

1.1 Introduction

1.1.1 Given that this Study seeks to provide evidence to assist in the production of the Council's New Local Plan, this appendix contains a review of existing national planning policy of pertinence to retail and town centre matters to explore the context for the Study and how it may impact upon the production of future development plan policy.

1.2 National Planning Policy

1.2.1 National Planning Policy for England is contained within the National Planning Policy Framework (NPPF) (February 2019)¹. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.

1.2.2 The main theme of the NPPF is that there should be 'a presumption in favour of sustainable development' which is set out under three overarching objectives, economic, social and environmental. *The economic objective seeks to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places at the right time to support growth* (Paragraph 8a).

1.2.3 In terms of plan-making, it is stated that the planning system should be genuinely plan led and local planning authorities should positively seek opportunities to meet the development needs of their area, with an emphasis on Local Plans having sufficient flexibility to adapt to rapid change.

1.2.4 In terms of economic development, Section 6 of the NPPF identifies that planning policies should create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity. Planning policies and decisions should recognise and address specific locational requirements of different sectors.

1.2.5 The NPPF stresses planning policies should; set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, be flexible enough to accommodate needs not anticipated in the plan and enable a rapid response to changes in economic circumstances.

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>



1.2.6 The NPPF recognises the need to ensure the vitality and viability of towns and cities and support the role that they play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Paragraph 85 of the NPPF indicates that planning policies should:

- 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;
- 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;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres; and
- recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

1.2.7 Paragraph 86 requires local planning authorities to adopt a sequential approach to the consideration of planning applications for main town centre uses that are not in an existing centre or in accordance with an up-to-date Local Plan. *The sequential approach should not apply to applications for small scale rural offices or other small scale rural development* (Paragraph 88).



- 1.2.8 Paragraph 89 indicates that local planning authorities should require an impact assessment for retail and leisure development outside of town centres which are not in accordance with an up-to-date Local Plan and if the development is over a proportionate, locally set floorspace threshold. Where there is no locally defined threshold, the default threshold will be 2,500sq m.
- 1.2.9 Paragraph 90 indicates that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the vitality and viability of a town centre or on existing, planned, committed investment in a centre, it should be refused.
- 1.2.10 The NPPF also recognises that retail and leisure activity should still, where possible, be focused in existing town centres. Retail and leisure proposals which cannot be accommodated in or adjacent to the town centre will have to satisfy a dual impact test and the sequential test.

1.3 Ensuring the Vitality of Town Centres Planning Practice Guidance

- 1.3.1 National Planning Practice Guidance² relating to town centres and retail was updated in July 2019. The objectives of the Practice Guidance remain comparable with those of its predecessor, with there being a stated requirement for local planning authorities to plan positively and support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive and diverse places where people want to live, visit and work.
- 1.3.2 The Practice Guidance requires local planning authorities to fully assess and plan to meet needs for main town centre uses through the adoption of a 'town centre first' approach. Paragraph 002 confirms that the key way to set out a vision and strategy for town centres is through the development plan and, if needed through supplementary planning documents, it also confirms that, where appropriate, local planning authorities can define primary and secondary retail frontages where they support the vitality and viability of a centre.
- 1.3.3 Paragraph 003 recognises that creative leadership from Local Authorities and other stakeholders is key when developing a town centre vision. Engaging with a range of stakeholders is encouraged and, whilst recognising that local needs and context differs, these stakeholders could include:
- Local authorities and or combined authorities;
 - Local Enterprise Partnerships (LEPs);

² <https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>



- Members of Business Improvement Districts (BIDs);
- Neighbourhood planning groups;
- Local residents and community groups;
- Landowners;
- Private sector businesses and / or representative groups such as chambers of commerce; and
- Town centre managers.

1.3.4 Paragraph 004 specifies that any strategy should be based on evidence of the current state of town centres and opportunities to meet development needs and support town centres' vitality and viability. Such strategies should seek to address the following matters:

- the appropriate and realistic role, function and hierarchy of town centres in the area over the plan period. This assessment may need to focus on a limited period given the uncertainty in forecasting long-term trends;
- consideration of the vision for the future of each town centre and the most appropriate mix of uses to enhance overall vitality and viability;
- the ability of the town centre to assess whether it can accommodate the scale of assessed need for main town centre uses and any associated need for expansion, consolidation, restructuring or to enable new development or redevelopment of under-utilised space.
- how existing land can be used more effectively;
- opportunities for improvements to the accessibility and wider quality of town centre locations, including improvements to the transport links and public realm enhancements
- what complementary strategies are necessary or appropriate to enhance the town centre to deliver the vision in the future;
- the role different stakeholders can play in delivering the vision; and
- appropriate policies to address environmental issues facing town centres, including opportunities to conserve and enhance the historic environment.



1.3.5 Paragraph 005 recognises that it may not always be possible to accommodate all forecasted needs for main town centre uses within a town centre due to physical or other constraints which would make it inappropriate to do so. In those circumstances, local planning authorities should plan positively to identify the most appropriate alternative strategy for meeting these needs, having regards to the sequential and impact tests.

1.3.6 Paragraph 006 of the Practice Guidance identifies a series of key indicators which are which should be considered when assessing the health of a centre over time. This includes:

- The diversity of uses;
- Proportions of vacant street level property;
- Commercial yields on non-domestic property;
- Customers experience and behaviour;
- Retailer representations and any intentions to change representations;
- Commercial rents;
- Pedestrian flows;
- Accessibility; - this includes transport accessibility and accessibility for people with impairments or health conditions, as well as older people with mobility requirements;
- Perceptions of safety and occurrence of crime;
- State of town centre environmental quality;
- Balance between independent and multiple stores;
- The extent to which there is evidence of barriers to new businesses opening and existing businesses expanding; and
- The opening hours of units and the availability and extent to which there is an evening and night time economy offer.

1.3.7 Paragraph 010 reaffirms the town centre first policy in the form of the sequential test, which requires local planning authorities to undertake an assessment of potential sites' availability, suitability and viability when preparing their Local Plan. Such an assessment should also consider the scale of future needs and the type of land needed to accommodate main town centre uses.



1.4 Local Planning Policy Context

1.4.1 The development plan for the Wirral consists of saved policies of the Wirral Unitary Development Plan (UDP), adopted in February 2000, the Joint Waste Local Plan for Merseyside and Halton (adopted July 2013) and 'made' Neighbourhood Development Plans (NDP) for Hoylake (December 2016) and Devonshire Park (December 2015). However, planning officers in the Council have confirmed that the policies contained within the draft Core Strategy (December 2012) are also used for development management purposes. The Hoylake NDP includes a number of policies (HS1-HS5) relevant to Hoylake Town Centre, covering active frontages, new development, public space, the evening economy and upper floor uses.

Wirral UDP (2000)

1.4.2 The Policies in the UDP remain in use for development management purposes, although they pre-date changes in national planning policy and other developments such as the splitting of the A3 Use class into A3, A4 and A5 uses). The retail and town centre policies of relevance within the Wirral UDP are as follows:

(Part One) Policy SHO1: Principles for New Retail Development

- 1.4.3 This strategic policy's key goal is to sustain and enhance the vitality and viability of the Borough's defined centres, and other shopping provisions, to ensure people have easy access by a range of transport modes to ensure a wide variety of shopping provisions.
- 1.4.4 The policy was a response to the changing patterns of retailing, where operators were relocating to larger and often out-of-centre sites. The Policy aims to respond to this by seeking to strengthen the existing defined centres and only allowing out-of-centre retailing development in instances where this would not harm the vitality and viability of the defined centres.

Policy SH1: Criteria for Development in Key Town Centres

1.4.5 This policy recognises that the Key Town Centres are the primary providers of retail and service functions within the Borough, and their retention and enhancement is crucial in reducing car journeys and overall sustainability. The policy defines the following centres as Key Town Centres:

- Birkenhead (Core Area);
- Bromborough Village;
- Heswall;



- Hoylake;
- Liscard;
- Moreton;
- New Ferry;
- Prenton (Woodchurch Road); and
- West Kirby.

1.4.6 The policy recognises that the long-term viability of centres will only be achieved through the provision of modern operational requirements of both retailers and consumers.

