

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd July 2025

APPLICATION REF. NO:	24/01178/CU
STATUTORY DECISION DATE:	9 th July 2025
WARD/PARISH:	Pierremont
LOCATION:	45 Greenbank Road, Darlington DL3 6EN
DESCRIPTION:	Change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis) (Provisional Nutrient Certificate and Nutrient Calculator received 24 April 2025)
APPLICANT:	Vnouchkov Properties

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO PLANNING 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=summary&keyVal=SNVAVNFPI8C00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a terraced property with a two and single storey rear extension within an enclosed yard. The property was a three-bed dwelling (Class C3).
2. In October 2024, a Certificate of Lawfulness (ref no 24/00932/PLU) was issued for the partial demolition and conversion of the existing garage to provide a habitable space and covered store area at the rear including the blocking up existing garage door to the rear boundary wall, the conversion of loft into habitable space together with the installation of 2 No. box dormers with rooflights to the rear and two Velux rooflights at the front roof slope. The Certificate was issued confirming that these works were permitted development by virtue of Schedule 2 Part 1, Class A, Class B and Class C (as amended), and Schedule 2 Part 2, Class A of the Town and Country Planning (General

Permitted Development) (England) Order 2015. A planning application was therefore not required for these works.

3. In December 2024 a Certificate of Lawfulness (ref no: 24/01010/PLU) was issued for a change of use of the property from a single dwelling (Use Class C3) to a 6 No. person HMO (Use Class C4). The Certificate confirmed that under the provision of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 the proposed change of use from a dwelling (Class C3) to a six person HMO (Class C4) constituted permitted development and a planning application was therefore not required.
4. The above works are currently being undertaken but are not yet completed.
5. Under the provision of 24/01010/PLU the six person HMO comprise the following:
 - a) A lounge, kitchen/dining room and sitting room on the ground floor.
 - b) Four bedrooms on the first floor
 - c) Two bedrooms in the roof space
 - d) Bin and cycle stores would be provided within the rear yard.
6. Planning permission is now being sought convert the property into a 9 bed HMO which would comprise the following:
 - a) Three bedrooms and a kitchen/dining/living room on the ground floor.
 - b) Four bedrooms on the first floor
 - c) Two bedrooms in the roof space
 - d) Bin and cycle stores would be provided within the rear yard.
7. The main change to the layout would be the creation of three additional bedrooms on the ground floor. This planning application does not include any external alterations to the property, but it does include bin and cycle storages areas within the rear yard,

MAIN PLANNING ISSUES

8. The property is currently being extended and converted to a small house in multiple occupation for six persons in accordance with ref nos 24/00932/PLU and 24/01010/PLU. The main planning issues to be considered here are whether the proposed change of use to a large house in multiple occupation for nine persons is acceptable in the following terms:
 - a) Planning Policy
 - b) Amenity and Fear of Crime
 - c) Access and Parking Provision
 - d) Service Provision
 - e) Housing Stock
 - f) Flood Risk
 - g) Nutrient Neutrality

PLANNING POLICIES

9. The following policies within the Darlington Local Plan 2016 – 2036 are relevant:

- SD1: Presumption in Favour of Sustainable Development
- DC1: Sustainable Design Principles and Climate Change
- DC2: Flood Risk & Water Management
- DC3: Health and Wellbeing
- DC4: Safeguarding Amenity
- H3: Development Limits
- H4: Housing Mix
- H8: Housing Intensification
- IN2: Improving Access and Accessibility
- IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Environmental Health Officer, Transport Planning Officer and Highways Engineer have raised no objections to the planning application.
11. The Council's Private Sector Housing Team have no objections and have advised that the property will be subject to mandatory licensing under the Housing Act 2004
12. The Durham Constabulary Crime Prevention Unit have provided general security advice relating to matters such as windows, doors and bin and cycle stores.

RESULTS OF PUBLICITY AND NOTIFICATION

13. A site notice was erected, and 57 notification letters were issued. Sixteen letters of objection have been received from 15 properties. The comments can be summarised as follows:
 - *The area has deteriorated as half of the family houses have been turned into bedsits, flats and HMOs.*
 - *There has been an increase in antisocial behaviour in the local area with race riots, robberies at the Sainsbury stores on Corporation Road and a shop blowing up.*
 - *This will lead to an increase in noise pollution.*
 - *This will lead to an increase in the number of vehicles.*
 - *This will lead to an increase in litter in the area.*
 - *This will lead to an increase in antisocial behaviour.*
 - *More family homes are required not developers who just want to make money.*
 - *This will lead to disruption, noise, dirt during the construction/conversion phase.*
 - *This will lead to a reduction on property values.*
 - *Parking is already a problem, and the residents of the HMO will not be able to park 6 – 9 cars.*
 - *Concerns over impact on water pressure and sewage*

- *Public bins have been removed and large amounts of recycling, due to the existing HMOs, often cause bags to overflow making the area unpleasant to live in. This proposal will make the matter even worse.*
- *Concern that the builders are converting the building before they have permission to do so.*
- *Concern over who the occupants of the premises will be.*
- *There are more than enough HMOs in Greenbank Road*
- *Concern over the lack of proper maintenance due to absent landlords*
- *Concern over heightened fire risks and health and safety measures*
- *Concern over potential high turnover of occupants*
- *Concern over controls of cycle parking and parking of vehicles*
- *Parking in Greenbank Road is very restricted, due to office workers from the town, hospital and existing HMOs.*
- *In terms of parking, the consideration must be that as a normal house it would be occupied by 2 adults and 3 children/young adults with 1-2 cars. I think it would be correct to assume that most of the people living in a 9 occupancy HMO would be of an age to drive.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

14. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
15. The application site is within the development limits for the urban area and therefore the proposed development can be supported in general planning policy terms subject to compliance with all other appropriate national and local development policies (policy H3 of the Local Plan).
16. Policy H8 of the Local Plan states that in circumstances where planning permission is required for self-contained flats and Houses in Multiple Occupation (HMOs), permission will normally be granted where it can be demonstrated that there will be no significant impact on the following:
 - a) Privacy of existing homes and gardens of neighbours - must be maintained and ensured for new occupiers.
 - b) Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours.
 - c) Service provision – there should be sufficient space to accommodate adequate bin storage and accommodate other ancillary functions for the increased number of residents.
 - d) Housing stock – to protect the existing small family housing stock, and to allow for adequate residential space standards in the proposed subdivided dwelling, the subdivision of existing properties of less than 4 bedrooms will not be permitted.

17. The supporting text for policy H8 recognises that high concentrations of sub-divided housing stock or other forms of Homes in Multiple Occupation (HMOs) can cause problems within a local community if not properly managed. Changes to permitted development regulations have made it easier for such properties to be created, and it is acknowledged that they can form a vital part of the overall housing mix. However, when concentrations get too high, problems can arise, to the detriment of the amenity of existing residents.
18. The creation of HMOs and self-contained flats has increased in recent years, in response to the increasing number of smaller households and the need for more affordable, low-cost housing. Needs are expected to increase further in response to changes to housing benefit payments.
19. New HMOs and self-contained flats have generally been achieved by building new properties and converting large houses or commercial properties. In some instances, their provision can be detrimental to the amenity of existing residential areas. A concentration of these properties can lead to problems such as a shortage of on street parking, increased noise and disturbance and inadequate bin storage areas, whilst short term lets, and low levels of owner occupation can be associated with lower standards of maintenance and environmental decline. The conversion of existing larger homes can also reduce the proportion of family homes in an area, and result in an unbalanced community. As such, this could prejudice the plan's environmental improvement and regeneration objectives.
20. The supporting text for Policy H8 continues to advise that whether a residential property is considered acceptable for conversion will depend on size, unsuitability for continued family occupation or long-established use. Acceptable areas for conversion are likely to be close to town centres or services and facilities, or within mixed use areas providing there is no risk of flooding.
21. It is noted that actual wording within Policy H8 of the Local Plan does not include any restrictions on suitable or unsuitable locations for HMOs within the Borough when planning permission is required and there is no Article 4 Direction in Darlington at this present time which would need to be evidence based, which removes the national permitted development right to convert family homes to HMOs and to control where they can be located within the Borough.
22. This report will consider the proposal against policy H8 and all other material planning considerations.

b) Amenity and Fear of Crime

23. As stated in paragraph 8) of this Report, the property is currently being extended and converted to a small house in multiple occupation for six persons in accordance with ref nos 24/00932/PLU and 24/01010/PLU. Should this planning application be refused, the

property would continue to be converted to a small house in multiple occupation by virtue of these works which are permitted development.

24. The property is located in close proximity to the town centre and is within walking distance of public transport routes which is recommended by the supporting text of policy H8.
25. According to Council records, there is a high concentration of HMOs and flatted developments within this section of Greenbank Road. However, as set out in paragraph 21 of this Report, Policy H8 of the Local Plan does not place any restrictions or controls over planning applications for large HMOs in areas where there is already a high concentration of this form of accommodation.
26. This planning application does not involve any external alterations to the property. The external alterations that are currently underway are those which were subject to Certificate of Lawfulness ref no 24/00932/PLU and confirmed as being permitted development. When considering whether extensions are permitted development or otherwise, the impact that they may have on the privacy of neighbouring dwellings is not a determining factor or consideration.
27. The property will be occupied by six persons by virtue of Certificate of Lawfulness ref no 24/01010/PLU. If this application is approved, the property would provide accommodation for nine persons. It is considered that the impact of three additional persons would not on balance result in a significant increase in adverse amenity conditions, such as noise and disturbance, to justify a reason to refuse the application on such grounds.
28. The applicant is aware of the need to comply with other legislation such as the Housing Act 2004, Building Regulations and Fire Regulations.

