Appeal Decision

Site visit made on 9 July 2009

by Elizabeth Mitchell MA DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date: 11 September 2009

Appeal Ref: APP/M3835/A/09/2103025
2 – 6 South Street, Worthing, West Sussex, BN11 3AA

- 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 J Lipschitz against the decision of Worthing Borough Council.
- The application Ref WB/08/0948/FULL, dated 10 September 2008, was refused by notice dated 2 December 2008.
- The development proposed is the change of use of the second and third floors and formation of 6 one bed flats with related alterations to the existing elevations.

Decision

1. I dismiss the appeal.

Procedural matter

2. Since the planning application was determined the West Sussex Structure Plan has been superseded by the South East Plan.

Main issues

3. The main issues are the effect of the proposal on employment floorspace, and the living conditions which would be experienced by future occupiers with respect to outlook, noise and disturbance.

Reasons

Living conditions

4. South Street is part of the South Street Conservation Area, and leads from the town centre towards Worthing sea front. It contains a variety of building styles and of varying ages. The appeal building was constructed in the 1960s. There is a modern block of flats adjacent, but facing the sea, and an older terrace opposite, housing commercial and restaurant uses.

5. The appeal building contains retail uses on the ground floor and there is some staff accommodation associated with those uses on the first floor. The fourth floor and former caretaker's flat on the fifth floor are in office use. The second and third floors are currently vacant.

6. The development proposed is to convert those vacant floors into residential accommodation comprising 6 small one bed flats. Flats 1 and 4 would face onto South Street, flats 2 and 5 would have windows facing towards the sea,

and flats 3 and 6 would have aspects towards the sea and eastwards to Marine Place.

7. The council have expressed concern that, for a variety of reasons, the living conditions could give rise to future complaint or would be unsatisfactory in a number of respects. There is a concern that the town centre location with restaurants, bars and a night club on the sea front relatively close to the site, would give rise to noise and disturbance. However there is residential accommodation in the modern block of flats adjacent to the site and in my opinion the living conditions in the proposed dwellings would be comparable. My attention has also been drawn to noise from plant which is audible on the east side of the building when the windows are open. While I acknowledge that it can be heard the effect could be mitigated by appropriate glazing and ventilation arrangements and in my opinion is not significantly more harmful than can be experienced in many areas of mixed commercial and residential use.

8. I also note that views from the windows towards Marine Place would, particularly on the second floor, be dominated by the roof scape of the adjacent car park. In my opinion, however, an aspect containing significant built form is to be expected in a town centre area of mixed uses.

9. I conclude therefore that the living conditions which might be experienced by future occupants of the building are not unusual in a town centre context. In my opinion the proposal would broadly satisfy the relevant policies of the Worthing Local Plan (LP) RES 7 and H 13 which require that new development should be compatible with its context, and that a property should be capable of conversion without detriment to the living conditions of neighbours.

10. I conclude therefore that the living conditions in respect of outlook, noise and disturbance which would be experienced by future occupiers of the proposed flats would be acceptable in a typical town centre context.

Employment floorspace

11. The South East Plan (SEP) has now been adopted and is therefore a key element of the development plan for the area. There are two issues of particular relevance; first those policies which relate to the allocation and supply of employment land and second that which relates to housing provision. It seems to me that SEP Policy RE3 is particularly pertinent in that it deals with the process by which decisions on employment land allocations should be made, that is employment land reviews, and that there should be a focus on the retention of existing sites where there is a good prospect of employment use. The appellant has also drawn attention to SEP Policy H5 which deals with the encouragement of higher housing densities and the reuse of vacant sites for housing provision.

12. Taking each of those points in turn, the local planning authority is preparing its Local Development Framework in line with the SEP. I acknowledge that the Employment Land Review undertaken as part of the evidence base in 2005 is now somewhat out of date. However, although underlying economic conditions in the national economy have changed significantly since that date, it does provide an analysis of the need for employment floorspace to meet the requirements anticipated over the plan period. Although economic activity is

currently reduced it is reasonable to expect that to change and activity and hence demand for land and sites to increase.

13. The conclusion of SEP Policy RE3 that 'well located commercial sites should be retained where there is a good prospect of employment use' is, in my opinion, relevant. I acknowledge that the property has been advertised for office use since 2006 and that no tenant has been found. However, given the reasonable expectation of eventual economic upturn and the site's town centre location I consider that it is important to retain its potential as an employment site. In that context I consider that it is relevant that the premises have not been marketed for other commercial purposes, for example in the leisure industry, which would be particularly suitable in a town centre location and also generate employment.

14. In summary the conclusion that future economic prosperity requires the retention of adequate opportunity for investment and employment activity is particularly pertinent.

15. I acknowledge the relevance and importance of SEP Policy H5 and its aspiration to encourage the reuse of vacant sites for housing. I also note that the council is currently meeting the annual housing target identified in the South East Plan but that a greater proportion of family housing is required, rather than flatted accommodation. It is my view therefore that there is currently no overwhelming case for the conversion of these premises to flats which would override my conclusion that the site should be retained for employment use.

16. I conclude therefore that the proposal is broadly contrary to SEP Policies RE3 and H5 in that it would result in the loss of an employment site and it is not currently required to meet identified housing need.

17. I conclude that the potential employment use of these premises should be protected in order to underpin future economic prosperity and retain an adequate supply of employment floorspace. Town centre sites, such as the appeal site, offer a range of employment opportunities as well as office uses which may contribute to that objective, the proposed development would therefore conflict with the aims and objectives of SEP Policy RE3.

Other matters

18. The appeal site is within the South Street Conservation Area and the proposal includes improvements to the facade of the building which would in my opinion contribute to the preservation and enhancement of the character and appearance of the conservation area. However I do not consider that to outweigh my conclusion that the proposal is not appropriate at this time.

19. I have before me a unilateral undertaking which would ensure an appropriate contribution to necessary services and infrastructure were the premises to be converted to residential use. While I concur with the local planning authority that such contribution would be made necessary by that development I have concluded that for the reasons given above it would not overcome the harm identified.

20. Notwithstanding my finding that the proposal would be acceptable in terms of living conditions, I conclude overall, taking into consideration all other matters

raised, that it would be unacceptable because of the harm in relation to employment use. I therefore dismiss this appeal.

Elizabeth I Mitchell

INSPECTOR