

Brighton & Hove City Council

Authority Monitoring Report 2019/20

Non-Residential Development

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1. Change of Use Permitted Development

The majority of floorspace data in this section originates through data gathered from the planning application process. This is currently the most accurate way of discerning changes in floorspace, there are, however, changes which do not require planning permission and as a consequence may not be counted in these figures.

Table 1: Change of Use Permitted Development after April 2015 and amendments

From Use Class	To Use Class	
	Permanent	Temporary ¹ /Flexible ²
A1 (Shops)	A2, A3*/C3* (no more than 150m ²), B1* (no more than 500m ²), D2* (no more than 200m ²), Mixed A1 or A2 use and C3 up to 2 flats	A2/A3/A5/B1/D1
A2 (professional and financial services)	A1, A3*/C3* (no more than 150m ²), B1* (no more than 500m ²) D2* (no more than 200m ²) Mixed A1 or A2 use and C3 up to 2 flat	A1/A3/A5/B1/D1
A3 (restaurants and cafes)	A1/A2	A1/A2/A5/B1/D1
A4 (drinking establishments)	A4 with A3	
A4 (drinking establishments) with A3 (restaurants and cafes)	A4	
A5 (hot food takeaways)	A1/A2/A3, B1* (no more than 500m ²), C3*	A1/A2/A3/B1/D1
B1 (B1a Offices, B1b Research & Development, B1c Light Industry)	B8 (no more than 500m ²) C3* (B1a plus B1c until Oct 2020)	A1/A2/A3/A5/D1
B2 (general industrial)	B1, B8 (no more than 500m ²)	
D1 (Non-residential institutions)		A1/A2/A3/A5/B1
D2 (Assembly and leisure)		A1/A2/A3/A5/B1/D1
B8 (storage and distribution)	B1, C3* (no more than 500m ² expired 10 th June 2019)	
SG (Agricultural Building)	A1*/A2*/ A3*/ B1*/B8*/C1*/D2* (no more than 500m ²) C3* (limit of five including no more than 100m ² , no more than three large - no more than 465m ²)	A1/A2/A3/B1/B8/C1/ D2* (no more than 500m ²)
SG (Amusement Arcade)	C3* (no more than 150m ²)	
SG (Betting Office/Pay day loan)	A1/A2/A3* (no more than 150m ²) B1* (no more than 500m ²) C3* (no more than 150m ²), D2 , A mixed SG use comprising a betting office or a pay day loan shop, or an A1 or A2 and C3 up to 2 flat	
SG (Casino)	A3*/C3* (no more than 150m ²), D2	
SG (Launderette)	B1* (no more than 500m ²), C3* (no more than 150m ²)	
B1/C1/C2/D2/ SG (Agricultural Building)	D1* State funded School or registered nursery (no more than 500m ²)	

*Prior Approval Required

GDPO (as amended) MHCLG 2019

¹ Only for a period of two years

² Only for a period of three years

Changes to permitted development rights came into force in April 2015 with further amendments in April 2016, May 2017, April 2018 and May 2019³ these are simplified and summarised in Table 1; further changes were made in March 2020 relating to allowing restaurants, cafes and drinking establishments to temporarily provide takeaway food in response to the changing circumstances of the Covid-19 pandemic. Some permitted changes of use are subject to a prior approval procedure with the Local Planning Authority and can therefore be monitored as a prior approval application is required. Retail health-checks of shopping centres can also identify changes which may not have been identified by the planning process.

The most recent updates to permitted change of use legislation to be reflected in the 2019/20 monitoring year came into force in May 2019. This included allowing shops, financial and professional services hot food takeaways of up to 500m² to change to office space subject to prior approval.

In September 2020 new permitted change of use legislation was introduced which will be reflected in the 2020/21 AMR. This introduced new Class E (commercial, business and service) and Class F (Local Community and Learning) use classes and revoked classes A, B and D. The new Class E incorporates the previous A1 (shops), A2 (professional and financial services), A3 (restaurants and cafes) and B1 (Business) use classes plus gyms, nurseries and health centres previously in classes D1 (Non-residential institutions) and D2 (Assembly and leisure) while making A4 (drinking establishments) and A5 (hot food takeaways) plus cinemas, concert, dance and bingo halls Sui Generis uses. Any use within the new E use class is able to change to another use, or mix of uses, within the same use class without the need for planning permission.

