

26 February 2024

Dear Planning

**RE: CHANGE OF USE FROM VACANT FIRST FLOOR OFFICE SPACE TO LARGE HMO (Suis Generis)  
AT 1-3 UNION STREET, BN1 1HA.**

This statement demonstrates the full policy compliance for the proposed change of use.

Please note that the building is Grade 2 Listed and a separate application for Listed Building Consent has been submitted to BHCC.

A Design Access and Heritage Statement has been provided by EDWS Architects – this accompanies both the full and LBC application.

PROPOSAL

This application proposes the change of use from (vacant) office to Sui Generis HMO. (5B7P).

LOCATION

The site is within both the built-up area and within SA Central Brighton as defined on the policies map.

HISTORY

It is noted that a recent permission has been granted on the site which was for the Change of use of first floor from office (E) to residential to create 1no flat (C3). External alterations to first floor level windows. (BH2023/01887)

It is noted however that at this time, the applicant has not implemented this consent – this is reflected in the application description. A fall-back position therefore exists, and the loss of the vacant offices has been accepted by the LPA.

PRINCIPLE OF CHANGE OF USE FROM VACANT OFFICES (LOSS OF OFFICES)

It is expected that the LPA will continue to accept the loss of the office space as being accepted as per the Planning Policy Teams previous consultation response and the position outlined in the planning report which stated that

*'The applicant has submitted evidence that the property has been marketed since March 2022 - approximately 16 months before the submission of this application - and have very limited interest from potential tenants. In the view of the property agent the site is less than desirable due to the limited accessibility (i.e. vehicle parking) and the rising costs of utilities and*

*maintenance, prompting many potential tenants to work from home instead. It is considered that the principle of the loss of the office is acceptable in this instance.'*

#### PRINCIPLE OF HMO

As per the previous paragraph, the principle of the loss of office space is expected to continue to be supported by the LPA. Following further consideration of the size of the unit, the applicant wishes to explore the change of use to SG HMO, as opposed to C3 dwelling.

#### **Concentration of HMOs (CP21 and DM7)**

The relevant policies are CP21 Student Accommodation and Houses in Multiple Occupation (CPP1) and DM7 Houses in Multiple Occupation (HMOs) (CPP2).

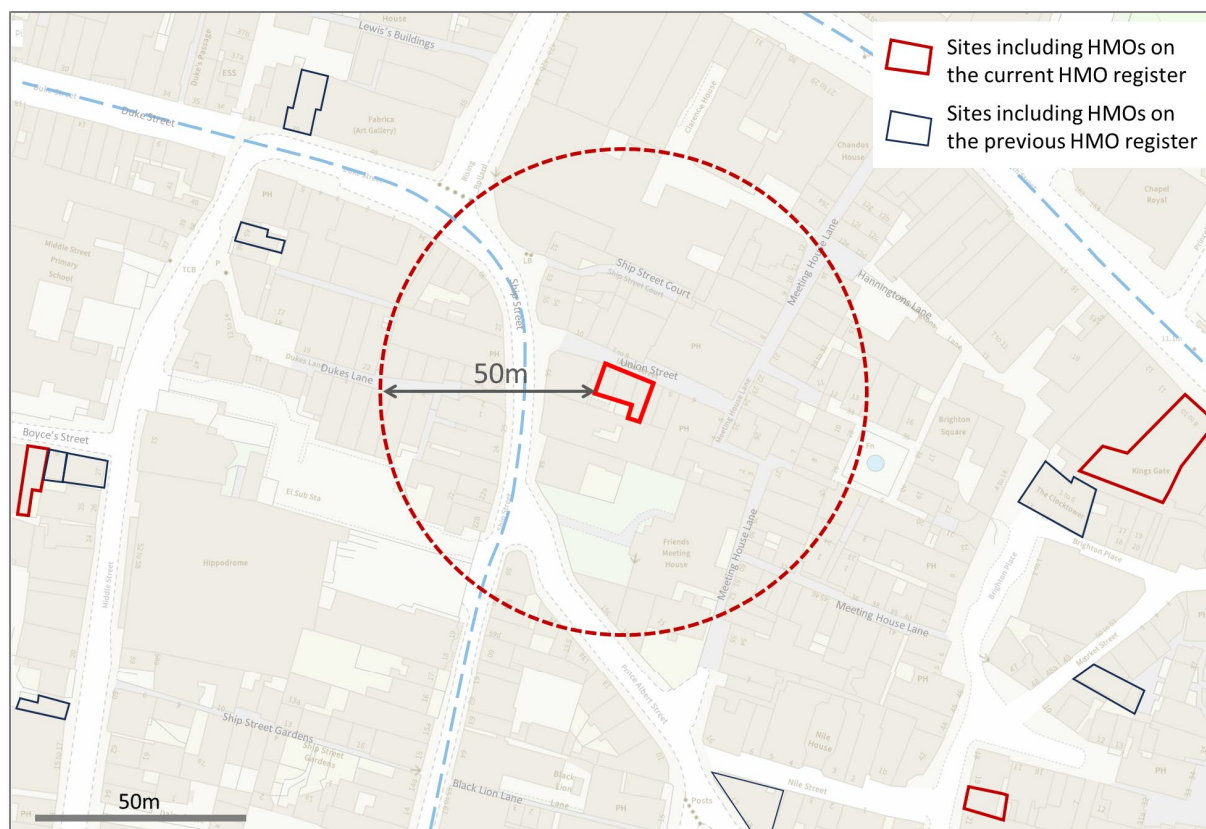
CP21 states the following regarding the creation of new HMOs:

*'ii) Houses in Multiple Occupation (HMO's)*

*In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for new build HMO, and applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.*

The map below presents the local level concentration of existing HMOs in the area of the application site. Noting the LPA will carry out a mapping exercise, it is our understanding that the proposed change of use will not lead to over proliferation in the area. There are no existing registered HMOs in Union Street.