Fear of Crime

29. The fear of crime is capable of being a material planning consideration when determining a planning application. However, the fear of crime must be objectively justified; have some reasonable basis and must relate (in planning terms) to the proposed use and site and not be based on assumptions in order to carry sufficient weight to influence the recommendation and determination of a planning application.
30. Neighbourhood Command from Durham Constabulary have advised that these small footprinted HMOs are more attractive to agencies able to source low-cost accommodation for short term "temporary" accommodation and from their experience can often attract both crime and anti-social behaviour. However, they are unable to provide the Local Planning Authority with actual evidence to support a reason to refuse this planning application on such grounds. As a result, for this proposal, in this location, the fear of crime carries limited weight as a material planning consideration. It is acknowledged however that a number of objectors to the application have expressed concerns in this regard.

31. It is on balance considered that the proposed change of use would be compliant with policies DC3, DC4 and H8 of the Local Plan.

c) Access and Parking Provision

32. The proposal does present an increase in overall parking demand within the immediate vicinity of the site; however, the increase is considered to be small. It is known that car ownership rates for people living in HMOs are typically lower than those living within single households. Census data for the wider Pierremont Ward shows that 30% of households do not have access to a car or van, however this is typically 50% or more of individuals within HMO households.
33. On the above basis, it is likely that the additional parking demand will equate to only 1-2 spaces and as such it would be difficult to substantiate grounds for refusal based on road safety or parking demand, as such a low level of additional demand does not inequitably displace existing residents from parking within the street.
34. The proposed plans show provision for a covered cycle store and a planning condition has been recommended to ensure that the cycle store is in place prior to the first occupation of the premises.
35. No highway objection has been raised, and the proposal would comply with policy H8, DC1 and IN4 of the Local Plan in this regard.

d) Service Provision

36. The submitted plans show that bins will be stored in the rear yard which can then be left in the rear lane on collection day. A planning condition has been recommended to ensure that bin store provision is in place prior to the first occupation of the building. The Environmental Health Officer has raised no objections to the planning application. The proposal would accord with policies DC3, DC4 and H8 of the Local Plan in this regard.

e) Housing Stock

37. The property was a three-bed property, but it is currently being converted to a six room HMO and therefore part d) of Policy H8 is no longer a material planning consideration.

f) Flood Risk

38. The application site is within Flood Zone 1 with a low flood risk (policy DC2 of the Local Plan). Foul sewage would be disposed via the main sewer.

g) Nutrient Neutrality

39. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect

of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.

40. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
41. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.
42. The Local Planning Authority as the Competent Authority must consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
43. The information required to enable the Local Planning Authority to undertake a Screening Assessment and where necessary Appropriate Assessment is provided by the applicant's submitted Nutrient Budget Calculator and Countersigned Provisional Nutrient Credit Certificate. This information is considered sufficient to enable the Local Planning Authority as the Competent Authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar. The submitted nutrient budget calculator demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.
44. The Natural England's Nutrient Budget Calculator tool for the River Tees catchment has been used to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs within this calculator are considered satisfactory and are an accurate reflection of the site and its location. This proposal for a total of 3 net additional units, taking account of the Council's approach to HMOs, would increase the total annual nitrogen load arising by 4.69kg per year.
45. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing a

total of 4.69 credits (3.13 pre LURA 2030 upgrade and 1.56 post LURA upgrade) from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 4.69kg that needs to be mitigated.

46. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition has been recommended to ensure that the required and necessary mitigation is secured and in place. The Local Planning Authority as the Competent Authority considers this a form of mitigation in keeping with Natural England guidance.
47. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted on the planning application and they have raised no objections.

THE PUBLIC SECTOR EQUALITY DUTY

48. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

49. 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. This consideration takes into account the views of the Police. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

50. The application site is located within the development limits for the urban area and therefore the proposal can be supported in general planning policy terms subject to compliance with all other appropriate national and local development policies. The property is currently being extended and converted to a six person HMO which are both permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015. This planning application is to increase the number of occupants to nine by providing three further bedrooms on the ground floor. This application does not include any further external alterations to the property.
51. The site is in a sustainable location within good links to public transport, the cycle network and the town centre.
52. There are no highway objections to the planning application and whilst fear of crime is a material planning consideration, the Local Planning Authority has not been presented

with evidence that there are antisocial problems associated with the existing HMOs and flats in the immediate vicinity of the application site or that the potential occupants of this HMO would result in antisocial behaviour. As a result, such matters should carry limited weight in the determination of the planning application.

53. Bin and cycle storage is being provided within the rear yard,
54. The development will be nutrient neutral as the applicant will obtain nutrient credits from Natural England to mitigate the impact of the proposal on Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
55. It is considered that, on balance, the proposed change of use would comply with the appropriate policies within the local development plan.

GRANT PERMISSION SUBJECT TO THE FOLLOWING PLANNING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a) Drawing Number 251 C Proposed Plans

REASON - To ensure the development is carried out in accordance with the planning permission.

3. Prior to the first occupation of the property hereby approved, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

4. The cycle storage area shown on the approved plans shall be in place and be available for use prior to the first occupation of the property and shall remain in situ and available for use for the lifetime of the development.

REASON – To encourage the use of sustainable modes of transport.

5. The bin stores shown on the approved plans shall be in place and available for use prior to the first occupation of the property and shall remain in situ and available for use for the lifetime of the development.

REASON – To encourage the use of sustainable modes of transport.