The change of use from office to residential is permitted development subject to prior approval. There are however Article 4 directions to remove the permitted development rights from offices to residential and planning permission is required in three parts of the city;

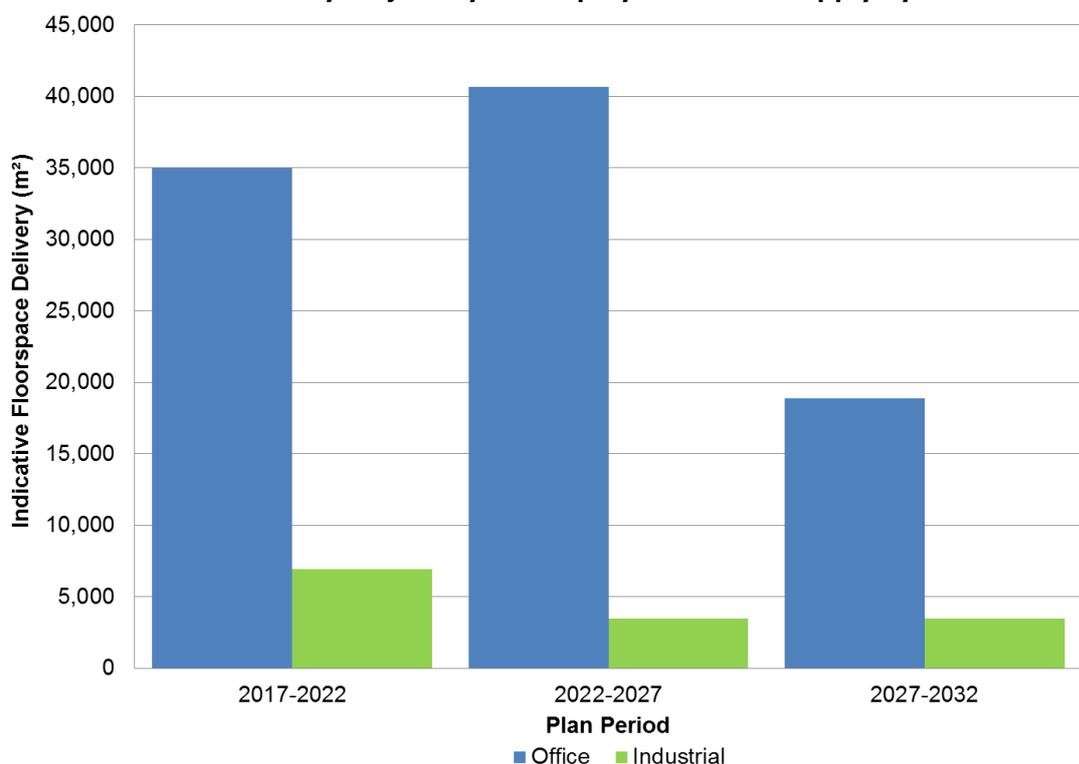
- Central Brighton, New England Quarter and London Road Area
- Edward Street Quarter, Edward Street, Brighton
- City Park, The Droveaway, Hove

³ [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 and amendments](#)

2. Business Development

The following section summarises the development of employment floorspace in the city in 2019/20. Use classes for employment floorspace include B1a (Offices), B1b (Research & Development), B1c (Light Industry), B2 (general industrial) and B8 (storage and distribution). The supply of employment land and premises is limited in the city. Policy CP3 'Employment Land' of the City Plan Part One⁴ (CPP1) sets out a framework to safeguard and upgrade current employment sites in the city and create new employment floorspace through the regeneration of key sites. An indicative Employment Land Supply Trajectory (Chart 1) has been prepared which will guide the monitoring of new employment floorspace delivery over the City Plan period to 2032 and was updated in December 2017⁵.

Chart 1: Indicative Delivery Trajectory for Employment Land Supply by Five-Year Period



Housing and Employment Land Study DLP 2017

Completions

There was a net gain in employment floorspace in 2019/20 (Chart 2). There was a net increase of 1,766m² B1a office space (5,313m² new office space against 3,548m² lost to other uses). Most of the gain was due to the completion of the Circus Street Development (4,114m²). There was a net increase in B8 storage and distribution (232m²) and net losses in B2 general industrial (-460m²) and light industrial (33 m²).

