

Ice Rink building and 11 Queen Square, Brighton



Above: Aerial view. Site highlighted in red

Purpose of this note

This note has been prepared in order to provide some planning guidance intended to assist the disposal and subsequent development of the former ice rink and the adjacent no 11 Queen Square site. The guidance has been prepared on an informal basis by the City Council's Planning Projects Team on behalf of the council's Property Services team. It does not constitute formal council policy but is based on the Council's policies as set out in the Local Plan and Supplementary Planning Policies.

Site and surroundings

The site itself measures approximately 0.08 ha and comprises:

- the former ice rink building; and
- 11 Queen Square, currently in office/community use but part of a residential terrace.

The site is located at and comprises the northern end of Queen Square. Immediately to the north of the site is the historic churchyard of St Nicholas.

Queen Square lies within the city centre of Brighton & Hove, immediately to the north of Western Road and Churchill Square (the core area of the Brighton regional shopping centre). The highway is used for controlled on-street parking and as a taxi rank.

Recent background

The City Council has previously marketed the site as having potential for a mixed D2 and housing development. Following pre-application discussions with the City Council's Development Control section and its property agent,

however, the preferred developer eventually withdrew from the scheme. This was partly on account of the need to scale back the size of their proposed scheme to meet the concerns of the local planning authority's officers in respect of visual impact on nearby Grade II listed buildings on Wykeham Terrace, but principally due to a lack of success in finding a user for the ground floor D2 use.

Planning considerations

The established land use of the former ice rink site is D2 Assembly and Leisure. For planning purposes this building would be affected by Local Plan policy SR21 which resists the loss of indoor recreation facilities unless the following conditions can be met:

- it can be demonstrated that there is an excess of provision within the catchment area of the facility;
- the facilities are to be replaced by improved facilities that meet the aims of the City Council's sport and recreation strategy; and
- replacement facilities are in a location as close as practicable to existing and potential users, and readily accessible by a choice of transport modes.

The St Nicholas churchyard falls within the Clifton Hill Conservation Area, the boundary of which abuts the northern and western edges of the site. The church itself is Listed Grade II* and some of the surrounding tombs and monuments are also Listed Grade II in their own right. Other tombs and the flint boundary walls are listed by virtue of being pre-1947 structures within the curtilage of the Listed church.

Local Plan policy HE6 requires proposals within or affecting the setting of the conservation area to preserve or enhance the character or appearance of the area and sets out a list of design requirements including "where appropriate, the removal of unsightly and inappropriate features or details".

Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building through factors such as its siting, design, height, bulk, scale, materials, layout, design or use.

Other material considerations

Environmental and social issues

Queen Square itself is in essence more a cul-de-sac than the urban square suggested by its name. Vehicular activity, nevertheless, is fairly constant during the day and evening due to the presence of the taxi rank, with regular U-turns being undertaken within the street by taxi drivers. With the closure of the ice rink there is nothing to attract pedestrian activity into the northern end of the street. The former ice rink building acts as a physical boundary to the northern end of Queen Square and prevents the through movement of pedestrians to and from the churchyard.

The historic St Nicholas churchyard immediately to the north of the ice rink fails to meet its potential in functioning as a valuable area of public open space. Despite its proximity to the busyness of the city centre, the south eastern arm of the St Nicholas churchyard adjacent to the former ice rink suffers from a general sense of remoteness and isolation. This is due to the absence of pedestrian through-routes and its 'walled in' nature caused by the blank rear elevations of buildings forming its southern and eastern boundaries. The resultant lack of active or passive surveillance results in a range of anti-social activities being carried out in the churchyard including youth disorder, night time noise and disturbance, alcohol related antisocial behaviour, drug use and dealing, vandalism of monuments, disrepair of monuments, rough sleeping and litter and debris.

In order to address the above problems and resolve general issues regarding the maintenance, management and use of the spaces, the City Council's Environment Improvement Team has recently facilitated meetings with local residents and organisations, resulting in the formation of the St Nicholas Church Green Spaces Association, an action group with the aim of seeking a range of improvements to the safety, security, maintenance and usability of the area. The south eastern corner adjacent to the boundary with the former ice rink/Queens Square has been identified as a particularly vulnerable area of the churchyard in need of attention.

Proposed solutions to development issues

Local Planning Authorities are duty bound under Section 38(6) of the Planning & Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The key land use policy of the development plan in respect of the former ice rink site is policy SR21 as referred to above. This policy, therefore, would be the first and primary consideration of the local planning authority in assessing a proposal to redevelop the former ice rink building. Redevelopment of the site involving the loss of a D2 use would obviously act as a negative consideration in the local planning authority's deliberations.

Any such 'non-compliant' development proposal would need to incorporate material considerations of significant weight to justify a departure from local plan policy. The submission of sufficiently detailed information demonstrating the lack of marketability for a D2 use might go some way towards constituting such material considerations. This alone, however, would probably be insufficient as a lone factor. It is recommended that the following factors might collectively provide additional material considerations of sufficient weight.

- A scheme that helped redefine St Nicholas churchyard as a safe, accessible and well used public open space for the city centre and local residents.

- Redevelopment of the former ice rink site could help to achieve this through provision of the following:
- A pedestrian/cycle route through-route between the churchyard and Queen Square

This would encourage activity through the churchyard to and from the city centre. Such movement would be further encouraged via provision of a new pedestrian and cycle pathway allowing north/south movements through the churchyard and the West Hill Conservation Area to the north. This would necessitate the minor demolition of a small section of the flint wall on the northern boundary of the churchyard in order to allow pedestrian access/egress to and from Church Street.

Relevant planning policies:

QD2 Design – key principles for neighbourhoods

QD7 Crime prevention through environmental design

QD15 Landscape design

Ground floor uses acting as a ‘magnet’ to visits from the south and the north

Retail or café/food and drink type uses could provide this role. The site is close to and visible from the regional shopping centre, although does not adjoin the nearby retail frontage. An entertainment type use could be an alternative possibility.

Relevant planning policies:

QD5 Design – street frontages

SR1 New retail development within or on the edge of existing defined shopping frontages

SR12 Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)

Ground floor uses providing active frontage to the churchyard

This would assist with passive surveillance for users of the churchyard. An A3 use might be the most obvious contender. An outdoor elevated terrace or balcony giving views over the flint wall of the churchyard might serve to further assist, although this would be north facing so would not receive direct sunlight.

Relevant planning policies:

QD7 Crime prevention through environmental design

Upper floor uses providing passive surveillance of the churchyard

This could be provided by residential or office uses or a mixture of both. Sheltered housing for older people might be a suitable option, given the site's proximity to city centre shops and amenities. This would also reduce (but not remove) the need for private amenity space which could, in any case be provided via balconies which would further reinforce passive surveillance of the churchyard. The site lies within the core area for hotels as identified in the Local Plan, so development for a hotel use would be an alternative option that could provide similar benefits.

Relevant Local Plan policies:

QD7 Crime prevention through environmental design

HO12 Sheltered and managed housing for local people

EM4 New business and industrial uses on unidentified sites

SR14 New hotel and guest accommodation

Improved public realm in Queen Square

Development proposals that also included environmental improvements to the public realm in Queen Square may further contribute to achieving a critical mass of 'other material considerations' for a scheme that failed to meet the land use requirements of Local Plan policy SR21. Despite the presence of the taxi rank, there may be potential to create a more pedestrian friendly environment where vehicular traffic and pedestrian activity can share the same area or to widen the pavements. This could involve removal of the parking spaces in front of the building. This would accord with the City Council's public realm aspirations as set out in its 'Public Space, Public Life' publication, approved by the Environment Committee in 2007. Any improvements to the public realm should also serve to reinforce the legibility of the pedestrian link to the churchyard as proposed in this advice note.

Other policy considerations

Development proposals should be of a high quality design and have due regard to the need to provide an appropriate setting to the adjacent conservation area and the nearby listed buildings of St Nicholas Church and Wykeham Terrace.

Attention would need to be paid to the visual relationship of any development with the existing buildings within Queen Square in respect of height, scale and massing. Four storeys would probably be the maximum acceptable height for the development at its highest point. The height would need to connect with existing building heights to the eastern and western sides of the square (nos. 11 and 12 Queen Square) and scaled down further towards the listed buildings on Wykeham Terrace. No. 11 should be retained

and refurbished. The site is not appropriate for a tall building as defined in the Council's Supplementary Planning Guidance Note SPGBH11 on Tall Buildings.

Care should be taken with the height, massing, detailing and articulation of any new buildings, which should provide an appropriate silhouette, rhythm and scale as part of the backdrop to long views of St Nicholas church and Wykeham Terrace from the north and west.

The effect on the residential amenities of Wykeham Terrace will also need to be safeguarded. This means that the treatment of the western boundary of any new development would have to be carefully considered in respect of its proximity to the Wykeham Terrace properties as well as its height, detailing and any fenestration.

Relevant Local Plan policies:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD4 Design – strategic impact

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas.

Note: QD2 (f) and (g) are particularly relevant.

Land uses that contributed towards strategic planning objectives

Any development proposal that did not incorporate assembly and leisure use would do well to include land uses that contributed positively towards other Local Plan objectives such as local employment needs (e.g. office, hotel use) and housing needs.

Relevant Local Plan policies

HO2 Affordable housing – 'windfall sites'

HO3 Dwelling type and size

HO7 Car free housing

HO12 Sheltered and managed housing for older people

HO19 New community facilities

EM4 New business and industrial uses on unidentified sites

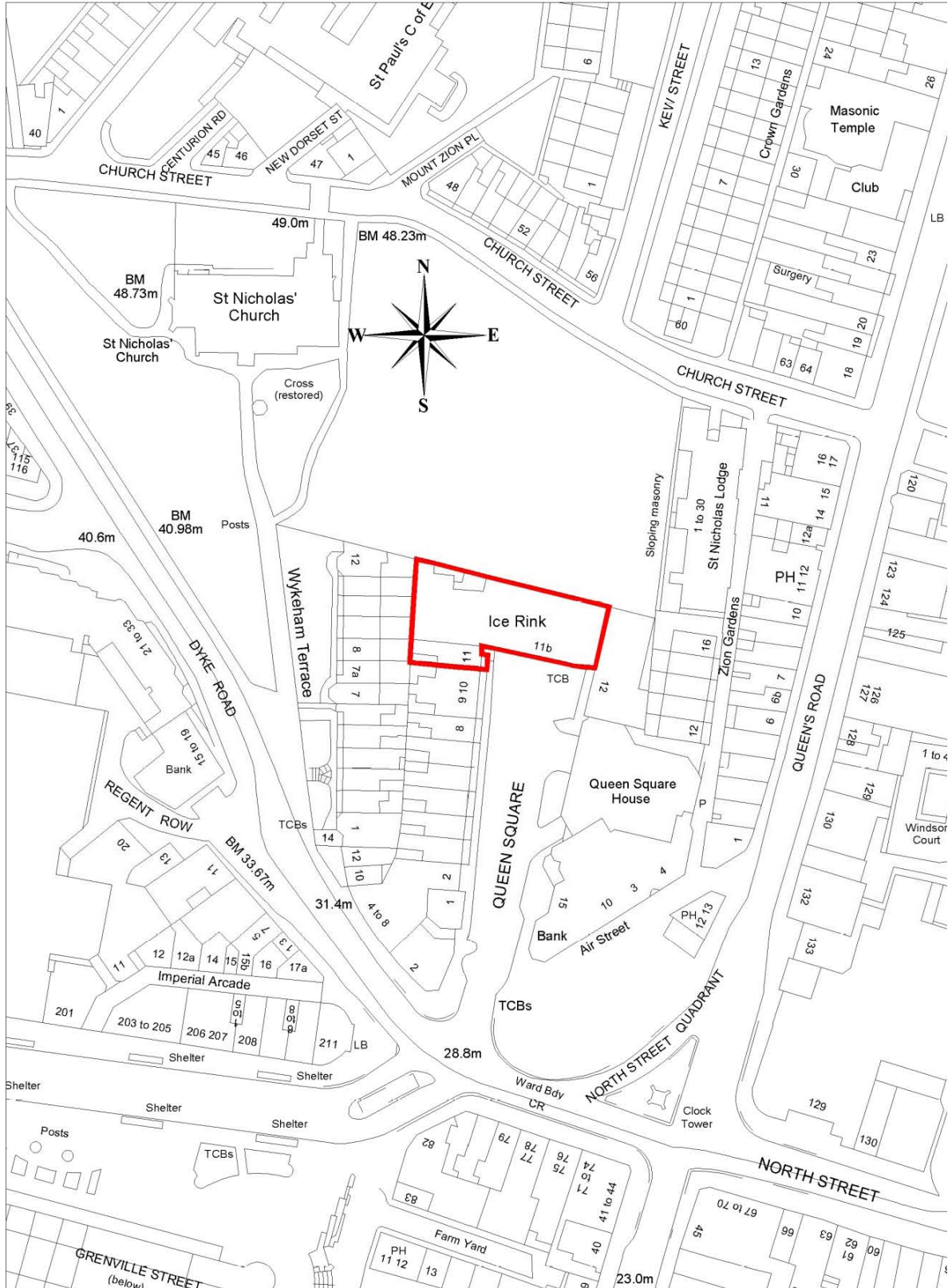
EM9 Mixed uses and key mixed uses sites

SR14 New hotel and guest accommodation



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Queen Square Ice Rink & 11, Queen Square



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Date: 06/06/07

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