1.4.7 It also establishes a presumption in favour of the development of use classes, A1, A2, A3 and D1, along with other use classes appropriate to a town centre location, in the defined Key Town Centres subject to a series of considerations.

1.4.8 One of these considerations is that retail development proposals, together with other proposed or recent developments, do not undermine the viability or vitality of any of the Key Town Centre or Suburban Centre, or other town centres outside of the plan area.

1.4.9 The policy also specifically sets out that proposals for Use Class A3 and other appropriate town centre uses should not be detrimental to the amenity of the area either on their own or as a result of clustering with other similar uses.

Policy SH2: Criteria for Development in Traditional Suburban Centres

1.4.10 The policy defines Traditional Suburban Centres as those which typically contain at least 20 units, contain key services and facilities (such as post offices, chemist, newsagents etc) and as having a discrete catchment area. It recognises that these centres perform a daily role and function and may act as key locations for those less mobile. The policy defines the following centres as Traditional Suburban Centres:

- Wallasey Village;
- Upton Village;
- Tranmere Old Chester Road)
- Prenton (Borough Road)
- Claughton Village;



- Lower Bebington;
- Seacombe (Borough Road / Poulton Road);
- New Brighton (Victoria Road)
- New Brighton (Seabank Road);
- Birkenhead (Grange Road West)
- Birkenhead (Oxton Road);
- Laird Street;
- Dacre Hill (Bebington Road / Old Chester Road) and
- Irby Village.

1.4.11 Similar to Policy SH1, this policy establishes that developments of Use Class A1, A2 and A3 will be permitted providing they do not negatively impact on the vitality and viability of any of the borough's defined centres, or any town centres which are outside of the local plan area. It also allows for the development of small scale D1 uses.

1.4.12 Policy SH6 relates to the Primarily Commercial Areas shown on the UDP Proposals Map which in some centres (such as Birkenhead) is coterminous with the town centre boundary and function as secondary shopping areas. Policy SH6 allows for A1, A2, A3, B1 and D1 uses subject to criteria.

1.4.13 Additional policies of relevance are Policy SH3 (Ground Floor Residential Uses in Key Town Centres and Traditional Suburban Centres) which indicates that ground floor conversion of shop units at ground floor will only be permitted where the proposal forms part of an overall planned contraction strategy. Policy SH4 allows for A1, A2 and A3 uses in small shopping centres and parades in Primarily residential areas subject to Policy HS15 and the criteria in the Policy. Policy SH5 allows a more flexible approach to residential development in small shopping centres and parades in Primarily residential areas requiring a balancing of the criteria listed in the policy. Policy SH7 is permissive of conversion of upper floors for office/residential uses, while Policy SH8 sets out criteria applicable to proposals which include provision for new shop fronts.

Policy SH9: Criteria for Out-of-Centre and Edge-of-Centre Retail Development

1.4.14 The policy recognises that the needs and requirements of retail operators cannot always be met within the existing defined centre, however it seeks to ensure that any out of centre development proposals are carefully considered to ensure that they do not undermine existing centres. It seeks to ensure that any proposals in edge-of-centre or out-of-centre locations do not have a detrimental



impact on the vitality or viability of any of the borough's defined centres, nor on any town centres in other neighbouring local authorities.

- 1.4.15 The policy specifies that applications for out-of-centre and edge-of-centre retail development will only be permitted in instances where the benefits of the proposed development outweigh the disadvantages, including to the extent to which the proposals, together with other recent or proposed retail development, do not undermine the vitality and viability of any Key Town Centres or Traditional Suburban Centres as a whole or any other town centre in other neighbouring local planning authority areas. Linked Policy SH10 identifies the more general development management considerations which a proposal acceptable under SH9 would have to satisfy and also flags the potential use of planning conditions to restrict the range of goods sold.

Policy SH11: Expansion of Retail Parks

- 1.4.16 The policy identifies that any proposals to expand or redevelop any of the borough's existing retail parks will be subject to the provisions and criteria of Policy SH9 (as discussed above). It states that, whilst the principle of retail development many have been accepted on the site, safeguards are required to ensure that any proposals which present an expansion, intensification or change in the nature or composition of retail use (e.g. from food to non-food) do not impact any of the established centres.