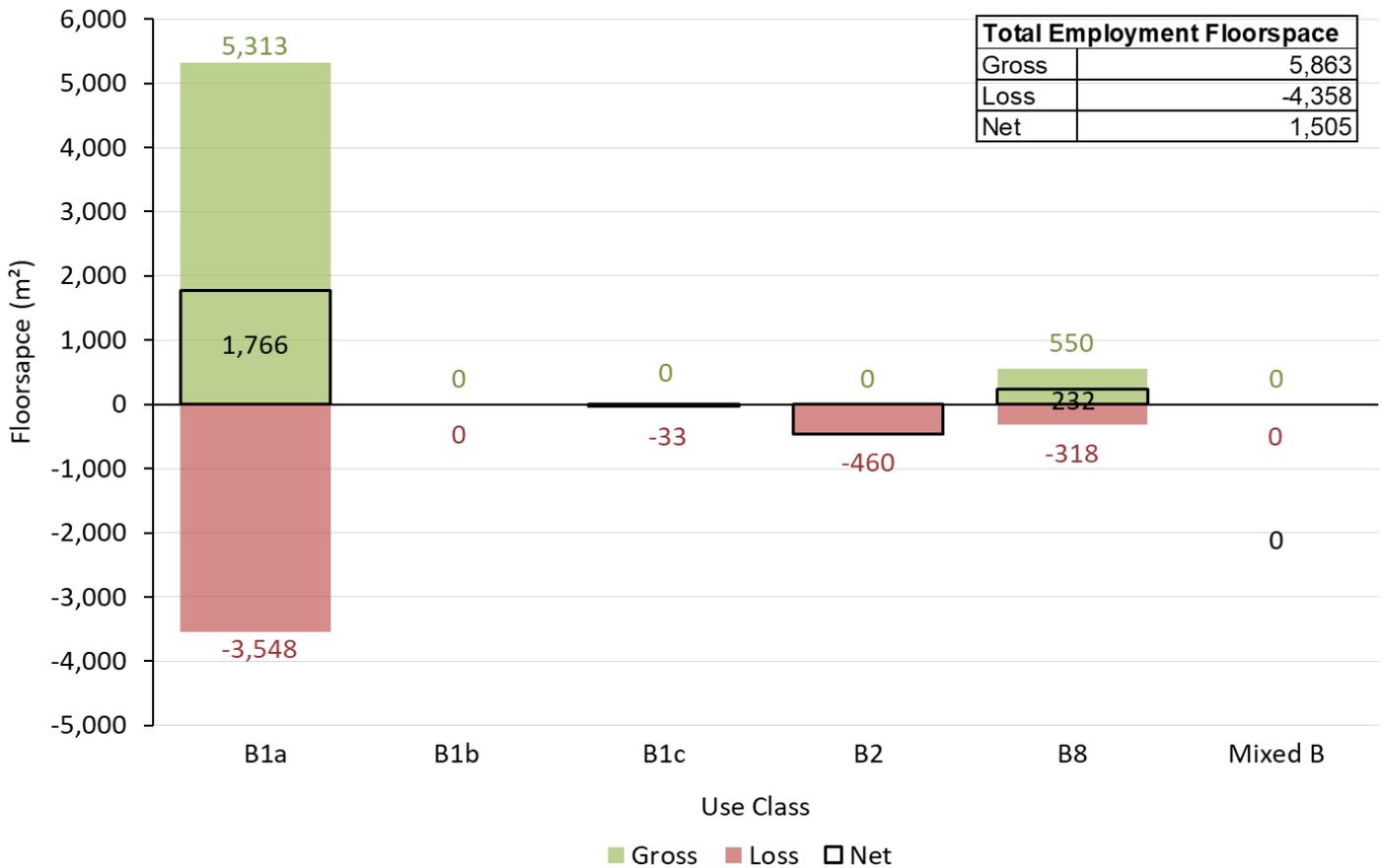
The Circus Street development was the only completed development with a net gain of over 1,000m² of employment floorspace in 2019/20 with the completion of a seven-storey office building on the site. There was one completed development with a net loss of over

⁴ [Brighton & Hove City Plan Part One \(March 2016\)](#)

⁵ Brighton & Hove City Council Housing and Employment Land Study, DLP 2017

1,000m² of employment floorspace at Marlborough House, Old Steine, Brighton, where an office building has been converted into a single six-bedroom house. This loss was originally approved because the office use was considered to have been abandoned due to the length of time the property had been vacant which allowed the site to be released for alternative uses.

Chart 2: Gains, Losses and Net Change of Employment floorspace 2019/20



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There were completions on seven sites with prior approval for the change of use from office to residential resulting in a 1,382m² net loss of office floorspace. There was also a loss of 49m² storage and distribution through permitted development change of use to residential.

City Plan Part One [Error! Bookmark not defined.](#) policy CP3 ‘Employment Land’ (at part three) seeks to protect the listed primary industrial estates and business parks for business, manufacturing and warehouse use. There was no loss of employment floorspace on these sites in 2019/20. There was a 498m² net gain in employment floorspace within the SA2 Central Brighton area [Error! Bookmark not defined.](#) including a net gain of office space (673m²). The Post Office Sorting Rooms at 4 Clarence Square were converted to offices (671m²) within the SA2 area.

