Application Number: ADC/0392/08 Recommendation - APPROVE

Site: **Unit 10 Riverside Business Centre, Brighton Road Shoreham-by-Sea BN43 6RE**

Proposal: **Change of use from Class B1 business to academy of music**

The Application

Permission is sought for the change of use to a music academy of this small business unit forming part of the Riverside Business Centre, located on the south side of Brighton Road, to the rear of Frosts garage and east of the Surry Hard. The unit is one of 15 in total and is within one of the two main 'C' shaped blocks which are served by a central access and parking area. The units within these 2 main blocks were permitted in 1988 for Class B1 business use. Parking is also provided between the south side of the buildings and the riverfront. There is a pedestrian way along the east side of the hard and along the riverfront.

The unit itself (187sqm) is located within the east side block, attached to Unit 9 to the north (computer and networking consultancy offices), and Unit 11 to the south (a victim support group's offices). It currently comprises one room on each of the two floors. The applicant proposes to sub-divide the existing open-plan rooms into 3 studios and an office on the ground floor, and into 6 studios on the first floor.

Other units within the centre are of a variety of commercial activities, including a metal manufacturing and engineering firm; a timber flooring agents; fibre optics research; and a medical equipment distributor. Montgomery Motors MOT and body repair centre occupies the three separate units A,B &C closest to the A259, permission having been granted for general industrial use (B2).

The applicant has submitted an access statement and a further email which sets out the goals of the business and the way in which they would deal with any access and parking issues. In it they state that both of the business owners have a great deal of knowledge and experience in teaching music and as a result in soundproofing methods, however they have also enlisted the services and help of Paul King (head teacher of BA Music Production at Northbrook College) to help with the refurbishment / soundproofing. Details of staffing levels and expected number of pupils have also been provided. The company have outgrown their current accommodation and they feel that if they are able to remain in Shoreham the academy will help to create a new musical culture in the local area that will boost creative thinking by channelling people's energy into music.

In addition to their statement the applicants have submitted five statements of support, three of which are from local musicians, one from the Councils Cultural Development Officer and one from the business manager of Unit 1 Riverside Business Centre. The reasons of support covered are:-

- It will give great support to musicians in the area;

- Suitable location;
- Professional tutoring is needed and will be of real benefit to the community;
- Extension of the tuition services will be a credit to the town;
- It will help grow music as a viable industry and would support many young people who want to develop their musicianship;

Consultations and Representations

West Sussex County Council: No obj. subject to 'travel plan' ~~Comments~~ awaited from the Transport Planning Officer.

Adur District Council: The ***Environmental Health Officer*** has no objection in principle subject to imposition of a condition requiring each studio to be constructed and sound insulated to reduce internal reverberation, to prevent noise entering the studio from surrounding studios and units, and to prevent noise exiting the studios.

The ***Community Wellbeing Team*** support the application and have been working with the applicants to develop the Sussex Academy of Music (SAM) project. They feel that access to musical education has been problematic in the District, particularly in Local Neighbourhood Improvement Area target wards, and that SAM will be an important addition to the cultural mix of Shoreham. It will provide a centre of excellence for music education in the District in addition to the ad hoc workshops at Ropetackle. SAM will complement other music events within the District such as Beach Dreams and the Adur Festival, and it will encourage more people to take up music.

Third Parties: ~~3~~ 4 emails/letters have been received from occupiers of units 1, 9 and 11 & 12. The occupier of unit 1 (Powertrain Technology) states no objection.

The occupiers of unit 9, the attached unit to the north (CNC Computer and Network Consultants) object to the change of use from Class B1 to an Academy of Music. They state that they have already had to relocate because of a music business at their last premises. They feel that there will be noise and disturbance, not enough parking facilities, that the industrial estate is not a safe environment for members of the public to visit on a regular basis due to large delivery vehicles, and the precedent this may set for other changes of use of these business units.

