

## COMMITTEE REPORT

Item No: 3

---

### APPLICATION DETAILS

---

<b>Application No:</b>	25/0416/COU
<b>Location:</b>	41, Bow Street, Middlesbrough, TS1 4BU
<b>Proposal:</b>	Retrospective Change of use from dwelling (C3) to HMO (C4)
<b>Applicant:</b>	SKW Capital LTD
<b>Agent:</b>	Origin Planning Services
<b>Ward:</b>	Newport
<b>Recommendation:</b>	Refuse and Enforce

---

### SUMMARY

---

The application is for the conversion of a mid-terraced property at 41 Bow Street from a two-bedroom residential dwelling into a 4-bed House in Multiple Occupation (HMO). Permission is sought retrospectively.

The application site is located within a predominantly residential street and forms part of a triangular block. The dwellings front Bow Street with alley way access at the rear.

There has been an objection from the Ward Councillor relating to impact on character and appearance of the area, the proposals resulting in a poor standard of accommodation, highway issues, drainage and the proposal being of an incompatible use. There have been no comments received as part of the neighbour consultations.

The proposal is considered to be acceptable in principle however officer concerns relate to living conditions for future occupiers. Two out of the four internal bedroom spaces do not accord with the Nationally Described Space Standards. The communal accommodation including rear amenity space would be of limited size and poor layout, causing a poor standard of living. The proposal is therefore contrary to the Council's adopted Interim Policy on the Conversion and Sub-Division of buildings for residential use.

Development proposals are considered to unlikely materially change the demand for on-street car parking which is provided within streets surrounding the property.

The proposed HMO accommodation fails to provide an acceptable standard of accommodation and adequate means of amenity for future occupiers. The proposal is therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the

## COMMITTEE REPORT

Item No: 3

NPPF. As the accommodation has already been converted / in use, the recommendation is to refuse and enforce.

---

### SITE AND SURROUNDINGS AND PROPOSED WORKS

---

The application site is located within a predominantly residential area with the properties along Bow Street formed as terraces. The properties front the public footway and are two-storey in scale. Design details such as ground floor bay windows are consistent along the street along and the terrace comprises render.

The proposal is for the change of use only and does not contain any external alterations or extensions to the property. All bedrooms contain an en-suite. Bin storage and cycle spaces are provided to the rear.

Permission is sought retrospectively.

---

### PLANNING HISTORY

---

None relevant

---

### PLANNING POLICY

---

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

#### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)

## COMMITTEE REPORT

### Item No: 3

- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

#### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

#### Housing Local Plan (2014)

- H1 – Spatial Strategy
- H3 – Inner Middlesbrough (Gresham, Acklam Green, Grove Hill)
- H11 – Housing Strategy
- H17 – Gresham/Jewels Street Area
- CS17 – Transport Strategy

Tees Valley Joint Minerals & Waste DPDs (2011)

## COMMITTEE REPORT

Item No: 3

- MWC1 – Minerals Strategy
  - MWC4 – Safeguarding of Minerals Resources from Sterilisation
- Core Strategy DPD (2008)
- CS4 – Sustainable Development
  - CS18 – Demand Management
  - CS19 – Road Safety
  - DC1 – General Development
- Other Relevant Policy Documents
- Publication Local Plan (2025)
  - Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses (2019)
  - Design Guide and Specification – Residential and Industrial Estates Development

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.  
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### Consultee Responses

#### **MBC Policy – No objection in principle subject to planning considerations**

(in summary)

In principle, the proposed change of use is considered acceptable. However, in determining whether the proposal accords with the adopted Development Plan, consideration must be given to all the relevant provisions of the policies noted above. With respect to this application, it is suggested that careful consideration is given to whether the development would provide an acceptable standard of accommodation for occupants.

In addition to the policies in the adopted Local Plan, it is advised that consideration is given to the relevant Publication Local Plan (PLP) policies highlighted above. In accordance with paragraph 49 of the NPPF, decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. The weight that can be attached to these policies will depend on the stage of the preparation that the PLP has reached when the application is determined. Currently, some weight should be given to PLP policies.

#### **MBC Highways – No objections**

Development proposals seek consent for the change of use of an existing 2 bedroomed residential property into a 4 bed HMO. The property currently has no off-street parking and none is provided through the application.