Draft Wirral Core Strategy (2012)

- 1.4.17 It should be noted, since the publication of the Draft Core Strategy, both national planning policy and guidance pertaining to town centre and retailing has been updated. Therefore, the policies may not be fully in accordance with national planning policy.

Policy CS25: Hierarchy of Retail Centres

- 1.4.18 Policy CS25 defines the network and hierarchy of centres within Wirral. It establishes 4-tiers of centres and defines a focus and suitable use class guidelines for each tier. The policy includes guidelines on the scale of A1 development considered to be appropriate for each settlement tier. These tiers, and the centres which fall into them, are as follows:

- **Sub-Regional Centre:** Birkenhead Town Centre.

Birkenhead is identified as one of the three sub-regional centres which compliments Liverpool as the Regional City Centre. The Council seeks to direct growth to Birkenhead Town Centre to create a vibrant and distinctive centre which maximises local expenditure



and attracts investment in the Borough. Birkenhead is the Borough's main comparison goods shopping destination and the primary focus of retail, leisure, service tourism and other development of borough-wide significance. Use class A1, of a level suitable for sub-regional scale, is considered to be acceptable.

- **Town Centres:** Heswall, Liscard, Moreton and West Kirby.

Outside of Birkenhead, the Town Centres are the Borough's main focus for retailing, service, leisure and other main town centre use development. The main objective for town centres is to improve their environment and also support investment to achieve a mix of uses to ensure they continue to meet the needs of their catchments.

- **District Centres:** Bromborough Village, Hoylake and Woodchurch Road (Prenton).

The main objective for District Centres is to improve the environment and support investment to achieve a mix of uses. With retail being the primary use, it is important to ensure the centres meet the needs of the local communities they serve alongside supporting diversification and specialisation where this can be demonstrated, and would contribute to the centres overall vitality. District centres are stated as being suitable to support development of A1 retail up to 1,500sq.m (net) in size.

- **Local Centres:** Borough Road (Prenton Park), Claughton Village, Dacre Hill, Eastham (Mill Park Drive / New Chester Road), Greasby (Arrowe Road / Mill Lane), Irby Village, Laird Street, Lower Bebington, New Ferry, Oxton Village, Seacombe (Poulton road), New Brighton (Seabank Road), New Brighton (Victoria Road), Tranmere Urban Village and Wallasey Village.

Local centres are described as being the focus for neighbourhood-level shops and services to meet everyday needs, promote vitality during the daytime and to not harm the vitality and viability of nearby centres. The policy sets a guideline of A1 retail uses of up to 280 sq.m (net) in size.

Policy CS26: Criteria for Development within Existing Centres

- 1.4.19 The policy seeks to ensure that the network of centres, identified in Policy CS25, are the focus for main town centre development, providing they are of an appropriate scale which is consistent with locally identified priorities and other development management considerations. The policy also states that other uses which are likely to attract significant numbers of people should also be located in accordance with the settlement hierarchy and the provisions of CS26.



- 1.4.20 Proposals which exceed the centre hierarchy floorspace guidelines set in Policy CS25 will only be approved where there benefits of permitting the development are considered to outweigh the negative impacts.
- 1.4.21 The policy recognises that residential uses can play an important role in contributing to the vitality and viability of a centre, as such, the policy permits residential uses in the upper floors and backland sites within defined centres, subject to other considerations. Alternative uses of street level retail frontages, including for residential, will only be permitted within the defined centres where there this is part of a formally adopted plan to contract the centre.
- 1.4.22 Outside of the defined centres, alternative uses will be allowed in instances where the property / site has been vacant and continually marketed for 2 years and there is no reasonable prospect of reuse for compatible purposes; that the loss of the unit would not undermine the function or character of the centre and create a dead frontage in an otherwise active frontage and; subject to design considerations.

