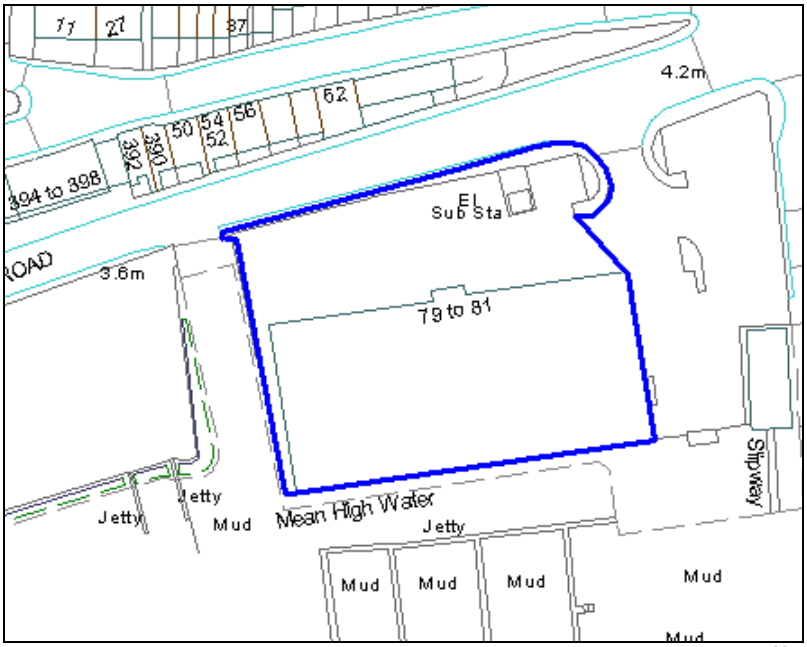
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Application Number: **AWDM/0560/11**

Recommendation – Temporary permission

Site: **79 - 81 Brighton Road, Shoreham-by-Sea BN43 6RE**

Proposal: **Change of use of former 'Parcelforce ' building to a roller skating rink (Use Class D2) (retrospective)**



Not to Scale

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The Application

The application relates to the former Parcelforce building on the south side of A259 Brighton Road. The previous owner obtained planning permission for a mixed use redevelopment of 79 flats and a hotel with commercial A1/A3 and gym uses (ADC/0088/07) and the application (ADC/0215/10) submitted by the Receivers to extend the time limit for implementation has been agreed by Committee (but not yet issued owing to delay completing the associated section 106 Agreement). In the meantime, the site has been sold to new developers and they have let the site short-term (1 year initially) to the present roller-disco tenants pending submission of a revised scheme for the permanent redevelopment of the site.

The application seeks retrospective permission to use the existing building as a roller skating rink (Class D2), the use having commenced in August 2011. The building has a floor area of 2,165sqm and comprises a main hall now in use as the roller-skating rink, measuring approximately 50m long and 25m wide, with a smaller rink (30m long and 15m wide) at the western end perpendicular to the main rink. There is a reception and skate hire at the eastern end plus a snack bar, shop and toilets. The car park at the front provides 25 parking spaces. The opening hours stated on the application form are 11am-8pm Monday to Friday, 10am-10pm Saturday and 11am-8pm on Sundays and Bank Holidays. However, the applicant's website currently advertises 10pm finishing times on most days and 9pm on Sundays. The applicant

has also applied for an alcohol license which specifies different times again, ranging from 9pm to 11pm finishing times on Fridays and Saturdays.

The website advertises the premises as 'Roller Central, the largest skating venue in the UK' with 4 roller discos a week, plus family skating and discos in the afternoons. It is also available for hire and private parties.

The site is adjacent to a vehicle repair garage and business units to the east. There are houseboats with an associated building directly to the south of the roller disco building and the yacht club to the west. There are residential properties and a disused tool hire shop on the opposite side (north) of the A259 Brighton Road (fronting New Road and Surry Street).

Consultations and Representations

West Sussex County Council: To be reported.

Adur District Council: The Environmental Health Officer has no objection in principle but, in the absence of any formal noise report or noise mitigation scheme from the applicant, advises that a condition be attached to any planning permission to require that noise from any music shall not exceed 55dB LAeq (F) 1 hour as measured 1.5m from the Southern façade of the premises. He also recommends a condition requiring activity on the site to cease by no later than 10pm.

Environment Agency: No comment

Third Parties: 17 letters of objection have been received, from the residents of Houseboats Enya, Pleiades, Lady May, Froya, Sumaris (4 letters), Millie Ann (2 letters) and 2 from unspecified houseboat addresses plus the Chairperson of the Surry Boat Yard Residents' Association (2 letters) and No's 46 & 48a New Road, No.386 Brighton Road, and No.2 Surry Street raising the following:-

- Noise and vibration from loud music is intolerable and not appropriate in a residential area, which is particularly exacerbated by thin walls of houseboats
- Thin metal building is not suitable for the use
- Loss of privacy and security as people wander into boatyard area
- Inadequate toilet facilities is leading people to use Surry Boat Yard toilet block
- Loss of residents' parking
- Sale of alcohol and advertising of premises as a roller disco has changed business from youth-oriented healthy sporting environment to simply a disco.
- There are similar ventures in Brighton and Hove and it is not needed here
- Discrepancy in opening hours
- Health and safety conflicts – no segregation of vehicles and pedestrians in poorly lit area, alcohol and roller skating, drunk people wandering close to water's edge
- Need suitable noise controls, sound insulation, closure no later than 10pm, appropriate control of users, and temporary consent only
- Change of use should never have been allowed to go ahead before planning permission is granted
- Graffiti on side of building will lead to further graffiti in area
- Impact on wildlife
- Increased traffic and risk to highway safety

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AR7
Revised West Sussex Parking Standards (WSCC 2003 & ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)
PPG13 'Transport' (DTLR 2001)
PPG24 'Planning and Noise' (DoE 1994)
PPS25 'Planning and Flood Risk' (ODPM 2006)
Consultation Draft National Planning Policy Framework (DCLG 2011)
'A Strategy for Shoreham Renaissance' (2006)
Shoreham Harbour Interim Planning Guidance (ADC 2011)

Planning Assessment

Policies

In the Local Plan, the site lies within the area covered by the Town Centre Inset Plan but is not identified for any particular use or development. It lies outside but adjoining the eastern end of the Conservation Area. Policy AR7 permits the development of new recreational facilities within the built-up area subject to, among other criteria, local environmental considerations, including the effects on the residential amenity of nearby dwellings and on-site parking arrangements.

Shoreham Town Centre is a key location for regeneration. The 2006 document 'A Strategy for Shoreham Renaissance' aims to "*regenerate Shoreham town centre as a sustainable community possessing economic, social and environmental diversity*". The application site forms part of the 'Waterside East' key opportunity area in the Renaissance strategy and is specifically identified as an opportunity to "*create a destination along the riverside walk enabling leisure activities to take place and provide a high quality environment for both existing moorings and new residential development*".

The 'Interim Planning Guidance Update for Shoreham Harbour', adopted on 14 October 2011, states that new development within the IPG area will be encouraged if it is consistent with the vision and regeneration objectives but not if it is likely to prejudice those objectives. It allows for appropriate temporary permissions so as not to conflict with future redevelopment.

Principle of the roller skating rink use

As stated above, the policies allow for appropriate mixed uses, including leisure uses, but the key objective for this prominent site is to secure the redevelopment of the existing grossly unattractive building in order to help bring about the environmental and economic regeneration of the town centre.

Consequently, the use in question is only acceptable as a short-term interim use pending the submission, approval and implementation of a suitable permanent mixed use redevelopment scheme by the new owners of the site. The roller skating use has involved only relatively minimal alteration, with the inside converted into 2 rinks, and the use is considered in principle to be an acceptable temporary use of a building which has stood vacant for many years.

Parking and Access

25 parking spaces are available at the front of the building. The site is located close to the town centre and is easily accessible by public transport or on foot. The comments of WSCC from a transport/highways viewpoint are awaited but there is no evidence that the use has caused detriment to highway safety, particularly when compared with the previous use of the site as a mail distribution depot (or its original use as a retail warehouse).

Visual amenity

No change to the outside of the building is proposed although some 'street art' has been painted on the brickwork of the front elevation. The building and forecourt has a rundown appearance following years of disuse and the use as a roller skating rink has made little difference, with the faded red metal cladding remaining unaltered, with no re-painting.

Residential amenity

PPG24 makes it clear that the impact of noise can be a material consideration in the determination of planning applications. One of the main considerations with the present application is the impact on residential amenity, most notably on the occupiers of the houseboats to the south of the building. The roller skating rink involves use primarily as a roller disco with skating sessions to music. Representations received since the use began in August have highlighted the noise disturbance suffered by residents. It appears that there are regular discos, plus special events which attract larger numbers of people. Alcohol is also being sold at the premises under a temporary drinks licence and there is local concern that it is becoming more of a nightclub than skating rink. The full licence application is due to be considered by the Licensing Committee on 31 October and Members will be updated of the outcome at the Planning Committee meeting.

At the time of the officer's site visit in mid September, the applicant demonstrated that he had restricted the volume of the music by placing tape on the volume control. While this is not a permanent safeguard and could easily be removed, at the time the volume was such that it was possible to have a conversation within the building at a normal volume without shouting. Outside the building on the quayside, the music was barely audible. The applicant advised that an external vent was to be blocked up and insulation had been placed along a small section of wall to further reduce noise disturbance.

These measures will all help to limit the noise level but it is considered necessary to impose a condition as recommended by the Environmental Health Officer to ensure that noise does not exceed 55dB as measured to the south of the building. This figure is accepted by the World Health Organisation as "desirable to prevent any significant community annoyance" in respect of daytime road and rail noise. While noise from music does not fall within this category, this decibel level is considered appropriate subject to the activity ceasing at the site daily at 10pm.

Given that the use does have the propensity to cause noise disturbance to houseboat residents, it is considered justifiable to only grant an initial temporary permission for a period of 6 months. This would enable the matter to be reconsidered in the light of experience of the applicant's ability to operate the use in a manner that meets the above noise level limitation.

Other Matters

With regard to people wandering into the boat yard, this is predominantly a management issue but it is considered that the applicant should be advised to provide signage to ask patrons leaving the disco to do so quietly so as not to not disturb residents.

With regard to toilet facilities, the building has 2 female cubicles, 3 male cubicles and 3 urinals upstairs plus a disabled WC on the ground floor. There have been reports that skaters were recently using the boatyard facilities but this was apparently authorised by the Boat Yard management company. It is understood that in future portaloos are to be brought onto the site whenever there is a 'roller derby' or other large event. However, the number of toilets is not a planning issue and this will be addressed separately by the Environmental Health section.

Recommendation

APPROVE for the reason that:-

The site is identified as a key redevelopment opportunity in the Shoreham Renaissance Vision and Shoreham Harbour Regeneration strategy and the use of the building as a roller skating rink is only acceptable as a short-term interim use pending redevelopment. The use also has the potential to cause disturbance to nearby residents. With appropriate conditions in place to control hours of operation and noise, it is considered appropriate to grant a short-term temporary permission which would retain planning control and thereby not conflict materially with the relevant policies of the Adur District Local Plan (AG1, AR7).

Subject to:-

1. C1Di (Temporary permission expiring 31 May 2012)
2. Noise from any music at the site shall not at any time exceed 55dB LAeq (F) 1 hour as measured 1.5m from the Southern façade of the building. Within 1 month of the date of this permission, a noise report from an acoustic specialist shall be submitted to the local planning authority to demonstrate the means by which this noise level figure shall be achieved and such means shall be implemented prior to and during the playing of music.
3. The premises shall not be open for use as a roller skating rink (including skating, the playing of music and any other associated activity) other than between the hours of 9am and 10pm on any day.
4. This permission relates to the following approved plans received 30 August 2011:
   Location Plan, Floor Plan

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