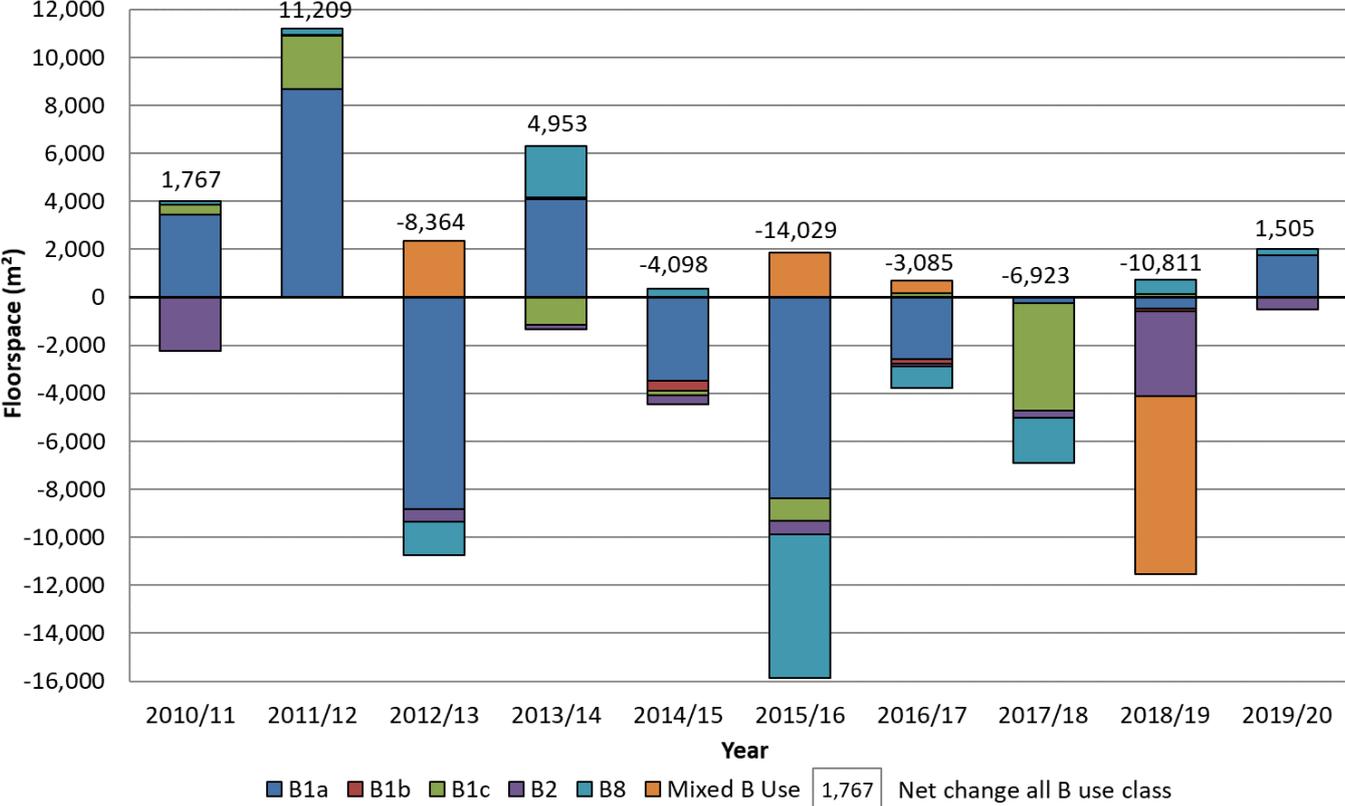
Table 2: Total Employment Floorspace change, by type 2010/11 – 2019/20

	B1a	B1b	B1c	B2	B8	Mixed B Use	Total
Net Floorspace Change	-5,978	-668	-3,794	-8,321	-6,415	-2,700	-27,876

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Chart 3 outlines the changes in employment floorspace since 2010/11. There has been a net loss of 27,876m² in employment floorspace since 2010/11 (Table 2). The net increase of employment floorspace in the 2019/20 monitoring year has reversed a trend of a net loss of employment floorspace in each of the previous five monitoring years in a period where employment floorspace had reduced by 38,944m².

