy SD1*).
 - Takes into account the role and function of places based on the following hierarchy of settlements;
 - Darlington Urban Area – will be the focus of future development, which will aim to maintain its role as a leading sub-regional centre for transport connectivity, services, employment, retail and leisure. Sustainable and accessible locations will be selected to enable further development (*Policy SH1*).

- Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
 - Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
 - Will be suitably located and acceptable in terms of noise and disturbance, artificial lighting, vibration, emissions from odour, fumes, smoke, dust etc and commercial waste (*Policy DC4*).
 - Adheres to the separation distances within the guidance set out in the Design of New Development SPD (*Policy DC4*).
 - Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).
9. The application has also been considered alongside the Darlington Design of New Development SPD.

RESULTS OF TECHNICAL CONSULTATION

Highway Development Control

10. The submitted plans show that one additional bedroom is proposed on the ground floor, increasing bedrooms from the existing 3No. to 4No. Based on this, the total predicted parking demand would therefore be increased by just one space.
11. It would be difficult to recommend a highways refusal on a very minor intensification of use, as it is accepted that one additional vehicle could be parked on the public highway in the near vicinity of the address without either a highway safety concern, or inequitably displacing the parking of other nearby residents.
12. Overall, no highway objections are raised to the proposal.

Environmental Health

13. Having considered the plans, I have no further queries or comments to make on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

14. Four letters of objection were received at the time of writing, by the following properties with the main concerns bullet pointed below. Full comments are available online at the weblink provided at the beginning of this report.

- The building is being used for short term let without planning permission in place. Concerns that there could be future breaches and disregard for regulations and impacts to neighbours.
- Impact upon local parking for the street.
- Overflowing refuse waste which can attract vermin. Commercial bins should be used.
- A rise in the number of bins to the frontage would be out of character for the street.
- Noise impacts from occupants and vehicle doors slamming during early mornings and late evenings.
- The development has caused anti-social behaviour. Vandalism to the house has occurred.
- The property is not being maintained
- Key safe was stolen and replaced, locks were never changed
- Concerns of health and safety i.e. no fire escapes in place

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

15. Local policy SD1 seeks to promote sustainable development, which should be granted unless policies or national policies provide clear reasons for refusing development. Local policy SH1 states that the Darlington Urban Area will be the focus of future development, by being a sustainable and accessible location. The application site is located within an established residential estate which is an urban area and consequently within the development limits. As such, the application site is considered to be located within a sustainable location and the proposed development is considered acceptable in this regard.
16. The development is therefore considered to be acceptable in principle, subject to compliance with the remaining material planning considerations.

(b) Character

17. No external alterations are proposed to the building and so physically the building is not considered to adversely impact upon the character of the area. Whilst a concern has been raised about the rise in bins to the frontage being out of keeping, at the time of the site visit, two domestic bins were located outside the site frontage. This is not considered to appear necessarily out of place for a dwelling type building and is not therefore considered to create an adverse impact upon the character of the street scene. However, the use of commercial bins (as suggested by one objector) would be more noticeable and not considered appropriate to the character of the street scene.
18. With regards to the proposed use, a short-term let for either holiday makers or those traveling for work, is considered to be a different form of residential accommodation. This is taking into account that such individuals are likely to be out during the day for either visiting attractions or working and returning in the evening, effectively using the property as a base to stay. This is not considered to be too dissimilar to a dwelling house in which residents are likely to be coming and going for either work or leisure activities.

19. On balance, the use of this property is not considered to appear so significantly out of context as to adversely impact upon the character of both this plot and street scene.