## COMMITTEE REPORT

Item No: 3

There are no direct parking standards for HMO's within the Tees Valley Highway Design Guide, however other factors can be taken into account. Census data for this ward demonstrates that a little over 50% of residents do not own a car and the site is sustainably located. Based upon a 4 bed HMO this means that it is realistic to assess that only 2 residents may own a vehicle. The existing size and use of the property as a residential dwelling is also likely to create a demand for car parking, albeit potentially only a single vehicle.

Development proposals would therefore be likely to not materially change the demand for on-street car parking. On-street parking is available within streets surrounding the property and the increased demand generated by the proposals could be accommodated.

No objections raised.

### **MBC Environmental Health (Housing) – Comments**

The building contains 2 rooms that give concern with regard to the available space for the safe use of the accommodation. They measure 5m<sup>2</sup>. There are a number of legislative provisions that relate to such matters once the building is occupied. These include

The Housing Act 2004, in particular, the housing health and safety provisions which seek among other things to address crowding and space in dwellings and Houses in Multiple Occupation.

The Housing Act 1985 which sets down absolute minimum statutory overcrowding standards giving minimum room size requirements.

Houses in Multiple Occupation if licensable are addressed through the licensing procedure, if they are non-licensable can be addressed under the provisions of section 139 of The Housing Act 2004

### **MBC Waste Policy – No comments**

No comments to make

### **MBC Environmental Protection – No comments**

No comments to make

### **Councillor Jill Ewan – Objection**

(in summary)

Impacts on area character or overall nature of scheme as a result of layout, density, design, visual appearance

## COMMITTEE REPORT

### Item No: 3

This is a longstanding family area. The house had two upstairs bedrooms, one single and one double, an upstairs bathroom, two reception rooms, one with its window looking straight out onto the street with no garden. With appropriate refurbishment, if necessary, it would have been suitable for occupation by a small household.

The kitchen is small and has no seating area. It is unlikely to have sufficient cupboard space to meet the requirements for food storage in a HMO accommodating four or five people. The only seating on the plans is the two seater sofa in the upstairs living room, so it appears that residents are expected to carry their meals upstairs and eat them, two people at a time, in the living room or carry them to their bedrooms and sit on their beds to eat.

Outdoor space is limited and the plans show most of it occupied by four cycles and four bins. The plans, showing four single beds, appear to envisage four occupants

The house as currently configured seems to provide extremely poor HMO accommodation, not meeting the HMO standards, whereas it could have provided a satisfactory home for a small family.

#### Highway issues: traffic generation, vehicular access, highway safety

Because of the nature of terraced houses opening onto the street, parking on the street is in short supply. In normal family use, households living in such a house might have an average of one car. With up to four adults in this house, there could potentially be up to four parking spaces needed. There are shops and business and community premises nearby and it has been necessary for the Council to introduce residents' parking along the whole of Bow Street and Clifton Street, 8am to 6pm, permit holders or 45 minutes, no return within two hours.

#### Overlooking and loss of privacy

The plans show a downstairs ensuite bedroom with its window directly onto the street. This means that there will be no privacy for the occupants of that bedroom unless they keep curtains closed all the time they are in their bedroom, which would be unpleasant and, unhealthy when using the room in daytime. From inspection, on Friday 7 September, the house appeared to be occupied, with lights on, and dark coloured curtains were drawn. A room like this provides no natural surveillance of the street.

#### Capacity of physical infrastructure (roads/drainage)

Are the drains adequate for four ensuite rooms?

#### Incompatible or unacceptable uses:

The house is in an area near to where prostitutes ply their trade. Downstairs ensuite rooms might make the house desirable for them to rent.

## Public Responses

## COMMITTEE REPORT

Item No: 3

Number of original neighbour consultations	4
Total numbers of comments received	0
Total number of objections	0
Total number of support	0
Total number of representations	0

No responses received

---

### PLANNING CONSIDERATION AND ASSESSMENT

---

1. The main considerations with this proposal are the principle of the development, the ability for the proposed accommodation to provide a suitable standard of accommodation for the occupiers without having adverse impacts on the character and appearance of the street scene, privacy, amenity and highway safety.

