

Agenda Item A6	Committee Date 20 August 2018	Application Number 18/00778/LB
Application Site Queen Victoria Memorial Dalton Square Lancaster Lancashire		Proposal Listed building application for works to facilitate the construction of temporary ice rink and the erection of temporary fencing and hoardings
Name of Applicant Mr Martin Horner		Name of Agent HPA
Decision Target Date 29 August 2018		Reason For Delay N/A
Case Officer		Mrs Petra Williams
Departure		No
Summary of Recommendation		Delegate back to allow expiration of site notices and approval of temporary consent for one year subject to conditions.

(i) The application is one which would normally be dealt with under delegated powers but is required to be brought before the Planning and Highways Regulatory Committee as the site in question is within the ownership of the City Council.

1.0 The Site and its Surroundings

1.1 The application site is within the centre of Lancaster and relates to Dalton Square which surrounds the Queen Victoria monument and a small section of highway to the front of Palatine Hall. Dalton Square is an oval shaped public space enclosed by stone boundary balustrades. The area has approximate dimensions of 70 metres by 35 metres and comprises simple flag paving, mature trees, grass and public seating with the grade II* Queen Victoria monument at its centre. Due to the differing surrounding land levels there are steps up to the square from the northern end and steps down into the square from the south.

1.2 As highlighted above, the Queen Victoria monument is grade II* listed and the balustrades around the square are grade II listed. The square is surrounded by numerous designated heritage assets including the grade II* listed Lancaster Town Hall and the grade II listed Palatine Hall. Both the eastern and western sides of the square contain a number of grade II listed buildings including the nearby War Memorial in addition to buildings which are considered as non-designated heritage assets. The site is within Lancaster Conservation Area – Character Area 4.

2.0 The Proposal

2.1 The application proposes a temporary ice rink to be erected within Dalton Square around the Queen Victoria monument for use between 24 November 2018 and 6 January 2019 (plus 10 days before for construction and 1 week after for dismantling). The proposal includes the provision of three marquees/tents for selling food and drink, skate rental and administration which will be located at the northern end of the square in front of Palatine Hall. Associated generators and ice machines will be sited within the southern portion of the square. The scheme will require the temporary closure of the northern section of road to Dalton Square. Proposed hours of operation are between 10:00

and 22:00 for 7 days per week. The application form sets out that consent is sought for the scheme to be repeated within the same time frames over the next ten years.

2.2 The key features of the proposal, insofar as they relate to the Listed structure, will comprise:

- Ice skating rink – 20m x 35m (with an 8m x 8m cut out for the statue) temporary ice rink system with standard white and clear barrier; and
- Temporary fencing and hoardings will be put in place during the construction and dismantling period.

3.0 Site History

3.1 The most relevant site history is set out below.

Application Number	Proposal	Decision
18/00777/FUL	Construction of temporary ice rink, temporary siting of chillers and generators, erection of temporary fencing and hoardings, and temporary siting of marquee and tents for skate hire and the sale of refreshments	Under consideration

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Senior Conservation Officer	Support – Subject to conditions regarding precise details of proposed scaffolding, construction and dismantling phases, protection of steps and photographic survey prior to commencement. Suggest that consent is granted for the time specified for the coming winter initially: between 24 November 2018 and 6 January 2019 (plus 10 days before for construction and 1 week after for dismantling).
National Amenity Societies	No comments received at the time of compiling this report. Any forthcoming comments will be reported verbally to Committee.
Historic England	No comments to make - suggest that the views of the Senior Conservation Officer are obtained.

5.0 Neighbour Representations

5.1 No representations have been received at the time of writing this report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 8 and 11 - Sustainable Development

Paragraphs 184, 189, 190, 193, 194 and 196 – Conserving and Enhancing the Historic Environment

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- The Strategic Policies and Land Allocations DPD; and,
- A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Development Management Development Plan Document

DM30 – Development affecting Listed Buildings

6.4 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Impact on the listed structures

7.2 Impact on listed structures

7.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building and or a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM30.

7.2.2 The ice rink, will only be operational for a limited temporary period of 6 weeks (24 November 2018 and 6 January 2019). The proposed development is considered to lead to less than substantial harm to the significance of the grade II* monument and this harm (which will be temporary) should be weighed against the public benefits of the proposal as set out above, including securing its optimum viable use as per NPPF paragraph 196.

7.2.3 The temporary rectangular ice rink and access ramp would be placed above the paved area and grass around and up to the grade II* listed Queen Victoria monument and therefore careful consideration must be given as to how this will be achieved in order to provide assurance that the historic physical structure will not be damaged. Consideration must also be given to the protection of the listed stone balustrade and steps, particularly during the construction and dismantling phase.

7.2.4 The rink will be 35 metres by 20 metres and will be set out upon a scaffold frame with a 2 metre wide access ramp at the northern end. However, the applicant would not be in a position to provide precise details until the final contract has been signed with the ice rink supplier and this cannot be done until planning consent has been granted. It is always preferable in the case of designated heritage assets to consider detailed information prior to determination of applications, but the Senior Conservation Officer is satisfied in this instance that an acceptable solution can be achieved and that this can be conditioned.

7.2.5 The submitted Design and Access Statement advises that 'sterile zones' will be provided during the delivery of the infrastructure and during its deconstruction in order to ensure that the listed balustrades around the square are not impacted unduly during the delivery of the events infrastructure and during its deconstruction. While this indicates mindful consideration of the heritage assets involved, this method statement would require updating once the scaffolding contractor has been appointed. This point will be conditioned.

7.2.6 While offering full support for the scheme in principle, the Senior Conservation Officer has advised against this temporary permission being granted over a ten year period in the first instance. Given the importance of the heritage assets involved it would be prudent to grant consent initially for one year only at this time. This would allow the applicant and the Council to assess the effect of the works on the site. A pre-commencement condition would require the carrying out of a detailed photographic survey to be produced prior to the works being carried out. This would allow an accurate assessment of impacts (if any) following the dismantling of the temporary structures. If there is no adverse impact, then a further Listed building application (which incurs no application fee) could be made to allow the event to be repeated the following year.

7.2.7 The proposed temporary development would lead to a level of harm on the setting and significance of designated and non-designated heritage assets and this harm is considered to be less than substantial. A balancing of detriment against benefits is set out in NPPF paragraph 196 where 'justification' is required. In the circumstances the social, economic and cultural benefits of the entertainment provided by the temporary ice rink may be used to balance against the undoubted detriment. The proposal would be subject to conditions to ensure that the affected heritage assets are returned to their current condition and without any resulting physical damage immediately after the festivities. Therefore the proposal is considered to accords with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this proposal.

9.0 Conclusions

9.1 While the proposal will lead to a level of harm on the settings of both the designated and non-designated heritage assets this impact will be temporary. On balance, the social, economic and cultural benefits of the entertainment provided by the temporary ice rink and ancillary buildings within this public space are considered to outweigh the temporary impacts to the setting of the Queen Victoria monument and other surrounding designated heritage assets. With the addition of conditions to provide certainty that there will be no detrimental physical impacts it is considered that the requirements of policy DM30 of the DM DPD would be satisfied. Members are recommended that the application can be supported on a temporary one year basis.

Recommendation

That Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Temporary consent for one year
2. Development in accordance with approved plans
3. Full details and sectional drawings of scaffolding around the Queen Victoria Memorial, including ground levelling platform, ramp and handrail, to be submitted and agreed prior to commencement.
4. Revised method statements and risk assessment to cover the construction and dismantling phases, and protection of the Queen Victoria Memorial and stone balustrade to be submitted and agreed prior to commencement.
5. Precise details of the method and materials proposed to protect the stone steps to the Queen Victoria Memorial be submitted and agreed prior to commencement.
6. Photographic survey of the site (including all elevations of the Queen Victoria Memorial) to be carried out prior to the installation of the scaffolding as a record of the condition of the area prior to commencement.

Background Papers

None