

Agenda Item	Committee Date	Application Number
A7	16 September 2019	19/00935/LB

Application Site	Proposal
Queen Victoria Memorial Dalton Square Lancaster Lancashire	Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings

Name of Applicant	Name of Agent
Mr Martin Horner	HPA

Decision Target Date	Reason For Delay
16 September 2019	N/A

Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval 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 seeks Listed building consent for the construction of temporary ice rink and erection of temporary fencing and hoardings.

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

- Ice skating rink – 32.1 metres by 20.3 metres with a 8 metre by 8 metre central opening for a statue temporary ice rink system with barrier; and
- Temporary fencing and hoardings will be put in place during the construction and dismantling period and during the event to ensure protection of the listed structures.

3.0 Site History

3.1 The most relevant site history is set out below.

Application Number	Proposal	Decision
19/00934/FUL	Construction of temporary ice rink, temporary siting of observation wheel, chillers, erection of temporary fencing and hoardings, and temporary siting of marquee, access ramps, ticket booth, market stalls and tents for skate hire and the sale of refreshments and erection of two electricity cabinets	Pending consideration
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	Permitted – temporary one year consent
18/00778/LB	Listed building application for works to facilitate the construction of temporary ice rink and the erection of temporary fencing and hoardings	Permitted – temporary one year consent

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objections - The proposal will cause a degree of harm to the setting of these designated heritage assets, but it is considered that as these are temporary this level of harm is justified.
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 – Refers to advice within Historic England document “Temporary Structures in Historic Places” and suggest that the views of the Conservation Officer are obtained.
Cadent/ National Grid	No objections – Recommendations and advice provided for attention of the applicant.

5.0 Neighbour Representations

5.1 No public comments received in respect of this listed building application.

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

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

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 Development Plan Policy DM30.

7.2.2 The ice rink, will only be operational for a limited temporary period of 6 weeks (from 23 November 2019 until 5th January 2020). 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. A method statement in this regard has been submitted and as in the case of last year, these details will be conditioned.

7.2.4 The rink will be 32.1 metres by 20.3 metres with an 8 metre by 8 metre central opening for a statue and will be set out upon a scaffold frame with a 2 metre wide access ramp at the northern end. Details of the scaffold frame are indicated on the submitted cross sectional drawings.

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 and memorial are not impacted unduly during the delivery of the events infrastructure and during its deconstruction.

7.2.6 As with the accompanying FUL application, this submission initially sought a 10 year consent. However, Officers are minded to grant a 5 year temporary approval for 5 years. While offering full support for the scheme in principle, the Conservation Officer is of the view that given the importance of the heritage assets involved it would be prudent to include a pre-commencement condition to require the carrying out of a detailed photographic survey to be produced before and after the event each year. This would allow an accurate assessment and monitoring of impacts (if any) following the dismantling of the temporary structures and allow the applicant and the Council to evaluate the effect of the works on the site.

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 The application seeks to build on the success of last year's Lancaster on Ice event and represents an exciting opportunity for the temporary use of an historic public space. 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 5 years for a 6 week period in addition to 2 weeks either side of the scheduled event for construction and dismantling.
2. Development in accordance with approved plans including scaffolding sections.
3. Method statements and risk assessment to cover the construction and dismantling phases, and protection of the Queen Victoria Memorial and stone balustrade.
4. Protection of the stone steps to the Queen Victoria Memorial.
5. 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 and after the event (each year).

Background Papers

None