



Appeal Decision

Site Visit made on 25 May 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2021

Appeal Ref: APP/W4325/W/21/3267453

86 Seaview Road, Liscard, Wallasey CH45 4LB

- 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 Frank Brennan against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/20/01523, dated 22 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is a change of use from vacant hairdressing salon to one bedroom self contained flat including external alterations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Frank Brennan against the Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the vitality and viability of Liscard Key Town Centre.

Reasons

4. The appeal property is a ground floor commercial unit located on Seaview Road. The first floor of the building is in residential use. The appeal property is currently vacant. From the evidence presented, the last use was as a hairdressing business. The appellant has stated that the property has remained vacant since this use ceased in 2019.
5. Seaview Road extends northwards from the Cherry Tree Shopping Centre and forms part of the Liscard Key Town Centre, as identified within the Wirral Unitary Development Plan (including Minerals and Waste Policies) 2000 (the UDP). Policy SH3 of the UDP only permits the conversion of shop units at ground floor level to residential use in Key Town Centres where the proposal forms part of an overall strategy of planned contraction in the size of a Key Town Centre. The supporting text to the Policy explains that, given the importance of the Key Town Centres, it is important that the opportunities for introducing new businesses are not reduced through the conversion of vacant units to residential use at ground floor level.
6. No substantive evidence has been submitted to demonstrate that a strategy of planned contraction is being pursued for the Liscard Key Town Centre. The appellant has provided insufficient justification to demonstrate that the unit has

been vacant during the time period stated or whether the appeal property has been marketed for a retail use. It has therefore not been demonstrated whether the loss of a retail unit to a residential use would not harm the vitality and viability of Liscard Key Town Centre. The conversion of the appeal property to residential use is therefore contrary to Policy SH3 of the UDP.

7. The appellant considers that the UDP was adopted in 2000 and can be considered out of date, with reference being made to extensive changes that have come about, in particular the changing trends for town centre shopping. The National Planning Policy Framework (the Framework) makes it clear that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
8. The Framework requires planning policies to define a network and hierarchy of town centres and promote their long-term vitality and viability, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. The Framework also requires planning policies to define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.
9. From the evidence before me, it would appear that the UDP defines a network and hierarchy of centres and seeks to establish guidelines as to their role and suitable uses, with a focus on their vitality and viability. Policy SH3 supports this approach by recognising the important role that commercial uses play in maintaining the vitality and viability of the defined centres and that the loss of such units at ground floor level should only be considered as part of an overall strategy of planned contraction. On this basis I find that Policy SH3 is consistent with the Framework and I give it substantial weight.
10. The appellant has highlighted references in the Framework to residential uses in town centres. The Framework does recognise the role that residential uses can play in ensuring the vitality of centres. However, it also requires planning policies to make clear the range of uses that will be permitted in town centres and primary shopping areas. Policy SH3 does this by setting out the importance of ground floor shop units and that their conversion to residential use should only be as part of an overall strategy of planned contraction. As set out above, I have no evidence to demonstrate that a strategy of planned contraction is being pursued for the Liscard Key Town Centre. Based on the evidence before me, I cannot conclude that the proposed change of use would support the vitality and viability of the Liscard Key Town Centre. The proposed development would not therefore be consistent with the Framework in this respect.
11. The appellant has provided extracts from a report entitled the Wirral Retail and Centres Study (the Study) prepared by WYG in 2019. There is no indication of the status of the Study, but the appellant has stated that they understand that it is to be used to help prepare an up to date development plan. The appellant has referred to the Study to demonstrate the number of vacant units in the Liscard Key Town Centre, including on Seaview Road. The appellant considers that the Study advocates diversity and the need to introduce residential uses due to the contraction of the retail elements of this location.

12. Based on the extracts of the Study that have been presented, I am not able to share the appellant's interpretation of the Study as advocating the need to introduce residential uses due to the contraction of the retail elements on Seaview Road. The extracts provided do identify that a weakness of the Liscard Key Town Centre is a vacancy rate that is well above the national average, that this has increased since 2015 and that there is a concentration of vacant units along Seaview Road. However, the extracts also note that the Town Centre is considered to display reasonable levels of vitality and viability albeit that there are a number of issues that any future town centre strategy will need to address.
13. This is consistent with my observations. I observed a number of vacant units along Seaview Road both leading up to the appeal property and further north on Seaview Road and that a number of the ground floor units have been converted to residential use. However, many of the commercial units were in use both to the south and north of the appeal property, with a number of local retail units, service providers such as hairdressers, charity shops, takeaways and other food premises occupying units.
14. The extracts of the Study that I have been presented with do not make reference to a need to introduce residential units on Seaview Road. Furthermore, the recommended Primary Shopping Area Boundary includes the appeal property. There is no definition of what the Primary Shopping Area means in the extracts of the Study, although the Framework defines it as where retail development is concentrated.
15. Notwithstanding this, only extracts of the Study have been presented and I do not have full details of the Study, hence I give it only very limited weight. The information from the extracts of the Study is not sufficient to outweigh the conflict that I have found with Policy SH3 of the UDP.
16. The appellant has made reference to the number of conversions from commercial to residential along Seaview Road as demonstrating the demand for residential use and setting a precedent for such developments. I note the decisions that the appellant has submitted in support of this position. However, many of these relate to applications made under the prior approval process, where the primacy of the development plan in decision making is not the same as for planning applications.
17. The appellant has highlighted the approach set out in Policy SH5 of the UDP. From the evidence submitted by the appellant this Policy relates to residential development in small shopping centres and parades in primarily residential areas and not Key Town Centres and so is not applicable to the proposed development.

Other Matters

18. The appeal property is within a reasonable walking distance of the car park at the nearby Cherry Tree Shopping Centre. On-street parking restrictions in the vicinity of the appeal property would not therefore have a material effect on a commercial use of the appeal property.
19. The change of use would bring a currently vacant property back into use. However, any potential improvements to the street scene that may result would not outweigh the conflict with the development plan that I have

identified, nor would the potential for income from the residential use. The proposed development would have the potential to provide residential accommodation in a location within reasonable walking distance of services and facilities. However, any potential reduction in vehicle activity compared to that associated with a commercial use would not be significant and would not outweigh the conflict with the development plan.

Conclusion

20. The proposed development has the potential to harm the vitality and viability of the Liscard Key Town Centre. No substantive evidence has been presented to demonstrate that a strategy of planned contraction in the size of this Key Town Centre is being pursued or that there is a justification for the loss of the retail unit. The proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR