

~~DM12 Changes of Use within~~ Regional, Town, District and Local Shopping Centres

~~To allow for diversification in shopping centres, change of use of an existing class A1 unit to non-A1 town centre uses within the following designated shopping centres and as shown on the Policies Map, will be permitted where the following criteria are met;~~

~~A) Regional, Town and District Shopping Centres~~

- ~~1. Changes of use of a ground floor Class A1 unit in the primary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 75% in the Regional Centre, and 50% in Town and District Centres (as a proportion of total units measured across the total Primary Shopping Frontage), taking into account unimplemented planning permissions for changes of use;~~
- ~~2. Changes of use of a ground floor Class A1 unit in the secondary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 35% in the Regional Centre and below 30% in the Town and District Centres (as a proportion of total units measured across the total Secondary Shopping Frontage), taking into account unimplemented planning permission for changes of use.~~
- ~~3. Within the Lanes and North Laine areas the change of use should not result in a group of three or more adjoining units being in non-A1 use.~~
- ~~4. The unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and~~
- ~~5. A shop front has been retained or provided;~~

~~B) Local Shopping Centres~~

- ~~1. The proportion of Class A1 units in the centre would not fall below 50% (as a proportion of total units in the whole centre) taking into account unimplemented planning permission for changes of use;~~
- ~~2. The shop unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within~~

~~the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and~~

~~3. A shop front has been retained or provided.~~

Commercial, business and service uses (use class E), learning and non-residential institutions (use class F1) and local community uses (use class F2) will be supported within the city's defined Regional, Town, District and Local Centres (as set out in CPP1 policy CP4 and as shown on the Policies Map).

1. Proposals for other uses will be permitted where it can be demonstrated that the scheme meets all of the following criteria;

- i. The proposal will maintain and enhance the vitality, viability and the character of the shopping area;
- ii. The proposal will retain active ground floor uses and frontage and provide a direct service or sales to visiting members of the public;
- iii. The proposed development or uses will not have a harmful impact on the amenity of local residents due to noise, odour, disturbance or light pollution (see DM21, DM40); and
- iv. Where appropriate shop front design should be in accordance with the council's shop front policy (see DM23).

2. In addition to criteria a-d) above, proposals within the Lanes¹ and North Laine² areas of the Regional Centre should not result in the amalgamation of three or more adjoining units resulting in an overly dominant unit, in order to retain the unique character of the area.

3. Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved.

4. Temporary and 'meanwhile' use of vacant buildings and sites by start-up businesses as well as creative, cultural and community organisations will be ~~considered~~ supported particularly where they help activate and revitalise ~~retail~~ centres and can generate increased footfall.

As an update to the hierarchy of shopping centres as set out in policy CP4 of the City Plan Part One, the secondary frontage of the Regional Centre has

¹ Within the Lanes area this includes frontages within Market Street, Bartholomews, Meeting House Lane, Nile Street, Brighton Square, Union Street, Ship Street (east), Prince Albert Street, Brighton Place, Hanningtons Lane and Clarence Yard.

² Within the North Laine area this includes frontages within Bond Street, Gardner Street, Church Street, North Road, Kensington Gardens, Sydney Street, Gloucester Street and Trafalgar Street.

been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map.

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Temporary and 'meanwhile' use of vacant buildings and sites by start-up businesses as well as creative, cultural and community organisations will be considered particularly where they help activate and revitalise retail centres.

As an update to the hierarchy of shopping centres as set out in policy CP4 of the City Plan Part One, the secondary frontage of the Regional Centre has been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map.

Supporting Text

~~Review of and designation of shopping frontages~~

~~2.103 Primary and secondary frontages are defined within the Regional, Town and District Centres of the city in order to assist in the safeguarding and managing of retail uses and related facilities and services.~~

Policy DM12 supports the City Plan Part One policy CP4 Retail provision and SA2 Central Brighton, as the focus of commercial activity in the centres identified in the Retail Hierarchy of Brighton & Hove. The policy contributes towards maintaining and enhancing the attractiveness of town centres by encouraging more people to use these locations. The main uses encouraged within these ground floor frontages to support footfall will be class E ('commercial, business and service').

