

Application Number	14/0906/FUL	Agenda Item	
Date Received	7th July 2014	Officer	Miss Catherine Linford
Target Date	1st September 2014		
Ward	Market		
Site	Parkers Piece Parkside Cambridge Cambridgeshire		
Proposal	The proposal is to install a temporary real-ice ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children's rides & food concessions; and a christmas market with stalls & concessions. The event is to run annually from the 1st November through until the 31st January, for three years running from 01/11/14 through until 31/01/2017 inclusive.		
Applicant	Mr Richard Elmer Units 35A/36 New Covent Garden Market London SW8 5EE		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed temporary use would not harm the nature, or use of Parker's Piece, and is acceptable in principle; and 2. Subject to conditions the proposed use would not have a detrimental impact on neighbouring residents.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The proposed Ice Rink, associated attractions and ancillary amenities would be located on the southeastern sector of Parker's Piece, close to the centre, adjacent to the Grade II listed Lamp Standard, known as 'reality check point'.

1.2 Parker's Piece is allocated as protected open space in the Cambridge Local Plan (2006) and is surrounded by a mix of uses which include hotels, restaurants and residential, as well as Parkside Pool, the Fire Station and the Police Station. The site falls within City of Cambridge Conservation Area No.1 (Central). Although no trees on Parkers Piece are covered by Tree Preservation Orders they are protected by Conservation Area legislation

2.0 THE PROPOSAL

- 2.1 Full planning is sought for an ice rink with associated skate hire marquee, viewing platform and back of house/plant area; a family entertainment area with fairground and food concessions; and a Christmas market with stalls and concessions.
- 2.2 Planning permission is sought for a temporary period from 1st November to 31st January inclusive, for three years. The hours of operation/opening would be 11am to 9pm on Mondays-Fridays, and 10am to 9pm on Saturdays, Sundays and Bank Holidays.
- 2.3 Amended plans have been received altering the location of the proposals to the centre of Parkers Piece, where it has been located in previous years. Originally the proposals were to be situated in the eastern corner of Parkers Piece, and Environmental Health Officers raised concern about noise.
- 2.4 This application is not for a 'Major' development, but is brought to Committee as the consultation included property in both the East and West Central Areas of the City.

3.0 SITE HISTORY

Reference	Description	Outcome
07/0573/FUL	Installation and operation of 'Hiflyer' tethered balloon (to rise to 155.75 metres) with viewing platform, winch retrieval, ancillary cabling and access works (temporary period of 5 years operating 12 months of the year).	REF

07/1065/ADV	Banner advertisements and advertising boards.	A/C
07/1067/FUL	Temporary ice rink from November 2007 to January 2008 and from November 2008 to January 2009, to include viewing platform, and marquee structures for changing facilities and a café	A/C
09/0480/FUL	Erection of temporary ice rink including 2 marquees, a box office hut, christmas market, advertising, decorations and associated fairground rides.	A/C
09/0481/ADV	Erection of 5 hanging signs, 3 hoarding signs and 3 other signs (all signs non illuminated) to temporary ice rink.	A/C
10/0590/FUL	Temporary ice rink including 2 marquees, box office hut, advertising, decorations and associated fairground rides.	A/C

4.0 **PUBLICITY**

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 **POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 4/2 4/11 4/13 4/15 6/4 8/2 8/4 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Material Considerations	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2006) Parkers Piece Conservation Plan (2001)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF

will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 73: Community, sports and leisure facilities

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The site straddles a popular route for cyclists and pedestrians and customers have potential to affect the flow of these travellers. The safe speed at which cyclists can traverse the area would at times be reduced, however, provided all users of the route act with due care and attention, no significant hazard should result.

Head of Refuse and Environment

Original application

- 6.2 Object due to the location and close proximity to noise sensitive properties. It is recommended from an environmental health perspective that the application site is located centrally within Parkers piece and the associated entertainment ride element significantly reduced.

Amended application

- 6.3 Comments will be reported on the Amendment Sheet.

Head of Streets and Open Spaces (Landscape Team)

Original application

- 6.4 No concerns with the concept of the development. The proposed attraction is welcomed as it would benefit Cambridge. However, there are concerns with where within Parker's Piece the attraction is sited and it is recommended that it is sited, as in

previous years, more centrally, away from busy surrounding foot, cycle and vehicle routes, trees, and residential properties.

Amended application

- 6.5 Comments will be reported on the Amendment Sheet.

