



Appeal Decision

Site visit made on 3 November 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/U4230/W/23/3321811

82 Church Street, Eccles M30 0DA

- 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 Tanveer Ansari of Nexus General Trading Ltd against the decision of the Council of the City of Salford.
- The application Ref 22/80974/FUL, dated 13 December 2022, was refused by notice dated 6 February 2023.
- The development proposed is described as re-submission for change of use from E to C3 including formation of additional ground floor windows and re-modelling the south east facing ground floor façade.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description above is taken from the planning application form but the decision notice and the appeal form describes the development as conversion from bank (Use Class E) on ground floor to 6 apartments (Use Class C3) with alterations to elevations. This is a more accurate and succinct description and which I use as the basis for my decision.

Main Issues

3. The main issues are the effect of the proposed use on:-
 - the vitality and viability of Eccles Town Centre; and
 - the living conditions of the future occupiers of Flats 4 and 5 with particular regard to the availability of natural light and outlook.

Reasons

Vitality and Viability of the Town Centre

4. The appeal site is located within the commercial core of the Town Centre close to the bus station and a large supermarket. The building is currently unoccupied although a previous planning application was granted to convert the upper floors to apartments¹. The proposed change of use relates to the ground floor only.
5. I noted from my visit that there is a high level of vacant commercial units in the area which the Council acknowledge. It would seem that Eccles has had a high vacancy rate for a number of years with a figure of 23.5% quoted as part

¹ Planning Application Ref: 13/63207/COU.

of the Local Plan process in 2020. This building has been empty since it was vacated by the bank in 2018. However, there are no specific details submitted regarding the marketing of the site so whilst the appellant refers to the ongoing struggles for the retail and commercial sector in the area, apart from visual observations, no specific evidence has been submitted that supports this. Having said this, it is clear that high vacancy levels are apparent and which do not outwardly display the visual characteristics of a thriving centre.

6. However, the appeal site is in a central position within the Town Centre. It is in an area where there is a substantial amount of footfall especially given the close proximity of the bus/metro station, a large food supermarket and the railway station is located a short distance further north of Church Street. There is also ample car parking available all of which make the town centre a very accessible place by all forms of transport.
7. I note the Council reference to the relatively recent change in the Use Classes Order which introduced Use Class E as a means of widening the flexibility of uses that buildings such as the former bank could be used for without needing planning permission. This change provides an opportunity for widening the scope of potential occupiers of this unit.
8. Furthermore, I note that many of the vacant units are in the semi-enclosed shopping mall which unlike the appeal site are not so visually prominent and have less of a presence in the Town Centre. I also appreciate that people living within the Town Centre can have a positive effect on the local economy and therefore be consistent with supporting the vitality and viability of an area. In this case, the upper floors have planning permission for their use for residential units and so this building can already make some contribution without losing the commercial opportunities that the ground floor could be used for.
9. In summary, and in the absence of clear and convincing marketing evidence to the contrary, the loss of the availability of the ground floor would have a harmful effect on the vitality and viability of Eccles Town Centre. This would conflict with Local Plan² Policy TC1 which, in ensuring all communities have access to a good range of shops, services and community facilities within attractive town and local centres, identifies Eccles Town Centre as part of the network of town centres. This network meets the majority of the everyday needs of Salford's residents for shops, other main town centre uses and facilities as well as providing opportunities to deliver a diverse range of uses that supports its vitality and viability. Whilst the policy encourages high density housing above active ground floor uses within town centres, at ground floor level housing will be required to complement and not displace main town centre uses, in accordance with Policy TC3.
10. Policy TC3 establishes that a strong shopping function will be retained for each centre. The policy requires any changes of use to satisfy a set of criteria including making a positive contribution to the vitality, viability and diversity of the centre; not unacceptably impact on daytime footfall; maintaining a strong role for the centre in providing a varying range of convenience goods and meeting day-to-day needs; and maintaining the continuity of active frontages. The policy further states that, amongst other things, underused and vacant space on upper floors for positive uses, including housing, will be encouraged

² Salford City Council Salford Local Plan: Development Management Policies and Designations Adopted 18 January 2023.

but ground floor residential use will only be acceptable where there is no realistic prospect of securing an active use in an existing unit and in town centres where they are in frontages with low levels of footfall. For the reasons set out above, the proposal would also conflict with this policy.

11. The proposal would therefore conflict with Local Plan Policies TC1 and TC3 which also reflects the aims of the National Planning Policy Framework (the Framework) to support the role that town centres play at the heart of local communities.

Living Conditions

12. The proposal would create six one-room apartments with bathrooms on the ground floor. To the south-west of the building there is a passageway between the adjacent tall building and Back Chapel Street. The latter does not lead anywhere except to a gate to the rear of No 82. Two of the units, referred to on the plans as Flats 4 and 5, would be located in the middle of the building and rely on windows in the south-west elevation of the building for natural light and ventilation.
13. As the flats would comprise of just one room providing a living area, kitchen and bedroom, future occupiers would spend all their time in this one space. Their outlook from these windows would be that of a tall blank wall of the adjacent building, No 84, across the narrow back street. This outlook would provide limited natural light and be oppressive due to the closeness of the facing high wall. This would create a poor standard of accommodation for future occupiers.
14. As such it would conflict with Policy D5 which seeks to ensure that all development provides all potential users with acceptable levels of amenity including, amongst other things, aspect, sunlight and daylight. It also requires suitable separation distances between windows to habitable rooms and walls to other properties. In this case the Council state that a minimum of 13 metres would be required between the windows to Flats 4 and 5 and the side wall of the neighbouring property but at less than half this distance, the shortfall would be considerable. Furthermore, Local Plan Policy F3 requires development to be as inclusive as possible which, amongst other things delivers a high quality of life. The proposal would not do this in relation to these two flats for the reasons explained above and therefore the living conditions of future occupiers would be harmed.

Other Matters

15. This proposal follows a previous refusal for a larger number of units and attempts to overcome the Council's objections to that scheme. Also, as stated above, the proposal would represent a mix of units in the building as a whole that would assist in meeting the objective of the National Planning Policy Framework (2023) to provide a mix of house types and tenures in the area. The flats would be managed by professional and experienced estate agents. I also note that there is no dispute that the flats would meet the standards set out in the Nationally Described Space Standards. Furthermore, future residents would have open space available close by and the site is highly sustainable in terms of its accessibility to public transport. I also appreciate that there would be no adverse effects on neighbouring properties and there is no dispute about the design of the works proposed.

16. I am mindful that planning legislation allows some conversions of commercial buildings to residential without planning permission although there is no suggestion that this is the case here. I also note that there are no heritage implications arising from this proposal although there are Listed Buildings in the vicinity.
17. I consider some of these matters beneficial to the area and the building whilst others have a neutral effect. However, I afford only modest weight to the benefits referred to relative to the harms I have identified in the main issues and which are more substantial. Therefore, despite these other matters and the lack of any dispute about any other matter raised, they do not either individually or collectively overcome the harms explained above and the conflict with the Local Plan policies referred to.

Planning Balance

18. There is no dispute between the parties that the proposal would contribute to the provision of one-bedroom homes and together with the approved residential units on the upper floors the building as a whole would provide an acceptable mix of residential units. However, neither party have indicated that there is a shortfall of housing land supply in the Borough and therefore paragraph 11(d) of the Framework is not engaged on that basis. Even if that were not to be the case, I am satisfied that the adverse impacts I have identified would significantly and demonstrably outweigh the benefits arising from the development.

Conclusion

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR