

REPORT SUMMARY

REFERENCE NO - 22/01324/FULL		
APPLICATION PROPOSAL Temporary change of use of part of Calverley Grounds to provide an ice rink including associated changing area, cafe, lighting, Christmas chalets and plant equipment for a period of 12 weeks per year until 2028		
ADDRESS Calverley Grounds Mount Pleasant Avenue Royal Tunbridge Wells Kent TN1 2SH		
RECOMMENDATION GRANT subject to conditions (see section 11.0 of report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is within the Limits to Built Development, in a highly sustainable location. There is no objection to the principle of the proposed development; • The development would respect the context of the site and is not considered to be harmful to the Historic Park and Garden, the setting of listed buildings, the street scene or wider Conservation Area; • The ice rink has been a popular and successful enterprise In Tunbridge Wells for the last seven years with associated social, cultural and economic benefits; • The current proposal is very similar to a previously approved scheme; • Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by conditions 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: 15 Estimated average 12 week workplace salary spend in Borough through net increase in numbers of jobs: £50,688 The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: N/A Estimated annual council tax benefit total: N/A Estimated annual business rates benefits for Borough: N/A		
REASON FOR REFERRAL TO COMMITTEE Tunbridge Wells Borough Council are the landowners and the applicants.		
WARD Park	PARISH/TOWN COUNCIL N/A	APPLICANT Tunbridge Wells Borough Council Property And Estates AGENT N/A
DECISION DUE DATE 06/07/22	PUBLICITY EXPIRY DATE 10/06/22	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

19/01815/FULL	Temporary change of use of part of Calverley Grounds to provide an ice rink including associated changing area, cafe, lighting, Christmas chalets and plant equipment for a period of nine weeks.	Granted until January 2022	12/09/19
18/00076/FULL	Full planning permission for the redevelopment of the site to include the demolition of existing buildings (the Great Hall car park, the dental surgery in Calverley Grounds and the toilet block in Calverley Grounds) and provision of new offices (including Council offices, Council Chamber and commercial office space), theatre, underground car parking, and associated landscaping, infrastructure and associated works, including temporary site compound	Granted (not implemented)	15/06/18
17/01206/FULL	Temporary change of use of part of Calverley Grounds to provide an ice rink including associated changing area, cafe, lighting, Christmas chalets and plant equipment for a period of nine weeks	Granted until January 2019	30/06/17
15/506947/FULL	5 year temporary change of use for the siting of Ferris wheel and dodgems and associated plant and equipment, for a period of 9 weeks from November, December and early January.	Withdrawn	23/09/15
15/506348/NMAMD	Non Material Amendment to Increase size of Ice rink (amendment to ref 12/02279/FUL).	Granted	01/09/15
12/02279/FUL	5 Year Temporary change of use for siting of ice rink, skate change marquee, external lighting, Christmas chalets and associated plant and equipment, for a period of 9 weeks from November, December and early January. Permanent siting of electrical cupboard.	Granted until January 2017	15/10/12
11/03321/FUL	Temporary change of use to site 10 Christmas market cabins on right and left pathways adjacent to cafe and associated equipment	Granted until January 2012	08/12/11
11/02755/FUL	Temporary change of use for siting of ice rink, skate change marquee, lighting and associated equipment	Granted until January 2012	28/10/11

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to part of Calverley Grounds, which is part of the wider Calverley Park area: it is listed as grade II on the English Heritage Register of Historic Parks and Gardens and sits within the Royal Tunbridge Wells Conservation Area. The Conservation Area Appraisal describes the grounds as a municipal park which has a *“very legible and usable area, keeping open broad views over the whole area”*. The park has had a piecemeal history of development including modern day improvements and remains a popular site for quiet recreation, sports and events.
- 1.02 The location of the ice-skating rink remains the same as in previous years, being on an area that once accommodated a band stand, at the flat bottom of the “valley” which runs broadly from east-west through the Grounds.

