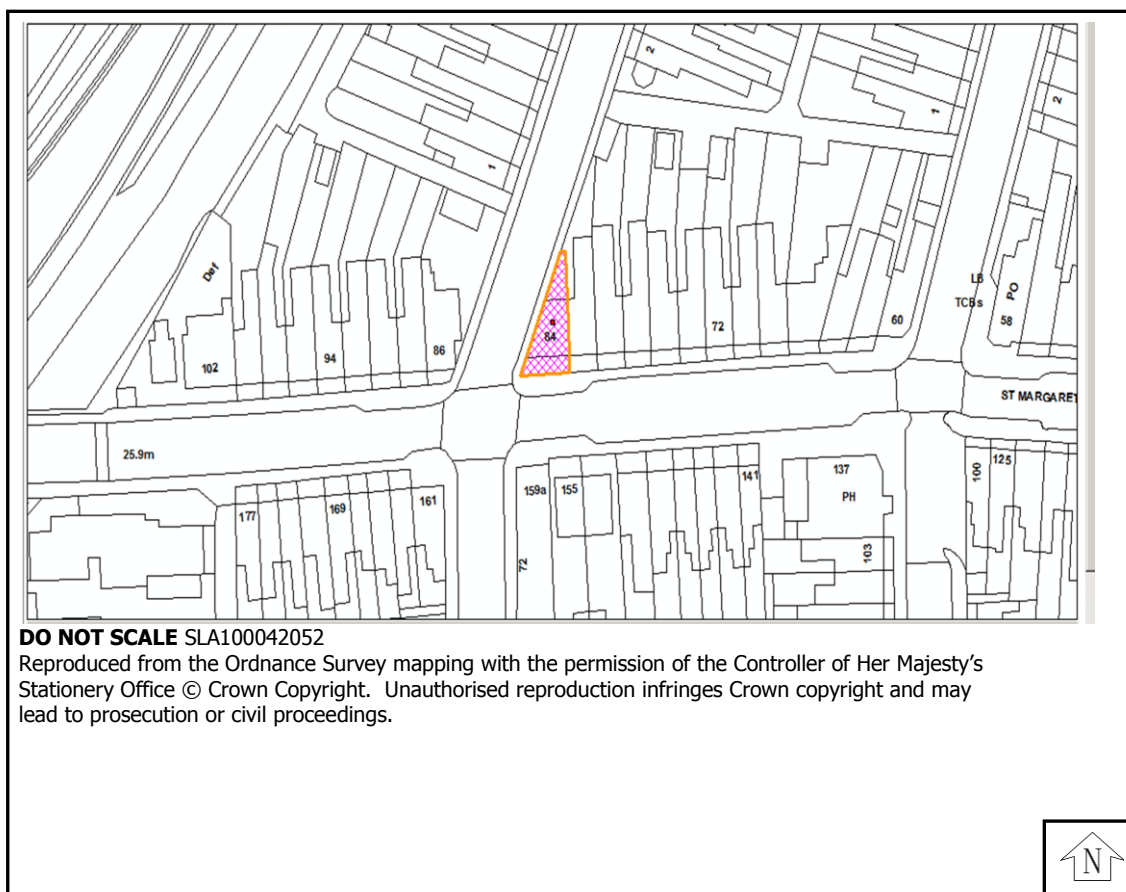


PLANNING COMMITTEE - 17 JULY 2018**APPLICATION NO** DC/18/1291/COU**LOCATION**

84 St Margarets Road
 Lowestoft
 Suffolk
 NR32 4HP

EXPIRY DATE 3 June 2018 (Extension of time -20.07.2018)**APPLICATION TYPE** Change of Use**APPLICANT** Mr Ramunas Lukosius**PARISH** Lowestoft**PROPOSAL** Change of Use to small HMO**1. SUMMARY**

- 1.1 The submitted application seeks retrospective permission for the creation of a small four bed 'house in multiple occupation' (HMO). It has been in use for this purpose for approximately one year but was only brought to the attention of the council in January 2018 with the application for regularisation being submitted in March.
- 1.2 It is being presented to members because of the nature of the application and it is being recommended for approval contrary to policy DM19 of the adopted Waveney Local Plan.

2. SITE DESCRIPTION

- 2.1 The dwelling subject to this application is a typical two storey Victorian era end of terrace property situated on the corner of St Margaret's Road with Worthing Road. The area is predominantly characterised by late Victorian terraced dwellings with associated local facilities including public houses, take away premises, convenience stores and other premises typically found in such urban environments.