Urban Design and Conservation team

- 6.6 There are no Conservation policy issues with this application.

Sport England

Original application

- 6.7 Parker's Piece is considered to be a playing field due to the siting of a cricket field in the western quadrant. However, this proposal will only affect a small percentage of the site in the southern end of the park and will have no adverse impact on this cricket field. As far as I am aware the site does not contain playing pitches during the winter months, and is used primarily for informal recreation.
- 6.8 In addition, the proposed ice rink will allow people to participate in sport and recreation at a time of year when other informal opportunities are limited. The proposal can therefore be considered to comply with exception E5 of our playing fields policy, in that it constitutes an indoor/outdoor sports facility where the benefit to the development of sport outweighs any detriment caused by the (temporary) loss of playing field.
- 6.9 This being the case, Sport England does not wish to raise an objection to this application.

Amended application

- 6.10 Comments will be reported on the Amendment Sheet.
- 6.11 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

Prior to amendment

- 7.1 The owners/occupiers of the following addresses have made representations:
- 11 Parkside Place
 - 9 Regent Terrace
 - 11 Regent Terrace
- 7.2 The representations can be summarised as follows:
- Noise
 - Why has it been placed so close to a residential area
 - The grass will be badly damaged
 - We have recently had a rat infestation and the siting of temporary food stalls outside with associated waste and litter problems is very concerning

Post amendment

- 7.3 Representations will be reported on the Amendment Sheet.
- 7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

- 8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:
1. Principle of development
 2. Visual impact/impact on Conservation Area
 3. Residential/public amenity
 4. Car and cycle parking
 5. Refuse arrangements
 6. Third party representations

Principle of Development

- 8.2 The proposed development is located in the centre of Parker's Piece, which is protected open space, as designated by the Cambridge Local Plan 2006 policy 4/2. The policy states that

development will not be permitted that would be harmful to or result in the loss of open space of environmental and recreational importance unless the open space uses can be satisfactorily replaced elsewhere and the site is not important for environmental reasons.

- 8.3 Appendix B of the Cambridge Local Plan sets out the Criteria to Assess Open Space. In the most recent assessment Parker's Piece met criteria a, b, d and e. This highlights that Parker's Piece is important in that: it makes a major contribution to the setting, character, structure and environmental quality of the City and the local area (criteria a and b); and that it meets the criteria for major contribution to the recreational resources of the City and local area (criteria d and e). In my opinion, to comply with policy 4/2, none of the above should be harmed or prejudiced by this development.
- 8.4 I consider that the Ice Rink and associated attractions will not harm the contribution Parker's Piece makes to the environmental quality of the City. I have assessed its visual impact in further detail below, but the open space, because of its size will still remain a predominantly 'green space'. In terms of recreational use, Parker's Piece is used for both formal playing pitches and informal play. The siting of the temporary ice rink and ancillary development will not impact on the formal pitches, but will take up an area used for informal play and recreation. In my opinion the Ice Rink replaces the existing informal recreational aspect of a portion of the overall Piece with another, and therefore there is no net loss in recreational facilities. In fact the provision of the Ice Rink will enhance the recreational potential providing a City wide provision at a time of year that the grassed area would see limited use. This view has been supported by Sport England. I therefore consider that the proposal does not lead to the permanent loss of open space of environmental or recreational importance, and is therefore consistent with policy 4/2 of the Cambridge Local Plan 2006.
- 8.5 Policy 6/4 of the Cambridge Local Plan 2006 supports development that would maintain, strengthen and diversify the range of visitor attractions provided that they relate well to the cultural heritage of the city. It should however be noted that the Cambridge Local Plan states that the main purpose of any tourist development should be to assist in the interpretation of the City, not to attract significantly more visitors to Cambridge. I

consider that this proposal will strengthen and diversify the range of visitor attractions for the City, but will not in itself generate significantly more visitors to Cambridge, from outside the sub-region, during the Christmas period when more visitors are already coming into the City given its sub-regional importance.

- 8.6 In conclusion I consider that the use is consistent with Local Plan Policies 4/2, 6/4 and does not harm the nature, or use of Parker's Piece, and is acceptable in principle subject to evaluation of the main issues below.

Visual impact/impact on the Conservation Area

- 8.7 Parker's Piece derives its character and special quality from its simplicity as an unobstructed area of open space, with grass maintained to a high standard, enclosed by forest scale trees and some high quality buildings. This is a layout that has evolved around the grazing and recreational uses that it has supported since 1612.
- 8.8 Parker's Piece is essentially uncluttered and free of any large-scale structures, and is mainly used throughout the year as parkland. However, concerts and large events are also regularly held on Parker's Piece. Its paths are a very important part of the foot and cycle network.
- 8.9 The impact on the Conservation Area in my opinion is limited; the temporary nature of the proposal means that any visual impact is wholly reversible and will not permanently harm the integrity of the Conservation Area in the long term. Parker's Piece is used for events such as this at several times during the year, and that is part of its character and wider use. There will be no negative impact on the grade II listed Lamp Standard, and therefore I consider that there is no conflict with Local Plan policy 4/10 or 4/11.
- 8.10 In making the above judgment, it is assumed that when the temporary period for the use has ended, the area of land will be returned to its former state. In the previous application, the City Council's landscaping team requested that a condition be imposed to ensure that the area of Parker's Piece to be used is returned to an acceptable standard along with a method statement detailing how the ground will be de-compacted, turfed

and temporarily fenced to ensure the new grass has time to properly establish. I consider that it is necessary to impose this condition again (3).

- 8.11 In my opinion, the proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policy P1/3 and Cambridge Local Plan (2006) policies 3/7, 3/11, 4/10 and 4/11.

Residential/Public Amenity

- 8.12 Parker's Piece has a number of residential properties in close proximity to its outer boundaries, and therefore the potential impact on these properties has to be assessed. Environmental Health Officers have no objection in principle to the application, however, they have suggested a number of conditions related to noise, lighting and waste that should be imposed to safeguard the amenity of local residents during the proposed temporary period of consent.

Noise

- 8.13 The ice rink has operated for a number of years and Environmental Health have not received any complaints. However, although the proposed ice rink is the same as that provided in previous years, the proposals now include a substantial fairground. In principle, a fairground is acceptable as long as noise levels are adequately controlled. It is proposed that music for the fairground is controlled centrally, and therefore I recommend a condition requiring the noise level from amplification to be restricted so that it does not exceed a rating level of 3dB above the background noise level. This is the same restriction that has been applied in previous years (4).
- 8.14 The rides proposed are generally low key, rides for children, with the exception of the Dodgems and Avalanche. Whilst the level of noise created by amplified music or voice can be controlled by condition, customers shouting and screaming on these larger rides cannot be controlled and Environmental Health are, therefore, concerned that these rides may have a detrimental impact on residential amenity. Environmental Health have taken the view that, considering the length of time the rides would be in place (3 months) only rides such as slides, carousels and childrens rides should be installed. I recommend that, notwithstanding the details shown on the submitted plan,

details of all rides shall be submitted by condition (5). This will enable the Local Planning Authority to ensure that the rides are appropriate and that they do not have a significant detrimental impact on the occupiers of neighbouring properties.

- 8.15 Given the conditions suggested by Environmental Health, noise levels from the actual use of the Ice Rink, fairground, Christmas market, and food concessions should remain as they have been in previous years. However this temporary use may create a significant amount of activity in this specific area and local residents may see increased footfall in the area above the additional Christmas shoppers, residents and commuters. Given that Parker's Piece, at this time of year, would not normally expect to see activity this late into the evening, I consider that the opening hours suggested by the applicant are a good balance between extended use into the evening, and safeguarding the interests of neighbours and the impact on surrounding land uses. I recommend that the opening hours are controlled by condition (6), along with the hours for setting up and dismantling (7).

Lighting

- 8.16 It is proposed that the lighting for the ice rink, fairground, Christmas market and food concessions are controlled centrally. Glare from external lights could impact on amenity and cause a nuisance. To ensure that the level of illumination for the use is appropriate to the area and its proximity to residential properties, and to minimise light pollution, it is recommended that a lighting plan is submitted by condition (8).
- 8.17 In my opinion, with appropriate conditions, the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/7 and 4/13.

Cycle access

- 8.18 In previous years that ice rink has obstructed access across Parkers Piece for cyclists. The applicants have confirmed that no part of the site would cross the pathways, and this can be ensured by a suitably worded condition (9).

Refuse Arrangements

- 8.19 I am of the opinion that subject to a condition requiring details of a waste management strategy, and its subsequent implementation, then this issue could be tightly controlled to mitigate any adverse impacts from litter and waste on Parker's Piece (10).
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7 and 4/13.