(c) Amenity

20. Neighbouring objections have raised noise concerns from both the occupants themselves or those coming and going from the property via vehicle doors slamming. Whilst sympathetic to these concerns, the associated activities of the proposed use are noted above and are considered in part to be relatively comparable to a domestic dwelling. Such noise from an individual or them leaving the property could occur from an occupant from a domestic dwelling. It should also be noted that the property would be booked out in full by one person as opposed to individual room lettings. This would ensure that only one booking is taken at a time for that group of people to use the application site. Consequently, this allows better control for the applicant managing the property in that the guests are likely to be aware of their conduct whilst on the property. The planning statement has also stated that should guest issues arise they will deal with them as quickly as possible to keep disruption as little as possible.
21. Notwithstanding the above and as already noted, the average occupancy is between 4-6 people. Therefore, consideration is given to the fall-back position in that a small HMO (House in Multiple Occupation) could be implemented under the permitted development rights, which allows 6 individuals to live at the property. Consequently, 6 individuals could live at this application site regardless of these proposed works. The only difference would be that the proposed development allows a group booking for individuals looking to holiday in the area or work within the area, thus allowing a degree of control in how this and guests are managed. Conversely, a HMO allows up to 6 unrelated individuals to live within a property, sharing basic facilities and thus this is not managed by a third party company. As a result, the impact and associated activities are considered to be similar, though arguably the application site may be better managed
22. Environmental Health have reviewed the scheme and raised no objections. Overall, whilst sympathetic to the noise concerns, it is not considered that the proposed development would create a significant impact as to warrant a reason for refusal. However, given the fall-back position and the nature of a short-term let, it is considered appropriate to limit the maximum amount of individuals at any one time to 6. This would ensure that the associated activities are no greater than what can be achieved under the permitted development rights of a HMO. It would also be in line with the average occupancy set out by the applicant.
23. With regards to concerns about overflowing refuse, at the time of the site visit, there were no signs of such refuse waste overflowing. Whilst this situation may have occurred in the past, it should be noted that the bins are collected weekly and owing to the amount of people who would reside at this property, two domestic bins are considered appropriate for the property.
24. With regards to the concerns about anti-social behaviour, there is no evidence before the Local Planning Authority that the proposed use would encourage, create or contribute to

crime and anti-social behaviour. However, should any such issues arise, these would fall under separate legislation that can be dealt with under another statutory body such as the Police and Enforcement Officers. The paint spill at the front of the property is not a matter that can be controlled or removed under the planning regulations.

(d) Highway Safety

25. Neighbouring concerns have stated that the proposed development has impacted upon local parking, referencing that up to 3 vehicles use on-street parking that are associated with the proposed use. However, the development has only increased the number of bedrooms by one and this situation has been reviewed by Highway Development Control. On balance, they cannot recommend a highways refusal on this minor intensification of use. This is taking into account that the increase by one bedroom would result in one additional vehicle needing to be accommodated within the public highway. As such, due to this small increase, it is not considered to significantly displace parking of other vehicles as to warrant a highways reason for refusal in this instance.
26. Therefore, on balance, the proposed development is not considered to significantly impact upon parking and thus highway safety.

(e) Nutrient Neutrality

27. As of March 2022, Natural England advised that Darlington Borough Council is within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. This means under the Habitats Regulations, that Darlington Borough Council must now carefully consider the nutrient impacts of development proposals on habitat sites. Particular regard is had to developments that create overnight accommodation or those that impact upon the water quality.
28. As the proposed use is for short term accommodation and this has been limited to 6 individuals, then it is considered to be similar to the numbers of a small HMO. A small HMO of up to 6 individuals is considered to be similar to a domestic dwelling, thereby there would be no net gain in residential dwelling units. However, if 7 individuals were on this site, then it is likely that the matter of nutrient neutrality would apply to this development. Because the development will be limited to 6 individuals, then it is considered that the proposed works can be scoped out of the matter of nutrient neutrality.

(f) Residual Matters

29. One of the concerns raised by neighbours was that the works are completed and that there could be future breaches and disregard for regulations. However, it is up to the applicant to apply for planning permission and the Local Planning Authority will determine each application on its own merit. Therefore, whilst the general concerns are appreciated, there is no bias when determining retrospective applications and they cannot solely be refused on the basis of the works being completed.

30. Other concerns stated that the property is not being maintained and that when the key safe was stolen, the locks were not changed. These are not matters that can be controlled or considered further under the planning regulations.
31. Another concern stated that no health and safety regulations are being followed such as there being no fire escapes being in place. This will be up to the management of the property by the applicant and likely subject to other legislative powers such as through building control or licensing. Nevertheless, based on the proposed development, there is no reason to doubt that the appropriate fire escapes are not in place and that generally health and safety is not being followed.

THE PUBLIC SECTOR EQUALITY DUTY

32. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

33. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

34. It is recommended that the application be Approved with Conditions for the reasons specified Above.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Approved Plans
The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Plan Reference Number	Date
Location Plan	30 September 2024
Drawing 1	18 October 2024
Drawing 2	18 October 2024

Reason: To ensure the development is carried out in accordance with the planning permission.

2. Booking / Number of Individuals

The property shall only be let as a single booking at any one time (also known as an 'entire household let') with a maximum of six residents per booking, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure the development does not fall within the scope of nutrient neutrality.

3. Monitoring

The owners/ operators of the accommodation shall maintain an up-to-date register of the details of all bookings made and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To allow records to be made available to assist in any monitoring of condition 2 of this planning permission.