#### **Policy Context**

2. The application site concerns land located in the Gresham/Jewels Street area of Inner Middlesbrough and it is not allocated for a specific use in the adopted Local Plan. Policies H1, H3, H11, and H17 are therefore relevant to the application.
3. Policy H3 identifies Inner Middlesbrough as an area where the regeneration of older housing areas is a priority. Further to this, Policy H17 identifies a programme of redevelopment in the Gresham/Jewels Street area. Collectively, Policies H1 and H11 establish the spatial and housing strategies of the borough. In particular, Policy H11 seeks to ensure that housing development contributes towards the delivery of a balanced and sustainable housing stock that meets the needs of Middlesbrough's current and future population. In determination of the application the loss of a two-bed dwellinghouse will need to be balanced against the provision of a four-bed HMO.
4. Policy CS4 requires all development to contribute towards the achievement of sustainable development principles. In addition to the provisions noted below, this includes making the most efficient use of land, with priority given to previously developed land.
5. Policies CS17, CS19, and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. Collectively, Policies CS4, CS18, and CS19 encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use.
6. The Publication Local Plan (PLP) was approved by the Council on the 5th March 2025 and has been subject to a period of public consultation. The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in



## COMMITTEE REPORT

### Item No: 3

emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

7. Policies HO8 and HO9 of the Publication Local Plan are relevant. Policy HO9 (HMOs) states that, to create mixed and balanced communities and to protect residential amenity, development for HMO's will be expected to comply with a number of criteria. This includes the property being located where increased traffic and activity would not be detrimental to local amenity, the intensity of the proposed use not adversely affecting the character and function of the surrounding area, the proposal not resulting in an over concentration of HMOs within the locality, and the provision of a good standard of accommodation.
8. The Council has an interim policy on the Conversion and Sub-Division of Buildings for Residential Use. This policy sets out criteria that proposals seeking to convert properties into smaller residential units should meet. This includes the building being capable of providing the number of units proposed to an acceptable standard of accommodation, the proposed use not leading to an unacceptable change in the character of the area, providing adequate levels of privacy and amenity, and meeting the Government's Technical Housing Standards. These standards require a minimum of 37 square metres of internal floor space for a one-bedroom unit. In addition, the Policy requires adequate provision of parking (cycle/and or vehicle as appropriate) refuse storage and collection, and amenity space.
9. Policy DC1 and PLP Policy HO8 identify that development must not unduly affect the amenity of nearby properties and the surrounding environment. Consideration should therefore be given to whether the proposal may lead to an intensification of use that would detrimentally impact the occupiers of neighbouring properties.
10. In accordance with paragraph 49 of the NPPF, decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. The weight that can be attached to these policies will depend on the stage of the preparation that the PLP has reached when the application is determined. Currently, some weight should be given to PLP policies.

### **Planning Considerations**

#### **Principle of Use**

11. The proposal relates to the change of use of a two-bed mid-terrace dwellinghouse (class C3) at 41 Bow Street to a four-bed HMO (class C4). The application site concerns land located in the Gresham/Jewels Street area of Inner Middlesbrough and it is not allocated for a specific use in the adopted Local Plan.
12. No objections are raised by the Council's Policy Team in terms of the principle of the change of use however in determining whether the proposal accords with the



## COMMITTEE REPORT

### Item No: 3

adopted Development Plan, consideration must be given to all the relevant provisions above within the policy context. With respect to this application, it is suggested that careful consideration is given to whether the development would provide an acceptable standard of accommodation for occupants. These and other material considerations are discussed in more detail below. In view of this, there is no objection in principle subject to the consideration of planning issues.

#### **Impact on the character and appearance of the area**

13. No significant external changes are proposed to the property, as such the property will appear unchanged within the streetscene presenting itself as one property as it had done previously and therefore will have no impact upon the appearance of the streetscene.
14. The loss of the dwelling is to be balanced against the use as an HMO but both are residential uses in a predominantly residential so the proposal would be in keeping with these use types. As such the proposed development would accord with Policies DC1 and CS5 of the Local Plan.

#### **Impact on neighbouring privacy and amenity**

15. Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
16. When properties are sub-divided, and the use intensified there is potential for noise transference between adjoining properties. It is a requirement of Building Regulations that adequate noise insulation measures are provided to attenuate noise transference. However, it is not anticipated that noise levels will significantly rise given that the occupant levels will be similar. The proposal involves no external alterations to the building and as such will not alter the existing separation distances between the application site and the neighbouring properties.
17. The proposal will not provide any additional extensions or alter the existing window arrangements and so is considered to have no additional significant impacts in terms of loss of privacy or loss of amenity to the neighbouring properties. In this respect, the proposal is considered to accord with Core Strategy Policy DC1 (c) and the Council's Urban Design SPD.

