

<b>Agenda Item</b>	A13
<b>Application Number</b>	20/00443/VCN
<b>Proposal</b>	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 (pursuant to variation 1 of planning application 19/00934/FUL to change operation dates of the ice rink and condition 2 to change operation dates of the observation wheel)
<b>Application site</b>	Queen Victoria Memorial, Dalton Square, Lancaster, Lancashire
<b>Applicant</b>	Mr Martin Horner
<b>Agent</b>	HPA Chartered Architects
<b>Case Officer</b>	Mr Andrew Drummond
<b>Departure</b>	No
<b>Summary of Recommendation</b>	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. It was reported to October's Planning Regulatory Committee, but subsequent to that meeting there have been further Covid-related restrictions announced by central government meaning that this year's event will not go ahead, so before the decision was issued the applicant is understandably seeking to amend the approved dates.

**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 Lancaster Town Hall is located to the south of the site and Palatine Hall is situated to the northern side of the square. Other commercial and office buildings surround the square including shops, bars and restaurants. It is understood that there are a limited number of residential units mainly located on the western side of the square above commercial premises. Sulyard Street to the north-east of the site contains a number of residential dwellings as well as flats within Wesley House. The one-way gyratory road runs in a southerly direction adjacent to the western side of the square with two way traffic running along its southern boundary. One way traffic is directed northwards along the eastern side of the square and can travel west along the northern site boundary feeding into the gyratory or, either onwards to Friar Street or right on to Sulyard Street. Two pedestrian crossings

provide connectivity between the site and the heart of the city centre to the west. The eastern and northern sides of the square contain a number of pay and display parking bays.

1.3 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. The square is designated as an area of Open Space, Recreation and Leisure within the Land Allocations and Strategic Policies DPD. The western half of the square is within an Air Quality Management Area.

## 2.0 Proposal

2.1 The application seeks vary condition 1 on planning permission 19/00934/FUL to change operation dates of the ice rink and vary condition 2 to change operation dates of the observation wheel so they tie in with the dates of the ice rink. The dates would be:

- o 20 November 2021 to 9 January 2022
- o 19 November 2022 to 8 January 2023
- o 18 November 2023 to 7 January 2024
- o 23 November 2024 to 12 January 2025
- o 22 November 2025 to 10 January 2026

Construction shall commence no sooner than 12 days before the above start dates and dismantling and restoration shall be completed within 8 days of the above end dates.

## 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
18/00777/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
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 electricity kiosks	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
Highway Authority	No objection

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

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Impacts on the heritage assets

- Economic and social benefits

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 12 and 13) is updated to put further protections in place on the steps leading to the balustraded area.

5.2.3 Separately, when the electricity cabinets were installed, along with their associated cabling, some paving was replaced by tarmac. This will need to be rectified. Whilst the works were not undertaken by the applicant, they relate to condition 18 of the planning permission. It is thought that these works were undertaken by the Highway Authority, so the applicant and their agent is chasing the County Council in this regard. As for the colour of the cabinets (condition 9), this has been agreed and implemented so this condition can now be removed.

5.2.4 Details relating to the protective fencing, barricades and hoardings (condition 8) were partially agreed last year, but not fully, but have subsequently been agreed. The other conditions requiring further information were agreed, so their wording will change to reflect the current position – in other words, the conditions will require the development to comply with the approved details.

5.2.5 In association with this application, some issues have come to light following last year's event in Dalton Square that need resolving and agreeing before any installation of attractions. As this can be adequately dealt with via conditions, it is deemed that the impacts on heritage assets are either temporary or can be prevented.

5.3 Economic and Social Benefits (NPPF Section 6: Economy; Section 7: Town Centres policies DM15: Small Business Generation; DM16: Town Centre Development, DM23: Leisure Facilities and Attractions; DM24: Cultural Assets; DM25: The Evening and Night Time Economy)

5.3.1 The change is relatively small in relation to the ice rink to reflect both Lancashire's and Cumbria's school holiday dates and to effectively push back the 5 consented annual events by one year following the cancellation of this winter's event due to Covid-19. Following the success of the observation wheel last year and the applicant demonstrating that the wheel could be sited in the north part of Dalton Square without damage being caused to the road, heritage assets or trees, this application seeks consent to site the wheel alongside the ice rink during future events. Given the social, cultural and economic benefits that these attractions bring to the city centre, the proposed changes to the dates of operation of the ice rink and observation wheel can be supported.

**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. Therefore, the proposed changes to the dates of operation of the ice rink and the observation wheel can be supported.

- 6.2 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, observation wheel and ancillary structures 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 policies DM29, DM37, DM38, DM39 and DM45 of the DM DPD would be satisfied. Further to damage to the Listed fabric within the square during the dismantling of the ice rink last year, the risk assessment and methodology has been amended to reduce the risk of damage occurring again in the future.

## Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Ice rink dates	Compliance
2	Observation wheel dates	Compliance
3	Approved plans	Compliance
4	In accordance with the methodology for the construction and dismantling of the observation wheel	Compliance
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)	Compliance
6	In accordance with the highways method statement detailing the build phase, event phase, and dismantling phase	Compliance
7	In accordance with details of the marquees and market stalls, including layout and appearance	Compliance
8	Details of the protective fencing, barricades and hoardings	Compliance
9	Colour and finish of the electrical cabinet – implemented so condition can be removed	Remove
10	If generators are required, details of the generators and the associated sound proofing	Compliance
11	In accordance with the temporary surfacing to be used under the observation wheel	Compliance
12	Method and materials for the protection of the stone steps to the Queen Victoria Memorial	Compliance
13	Method statement and risk assessment for the protection of the Queen Victoria Memorial and stone balustrade during the construction and dismantling phases	Compliance
14	In accordance with the tree protection plan and arboricultural method statement	Compliance
15	In accordance with the location and position of speakers and lighting	Compliance
16	No equipment, lighting or advertisements to be attached to the trees within the square	Compliance
17	Hours of operation	Compliance
18	Surfacing treatment associated with the electricity cabinets and associated cabling	Outstanding

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the

economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None