Chart 3: Employment Floorspace change, by type 2010/11 – 2019/20



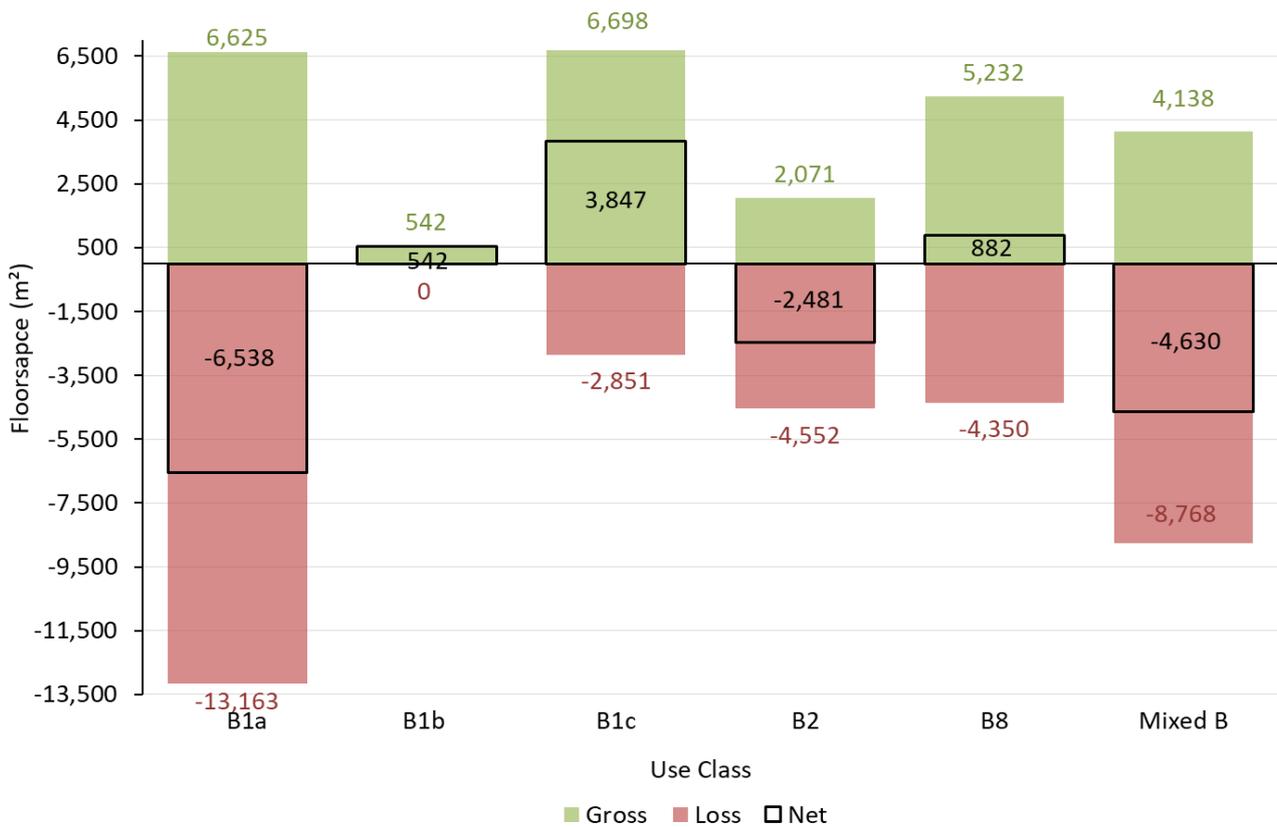
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There has been a 33,342m² loss of employment space over the past five years which represents an average annual net loss of 6,668m² of employment floorspace over that period. Office space represents 9,865m² of this loss in employment space although there was a 1,766m² gain in this monitoring year.

Commencements

When all developments under commencement at the end of the monitoring year are completed they will contribute to a 8,378m² net loss in employment space (Chart 4).

Chart 4: Potential Gains, Losses and Net Change of Employment floorspace from Developments under Commencement 2019/20



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The loss will primarily be due to a 6,538m² loss in office space as well as a 4,630m² loss of mixed employment uses. A large proportion of the loss of office space is due to the conversion of the Kings House office building in Hove. There is however a gain in B1c Light Industrial space under construction primarily due to the development of space as part of the Preston Barracks development.