Above: Local level (CP21) distribution of registered HMOs in the area of the application site (© BHCC).

DM7 states the following regarding the creation of new HMOs:

*'Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*

*a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;'*

The supporting text of DM7 clarifies the definition of 'wider neighbourhood area':

*'Wider neighbourhood level. Policy DM7 introduces an additional criterion that will look at HMO concentrations across a cluster of contiguous (i.e. immediately adjoining) census output areas.'*

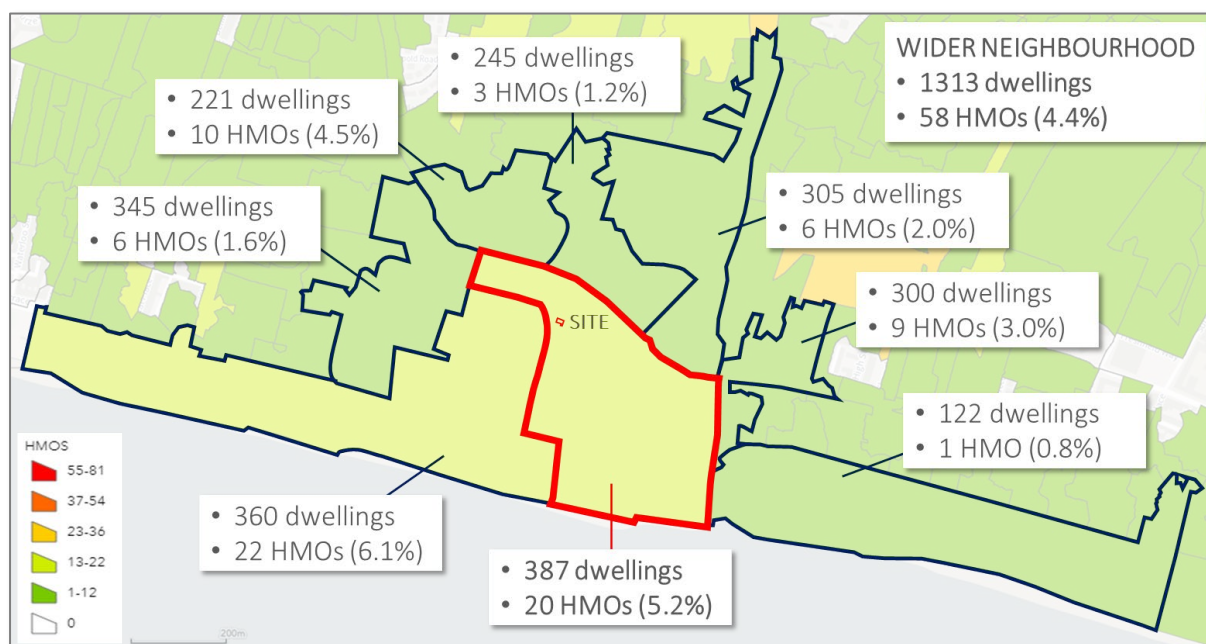
The map below presents the wider neighbourhood level concentration of existing HMOs in the area of the application site. Noting the LPA will carry out a mapping exercise, it is our understanding that the proposed change of use will not lead to over proliferation in the area.

*'b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;'*

Compliant.

*'c) the proposal does not lead to a continuous frontage of three or more HMOs;'*

Compliant.



Above: Wider neighbourhood level (DM7) Distribution of registered HMOs within the contiguous census output areas around the application site (© BHCC – modified).

*'d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;'*

See assessment of standard of accommodations for occupants further below.

*'e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.'*

Compliant - see assessment of standard of accommodations for occupants further below.

Thus, compliance can be demonstrated with the HMO-related policies of CP21 and DM7.

#### LAYOUT / STANDARD OF ACCOMODAITON

A revised layout has been considered, which has been amended from that presented in BH2023/01887.

The layout proposes that there would be 5 bedrooms (3 singles and 2 doubles). All rooms would be above the NDSS requirement and would benefit from appropriate outlook.

There would be 2 bathrooms and a very generous Living Room / Living / Dining area and kitchen.

DM1 requires that applications for new residential development will be expected to comply with the requirement that all residential units should meet the nationally described space standards.

The unit is 128 sqm – which, when compared to the NDSS, would be 16 sqm above the requirement of 112 sqm for a 5B7P unit across a single storey.

It is acknowledged that there is an absence of private outdoor amenity space.

DM1/DM7 state that the provision of private outdoor space should be *'appropriate to the character of the development'*.

In this regard it is important to note that an important element of the character of the application site is its very central location within the city. There is no opportunity to introduce new private outdoor space at the site, as the proposal is a change of use of an existing period building that effectively fills its plot.

It is generally accepted that in such locations, opportunities for private amenity space are either very restricted or absent – further, via application BH2023/01887 the LPA has accepted the absence of amenity space.

### CONCLUSION

Please note that considering the information presented, the change of use to a SG HMO is clearly acceptable and there is no conflict with the aforementioned policies.

The proposal is fully compliant with the NPPF.

The following considerations provide yet further weight in favour of the application:

- Highly sustainable city centre location;
- Good standard of accommodation for occupants;
- No harm to neighbouring amenity;
- Economic benefits through both spend during build and local spend as a result of future residents
  
- Contribution to vitality and vibrancy of city centre through additional residents and reuse of vacant building

Thus, there is significant cumulative weight in favour of the proposal.

We invite the Local Planning Authority to approve this application without delay.

Kind regards

**Colm McKee MRTPI**  
Director, CMK Planning