Over recent years the increasing importance of internet shopping has changed the focus of shopping in town centres. The Covid-19 pandemic has exacerbated this trend and a change has been seen in primary shopping areas of the city as retail stores have closed and many national companies have downsized or ceased to trade.

Increasing economic activity within town centres supports high street vitality. The council will therefore be supportive of alternative uses where proposals enhance the vitality and viability of the centre, provide services or sales to visiting members of the public, maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area. Where appropriate proposals should be in alignment with the council's shop front policy DM23. Recognising that our town centres also have a high residential population, the council will ensure that proposals will not have a harmful impact on the amenity of local residents.

Appropriate alternative uses which could contribute to vitality and viability may include sui generis uses such as laundrettes, takeaways, pubs, bars, and cinemas which help generate footfall to an area.

Proposals within the Regional Centre

One of the council priorities is to maintain central Brighton's role as the city's vibrant, thriving Regional Centre for shopping, leisure, tourism, cultural, office and commercial uses.

The different but interconnecting shopping areas within the Regional Centre are identified and described in the Retail Study Update 2011. There is active support for the protection of existing and provision of new small unit space, largely catering for local independent traders, located within the Lanes and North Laine areas.

The availability of small units provides improved choice for business location and affordability. This in turn provides choice for consumers and this contributes significantly towards maintaining and enhancing the attractiveness and viability. Small units are often more affordable and encourage more specialist or independent retailers. Therefore in order to assist in maintaining the unique/niche/independent retailers in the Lanes and the North Laine as well as the supply of smaller units, changes of use should not result in the amalgamation of three or more adjoining units in order to create a larger unit.

Primary Shopping Area

2.107 In the case of the Regional, Town and District Shopping Centres, the Primary Shopping Area is the extent of the identified primary and secondary frontages.

Local Centres tend to be small, therefore they do not have distinctive primary and secondary frontages.

2.104 In 2017 a review was undertaken of the primary and secondary shopping frontages of the current hierarchy of shopping centres in the city. As part of the review some frontage designations have now changed between primary and secondary designation and a new Local Centre in Brunswick Town and some newly identified Important Local Parades have been included within the retail hierarchy. New developments adjacent to shopping frontages have also been designated where it was appropriate to do so. The review's recommendations are now reflected in the updated Policies Map.

~~2.105 The review indicated that it is appropriate to continue the approach of controlling the amount of class A1 uses and non-A1 uses in each centre. This has proven to be a practical approach in the past and one that allows some flexibility for change of uses within the frontages and an achievement of a good mix of uses.~~

~~2.106 For a shopping centre to operate successfully it is necessary for shops to group together. Interruption of retail frontages by non-retail uses, such as a restaurant, pub or estate agent can be complementary to the centre's primary shopping function because they can be considered as providing a local service but, the retail function will be adversely affected if the mix of uses is affected by the dilution of too many A1 units.~~

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Primary and Secondary Frontages

~~2.108 In the Primary Frontages of each centre a higher percentage of A1 uses is set out in the policy to help to ensure that class A1 acts as the dominant use and core function of the centres and to reinforce the overall vitality and viability. The primary frontage sees the highest levels of activity and footfall; therefore it is also appropriate to locate uses to these areas which enhance the character and attractiveness of the centre as a place to visit.~~

~~2.109 Within the secondary frontages, a wider mix of uses is supported and consequently a lower minimum threshold for class A1 uses is appropriate. Although these areas do not form part of the primary shopping frontages they do still contribute to the overall vitality and viability of the centre offer. Therefore it would not be appropriate for clusters of non-retail uses to form in these locations either.~~

~~2.110 The percentage of class A1 uses required in the Regional Centre is the highest, in order to maintain its role as the principle shopping centre in East Sussex, which is of considerable importance to the economic and social life of Brighton and Hove.~~

~~2.111 In order to assist in maintaining the unique/niche/independent retailers in the Lanes and the North Laine, changes of use should not result in a group of three or more adjoining units being in non-A1 use in order to ensure that there are a range of retail premises to promote and encourage retailers in these areas of the city centre.~~

~~2.112 Community uses (e.g. doctors and dentists) which would draw people to the centre and may generate combined shopping visits will also be considered to be appropriate town centre uses where they are considered complementary to the town centre, and where they would maintain a window display and draw pedestrian activity into the centre.~~

Local Centres

~~2.113 Local centres are small groupings, usually comprising a newsagent and a general grocery store and occasionally a sub-post office, pharmacy, a hairdresser and other small shops of a local nature. As local centres tend to be small, they do not have primary and secondary frontages. A threshold of 50% A1 use is stipulated to ensure that these centres remain functional to the communities that they serve in providing top-up shopping and local services.~~

Table 3 – Brighton & Hove’s Retail Hierarchy (adopted City Plan Part 1 Policy CP4 Retail Provision)

| Centre Definition | Defined Centres | Linked City Plan Part 1 Policies |
|--------------------------|------------------------|---|
| Regional Centre | Brighton | DA1, SA2, CP4 |
| Town Centres | Hove | CP4 |

| | | |
|----------------------------|---------------------------------|---------------|
| | London Road | DA4, CP4 |
| District Centres | St James's Street | CP4 |
| | Lewes Road | DA3, CP4 |
| | Boundary Road/Station Road | DA8, CP4 |
| Local Centres | Mill Lane, Portslade | SA6, CP4 |
| | Portland Road, Hove | (all centres) |
| | 'The Grenadier', Hangleton Road | |
| | Richardson Road, Hove | |
| | Eldred Avenue, Withdean | |
| | Old London Road, Patcham | |
| | Ladies Mile Road, Patcham | |
| | Seven Dials | |
| | Fiveways | |
| | Hollingbury Place, Hollingdean | |
| | Beaconsfield Road, Preston Park | |
| | St George's Road, Kemptown | |
| | Warren Way, Woodingdean | |
| | Whitehawk Road, Whitehawk | |
| | High Street, Rottingdean | |
| Lustrell's Vale, Saltdean | | |
| Longridge Avenue, Saltdean | | |
| Brunswick Town | | |

Implementation and Monitoring

2.114 [The long-term impact of the pandemic on our town centres is not fully known at this stage and therefore it is critical that the council continues to monitor the impacts in cooperation with other internal teams as well as external organisations.](#)

Implementation of the policy will be assisted by continuing to monitor ~~numbers of retail units~~ [uses and vacancy levels](#) within defined shopping centres [to be reported in the Authority Monitoring Report](#). ~~The council will use retail survey data, the lawful use and unimplemented extant permissions to help calculate the proportion of units in A1 use. The council's retail survey data will be updated at least bi-annually. The council will report on this in their Authority Monitoring Report. The performance of~~

~~existing centres will be monitored by the Council. This might result in a centre being moved higher or lower in the hierarchy; an amendment to an existing centre boundary; or, in the larger centres, a change to the defined prime retail frontage within that boundary. Any forthcoming changes will be undertaken in any review of the City Plan Part One.~~

~~2.115 As part of the development management process, applicants may wish to conduct similar studies themselves to justify that proposals for changes of use would not result in the proportions of A1 units within the primary and secondary frontages falling below the threshold set out in the policy.~~

Evidence of Marketing

~~2.116 In demonstrating that marketing for at six months has been carried out, the council will expect the applicant to outline where and how marketing has been undertaken, with details provided to demonstrate that the asking rent has been at a realistic rate, evidence that a prominent advertisement was displayed during the marketing and submitting details of at least three comparable properties for rent. It would be expected that the site has been actively marketed nationally and locally on commercial property websites.~~

Permitted Development Rights

~~2.117 Several changes to the Permitted Development Rights affecting change of use to and from retail have been introduced in recent years.~~ Where prior approval is needed, the Council will interpret 'key shopping areas' referred to in the General Permitted Development Order as being designated Primary and Secondary Shopping Frontages.

~~2.118 Ongoing monitoring of the concentration of non-retail uses in shopping centres will be maintained in order to continue to examine the feasibility of implementing Article 4 Directions to remove permitted development rights where shopping areas are showing over concentrations of particular non A1 uses.~~

New Development in Centres

2.119 The policy will be applied to new units that are constructed within designated frontages or where they form a logical extension to an existing frontage. [Due to the predominance of larger units in the Primary Frontages, proposals for larger format retail will generally be suited to these defined areas.](#)

2.120 Residential development contributes to the overall health of centres and to meeting the city's housing target. There is scope to increase housing stock in the centres, by increasing densities or by introducing housing on upper floors, or to the rear of commercial properties, provided that this does not lead to amenity issues or an unacceptable loss of commercial space and that the commercial uses on the ground floor remain of a viable size [to include adequate storage space and staff facilities.](#)

2.121 From time to time, temporary uses are sought for vacant buildings or cleared sites that are awaiting redevelopment. Although temporary in nature and therefore often lacking the standards of design and finish that would usually be expected from permanent development, such uses can provide jobs and add much to the vitality and vibrancy of an area in the meantime.

DM13 Important Local Parades, ~~Neighbourhood Parades and Individual Shop Units~~

A) Important Local Parades

The following ~~shopping~~ areas are designated as Important Local Parades³ within the retail hierarchy as shown on the Policies Map;

- Cowley Drive, Woodingdean
- Goldstone Villas, Hove
- Hove Park Villas, Hove
- Islingword Road, Brighton
- Old Shoreham Road/Sackville Road, Hove
- Preston Drove, Preston Park
- Valley Road, Portslade
- Victoria Terrace, Hove
- Warren Road, Woodingdean
- Woodland Parade, Hove

~~In Important Local Parades, changes of use involving the loss of units in A1 Use Class, will be permitted where;~~

- ~~1. the proposal would not result in the number of units in class A1 use falling below 50%; and~~
- ~~1. the shop unit has been marketed for a minimum of one year;~~

Commercial, business and service uses (E Use Class) will be supported within Important Local Parades.

Proposals for other uses will be permitted where it is demonstrated that the scheme meets the following criteria:

- a) The proposal will maintain and enhance the vitality, viability and the character of the Important Local Parade;
- b) The proposal will retain an active ground floor use and frontage and provide a direct service or sales to visiting members of the public;
- c) The proposed development or use(s) will not have a harmful impact on the amenity of local residents, due to noise, odour, disturbance or light pollution; and
- d) Where appropriate shopfront design should be in accordance with the council's shop front policy (DM23).

³ As designated on the Policies Map.

Changes of use at ground floor to residential will be permitted to the rear or on upper floors in Important Local Parades.

Temporary and 'meanwhile' use of vacant buildings by start-up businesses as well as creative, cultural and community organisations will be **considered** particularly where they help activate and revitalise ~~retail centres~~ parades and can generate increased footfall.

~~B) Neighbourhood Parades and Individual Shop Units~~

~~Planning permission will be granted for change of use of shops (Use Classes A1 to A5) to non-A1-A5 uses outside of designated centres and Important Local Parades provided that;~~

- ~~1. there are alternative shopping facilities within reasonable walking distance (300 metres);~~
- ~~1. the shop unit has been marketed for a minimum of one year;~~

Supporting Text

2.122 The term 'Important Local Parades (ILPs)' as defined on the Policies Map refers to a group of shops (five or more). ILPS have a key role in contributing to sustainable development, providing access to day-to-day necessities such as a newsagent, convenience store off-licence, pharmacies and post offices, which are easily accessible to people without a car or with restricted mobility ~~within walking distance from home.~~ Access to these local facilities have become more important during the Covid-19 pandemic. Parades complement the local shopping facilities provided in the city's designated centres and ensure that local convenience shopping facilities are within walking distance to residential areas.