2.0 PROPOSAL

- 2.01 The proposal seeks temporary planning permission for a twelve week period each year until 2028) for an ice rink and associated structures. The main ice rink will be approximately 20 metres x 38 metres with a total area of 765m², the nursery rink will be approximately 8 metres x 20 metres with a total area of 135m² and both will have a 1.2m barrier around their perimeters. They will be surrounded by walkways providing access to and from the ice rinks and access to the skate changing and refreshment marquees which also have a 1.1m barrier around the perimeter.
- 2.02 The proposal also includes three marquees wrapped around two sides of the ice rink in to a ‘L’ shape to provide a skate changing room, seating and covered café/bar. The largest would measure 35.9 metres by 12 metres. The marquee is 7.31m at its highest point. The walkway height above ground level varies as shown on the elevation drawings.
- 2.03 The rinks will be lit using 24 LED floodlights on 4 metre high ‘goalposts’ and 10 LED floodlights on 4 metre high single uprights. Generator and chiller units for the ice rink are also proposed to the east of the rink and set within an acoustic enclosure.
- 2.04 The main structures will be aluminium framed with a majority of the external walls clad externally in timber boarding except for the walls facing the ice rinks which will be white uPVC with glazing and door openings. The roof will have white uPVC covering.
- 2.05 The ice rink is mostly located on an existing area of hardstanding that used to have a central bandstand. Due to the change in levels across the site the ice rink is raised above the existing ground level with the greatest elevation being approximately 2.77 metres in the southwest corner. A small area of ground in the southeast corner will need to be excavated to a maximum of 1.25 metres. Temporary retaining walls will be installed behind the excavated areas.
- 2.06 The proposal also seeks permission for the siting of up to eight Christmas chalet/cabins and a set of four portable toilets to be used in conjunction with the ice rink. This would be located in the amphitheatre setting (to the north of the proposed location of the ice rink) surrounded on two sides by grass banking and set back within the existing pathway.

- 2.07 The hours of operation would be 09.00 to 21.30 every day (the previous permission stated 21:00). The nine week opening period for 2022-23 is currently proposed to be from 16th November 2019 to 2nd January 2020.

3.0 SUMMARY INFORMATION

	Existing	Approved under 19/01815/FULL	Proposed	Change (+/-)
Site Area	0.96 ha	0.96 ha	0.96 ha	0
Land use	Recreation	Recreation	Recreation	0
Maximum Marquee Height	0	8.35m	7.31m	+7.31m
Ice Rink Size(senior)	0	720m ²	765m ²	+765m ²
Ice Rink Size(junior)	0	160m ²	135m ²	+135m ²

4.0 PLANNING CONSTRAINTS

- Tunbridge Wells Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Grade II English Heritage Historic Parks & Gardens: Calverley Park & Grounds (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Inside Limits to Built Development (LBD)
- Arcadian Area
- Area of Important Open Space

Within immediate vicinity of application site:

- The easterly half of Calverley Grounds (tennis courts, bowling green etc) is designated as recreation open space, and the very eastern point of the application site (outlined in red) slightly projects into this.
- The Hotel Du Vin and 6-11 Lanthorne Mews (to the north of Calverley Grounds) are Grade II Listed Buildings: (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) (2021) National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 4: Environment

Core Policy 5: Sustainable design and construction

Core Policy 7: Employment Provision

Core Policy 8: Retail, leisure and community facilities provision

Core Policy 9: Development in Royal Tunbridge Wells

Tunbridge Wells Borough Site Allocations Local Plan 2016

AL/RTW21: Mount Pleasant Avenue Car Park

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Environment

Policy EN11: Historic Parks and Gardens
Policy EN21: Important Open Space
Policy EN24: Arcadian Areas
Policy R1: Recreation
Policy TP4: Safe Access
Policy TP5: Parking

6.0 LOCAL REPRESENTATIONS

6.01 Twelve site notices were displayed within Calverley Grounds and in: Mount Pleasant Avenue, Mountfield Road, Mountfield Gardens and Crescent Road. The application was also publicised in the local press.

6.02 One objection received raising the following issues:

- Funding for the project could be put to better use elsewhere;
- Amount of energy usage;
- Environmental damage and damage to Calverley Grounds

7.0 CONSULTATIONS

Historic England

7.01 **(12/05/22)** – No comment. suggest TWBC seek the views of its specialist conservation and archaeological advisers.

The Gardens Trust

7.02 **(25/05/22)** – No comment

KCC Highways

7.03 **(06/06/22)** - This is a regular event and the highway authority would not seek to raise objections to this use in a sustainable town centre location.

Kent Fire & Rescue

7.04 **(07/06/22)** - It appears from plan drawing L4P4K1 that there would be restricted access for a fire appliance across the area during the proposed period, in the event of an emergency. There also appears to be no provision for a fire appliance turning point within the proposed area of the grounds.

7.05 Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

7.06 Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Mid Kent Environmental Protection

7.07 **(20/05/22)** - have reviewed the application and satisfied that provided the specifications included in the supporting application concerning noise levels are adhered to there should not be an adverse impact on surrounding residential premises.

7.08 Also satisfied with the lighting details submitted provided that they are installed according to the plans.

7.09 RECOMMENDATIONS: No objection. Noise control condition recommended.

TWBC Conservation Officer

7.10 (31/05/22) - The ice rink has been erected within the park for a number of years without harm to its historic character or significance.

7.11 There has however been one consistent issue following on from the temporary use. Once the ice rink is removed from the park, the ground takes a significant time to recover and there appears to be very little active restorative work carried out leaving the area looking in poor condition. This condition has in the past been exacerbated by the run off from ice rink scrapings during use.

7.12 Would therefore suggest that a landscape management/restoration plan should be sought, either as part of the application or by condition to cover the following points might be appropriate:

- Management of water runoff during use and at dismantling.
- Restoration of the parkland after dismantling including paths, grassed areas, area of 'hoggin' etc, affected by either vehicle movements, longstanding decks, plant, walkways, concentrated customer use or other damage resulting from the operations of the Ice Rink and increase in public use. Plan to include post use inspection between Local Planning Authority and the Parks Department to agree areas of restoration.

8.0 APPLICANT'S SUPPORTING COMMENTS (taken from supporting statement);

8.01 The ice rink will be a temporary structure for a period of 12 weeks each year including set up and break down and will therefore have no permanent effect on the appearance of the Grounds. The rink is located some distance from any of the listed buildings in and around Calverley Park. The adjacent Café is a non-designated asset.

8.02 None of the existing buildings or structures will be removed or damaged during the temporary installation. A small amount of excavation will take place as shown on the plans but will pose little risk of disturbing any archaeological remains on the site..

8.03 The proposals will not result in the removal of any existing trees or formal planting areas. Any damage to the existing grass or paved areas will be reinstated with materials to match the existing surface within 2 weeks of the ice rink closing. Any replacement planting will be carried out when weather conditions are suitable.

8.04 Generators, chiller units, glycol containers, pumps and associated control equipment for the ice rink are to be located within an acoustic enclosure to the east of the ice rink. The generators will be 250kVA, similar to the details submitted and the coolers will be Celsius Hire's 300KW Chillers, details have been submitted with this application.

8.05 As in previous years letters will be sent to all adjoining residents providing details of when the ice rink will be operating and direct contact details for any queries. The 2022 ice rink letter will be very similar to the 2020/21 letter that has been submitted as part of this application.

8.06 Access to the site for the construction of the ice rink will be via the entrance gate located off Mount Pleasant Avenue. There are a number of public car parks close to

the grounds for users of the ice rink and there are good bus and rail services that operate close to the site.

- 8.07 The hours of operation would be 09:00am to 21:30pm every day except Christmas Day from the mid November until early/mid-January each year. Outside operating hours there will be security personnel on site to ensure that there is no antisocial behaviour around the ice rink once it has closed for the night.
- 8.08 The proposed ice rink will provide an enhanced recreational experience during the Christmas period in an area that has limited use during the winter.
- 8.09 All lighting will be shielded and directed to minimise any nuisance to adjoining properties. Only lighting necessary for security or safety reasons will be kept on outside the operating hours.

9.0 BACKGROUND PAPERS AND PLANS

Application form
Supporting Statement
L4P4K1 05 A Ice Rink 2022 (Existing)
L4P4K1 06 A Ice Rink 2022 Elevations (Existing)
Tunbridge Wells Ice Rink 2022-23 - Plan View of full site
Tunbridge Wells Ice Rink 2022-23 - New Layout (12m) Hill Side Elevation
Tunbridge Wells Ice Rink 2022-23 - New Layout (12m) Coffee Shop Elevation
Tunbridge Wells Ice Rink 2022-23 - New Layout (12m) Car Park Elevation
Tunbridge Wells Ice Rink 2022-23 - Rear End Elevation
2022 Management Plan
Icescapes ISO drawings x 2

10.0 APPRAISAL

- 10.01 The proposed ice skating rink is identical to that permitted and operated in previous years. When the original scheme was considered the key issues were considered as follows. The same issues apply to the current scheme:

- Principle of the development;
- Visual impact/impact on the Conservation Area and designated Historic Park and Garden;
- Impact on residential amenity;
- Highways issues;
- Other matters.

Principle of Development

- 10.02 Core Policy 8 requires that a range of formal and informal open space, recreational and cultural facilities will be maintained. This echoes section 8 of the NPPF. In terms of recreational use, Calverley Grounds is used predominantly for informal play and recreation, with some sport on the courts/greens. It is considered that the ice rink would result in no loss in recreational facilities. The seasonal provision of the ice rink enhances the recreational potential providing a related provision at a time of year that the area would otherwise see limited use. The proposal is therefore considered to accord with relevant national and local policy, including saved Local Plan policy R1 (which applies to the eastern part of the wider grounds).

- 10.03 The site is located in the centre of Royal Tunbridge Wells, which is a highly sustainable location. It is likely to provide a boost to the local economy during its

weeks of operation, and would provide additional social and cultural benefits, in line with relevant NPPF policy. Overall, it is considered that the principle of the development is acceptable. This conclusion is consistent with the previous Officer Reports to Planning Committee and the subsequent permissions.

Visual Impact/Impact on the Conservation Area and Historic Park and Garden

- 10.04 The proposed development is located close to the centre of Calverley Grounds, which (as above) is designated a Historic Park and Garden. Saved Policy EN11 requires that proposals will only be permitted where no significant harm would be caused to the character, amenity or setting of the Park and Garden. The NPPF requires an assessment of the impact of a proposal on the significance of designated heritage assets, which in this instance would include both the Historic Park and Garden and the Conservation Area.
- 10.05 The proposed ice rinks would be set within the flat valley floor created by the natural topography and enhanced through landscaping. The slopes to the north are reinforced by paths, terracing and a café. The slope to the south has been reinforced by planting and contrasts dramatically with the flat hardstanding area of the valley floor.
- 10.06 From many positions within the park the hardstanding area and café building are overlooked and are below the main focus of the view. The hardstanding and café appear in views from Mount Pleasant Road but with a strong backdrop of park landscape and skyline of trees to the extent that they do not entirely dominate the view. The proposed ice rink and ancillary structures are single storey and would not visually obstruct views, especially from higher ground, across Calverley Grounds. Matters such as the sign positioned on the southern slope and lighting of trees have been observed by Officers in previous years and are considered acceptable. A condition requiring a landscape management/restoration plan would further mitigate the impact.
- 10.07 The impact on the character and appearance of the Tunbridge Wells Conservation Area is therefore considered to be acceptable; the yearly temporary nature of the proposal (i.e. 12 weeks within the year) means that any visual impact is wholly reversible and would not cause long term harm to the integrity of the Conservation Area. Calverley Grounds is open to the public throughout the year, which that is part of its character and wider use.
- 10.08 Again, having regard to the yearly temporary nature of the proposal, it is also considered that there would be no long-term negative impact on the Historic Park and Garden.
- 10.09 Therefore it is considered that there is no conflict with the Development Plan in this respect. These conclusions are consistent with the previous applications. The comments of the Principal Conservation Officer with regards to post event site restoration are reflected in condition 3.
- 10.10 The proposal has also been assessed against saved Local Plan policies EN21 (Areas of Important Open Space) and EN24 (Arcadian Areas) and the proposal is considered, given its yearly temporary nature, to accord with these policies. Furthermore, as the proposal is a significant distance from the listed Hotel Du Vin and 6-11 Lanthorne Mews, in addition to it being for a temporary period of time, it is not considered to harm the character or setting of these heritage assets.