#### **Living conditions for future occupiers**

18. Paragraph 135 of the National Planning Policy Framework (NPPF) sets out that consideration should be given to development providing a '*...high standard of amenity for existing and future users*'.
19. The Council's adopted *Interim Policy on the Conversion and Sub-division of Buildings for Residential Use* identifies key criteria requirements which include the building being capable of providing the number of units or use proposed to an acceptable

## COMMITTEE REPORT

### Item No: 3

standard of accommodation providing adequate levels of privacy and amenity for existing and future residents and meeting the Governments Housing Standards. The Interim Policy also establishes that developments should provide adequate provision for and access to parking (cycle and vehicles) refuse storage and collection and amenity space where deemed necessary.

20. The proposal would see the loss of the existing ground floor living and dining rooms in order to become 2x bedrooms (measuring 5m<sup>2</sup> and 8 m<sup>2</sup>). The first floor already contains two bedrooms and these are to be retained but each would have an en-suite added. These first floor bedrooms measure 5m<sup>2</sup> and 10m<sup>2</sup>. The existing family bathroom would be lost to become a living room. Each of the bedrooms would contain an en-suite. The existing rear yard is of an 'L' shaped layout owing to an existing single storey outshoot with an alleyway behind which allows rear access.
21. Planning officers including Planning Policy acting as consultee have raised concerns regarding the lack of privacy and amenity space that has been provided for residents occupying the property.
22. With regards to HMO accommodation the LPA are of the view that unless the bed space is big enough to act as a living room, a living room separate to the kitchen / diner space should also be provided so that occupants have somewhere to sit during the day / evening. Occupants should not be reliant on small individual bedrooms to sit and relax and therefore a separate living room is considered to be important.
23. Two of the bedrooms fall below the Technical Housing Standard of 7.5m<sup>2</sup> for a single bedroom, being only 5m<sup>2</sup>. With the remaining bedrooms being 8m<sup>2</sup> and 10m<sup>2</sup>, whilst they meet the space standard, they only just exceed this amount and therefore suggest a cramped living arrangement. A small area for storage space is provided but the remaining usable floorspace is very limited, and looks unlikely to accommodate wardrobes or desk/office equipment without compromising useability. The en-suite rooms are also small and there is no main shared bathroom within the building.
24. The kitchen is a galley style which would not accommodate dining facilities and whilst a separate lounge area is included, it would only hold enough seating for perhaps only 1-2 individuals (being 5m<sup>2</sup> in size). Taking into account the small bedrooms, the overall provision for 4 unrelated occupants is considered to be somewhat lacking. Furthermore, storage space is very limited in the bedrooms with no additional storage room provided within the property. This again raises concern for the property to provide primary habitable accommodation for 4 unrelated adults who are likely to have a greater degree of need / space than is proposed.
25. Given the number of bedrooms within the house and their limited size, it is considered that the internal amenity space for occupants is not sufficient. It is considered that on this basis the proposed development does not provide an acceptable level of accommodation for occupants. The Council's conversion policy offers some flexibility with regards to nationally prescribed space standards given

## COMMITTEE REPORT

### Item No: 3

that rooms are intended for shared HMO use, however the room sizes in conjunction with amenity provision fall too far short in this instance.

26. Looking more at the specific arrangement of rooms, all bedrooms have windows and are thereby served by natural light. The ground floor bedroom is served by a large bay window on the principal elevation but this bedroom is located at the front of the property, overlooking the footpath with no defensible space, which would result in poor amenity and privacy issues for the occupier. Due to the small size of the room and the position and angle of the en-suite, the bed will be extremely close to this window, exacerbating these privacy issues. Bedrooms at the ground floor front of properties are also likely to have curtains shut for long periods of time also whereas a living/communal room would create an active frontage, which is encouraged by the Middlesbrough Urban Design Guide. This is contrary to the interim conversion policy.
27. It is noted that a recent appeal decision was received on 23 July 2025 for 78 Acton Street which allowed the change of use from a 2-bed dwelling to 3-bed HMO (Appeal Ref: APP/W0734/W/25/3365937). This proposal also had a ground floor bedroom to the front of the property which the Council raised concern with. In respect to these living conditions, the Inspector noted that:

