

Application Number	15/0796/FUL	Agenda Item	
Date Received	8th July 2015	Officer	Miss Catherine Linford
Target Date	2nd September 2015		
Ward	Market		
Site	Parkers Piece Parkside Cambridge		
Proposal	Installation of 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, to one quadrangle of Parkers Piece.		
Applicant	Mr Richard Elmer Units A35/36 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, adjacent to Gonville Place.
- 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 permission is sought for an ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children's rides 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 five 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 This application is not for a 'Major' development, but is brought to Committee as the consultation included properties 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
14/0906/FUL	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.	A/C
14/0907/ADV	7x Fascia signs, 5x hoardings and 4 x banners	

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 Plan 2006	Local	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 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 Please require the applicant to provide a dimensioned site layout for comment, providing clearances between structures and the public rights of way across Parkers Piece. In the alternative the Highway Authority recommends that the proposal be REFUSED planning permission as there is insufficient information upon which to provide informed comment upon the impact upon the busy pedestrian and cycle routes.

Update

- 6.2 Dimensions are included on the submitted plans and the Highways Engineer has confirmed that the distances are acceptable to the Highway Authority.

Head of Refuse and Environment

- 6.3 The new location for the ice rink/entertainment is in closer proximity to noise sensitive premises than the 14/0906/FUL permission. Additional entertainment is also proposed which is likely to increase sound levels from the site. It is recommended from an environmental health perspective that the application site is located centrally again within Parkers piece.

Update

- 6.4 Considering that the rides are in a central location on Parkers Piece the Environmental Health Officer is satisfied that the boundary condition regarding music/vocals on the previous permission (14/0906/FUL) can be complied with. Further information is required regarding the shielding of plant.

Urban Design and Conservation Team

- 6.5 It is considered that there are no material Conservation issues with this proposal.

Access Officer

- 6.6 In previous years the applications for ice rinks have been very inclusive promising flat access onto the ice, aids to help disabled people skate, chance to bring wheelchairs onto the ice, sessions to support specific disabilities, etc. They also promise good footways and kiosks with dropped counters. I would like to see such promises for the next four years and conditions set to meet this and thus meet the desires of the Local Plan

Head of Streets and Open Spaces (Landscape Team)

- 6.7 The Landscape Officer has made the following comments:
- Clearer demarcation between publically accessible areas and non-public/back of house areas needs to be identified on the plans.
 - Identification of the access points as public or non-public is required.
 - The access off the Gonville Place footway is not be used as a public access as it will likely intensify the use of the informal desire line between the Queen Anne carpark and the site. Pedestrians should continue to be encouraged to cross Gonville Place at the controlled crossing and enter the site from the internal points near the centre of the park.
 - The solid steel hoarding is not supported for the entirety of the site. We feel it could justifiably be used against the non-public back of house areas to aid in screening; however, we would encourage the use of the public art against these hoardings to make the structure more appealing and less of an impermeable 'barricade'. The remaining boundaries must remain as a permeable barrier which allows filtered visibility through them.

Environment Agency

- 6.8 No objection, subject to the bunding of generators and any stores for oils, fuels or chemicals.

Sport England

- 6.9 No objection, subject to a condition requiring the grass to be reinstated once the ice rink and associated structures have been removed.
- 6.10 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

- 7.1 The owners/occupiers of the following addresses have made representations objecting to the application:

- 31 Parkside
- 9 Regents Terrace
- Whitlocks, High Street, Trumpington
- 47 Petersfield Mansions

- 7.2 The representations can be summarised as follows:

- Fumes from diesel generators from the fairground rides
- Damage to the grass
- The fencing would restrict free movement across Parkers Piece and make the main entrance of the event off the Gonville Place Footway obstruct the freeflow of people using this entrance point for other users
- Noise from the music, especially the 'beat'
- The ice rink is acceptable but not the fairground

- 7.3 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

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 caused by the event and associated fencing is 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 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 (6).
- 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.

Noise

- 8.13 The ice rink has operated for a number of years and Environmental Health has not received any complaints. However, the ice rink is now proposed in a different location and would be closer to the boundary of Parkers Piece than agreed in the past. The proposed fairground has also increased in scale with the addition of a circus. In principle, this 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 identical to the restriction placed on the attraction in the previous application (14/0906/FUL) and the Environmental

Health Officer is satisfied that the condition can be complied with (5).

- 8.14 No complaints have been received due to the noise from the facilities in recent years, but one of the representations received does state that the noise was excessive last year. The closest residential property to the site is 1 Gresham Place, which is screened from Gonville Place by heavy planting. 1 Gresham Place is situated 27m from the site and 37m from the closest attraction (the circus). Due to the separation distance between the site and the closest neighbour, which includes a busy road, it is my opinion that the harm caused by the proposal would not be significant, especially as the site would close at 9pm. Concern has been raised regarding customers shouting and screaming on the larger rides (the Avalanche and Dodgems). This cannot be controlled but considering that the larger rides are well away from 1 Gresham Road (60m) and over 40m from the residential properties at the Fire Station, it is my view that this relationship is acceptable and would not have a significant detrimental impact on residential amenity.
- 8.15 Plant will be required and in order to ensure that noise from the equipment does not have a detrimental impact on neighbouring properties the impact of this is being investigated. This will be reported on the Amendment Sheet. Concern has been raised regarding fumes from diesel generators. Whilst odour may be experienced when standing close to a generator, the Environmental Health Officer is satisfied that this would not be experienced by the occupiers of neighbouring properties.
- 8.16 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 (3), along with the hours for setting up and dismantling (4).

Lighting

- 8.17 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 (7).

Refuse Arrangements

- 8.18 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 Parkers Piece (8).
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7 and 4/13.

Car and Cycle Parking

- 8.20 The Highway Authority has been consulted as part of the formal application process. They have explained that they require a plan that shows the distance between the site and the pathways to ensure that the public rights of way are not affected. The submitted layout includes dimensions and shows that the site would be 10m from the pathways. Considering that in previous years the site has been situated 3m from the pathways it is my view that the proposal would not have a detrimental impact on the public rights of way. I am awaiting a further response from the Highway Engineer which will be reported on the Amendment Sheet.
- 8.21 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 (9).
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

Issue raised	Response
Fumes from diesel generators from the fairground rides	Addressed in paragraph 8.15
Damage to the grass	Addressed in paragraph 8.10
Noise from the music, especially the 'beat'	Addressed in paragraphs 8.13-8.14
The fencing would restricts free movement across Parkers Piece and making the main entrance of the event off the Gonville Place Footway would obstruct freeflow of people using this entrance point for other users	The entrance to the event would be from within Parkers Piece.

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 proposal 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 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020 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 5 year period is to allow the Local Planning Authority the ability to review 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. 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 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)

4. 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)

5. 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)

6. 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)

7. 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)

8. 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))

9. 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)