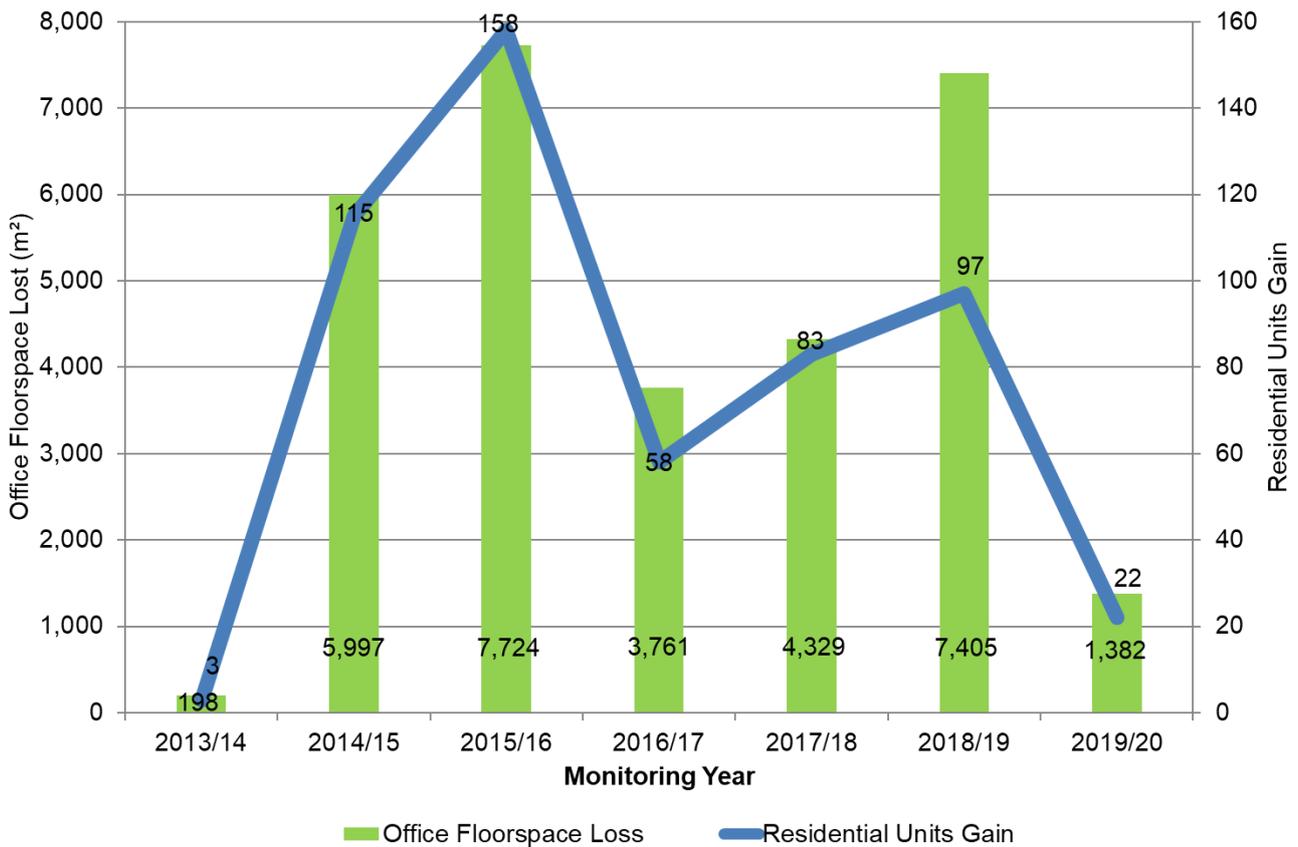
Decisions

Planning applications approved in 2019/20 would lead to a 14,430m² loss in B Class (business) floorspace if all developments were constructed. This includes a 14,784m² loss of office space, predominantly from the approval of the Kings House development (11,868m²) and prior approval applications for the change of use from office to residential.

Prior Approval Change of Use Offices to Residential

The government introduced changes to permitted development rights on 30 May 2013 which allows for offices to be converted to residential use without the need for planning permission. The new permitted development right was made permanent in April 2016.

Chart 5: Permitted Development Office to Residential Completions 2013/14 to 2019/20



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Although these rights have allowed additional residential units to be added to the city’s housing stock these permitted development rights also create the potential for a loss of functioning office accommodation. Since the introduction of the permitted development right there has been a loss of 30,796m² of office space for the gain of 536 residential units. There was a reduction in the completion of office to residential prior approval developments in 2019/20, however, with 22 residential units completed for a loss of 1,382m² of office floorspace through seven developments (Chart 5).

3. Shops, Services, Food and Drink Developments

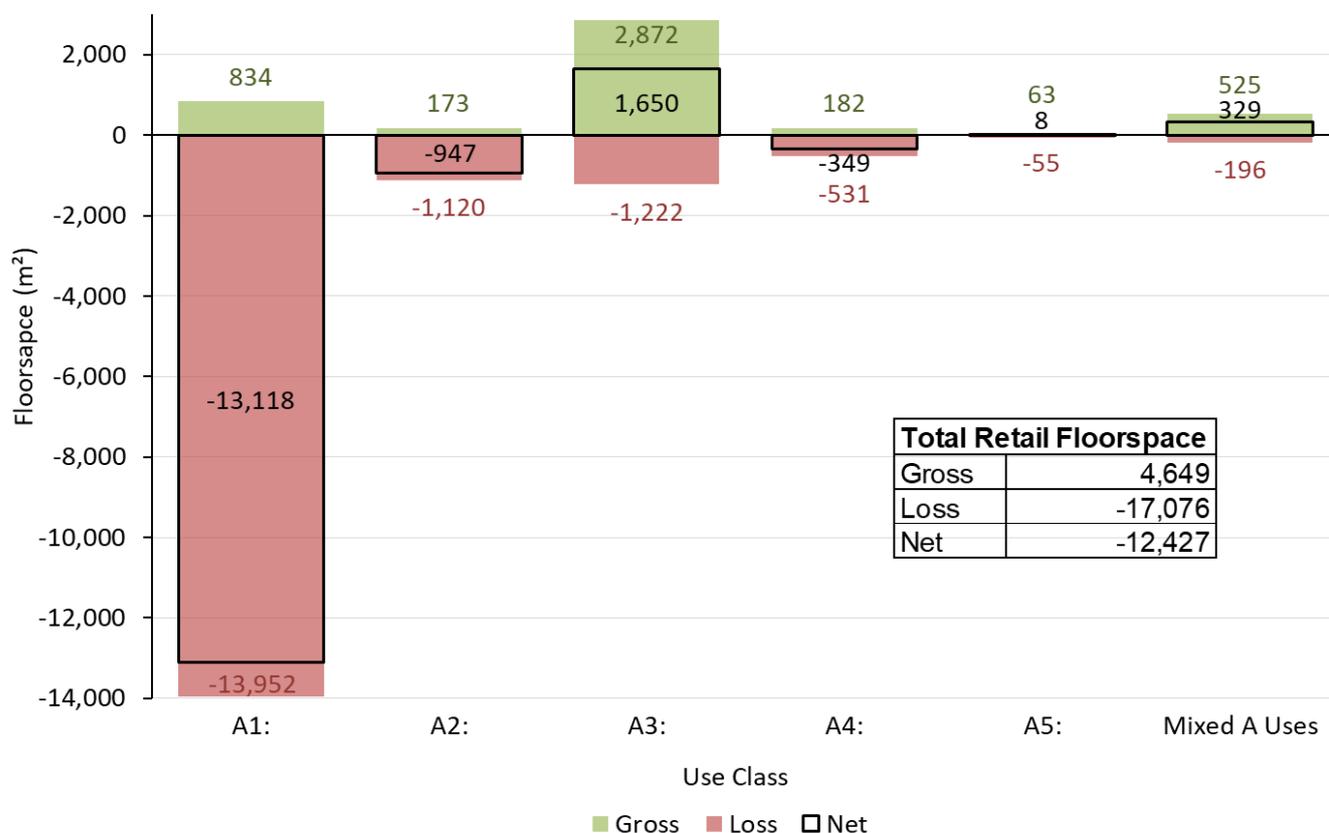
The following section will summarise the development of retail and non-retail 'A use class' floorspace in the city in 2019/20. The use class for retail floorspace is A1 (Shops) and non-retail A use classes include the use classes; A2 (Financial and professional services), A3 (Restaurants and cafés), A4 (Drinking establishments) and A5 (Hot food takeaways).

Retail need to 2030 has been estimated at 58,313m² of comparison floorspace and 2,967m² of convenience retail⁶. New retail development will be directed to the city's existing retail centres in particular the Brighton Regional Centre to consolidate and enhance its role as a regional shopping centre **Error! Bookmark not defined.**

Completions

There was a net loss of 12,427m² in all shop, services and food and drink floorspace in 2019/20. This is predominantly due to a net loss of 13,118m² in retail space; over half of which is due to the completion of the development at Circus Street. The trend of increasing restaurant and café floorspace continued with a net increase of 1,650m² in the monitoring year, which is in addition to the 5,172m² net increase over the previous four monitoring years.

Chart 6: Change in floorspace of A1 retail and non-retail A use classes 2019/20



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⁶ Brighton & Hove City Council, Retail Study Update 2011, CBRE 2011

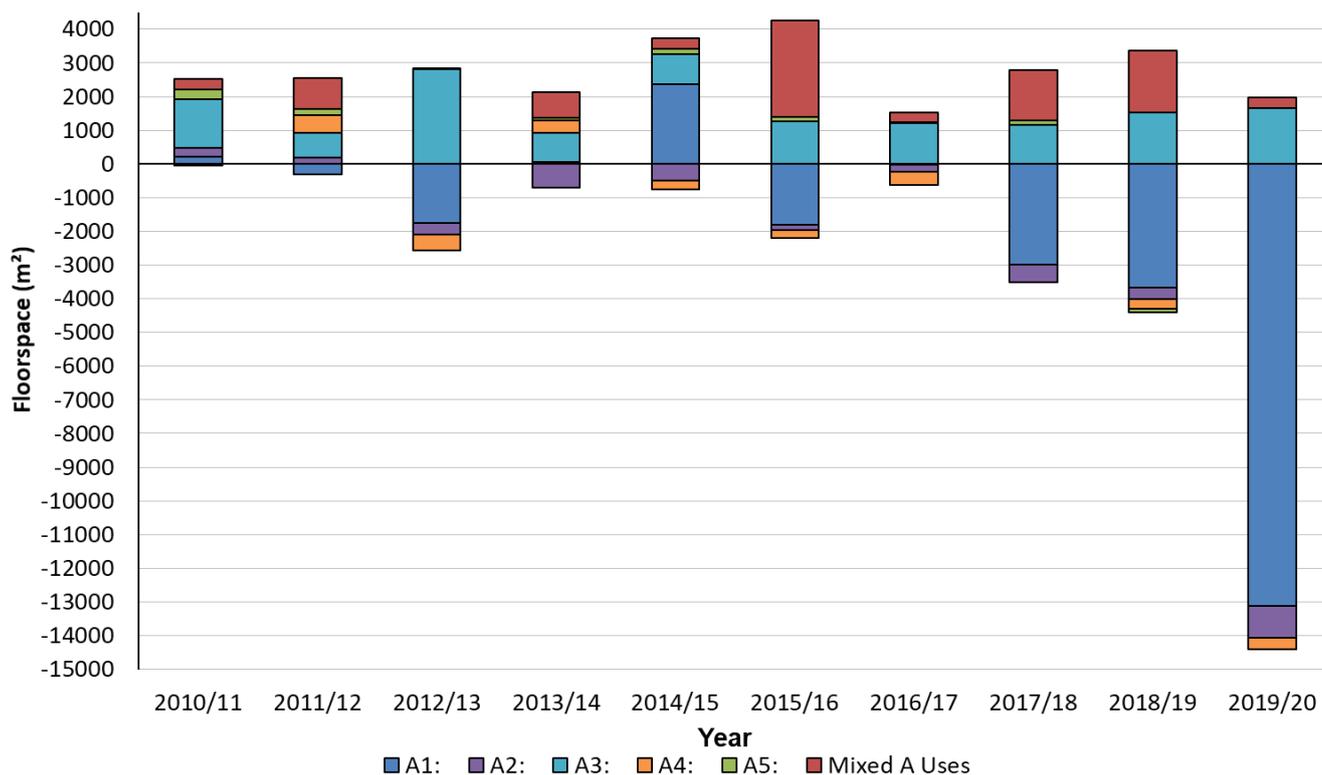
Table 3: Shop, Services and Food and Drink Floorspace Completions within Designated Shopping Centres 2019/20