*'During the site visit, it was observed that many properties on Acton Street have similar front-facing rooms. The use of blinds or net curtains is a feature of the street scene and is a common and effective means of maintaining privacy while preserving outlook. The street is a quiet, one-way residential road with limited footfall and traffic, further mitigating concerns.'*

*'The occupiers would also have access to a communal living room and kitchen, providing alternative spaces for relaxation and socialising. These shared areas help to offset any potential limitations associated with the front bedroom.'*

28. Whilst these comments are noted, looking more closely at the proposal for 78 Acton Street, this benefitted from a larger communal area and would also serve one less resident than the proposal currently under discussion here. The proposal relating to 41 Bow Street would see a more intensified use with a layout which would result in residents spending more time in bedrooms. As such it is considered that observations made by the Inspector regarding front bedrooms being offset would not be entirely applicable in this context, and these individual aspects of HMO's combine with other aspects which are of concern and cumulatively result in poor accommodation. Therefore the proposal in this case would still result in concerns with this arrangement.
29. To the rear, the ground floor bedroom's only window would face out on the yard and be adjacent to the kitchen door which is the only rear entrance to the dwelling, as such there are concerns this would also lead to very limited privacy for the occupier of that bed space and result in regular disturbance impacts.
30. Refuse/recycling provisions will be located at the rear of the property within the yard, and so is cycle storage. However, it is not indicated whether this is secure / covered storage (appropriate for overnight accommodation). The cycle and bin storage take

## COMMITTEE REPORT

### Item No: 3

up a large proportion of the rear yard, reducing its usability and amenity for residents. Adding necessary cover / enclosed cycle parking would result in that provision having a significant adverse impact on the use of any outdoor amenity space being achievable.

31. In view of the above, the HMO accommodation does not meet the requirements of the Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses and Policy HO9 of the Publication Local Plan in terms of size, space and usability and amenity. The proposal is not considered to provide a level of accommodation suitable for long term accommodation and would therefore be contrary to Paragraph 135 of the NPPF.

### **Highways/parking/traffic safety**

32. The Council's Highway Officer raised no objections to the proposal, stating that there are no direct parking standards for HMO's within the Tees Valley Highway Design Guide, however other factors can be taken into account. Census data for this ward demonstrates that a little over 50% of residents do not own a car and the site is sustainably located. Based upon a 4 bed HMO this means that it is realistic to assess that only 2 residents may own a vehicle. The existing size and use of the property as a residential dwelling is also likely to create a demand for car parking, albeit potentially only a single vehicle.
33. In agreement with these comments, it is considered that development proposals would therefore be likely to not materially change the demand for on-street car parking. On-street parking is available within streets surrounding the property.
34. As a result, the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

### **Nutrient Neutrality**

35. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees.
36. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to wastewater from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may

## COMMITTEE REPORT

### Item No: 3

require mitigating. As with all planning applications, each has to be considered on its own merits.

37. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
38. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in scope unless they have other (non-sewerage) water quality implications.
39. The application seeks planning approval to convert the existing residential accommodation providing four ensuite HMO bedrooms. As the accommodation is shared there will be no increase to the number of self-contained units in this case and as such the proposal falls out of scope and therefore mitigation does not need to be provided in this instance.

### **Conclusion**

40. Taking all of the above into account it is considered that on balance, the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space and usability and amenity, and does not provide a level of accommodation suitable for long term accommodation. It would represent a reduced quality and intensification of accommodation for a property which is already very limited in its provisions. This is fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there are no material planning considerations which would outweigh these matters.
41. Decisions to approve can be made where they are contrary to the Local Plan and other adopted planning guidance where there are material planning considerations which indicate otherwise, however, in this instance, there are no material planning considerations which suggest a decision away from established Policy and guidance should be taken. The site specific impacts have been considered as part of this assessment.
42. The application therefore has to be determined against these established policies and in view of the above, the application is therefore recommended for refusal.

## COMMITTEE REPORT

Item No: 3

---

### RECOMMENDATIONS AND CONDITIONS

---

Refuse and Enforce

#### 1. Reason for Refusal

In the opinion of the local planning authority the proposed HMO accommodation fails to provide an acceptable standard of accommodation and adequate means of amenity for future occupiers. The proposal is therefore contrary to the Council's Conversion Policy, Policy DC1 and Para 135 of the NPPF.