The occupier of unit 11, the attached unit to the south (Victim Support) states that they would object to an increase in noise because they need a relatively quiet environment for their work (usually on the phone) supporting victims of crime. So long as there is adequate sound insulation, no objection is raised.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, NE1, NE5-6, NE11-12, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, ACS1.
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG4 'Industrial and Commercial Development and Small Firms' (DoE1992)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The site is not identified for any particular use or development in the Local Plan and it contains no policies to safeguard existing business premises such as this. However, Structure Plan policy NE5 states that development resulting in the loss of existing employment land or allocations should not be permitted where they are important in maintaining a supply of such premises and jobs. The present premises alone are not considered large enough for there to be any significant conflict with this policy although there may well be if other units were also to change.

Policy ACS1 of the Local Plan supports the development of new education facilities on sites within the built-up area subject to compliance with other policies in the Local Plan. Structure Plan policy NE12, relating to leisure, cultural and tourism facilities, states that new facilities should be permitted provided they are within the built-up area and that they do not affect the vitality and viability of nearby town centres.

On balance, weighing the provisions of policies ACS1 and NE12 against NE5, it is considered that, in principle, the benefit to the community of providing the proposed music academy outweighs the loss of business floorspace. However, in order to ensure the unit reverts to Class B1 use should the music academy vacate the premises, any permission should be for their benefit only and secured by personal condition.

Effect on neighbouring business premises

PPG24 'Planning and Noise' emphasises that where it is not possible to achieve a separation of land uses, LPA's should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise through the use of conditions

The main concern with the present proposal is whether the level and type of activity at the proposed music academy would cause unacceptable noise disturbance adversely affecting the businesses in the two neighbouring units which share party walls (Units 9 & 11). Both of these adjoining units have a relatively quiet environment with the majority of the work occurring in offices and on the telephone. Noise levels in and around the parking areas outside the units are at a higher level, with additional noise coming from traffic on the A259 and from Montgomery Motors to the north.
The applicants have stated that they are willing to implement a sound insulation scheme agreed by the Environment Health officers prior to its installation, and that they fully intend to contain completely any sound created from inside the premises.

The Environmental Health officer (see above) has no objection in principle subject to imposition of a condition requiring each studio to be constructed and sound insulated to reduce internal reverberation, to prevent noise entering the studio from surrounding studios and units, and to prevent noise exiting the studios.

Access and Parking

DEV4 states (amongst other things) that development should not be permitted unless the travel needs it generates are met. DEV5 states that "Development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety

problems and the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative".

No comments on the proposals have as yet been received from County Transport Planning Services.

Under the adopted maximum parking standards, schools require one space per 2 members of teaching staff with the exact levels to be established within a travel plan. Higher/further educational facilities also require this plus one parking space per 15 students. Given that the proposal involves 15 staff and pupils (including 4 full-time equivalent staff), a maximum of 3 parking spaces are required under the standard whereas the premises have space for 4 cars. By comparison, the permitted Class B1 business use of Unit 10 requires a maximum of 6 car parking spaces under the standard.

Given that many who would attend the academy would usually be coming from schools or colleges in mini-buses rather than using their own cars, it is felt that the level of parking is likely to be adequate for the purposes of the proposal. Moreover, the premises are in a highly sustainable location, very close to a bus stop with a frequent service and a short walk from Shoreham railway Station.

Concern has been raised as to whether the premises are in an appropriately accessible location for members of the public including, in some cases, children, as they would be walking through the business centre where deliveries by large vehicles may be taking place. However, it is felt that, given the nature and size of this business centre and its proximity to the public highway, with adequate pedestrian paths, this is not an issue warranting refusal.

Recommendation

Subject to consideration of comments awaited from West Sussex County Council and any further representations received from third parties by 25 August 2008 (the statutory 21 day public consultation expiry date), APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for educational and community facilities within the District without resulting in significant loss of business floorspace and without detracting from the local environment. Subject to adequate sound insulation, it can take place without resulting in unacceptable detriment to the viability of neighbouring office premises and without detraction from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, ACS1) and the West Sussex Structure Plan 2001-16 (LOC1, NE1, NE5, NE12, DEV1, DEV4-5)

Subject to:-

1. C1Ci (Standard time limit)
2. C16A C14Bi (Personal permission to applicant)
3. C17A (Noise insulation scheme to be submitted, approved and implemented) (amended)
4. C8Gi (Retention of car parking spaces and provision for cycle parking to be submitted, approved and implemented) (amended)

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