
Appeal Decision

Site visit made on 25 August 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/D1780/W/20/3254027

4 Park Street, Southampton SO16 4RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Kalirai against the decision of Southampton City Council.
 - The application Ref 19/01386/FUL, dated 26 July 2019, was refused by notice dated 12 December 2019.
 - The development proposed is change of use from hairdressers (Use Class A1) to refuse and cycle storage associated with commercial units 2 – 10 Park Street.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposal from the Council's decision notice, which matches that on the appeal form. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form. I have omitted reference to '(Departure from Local Plan)' since this is not descriptive of the actual development proposed.
3. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order). Having regard to regulation 4 of the Regulations, I have considered this appeal on the basis of the use classes specified in the Schedule to the Use Classes Order on 31 August 2020.

Main Issue

4. The main issue is the effect of the development on the area in terms of the vitality and viability of Shirley Town Centre.

Reasons

5. 4 Park Street comprises a ground floor commercial unit which was formerly used as a hairdressing salon until June 2019, since when it has been vacant. It comprises part of a terrace of 5 commercial units situated close to Shirley High Street, the other 4 of which are currently occupied by Use Class A businesses. The upper floor of the parade is in use as a gym, and there are commercial properties to both sides and on the opposite side of the road. There is a rear

service yard associated with the parade, and beyond that is the Marlborough Road Car Park.

6. The shopping parade lies within a secondary retail frontage of Shirley Town Centre, as designated in the *City of Southampton Local Plan Review 2015* (the Local Plan). Local Plan Policy RE14 recognises that secondary frontages are important to the vitality and viability of the centre. Having regard to Local Plan objectives to strengthen Shirley Town Centre, in recognition that it performs a valuable function as a focus for shopping, public transport and other town centre uses in the western part of the city, Policy RE14 requires development within this secondary frontage to offer a direct service to the public and keep an active frontage. As such, it states that development at ground floor level within secondary retail frontages will only be permitted for Use Classes A1, A2, A3, A4 and A5, and uses offering a direct service to the public, and provided it includes an active frontage appropriate to a shopping area.
7. This approach is supported by Policy CS3 of the *Southampton City Council Local Development Framework Core Strategy 2015* (the Core Strategy), which confirms the Council's support of the role of town centres in providing shops and local services in safe, accessible locations, and requires new development to make a positive contribution to the viability and vitality of town centres and to promote and enhance their attractiveness.
8. The appeal scheme would contravene these policy requirements by replacing the existing Use Class A unit with commercial storage, to accommodate refuse storage facilities for the remaining 4 ground floor units, and by replacing the existing shopfront with access doors to facilitate refuse collection from Park Street.
9. I acknowledge the Council's engagement with the appellant prior to the determination of the planning application. This is evidenced by the Extension of Time Agreement entered into by the main parties, and the subsequent submission of additional information by the appellant comprising a letter from Keygrove Chartered Surveyors dated 6 December 2019 in support of the appellant's case that the retention of a Class A use within the ground floor of No.4 would be unviable.
10. I find the assessment of viability to a pragmatic and reasonable approach to the determination of the planning application, given the location of the premises behind Shirley High Street, where footfall would be more limited than in the main retail area, and given the relatively small floor area associated with the unit. I also note that the premises have been vacant for long periods of time over the last few years and that the last 3 tenants surrendered their leases early, including two within about 6 months of taking up tenancy.
11. However, I am not persuaded, on the basis of the evidence presented by the appellant, that a Class A use of the ground floor of No.4 would be unviable. The submitted Marketing Reports cover two time periods of between September 2016 to August 2017 and October 2018 to November 2018, and, as such, do not represent the recent and current circumstances.
12. Also, I find that the Marketing Reports contain insufficient information to provide evidence of non-viability, as no marketing brochure details have been provided, nor specific tenancy terms or financial information, including rental

costs. Furthermore, the Reports demonstrate that there were interested parties and viewings, and they resulted in securing tenants in respect of Class A uses.

13. I have no evidence before me of any active marketing of the unit since the previous tenant vacated the premises in June 2019. I acknowledge that there are costs associated with such an exercise, and that the appellant's view is that it would become financially unviable to undertake further marketing and tenancy arrangements for the unit. However, I have not been provided with any details to substantiate this view.
14. The appellant states that the retail climate has worsened since the previous marketing took place, and that the proposed removal of rear access for refuse collection and deliveries would add to the difficulty in securing a Class A use tenant, but no cogent supporting evidence has been submitted to support these statements. In this respect, I noted during my site visit, that the remainder of the ground floor of the parade was fully occupied by Class A uses.
15. For the above reasons, on the basis of the evidence before me, I therefore conclude that the proposal would have a harmful effect on the vitality and viability of Shirley Town Centre. As such it fails to accord with the aforementioned aims of Local Plan Policy RE14 and Core Strategy Policy CS3. This is generally consistent with advice in Chapter 5 of the *National Planning Policy Framework 2019*, which seek to ensure the vitality of town centres. The Council's refusal reason also refers to Core Strategy Policy CS7. This policy relates to safeguarding employment sites. Therefore, I do not find it to be directly relevant to this main issue.

Other Matter

16. I acknowledge the intended benefits of providing replacement refuse storage and collection arrangements in response to the Council's intended prevention of refuse collection from the car park at the rear of the site. However, this does not outweigh the harm I have identified in respect of the main issue.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR