

<b><u>No:</u></b>	<b>BH2016/02379</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>ROYAL PAVILION, Pavilion Buildings, Brighton, BN1 1EE</b>		
<b><u>Proposal:</u></b>	<b>Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire, learners ice rink and associated plant and lighting. (1 year consent).</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	07.07.2016
<b><u>Con Area:</u></b>	VALLEY GARDENS	<b><u>Expiry Date:</u></b>	06.10.2016
		<b><u>EoT/PPA Date</u></b>	
<b><u>Listed Building Grade:</u></b>	Adj Listed Building		
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Laine Ltd Mrs Shalini Parkin 31 North Road Brighton BN1 1YB		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	BHIRRB/01		19 October 2016
Block Plan Proposed	BHIRRB/03		19 October 2016
Floor Plans Proposed	BIR 161014_PLAN		19 October 2016
Elevations Proposed	BIR 161014_PLAN		19 October 2016
Site Layout Plan	ISOLUX DIAGRAM		27 June 2016
Method Statement	PROTECTION STONE STEPS		27 June 2016
Site Layout Plan	TBHIRRB/03	TREE PROTE CTION PLAN	27 June 2016
Other	CHILLER TECHNICAL INFORMATION		27 June 2016

Tree Survey	SCHEDULE OF TREES		27 June 2016
Lighting scheme	EXTERIOR LIGHTING SPEC		19 October 2016

- 2 The use hereby permitted shall be discontinued and the ice rink and associated buildings/structures hereby permitted removed from the site on or before 23 January 2017. The land shall be restored to its condition immediately prior to the buildings being situated on the land within two months of 23 January 2017.  
**Reason:** The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
  
- 3 The use hereby permitted shall only take place between 31 October 2016 and 17 January 2017. The ice rink and associated buildings/structures hereby permitted shall be removed from the site on or before 23 January 2017.  
**Reason:** The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan
  
- 4 The ice rink hereby permitted shall not be open to customers except between the hours of 10.00 and 22.15.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
  
- 5 The café hereby permitted shall not be open to customers except between the hours of 10.00 and 24.00 each day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
  
- 6 The total number of people on the ice rink at any one time shall not exceed 330.  
**Reason:** To ensure provision of an appropriate amount of ancillary facilities, and to protect the amenity of its users and neighbouring residents in compliance with policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan.
  
- 7 The main floodlighting illuminating the rink hereby permitted shall be switched off between the hours of 23.00 and 09.00 the following day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
  
- 8 Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 9 The development hereby permitted shall not be open to customers until the measures proposed to protect the steps leading to the eastern elevation of the Royal Pavilion (specified in the Method Statement received on the 27th June 2016) have been fully implemented. The steps shall thereafter be protected at all times for the duration of the development including during removal of the ice rink and buildings from the site.

**Reason:** To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 10 No development shall commence until the fences for the protection of the trees during construction and dismantling have been erected in accordance with the submitted drawing Tree Protection Block Plan received on the 7th July 2016. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until completion of the construction period. The fencing shall be re-erected prior to the commencement of dismantling of the ice rink and related structures and shall be retained for the duration of those works. No vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction and dismantling works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 11 The development hereby permitted shall not be brought into use until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by staff and visitors and shall be removed from the site on or before 23 January 2017.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to the eastern lawns within the grounds of the Royal Pavilion Estate. The site is adjacent to the Grade I Listed Royal Pavilion and is within the Royal Pavilion Estate, which is a registered Garden of Special Historic Interest.

- 2.2 The site is located within the Valley Gardens Conservation Area. Old Steine/Pavilion Parade, the main north-south vehicular route into the city lies immediately to the east of the site. The nearest residential properties are in Palace Place to the south of the site and there are also flats on the opposite side of Pavilion Parade.
- 2.3 Planning permission is sought for a temporary ice rink on Royal Pavilion Eastern Lawns during the winter between 31 October and 23 January for a one year period. Included would be ancillary buildings for a restaurant, cafe, toilet facilities, skate hire and associated plant.
- 2.4 The rinkside and roadside structures will have aluminium frames and glass walls. There is no cover for the rink. Other than the toilet block and kitchen, the other areas will have transparent PVC roof sails.
- 2.5 It is proposed that the opening hours of the rink will be 10.00 to 22.15. There will be a maximum of 330 people on the rink at any one time and up to 330 people waiting to go onto the rink. The café will offer seating for up to 130 people and would be open from 10am to midnight.
- 2.6 The application is similar to the approved 2011 scheme; however there are some amendments:
- Increased rink area from 800m<sup>2</sup> to 892.5m<sup>2</sup>;
  - Separate beginners' rink;
  - Volcano tent deleted from scheme - kitchen now located in southernmost bay of café structure
  - Increased length of the skate exchange area to project forward of the eastern elevation of the café structure;
  - Slight increase in height of lighting trusses;
  - Plant area relocated
- 2.7 As originally submitted the scheme proposed a longer consent. However following concerns raised by the Heritage team permission is sought for the scheme for one year only.

### 3. RELEVANT HISTORY

**BH2011/02303** Temporary ice rink on Royal Pavilion Eastern Lawns during winter for a five year period. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire and associated plant. Approved 17/10/2011

**BH2010/02344** Temporary ice rink on the Royal Pavilion Eastern lawns. Structure to include ancillary buildings for a restaurant, crèche, café, toilet facilities and skate hire. Proposed dates are 26th October 2010 to 23rd January 2011 including set up and break down, with resurfacing to be completed by 23rd February 2011. Approved 03/11/2010.

**BH2009/02089** Temporary ice rink on the Royal Pavilion eastern lawns. Structure to include ancillary buildings for a café, toilet facilities and skate hire. Proposed dates are 1st November 2009 to 23rd January 2010 including set up and break down. Approved 11/11/2009. This permission was not implemented.

No other relevant planning history on this site, although there have been many applications over the years affecting the Royal Pavilion Estate.

#### **4. REPRESENTATIONS**

4.1 **One (1)** letter has been received from **Flat 8 Glass Pavilion 2 Princes Street** objecting to the proposed development for the following reasons:

- Excessive noise from music and tannoy
- Light pollution from floodlights
- Appearance is an eyesore

#### **5. CONSULTATIONS**

##### **5.1 External**

**Historic England:** Comment The scheme remains harmful to the setting of the Pavilion but mindful of the temporary nature of the proposal and that it delivers public benefits in the form of the additional income to the Royal Pavilion as well as contributing to Brighton's visitor economy. However it has been consistently advised in the past that any future proposals to renew permissions here should be accompanied by design changes that reduce the effects on the setting of the Pavilion.

**Ecology:** No objection subject to protection of trees in the vicinity.

**Southern Water:** No objection

**Scottish Gas Networks:** No objection

**Sussex Police:** No objection

**County Archaeologist:** No objection

**Brighton and Hove Archaeology Society:** No objection

##### **5.2 Internal**

**Environmental Health:** No comment

**Arboriculture:** Verbal comment: No objection subject to tree protection measures. No concerns regarding increased visitor numbers.

**Heritage:** Objection Overall the combined physical and visual impact of the proposal, arising from its increased scale and extent, would be considerably greater than the previous approval and would cause considerably greater harm

to the settings of the various heritage assets and particularly to the Royal Pavilion.

**Sustainable Drainage:** No objection

**Tourism and Leisure:** No objection Welcome the scheme which positively enhances the City's leisure facilities throughout December both for residents and tourists.

**Arboriculture:** No objection subject to an appropriate condition regarding tree protection to ensure the retention of all trees on site post-development.

**Sustainable Transport:** No objection subject to conditions re cycle parking

**Sustainability Team:** No comment

**Planning Policy:** No comment

## **6. MATERIAL CONSIDERATIONS**

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP2 Sustainable economic development  
CP5 Culture and tourism  
CP9 Sustainable transport  
CP10 Biodiversity

CP11 Flood risk  
CP12 Urban design  
CP15 Heritage  
CP16 Open space  
CP17 Sports provision  
CP18 Healthy city

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External lighting  
QD26 Floodlighting  
QD27 Protection of amenity  
HE1 Listed buildings  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE11 Historic parks & gardens

Supplementary Planning Documents:

SPD06 Trees & Development Sites  
SPD09 Architectural Features  
SPD11 Nature Conservation & Development  
SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

### **8.1 Principle of development**

The City has a long history of ice skating facilities. From 1935 to 1965 the Sports Stadium Brighton in West Street had a full size ice rink which was open to the public and held regular Ice Spectaculars. It was also the home of The Brighton Tigers, one of Europe's leading ice hockey teams at the time. It was demolished to make way for the Top Rank Centre which had a much smaller rink and proved to have inadequate provisions. It closed after only five years. Another small rink was created in Queen Square, however this closed in 2003. Regrettably, at the present time the City has no permanent ice rink.

8.2 Therefore, although public skating has been available at the Brighton Centre for the past few years over the festive period, the skating facilities in the City are not as well-provided as they were previously.

8.3 Policy CP17 promotes the increased participation in sports and physical activity; the aim is to safeguard, expand, enhance and promote access to Brighton & Hove's sports services. The proposal would enhance both sporting and recreation facilities within the City. The site is centrally located and has good pedestrian and cycle links. It is well served by public transport.

- 8.4 The principle of a temporary ice rink in the Royal Pavilion grounds was established in 2010 and again in 2011 for 5 years. The operation took place for the temporary period permitted and no significant concerns were raised. This application is again for a temporary seasonal ice rink for a period of one year.
- 8.5 **Design and appearance**  
The setting of a listed building is often an essential part of the building's character, especially if the gardens or grounds have been laid out to complement its design. The Royal Pavilion grounds are Grade II listed and a designated Registered Park of Special Historic Interest. The Royal Pavilion is a Grade I listed building. The site lies within the Valley Gardens Conservation Area.
- 8.6 The proposed structures will block clear views of the Royal Pavilion's eastern elevation and the public will be restricted from walking on the Eastern Lawns. The development would substantially obscure a large part of its east elevation, greatly compromising the setting of the grade I listed building and the enjoyment of the many visitors who come to Brighton specifically to see it.
- 8.7 The particular architectural and historic importance of the Royal Pavilion, its extensive setting and that the significance of views of the main east elevation should not be underestimated. However, given the height and scale of the Pavilion compared to the proposed structures, and given the fact that existing views of the Pavilion are already affected by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would remain, particularly in regards to its distinctive onion domes and roofline. Regard should also be had to the fact that the period of operation of the ice rink would be the shortest days of the year.
- 8.8 Siting an ice rink and ancillary buildings in this location will inevitably block some views of the Royal Pavilion. However, it is considered that the design of the proposed development, with the open rink, glass walls, and siting of the ancillary structures minimises, as far as possible, the impact on the views of the Grade 1 listed Royal Pavilion and its grounds.
- 8.9 However there are concerns regarding the moving of the Skate Exchange structure eastwards, as part of the changes from 2011, so that it would be much closer to the pavement on the Old Steine and would encroach further on the serpentine pathway. The general increase in size of the rink, structures and lighting trusses is also a concern, in terms of the cumulative impact of the scheme. However this has been accepted on the basis that the consent is for one year only.
- 8.10 The entrance to the Pavilion and views of its western elevation would be unaffected by the proposal. The western gardens are used far more intensively than the eastern lawns. The scheme proposes the provision of complimentary public access to the Pavilion's eastern lawns and to the ice rink's viewing platforms and café terrace so that any visitor to Brighton can enjoy a largely unobstructed view of the Pavilion. Therefore although there will be an impact on people who are visiting the City for a chance to view the Royal Pavilion, it is



considered that this is far outweighed by the number of people enjoying skating with views of the Pavilion.

- 8.11 The proposed temporary ice rink will generate income both directly through the hire fee and ticket sales and indirectly by increased visitors to the Pavilion which will be of financial benefit to the Royal Pavilion and Gardens and help with upkeep and maintenance of the Pavilion Estate. In addition, the cost of the reinstatement and repair of the eastern lawns will also be provided by the operator.
- 8.12 The structure is temporary during the winter period and there will be no physical harm to the listed building. An acceptable method statement has been submitted in regards to protecting the Pavilion steps to the eastern elevation which is the closest part of the listed building to the rink. A condition can be applied so that the trees and shrubs are protected.
- 8.13 Given the above and that the facility will create jobs and attract many visitors and residents to the area over the Christmas period, it is considered that the positive effects of the development outweigh the temporary negative impact upon some views of the listed building for this one year, on the proviso that discussions are undertaken to reduce the impact on the Pavilion in forthcoming years.
- 8.14 **Impact upon neighbouring amenity**  
With regards to lighting, there will be 6 no. four/ five metre towers around the rink with floodlights and LED lights attached. There will also be floodlights along the entrance path. Other lighting will include LED Christmas lights on the aluminium frames of the structures, lanterns hung on shepherd crooks to light the pathway from the entrance arch to the front entrance, trees to the left of the entrance to be lit with pealights, and spotlights/ lanterns on the entrance signage.
- 8.15 The rink is proposed in a noisy, brightly lit city centre location. The Pavilion is already floodlit each night. The rink, lighting structures and plant would be approximately 25 metres from the nearest residential properties.
- 8.16 The Council's Environmental Health team has no objections to the scheme. The proposal is therefore considered acceptable in terms of impact upon residential amenity, subject to conditions regarding noise.
- 8.17 **Transport & Access**  
The application site is currently within the City's controlled parking zone (CPZ) Z. The proposal does not propose any car parking facilities, however the site is very close to public transport links.
- 8.18 Given the nature of the proposals and that it is a temporary facility, Sustainable Transport anticipate that the majority of additional person trips will be linked journeys associated with visits to Brighton city centre. As such the proposed development would not result in many additional trips to the site and therefore no contribution or additional parking requirements are required.

8.19 Temporary cycle parking stands are being provided to the north of the rink which is considered adequate to meet any additional cycle parking demand.

8.20 With regard to emergency vehicle access, the Pavilion has existing procedures in place. Vehicles can access the site via the William IV Gate to the north of the site, the Indian Gate to the south, and North Road to the west. Emergency workers can also access the site via the Palace Place gate to the south of the rink.

8.21 Visitors and staff will enter the site to the north of the Pavilion. The applicant has stated that the entrance will be clearly signposted. Pedestrian trackway will be laid along the entire entrance path to minimise wear and tear on the grass.

**8.22 Arboriculture**

It is important that vegetation within the Pavilion Gardens, which form a key part of the setting of the Royal Pavilion, is protected during the ice rink use and reinstated afterwards. It is clear that the ice rink is to be sited in a position to minimise impact upon trees. Details of tree protection measures have been provided with the application. The Council's Arboriculture Officer has no objection to the scheme provided all relevant trees are protected particularly during the set up and de-rigging of the structures.

**9. EQUALITIES**

9.1 Wheelchair access will be provided via ramps at the entrance/ exit and users and the whole site would be fully wheelchair accessible; all doors will be at least 2 metres in width. A disabled toilet and baby change facilities are also being provided.