Car and Cycle Parking

- 8.21 The Highway Authority have been consulted as part of the formal application process, and have raised no objections to the application or car parking provision associated with the proposal, given its very close proximity to the Queen Anne public car park on the south eastern side of the Piece.
- 8.22 The applicant has stated that 50 cycle parking spaces would be provided as has been the case in previous years. No details have been submitted and I therefore recommend a condition requiring details of the cycle stands and their precise position, to ensure that they are suitable (11). In previous years the City Council loaned cycle racks to the event, and I would expect the same to happen again,
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

We have recently had a rat infestation and the siting of temporary food stalls outside with associated waste and litter problems is very concerning

- 8.24 The food concessions would be regulated by Environmental Health.

9.0 CONCLUSION

- 9.1 In my opinion, the proposed temporary use would not harm the nature, or use of Parker's Piece, and is acceptable in principle; and subject to conditions controlling noise and lighting the

proposals would not have a significant detrimental impact on the occupiers of neighbouring properties. The application is therefore recommended for approval subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted is for a temporary period only, and shall only be erected, installed and operated on site between 01 November in one year and 31 January in the following year, in the years 2014-2015, 2015-2016 and 2016-2017 and at no other time. Before the end of each period, the development and all ancillary equipment, materials and services shall have been removed from the site.

Reason: The ice rink and ancillary development are acceptable only for a limited time in each 12 month period because their retention for a longer period would erode the wider potential for recreational use of the land at other times of the year. The limitation to a 3 year period is to allow the Local Planning Authority the ability to gauge fully the potential impact of the use on the site and whether the use is sustainable without long term harm to what is a very important open space in the City. (Cambridge Local Plan policies 3/4, 3/7, 3/11, 4/2, 4/11, 4/13 and 6/4)

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Prior to the commencement of development, a scheme detailing the method of protection and reinstatement of the grassed area underneath and around the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable of works, the precise location of all protection measures and their specific type, measures to reinstate and repair the turf once the development is removed, the grass mix, and a method statement detailing how the ground will be decompacted, turfed, and temporarily fenced to protect the new turf. The development shall be carried out in accordance with the approved details and time scales, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To mitigate against excessive permanent damage to the grassed areas of Parkers Piece and to ensure that all repairs are to an acceptable standard. (Cambridgeshire and Peterborough Structure Plan policy P1/3 and Cambridge Local Plan policies 3/7, 3/11, 4/2 and 4/11)

4. When measured at any boundary of Parkers Piece, the Noise from plant (including generators, chillers and motors) and amplified music and voices from the amusements, shall not exceed a rating level of 3dB above the background noise level, in accordance with BS4142:1997.

Reason: To protect the amenity of any adjoining or nearby residential/sensitive properties. (Cambridge Local Plan policy 4/13)

5. Notwithstanding that shown on dwg no, C2070/01/01-F, prior to the commencement of use full details of the type and position of all fairground rides shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To protect the amenity of any adjoining or nearby residential/sensitive properties. (Cambridge Local Plan 2006, policy 4/13)

6. The ice rink shall only be open to members of the public from 11:00 hours to 21:00 hours on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays and Saturdays; and from 10:00 hours to 21:00 hours on Saturdays, Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of nearby occupiers and the general amenity of the site. (Cambridge Local Plan 2006 policy 4/13)

7. There shall be no erection or dismantling of stages or other temporary structures, or unloading/loading of equipment, or deliveries/collections or other operational servicing in connection with the proposed use between 2300 hours and 0700 hours on any day, unless otherwise agreed in writing by the Local Planning Authority, or outside the period set out in condition 1.

Reason: To protect the amenity of any adjoining or nearby residential/sensitive properties. (Cambridge Local Plan 2006 policy 4/13)

8. Details of all proposed floodlighting or external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15)

9. All hoardings and structures associated with this proposal shall be not less than 3m from the pathways crossing Parkers Piece.

Reason: To ensure that access remains available across Parkers Piece for cyclists and pedestrians. (Cambridge Local Plan, policy 8/4)

10. Prior to the commencement of development, full details of the on-site storage facilities for trade waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, paladins or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

11. No development shall commence until details of facilities for the secure parking of 50 number bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. Such details shall include the precise location of the provision. The approved facilities shall be provided in accordance with the approved details before use of the development commences, and retained throughout the duration of the development to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)