



# Appeal Decision

Site visit made on 4 August 2010

by **Alan Boyland** BEng(Hons) DipTP CEng  
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an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**24 August 2010**

## Appeal Ref: APP/R1845/A/10/2123412

### Salford House, 29 Bridge Street, Stourport-on-Severn, DY13 8UR

- 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 C Hemming of Rhys Davies Properties Ltd against the decision of Wyre Forest District Council.
- The application Ref 09/0732/FULL, dated 12 October 2009, was refused by notice dated 11 December 2009.
- The development proposed is conversion of rear ground floor from retail to residential apartment.

## Decision

1. I allow the appeal, and grant planning permission for conversion of rear ground floor from retail to residential apartment at Salford House, 29 Bridge Street, Stourport-on-Severn, DY13 8UR in accordance with the terms of the application, Ref 09/0732/FULL, dated 12 October 2009, and the plans submitted with it, subject to the condition that the development hereby permitted shall begin not later than three years from the date of this decision.

## Policy

2. Both parties state that certain policies in the Regional Spatial Strategy (RSS) for the West Midlands are relevant to this proposal, though these are not cited in the reason for refusal and the Council does not refer to them further in its submissions. However, since the appeal was made the RSS has been revoked and no longer forms part of the development plan. I therefore attach no weight to it.
3. The Council's reason for refusal does refer to Planning Policy Statement (PPS) 6: *Planning for Town Centres*. Shortly after that decision PPS 6 was cancelled by PPS 4: *Planning for Sustainable Economic Growth*. I have had regard to the latter as a material consideration in this appeal.

## Main issue

4. The main issue is the effect of the proposed development on the vitality and viability of the town centre shopping area.

**Reasons***Effect on the shopping area*

5. Salford House is a 3-storey building on the corner between Bridge Street and New Street, with a short frontage to the former and a long return frontage onto the latter. The whole ground floor of the building is currently vacant but was last used as a Job Centre (Use Class A2). The upper floors were previously in office use but have been converted to residential apartments following the granting of planning permissions in 2006 and 2007. The second of these permissions also included change of use of the ground floor to restaurant (A3) but this element has not been implemented.
6. The building is within the area designated in the Wyre Forest District Adopted Local Plan as a Secondary Shopping Area where, saved policy TC.2 indicates, non-retail uses (ie. other than use classes A1, A2 and A3) will not normally be allowed at the ground floor street frontages. The policy also provides for residential development above (my emphasis) retail and business premises within town centres, which broadly reflects provisions of policy EC3 of PPS 4 and of Planning Policy Guidance (PPG) 15: *Planning and the Historic Environment*.
7. I note that PPS 4 policy EC4 refers to identification of sites or buildings that are suitable for development, conversion or change of use, and that PPS 3: *Housing* also urges consideration of re-allocation of sites allocated for commercial use for housing development. However, in both cases the process is clearly intended to be undertaken through the formulation of a strategy by the local planning authority rather than through decisions on individual applications or appeals.
8. Salford House does not have a retail frontage to New Street, and indeed there are no other retail uses on this (south) side – the other uses are residential and offices. On the north side there is a retail unit on the corner with High Street with a public house adjacent, but beyond these office and residential uses predominate. In my opinion New Street does not have the character of a shopping street. This is reflected in the Local Plan town centre inset map, which shows only Salford House and the shop on the opposite corner as within designated shopping areas.
9. The appellant suggests that inclusion of the whole of Salford House within the secondary shopping area does not reflect actual land uses. I do not share that view as the lawful use of the whole ground floor is retail. However, I do consider it likely that this situation arose through drawing the boundary of the designated area in such a way as to avoid subdividing individual premises. I agree that loss of retail use in the rear part of this building would not lead to fragmentation of the retail frontage, which is one of the concerns underlying policy TC.2. Nor would it create a 'dead' frontage as there would be no change to the New Street frontage of the building.
10. The appellant refers to unsuccessful attempts to market the ground floor unit as a restaurant as well as for class A1 and A2 uses, but has submitted only limited details of these so I am unable to come to a view on the adequacy of the marketing exercise. However, the number of vacant units within the town centre, while slightly reduced since the time of the survey carried out for the

appellant in February 2010, suggests that demand is not strong. I note the view of the Chartered Surveyors who have been undertaking the marketing that a reduction in the size of the retail unit here would be likely to make it more attractive to prospective tenants. To my mind an occupied smaller retail unit in this prominent location would be more beneficial to the town centre as a whole than a vacant larger unit.

11. While the proposed conversion would strictly be contrary to LP policy TC.2, I conclude on the main issue that it would not harm, and might enhance, the vitality and viability of the town centre shopping area and would not prejudice the objectives of the policy.

*Other matters*

12. The appeal premises are located within the Stourport No.1 Conservation Area, which includes a broad mix of land uses and buildings between the town centre and the river. I agree with the Council that in the absence of external change to the building the character and appearance of the Conservation Area would be preserved.
13. I note the concerns expressed by the occupiers of the adjacent premises in New Street about alleged misuse of refuse bins in the passageway between the two buildings. It is suggested that tenants in the existing residential units in Salford House are responsible for this, though no supporting evidence has been put forward. In any event, the appellant indicates that there are internal bin storage facilities within Salford House, which the tenants are expected to use, and the passageway appears to be outside the control of the owners of the building. While I understand the concerns, this is essentially a private matter.
14. By way of conditions the Council suggests only the standard 3-year period for commencement. The highway authority additionally suggests a requirement for provision of 2 cycle parking spaces within the curtilage of the dwelling. While this is indicated as being required to meet the County Council's parking standards, given the size of the proposed unit and the lack of outside space it seems to me that such a requirement would be unduly onerous. However, the lack of car parking spaces at the premises and the town centre location would encourage travel by modes other than the car.

*Overall conclusion*

15. I consider that the lack of harm to, and potential support for, the aims of policy TC.2 and the lack of other harm indicate a decision other than in accordance with the policy. For the reasons given above I conclude that the appeal should be allowed.

*Alan Boyland*

Inspector