Development Control – Delegated Officer Report

Application Number: AWDM/0542/13 **Recommendation – Approve**

Site: **79 - 81 Brighton Road, Shoreham-By-Sea, West Sussex BN43 6RE**

Proposal: **Continued use of premises as roller skating rink for 12 months**

Date of site visit: N/A

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the former Parcelforce building on the south side of A259 Brighton Road. Planning permission was granted in November 2011 for a temporary period until 31 May 2012 for the use of the building as a roller skating rink (Class D2), the use having commenced in August 2011. Planning permission was subsequently refused by the Planning Committee for a renewal of the temporary permission for a further six months in May 2012 (AWDM/0400/12). The reason for the refusal was:

"The continued use of the building as a roller skating rink would have an un-neighbourly and detrimental impact on the residential amenities of the occupiers of the adjacent houseboats by reason of noise and general activity, contrary to policies AG1 and AR7 of the Adur District Local Plan and the National Planning Policy Framework."

A further application was submitted, and subsequently granted, for the renewal of the temporary permission until 31 December 2012 (AWDM/0681/12). That application had been accompanied by a more detailed supporting statement which set out measures to be undertaken by the applicant to minimise any adverse impacts on the residents of the neighbouring houseboats and included the submission of a management plan which explained that staff were expected to be courteous, deal with any anti-social behaviour and provide a contact telephone number for residents to use in the case of any issues arising. This permission was further extended until 30 April 2013 (AWDM/1464/12).

This application seeks to renew the temporary permission for the roller disco for a further 12 months until the end of April 2014. The redevelopment of the site has been delayed while the current planning application for a mixed residential/retail use has been considered (AWDM/0501/12). That application was granted planning permission subject to the completion of a Section 106 Agreement at the Planning Committee meeting on 3 June 2013.

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, which contains temporary ramps which are used by roller skaters, scooters and BMX bikes. 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. A new entrance to the building has also been opened in the north elevation.

The opening hours controlled by planning condition on the original planning permission are 9am -10pm every day. The original planning permission also required noise levels from the building to not exceed 55dB as measured 1.5m from the southern façade of the building and a noise report was subsequently submitted by the applicants to demonstrate that this figure was being achieved.

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

Adur & Worthing Councils: The Environmental Health Officer has no objections.

Representations

2 letters of support received from users of the facility

Relevant Planning Policies

Adur District Local Plan (saved policies): AG1, AR7
National Planning Policy Framework (DCLG 2012)

Planning Assessment

Principle

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.

The National Planning Policy Framework states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The use of planning conditions can mitigate and reduce to a minimum the impacts of noise.

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 consideration of the 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 continued use is considered in principle to be an acceptable temporary use of a building which has stood vacant for many years. It is likely that the owners will not renew the roller disco operator's lease once they have secured a permanent permission for redevelopment so the use could cease before the end of the period sought.

Residential amenity

The National Planning Policy Framework makes it clear that the impact of noise can be a material consideration in the determination of planning applications. The main consideration 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.

Complaints have previously been received from houseboat residents (plus a previous objection to the noise from a resident in New Road) which suggests that, on occasions, noise from the premises is exceeding the maximum level specified by the original planning consent.

The Council's Environmental Health Officer has not previously raised any objections to the use as the premises are capable of being used without causing a problem to the neighbours, in accordance with the noise restrictions imposed at the time of the original consent. The approved noise survey demonstrated that noise levels were approximately 50dBA, well within the 55dBA limit. The management plan sets out guidelines to be drawn up for staff setting out good practice policies for dealing with complaints with procedures for dealing with any incidents that may occur. A contact number has been made available to enable any complaints to be resolved swiftly.

The previous complaints from houseboat owners clearly demonstrate that there are occasions when noise from the roller rink is excessive and not in compliance with the planning condition imposed on AWDM/0560/11. However, it is considered that with proper management now in place, there has been a more considerate use of the premises and less opportunity for disturbance or un-neighbourly behaviour. It is understood that there have been no complaints since the last renewal.

The roller rink is clearly enjoyed by many people and has proved to be popular community facility. It is considered that, with the controls referred to above in place, the use should be able to continue until the end of April 2014 (subject to redevelopment) without causing harm to residential amenity.

Accessibility and parking

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. 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).

Recommendation

APPROVE for the reason:-

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. While the use has resulted in occasional disturbance to nearby residents, it is considered that with conditions in place to control hours of operation and noise, in conjunction with a Management Plan, it is considered appropriate to grant a further 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 Conditions:-

1. Temporary permission expiring 30 April 2014
2. The premises shall be used only for the purposes of a roller skating rink (including roller disco, roller hockey, roller derby and other non-motorised equipment such as skateboards, scooters and bicycles) and for no other purpose within Use Class D2
3. 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 in accordance with the approved noise report from Acoustic Associates Sussex Ltd dated 2 February 2012
4. 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.
5. The Management Plan approved 3 October 2012 shall continue to be implemented and the measures therein carried out in full throughout the period that the roller rink is in use.
6. This permission relates to the following approved plans received 8 May 2013: Location Plan, Floor Plan

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Peter Barnett Date: 7 June 2013
Authorised by: Gary Peck Date: 7 June 2013