

Agenda Item	A9
Application Number	20/00519/LB
Proposal	Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings
Application site	Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire
Applicant	Mr Martin Horner
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Drummond
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

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

1.0 Application Site and Setting

1.1 The application site is within the centre of Lancaster and relates to Dalton Square which surrounds the Queen Victoria monument, and sections of highway to the front of Palatine Hall (to the north of the Square) as well as the eastern side of the square. 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 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 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 other buildings which are considered as non-designated heritage assets. The site is within Lancaster Conservation Area.

2.0 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 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
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
19/00935/LB	Listed building application for the construction of temporary ice rink and erection of temporary fencing and hoardings	Permitted

4.0 Consultation Responses

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

Consultee	Response
Historic England	No comments to make
Conservation	No objection subject to a request for a pre-commencement condition relating to the protection of Listed structures following damage caused by a forklift truck last year during the dismantling of the ice rink
Cadent Gas	Advice only

4.2 No comments have been received from members of the public.

5.0 Analysis

5.1 The key consideration in the assessment of this application is:

- The impact on heritage assets

5.2 Impacts on the heritage assets (NPPF Section 16: Historic Environment; policies DM37: Listed buildings, DM38; Conservation Areas; DM39: Setting of Heritage Assets)

5.2.1 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 the relevant heritage policies in the Development Plan DPD. The proposal will lead to a level of harm on the settings of both the designated and non-designated heritage assets, though this impact will be temporary given the temporary nature of the structures. However, as discussed below, other impacts that can be permanent in nature (such as damage to structures) need to be assessed.

5.2.2 The ice rink has been installed and utilised over the last 2 Christmas/New Year periods. The first year it was installed, used and dismantled without causing damage to the heritage assets. Last year, however, an incident involving a forklift truck during the dismantling phase of the ice rink resulted in damage to the stone steps to the north side of the balustraded area. There were verbal discussions between the Conservation Team and the applicant on how to repair this in February/March 2020, but these repairs have not been carried out (apparently due to an ongoing insurance dispute). Reassurances that such damage will not continue to occur as, cumulatively with annual reuse of the square, this will undoubtedly erode the historic fabric and character of the square. If the condition of the public realm is not properly assessed and repaired in accordance with the previous permission this will lead to long term and irreversible harm to the heritage assets.

Therefore, it is recommended that the Risk Assessment (conditions 3 and 4) is updated to put further protections in place on the steps leading to the balustraded area..

5.2.3 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. Due to the unfortunate damage that occurred last year it is not simply the case of reiterating the same compliance conditions, but imposing conditions to require amended method statements to ensure that lessons are learnt and the historic fabric can be adequately protected during future events.

6.0 Conclusion and Planning Balance

6.1 The application seeks to build on the success of last 2 year’s Lancaster on Ice events and represents an exciting opportunity for the temporary use of a public space which will undoubtedly attract visitors to the city centre and have associated economic benefits. 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. However, further to damage to the Listed fabric within the square during the dismantling of the ice rink last year, the risk assessment and methodology will need to be re-visited to ensure damage does not occur again in the future.

Recommendation

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

Condition no.	Description	Type
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	Compliance
2	Approved plans	Compliance
3	Method statements and risk assessment to cover the construction and dismantling phases, and protection of the Queen Victoria Memorial and stone balustrade	Pre-commencement
4	Protection of the stone steps to the Queen Victoria Memorial	Pre-commencement
5	Details of the fencing and hoardings	Pre-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 and after the event (each year)	Compliance

Background Papers

None