---

### INFORMATIVES

---

#### Informative: Enforcement Action

In view of the decision to refuse the application, the council intends to enforce against the use of the unit as an HMO and any development works associated with the use which would constitute a breach of planning regulations. It is therefore recommended that unauthorised works are remediated within 6 months of the date of this decision and any unauthorised use which has taken place thus far is ceased.

---

### IMPLICATIONS OF THE DECISION

---

#### **Environmental Implications:**

The proposal relates to residential development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

#### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

#### **Public Sector Equality Duty Implications:**



## COMMITTEE REPORT

Item No: 3

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation, or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

Discussions involving the safety of occupants has been included within the planning assessment.

### **Financial Implications:**

None

### **Background Papers**

Appeal Decision relating to LPA Ref: 25/0070/COU. 78, Acton Street, Middlesbrough, TS1 3NA. Appeal Ref: APP/W0734/W/25/3365937

Case Officer: Victoria Noakes

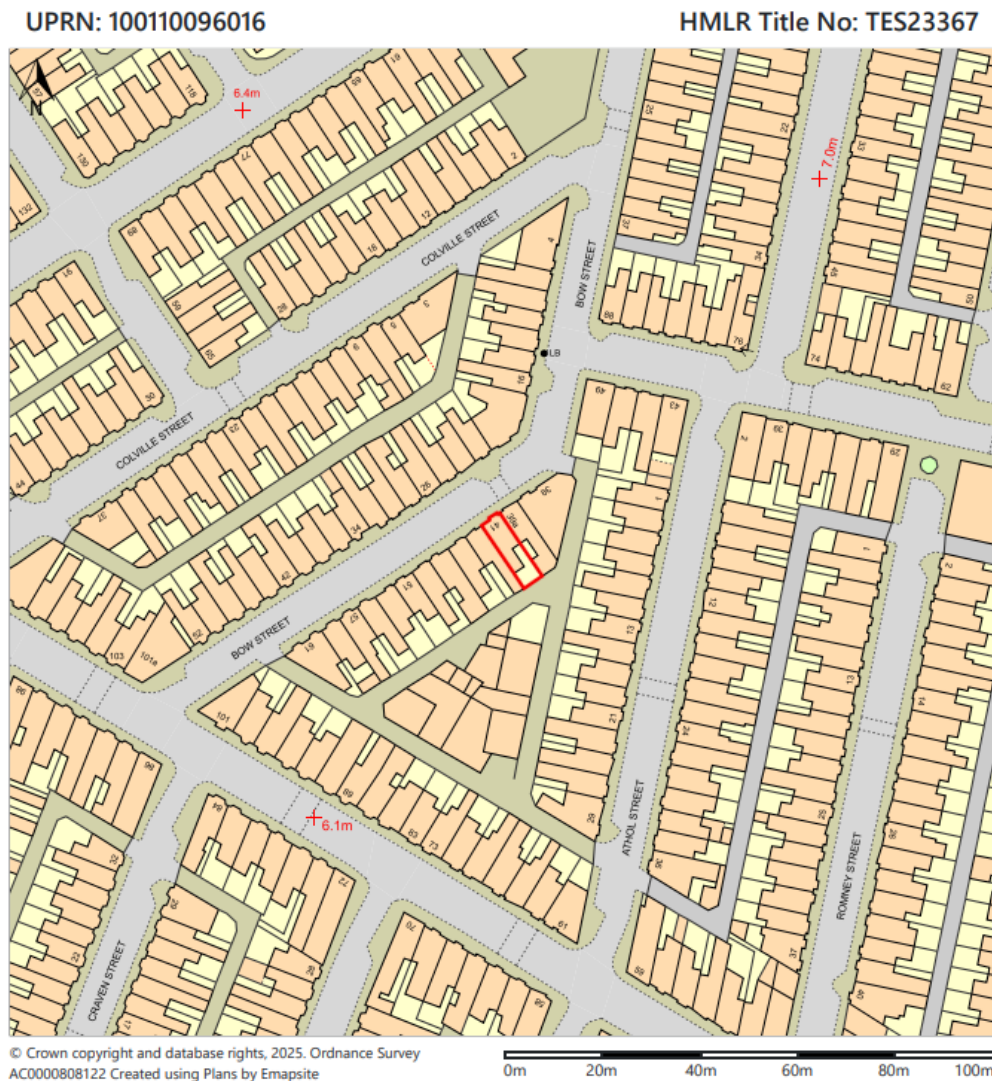
Committee Date: 9<sup>th</sup> October 2025