Policy CS27: Food and Drink Uses in Existing Centres and Parades

- 1.4.23 The policy specifically applies to proposals for food and drink outlets and uses related to the evening and night time economy (Use Classes A3, A4 and A5). It recognises that these uses are important sources of wellbeing and economic activity, and that the provision of these uses is required to be balanced against the other functions that centres perform.
- 1.4.24 It seeks to ensure that proposals for food and drink uses (Use Class A3, A4, A5) contribute positively to the environmental quality, vitality and viability of the existing centres. Proposals should not have an adverse impact on the character or function of the centre as a result of over concentration or clustering, which could harm the centres and its surroundings, amenity or its attractiveness to shoppers and other considerations.

Policy CS28: Retail Impact Assessments

- 1.4.25 Policy CS28 sets out retail floorspace thresholds for when a retail impact assessment is required to be submitted with planning applications for potential retail development. The thresholds apply to instances of the development of new proposals, extensions of existing premises, the change of use of units and where proposals seek to vary or remove planning conditions relating to range of good sold. The thresholds are:

- Convenience goods retail floorspace: 200sq m (gross).



- Non-bulky comparison goods retail floorspace: 460 sq m (gross).
- Bulky comparison goods retail floorspace: 929 sq m (gross).

Policy CS29: Criteria for Edge-of-Centre and Out-of-Centre Facilities

1.4.26 The policy allows for the development of main town centre uses outside of the defined centres, providing proposals can demonstrate a number of criteria. Developments will be permitted where:

- The first criteria sets out a sequential approach to development, where proposals have to demonstrate that there are no alternative suitable sites within a defined centre in the first instance, then at an edge of centre location;
- The site is accessible by a choice of means of transport and is well connected to a defined centre;
- The facilities would enhance and complement the range and quality of facilities provided in existing centres; and
- The proposals demonstrate, through a retail impact assessment, that they will not have an adverse impact on the vitality and viability of one of the boroughs defined centres, on a centre outside of the plan area or on any existing, committed or proposed private or public investment within them.

1.4.27 With regards to proposals in edge-of-centre locations, these must be of an appropriate scale and size relative to the centres position in the network and hierarchy of centres, and are also required to demonstrate how the proposals connect to and encourage linked trips to the centre.

Neighbourhood Plans

1.4.28 The only neighbourhood plan within Wirral of relevance to any of the defined retail centres is the Hoylake Neighbourhood Plan. The plan was formally made in December 2016 and covers the plan period 2015-2020.

1.4.29 The introductory paragraphs to Section 5.2 "Improving the Town Centre" (page 24) note that the emerging Core Strategy Local Plan proposes that Hoylake be re-designated from 'Key Town Centre' to 'District Centre' in the hierarchy, with West Kirby being the closest town centre. The NDP expresses concern that if this proposed re-designation takes place there may be serious implications for above-district level proposals in Hoylake. It goes on to state that NDP policies must recognise this risk whilst also planning to ensure that Hoylake would continue to play an important role for residents and visitors as part of the north Wirral economy.



- 1.4.30 Policy HS1 defines key shopping areas and secondary frontages in Hoylake District Centre. The policy identifies that in the key shopping area, new development proposals, including change of uses (to use classes A1-A5), will be permitted providing that active frontages are consistent and maintained at ground floor level. In secondary frontages, development proposals for the change of use to a key shopping area use and / or Use Class C1-C3 and D1/2 will be permitted.
- 1.4.31 Policy HS2 indicates that selective redevelopment of buildings within the town centre boundary shown on the Proposals Map will be supported where proposals are able to demonstrate that they would make a positive contribution to a vibrant mix of uses and would deliver buildings and external space of high quality design.
- 1.4.32 Policy HS3 relates to an area on the Proposals Map known as "The Row" and is supportive in principle of comprehensive redevelopment in this area, so long as it delivers high quality public space which is well-integrated into the key shopping area.
- 1.4.33 Policy HS4 relates to the provision of evening economy uses in Hoylake District Centre. The policy supports the development and / or change of uses to Use Classes which would support high quality food and drink and cultural purposes. It identifies that later retail trading will be permitted providing it can be demonstrated that there will be no significantly adverse impacts on the amenity of the area.
- 1.4.34 Policy HS5 is supportive in principle of use of upper floors within the town centre boundary for residential (C1/C2/C3) uses subject to amenity considerations or business (B1) subject to CL1.