	A1	A2	A3	A4	A5	Mixed incl A Use	Total
Within Designated Shopping Centre	-5,247	-534	1,333	182	0	114	-4,152
Outside Designated Shopping Centre	-7,871	-413	-317	-531	8	538	-8,586

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The majority of the net loss of shop, services and food and drink floorspace in 2019/20 was located outside designated shopping centres in the city, identified in the City Plan **Error! Bookmark not defined.** (Table 3), particularly due to the loss of retail space at Circus Street. There was also a net loss of space within designated shopping centres in the monitoring year.

Chart 7: Change in floorspace of A1 retail and non-retail A use classes 2010-2020



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There has been a successive net loss of shop, services and food and drink floorspace, in the past three years after consistently increasing each year between 2010/11 and 2016/17. The monitoring year represented the largest loss in the past ten years and is the seventh time a loss in retail floorspace has been recorded in this period. There has been a 21,032m² loss of shops and financial and professional service floorspace since 2010/11. There has, however, been an 9,085m² increase in mixed 'A' use class floorspace; some of which includes A1 and

A2 space. In contrast there has been a net gain in restaurant floorspace in every year since 2010/11 (Chart 7) with a net gain of 13,556m² over that period and 1,650m² in the monitoring year.

Commencements

Once completed, the shops, services and food and drink developments which were under construction, but not completed, in the monitoring year, would lead to a 79m² net gain of floorspace. There was 1,825m² of restaurant and café floorspace being created at the end of 2019/20 while there is 1,530m² of retail and 1,445 m² of drinking establishment floorspace being lost through commenced schemes.

Decisions

A 699m² net loss of shops, services and food and drink floorspace was permitted in 2019/20 including a 1,010m² net loss of retail shop floorspace and a 1,222m² net gain of restaurant and café floorspace.

Prior Approval Change of Use Retail to Residential

Permitted development rights came into force in April 2014 to allow a change of use from retail or financial and professional services to residential, when the area of floor space does not exceed 150m². There was a 119m² loss of retail floorspace and 120m² loss financial and professional services completed in 2019/20, due to permitted development to residential.

Prior Approval Change of from Retail to Financial and Professional Services, Restaurants and Cafés or Office.

There was a 188m² change from retail shop floorspace to restaurants and cafés completed in 2019/20. There was a 99m² loss of retail floorspace completed in 2019/20, due to permitted development change of use to offices.

Retail Health Check

To safeguard the vitality and viability of Local, District, Town and Regional Centres a retail centre health check is carried out. This monitoring informs the application decision process to keep the correct balance of uses in each centre. The most recent series of health checks were undertaken during 2018/19 the results of which are outlined in the 2018/19 AMR.

4. Mixed Use Developments

In addition to the developments of mixed 'A' shops, services, food and drink use and mixed 'B' employment uses completed in the monitoring year there were also mixed-use developments including mixed 'A' or 'B' with other use classes. There was a net gain of 323m² in these types of development in 2019/20 all of which involved a type of shops, services, food and drink use class with 246m² of which included employment space.

5. Leisure and Cultural Developments

Following the growth in non-residential institution (D1) floorspace over the past four monitoring years; 2019/20 saw a further 18,115m² net increase of floorspace. This included developments for new primary and secondary schools on Hangleton Way, Hove, plus academic space on the Circus Street development and at the University of Sussex. There was a net increase of 2,674m² Assembly and Leisure floorspace in 2019/20.

6. Hotel Development

There were five new hotel bedrooms completed in 2019/20 as further guest rooms were added to an existing guest house. There were no new hotel bedrooms permitted in 2019/20 while a further 113 bedrooms were under commencement at the end of the monitoring year through a single development for a hotel at 78 West Street and 7-8 Middle Street, Brighton.