COMMITTEE REPORT

Item No: 3

**Appendix 1 – Location Plan**



Scale: 1:1250

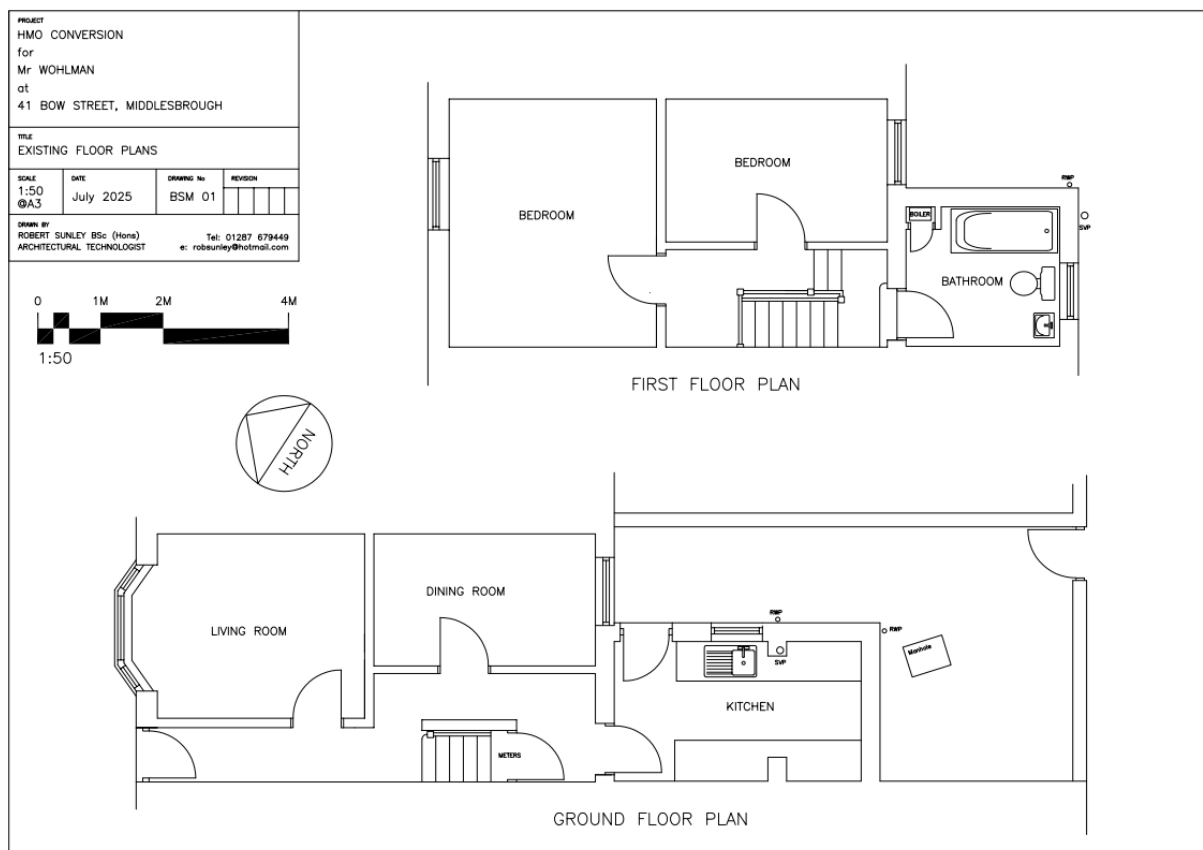
Paper Size: A4

Notes:

## COMMITTEE REPORT

Item No: 3

### Appendix 2 – Existing Floorplan



COMMITTEE REPORT

Item No: 3

**Appendix 3 – Proposed Floorplan**

MIDDLESBROUGH

PLANS

DRAWING No	REVISION
5	BSM 02
	A

ms) Tel: 01287 679449  
JGIST e: robsunley@hotmail.com

2M 4M