An assessment of 35 shopping parades was undertaken in 2017 and reviewed in 2019 in order to identify areas that could be designated as Important Retail Parades in City. The assessment was set out in the council's Shopping Frontage Review Paper (April 2020) and its subsequent amendments.

There may be some circumstances where alternative uses will be acceptable such as when they also provide services or sales to visiting members of the public, maintain an active ground floor use and frontages such as commercial window

displays and sight of a reception or arrivals area. Where appropriate proposals should be in alignment with the council's shop front policy DM23. Recognising that Important Local Parades tend to be in close proximity to residential areas, the council will ensure that proposals will not have a harmful impact on the amenity of local residents.

~~2.123 The term 'Neighbourhood Parade' refers to a cluster of three or more units in class A1 use such as a newsagent, convenience store or off-licence, together with A2 uses, for example estate agents or A3, A4 or A5 uses, that function as a group and are capable of serving the convenience needs of a local residential catchment population particularly for older people, people with disabilities and the very young who cannot easily travel far, it is important that convenience retail needs can be met within an easy walking distance within their neighbourhood. In terms of sustainable development, it is important that people are not dependant on use of the car for their day to day retail needs. In areas not close to larger retail centres, parades and isolated shop units provide convenient access to goods and services which are needed on a day to day basis. To support sustainable communities the loss of retail and services will be resisted in under-served areas.~~

~~2.124 The function of parades has gradually changed over time, and in addition to shops that perform a local shopping function, many parades now provide more specialist retailers (for example, bridal wear or musical instruments) together with a range of non-retail uses such as takeaways. Whilst non-retail uses can provide an important local function, there is risk that the presence of too many can undermine the ability of the parade to meet local shopping needs and are still anchored by at least one convenience retailer. It is vital, therefore, that each neighbourhood parade continues to offer a good balance of shops and services to support residents' day-to-day needs, whilst providing flexibility to allow for other appropriate uses.~~

~~2.125 When determining applications for planning permission or prior approval for retail to residential permitted development, the council will not normally permit development resulting in the loss of local retail and service provision unless there is alternative equivalent provision within 300 metres. This is considered a reasonable walking distance (5 minutes for the average person) to access convenience shopping and local services. Provision will be considered equivalent where it provides a similar offer which meets the same need, such as the need for fresh food or a financial service.~~

~~2.126 Where applications involve the loss of units in A1 use class, the council will require supporting evidence that retail use(s) are no longer economically viable. Applicants will be expected to demonstrate an active marketing campaign for a~~

~~continuous period of at least a 12 months with evidence submitted showing that a prominent advertisement was displayed during the marketing, whilst the premises was vacant or in 'meanwhile use', which has been shown to be unsuccessful. In addition, for neighbourhood parades and individual retail units where there is no equivalent alternative provision within 400 metres, it will also need to be demonstrated that Use Classes A2, A3 and laundrettes are not viable, before any other uses will be permitted. However, subject to the policy requirements, change of use to a community facility such as a community centre may be permitted where it can be demonstrated there is a need for such provision.~~

~~2.127 In all cases, demonstration of need must include evidence of consultation with service providers and the local community and an audit of existing provision within the local area.~~

~~2.128 Brighton and Hove has numerous small local shopping parades and individual shops located in local residential communities. It is important that these shopping facilities remain vibrant, attractive and accessible. Providing local shopping and related facilities within walking distance enables the less mobile, including the elderly and low-income groups, access to food and services close to where they live, and is important in achieving equality of opportunity and sustainable neighbourhoods.~~

~~2.129 From time to time, temporary uses are sought for vacant buildings or cleared sites that are awaiting redevelopment. Although temporary in nature and therefore often lacking the standards of design and finish that would usually be expected from permanent development, such uses can provide jobs and add much to the vitality and vibrancy of an area in the meantime.~~