3. PROPOSAL

- 3.1 For the change of use of a domestic dwelling to a small House in Multiple Occupation (HMO)

4. CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** No responses received
- 4.2 **Parish/Town Council Comments:** Lowestoft Town Council recommend refusal of the application as they believe it is overdevelopment of the existing dwelling.
- 4.3 **WDC Environmental Health - Private Sector Housing:** Private Sector Housing had some issues with the internal arrangements; however this is a licensing/Environmental Health issue and not a planning consideration.
- 4.4 **Suffolk County - Highways Department:** No objections
- 4.5 **Suffolk Fire and Rescue Service:** No response received

5 PUBLICITY

None

SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Change of Use, Date posted 19.04.2018
	Expiry date 09.05.2018

RELATED APPLICATIONS

There is no planning history relating to this site.

6. PLANNING POLICY

- 6.1 Adopted Development Management Policies, January 2011
- DM02 Design Principles
 - DM19 Conversion of Properties to Flats

7. PLANNING CONSIDERATIONS

Principle and policy implications

- 7.1 The first considerations are those of principle and relevant local plan policies.
- 7.2 As members will be aware the council has had considerable issues relating to HMO's within the town in previous years and in order to address this policy DM19 was adopted in January 2011 with allocations for flat saturation zones being defined in certain areas of the town. Outside of these areas the change of use of dwellings would be given further consideration, however exceptional circumstances would need to be demonstrated for the conversion to Houses in Multiple Occupation or bedsits, as opposed to self-contained flats, to be permitted.
- 7.3 Whilst these exceptional circumstances have not been demonstrated in this particular instance it is becoming increasingly apparent that this type of accommodation is in high demand within the district and the owner of the property is well known to private sector housing who are also aware of the use of the property. Although they have some concerns regarding the internal arrangements they do not object in principle to the continued use of the dwelling as an HMO and it will be subject to licensing requirements when the Private Sector Housing Regulations change later in 2018.
- 7.4 Notwithstanding the above the house is in current HMO use and has tenants occupying it and if refusal were to be forthcoming then there would be potential homelessness concerns although it is clear within current legislation that the onus is on the landlord to provide alternative accommodation.
- 7.5 Whilst the use is technically contrary to policy as noted above, given the small scale of this HMO which provides 4 rooms, and the lack of any concerns from local residents it is considered that an exception could be made in this particular instance with conditions recommending that the dwelling return to a single residential property if it is sold in the future thereby giving a temporary form of consent which, it is suggested would give the council control over the dwelling and its future use.

Residential Amenity

- 7.6 No complaints or comments have been received either by planning or private housing/Environmental Health relating to noise or anti-social behaviour and as such residential amenities are not considered to be affected to an unacceptable or detrimental degree.
- 7.7 However, officers are aware that HMO's do have the potential to cause disturbance but a property of such a small scale, it is suggested, would be unlikely to generate much more noise than a typical family residence and regardless of this noise and anti-social behaviour is an issue for other authorities such as the police and Environmental Health and would be dealt with under civil law and Environmental Health regulations.

Visual Amenity, street scene and landscape

- 7.8 With regards to visual amenity, street scene and landscape there will be no impact on these issues as the application is for a change of use only and no external changes are required.

Highway Safety and Parking Provision

- 7.9 There are no issues relating to highway safety or parking provision arising from the proposed change of use and Suffolk County Highways consider the proposal acceptable.

8. CONCLUSION

- 8.1 Whilst it remains that this application is finely balanced, there are legitimate concerns regarding existing tenants, and it is officer opinion that in this particular instance that an exception to policy DM19 could be made, with conditions to ensure that the future use of the dwelling is controlled by the Council.

9. RECOMMENDATION

- 9.1 Approve subject to the following controlling conditions:

CONDITIONS

1. When the premises cease to be owned by the applicant (Mr Ramunas Lukosius) the use hereby permitted shall cease and the property known as 84 St Margaret's Road shall return to a single residential dwelling.

Reason: Having regard to the special circumstances of the development.

ADVISORY NOTES

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

BACKGROUND INFORMATION:

See application ref: DC/18/1291/COU at
www.eastsuffolk.gov.uk/public-access

CONTACT

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