Residential Amenity

- 10.11 The site has a number of residential properties in close proximity to its boundaries, and therefore the potential impact on these properties has to be assessed.
- 10.12 MKIP Environmental Protection has no objection in principle to the application. Similar conditions, as have been relied upon in the past, can be included on the decision notice to ensure that these requirements are satisfied.

Noise

- 10.13 The ice rink has previously operated in the same location as is now proposed. Planning conditions can be included to ensure that noise levels from the use of the ice rink remain acceptable. With regards to noise from music on the premises, in previous years this has been controlled by restricting noise emissions from music to 5db above the normal background noise to ensure that any impact is not excessive and noise from music would be necessary to control. For consistency the three conditions recommended by Mid Kent EP last time have been included below, although on this occasion they have only recommended one.
- 10.14 In the past the ice rink has closed to the public at 9pm, however prior to that it was open until 9.30pm. Since 2019 it has reverted to the later closing time. This can be subject to condition.
- 10.15 MKIP Environmental Protection have previously advised that they could make arrangements to monitor noise levels if Property Services receive any complaints about noise. It is noted that concerns have been raised by neighbours in the past about the contents of the Event Management Plan however the day-to-day management of the attraction is a matter for the Council as landowner.

Lighting

- 10.16 Glare from external lights could impact on amenity and cause a nuisance. The proposed floodlights will be directional, therefore minimising as far as possible the light spill and any effects of the lighting on any adjacent residential properties.
- 10.17 Overall, it is considered that the impact on residential amenity will not be significantly harmful, and the proposal will accord with relevant Development Plan and national policy.

Highways

- 10.18 The application site is located in a sustainable town centre location close to public transport links and public car parks. It is easily accessible on foot, bicycle or sustainable transport measures. It is considered that the proposal would not be harmful to highway safety and there is suitable public parking provision nearby. In this regard the proposal complies with Local Plan policies TP4 and TP5 which relate to the provision of a safe access and parking provision respectively.

Other matters

- 10.19 The Planning Practice Guidance provides advice on when temporary permissions will be acceptable:
- It notes that temporary conditions are not frequently justified, and;
 - It will rarely be justifiable to grant a second temporary permission.
- 10.20 However, the applicant has specifically applied for a temporary permission in this case.

- 10.21 The objection by a resident on the grounds that the funding should be used for another purpose is not a planning consideration.

Conclusion

- 10.22 The principle of the ice rink within Calverley Grounds as an additional recreational attraction in a town centre location, to be operated on a twelve week basis during the winter months, remains acceptable. It is considered that there is no harm caused to the character or appearance of the Conservation Area or the registered Historic Garden.
- 10.23 There would be no highway safety concerns from visitors to the attraction with public transport available and parking within the town centre car parks.
- 10.24 The impact on residential amenity can be mitigated through conditions in relation to opening times and noise levels

11.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The use hereby permitted shall occur for a maximum of twelve weeks only between the 31st October and the 31st January yearly until the 31st January 2028.

Reason: The application has been made on the basis that it is a temporary use for a limited period

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Ice Rink Lighting Layout 2022/2023
Timber Christmas Market Chalets details
Tunbridge Wells Ice Rink 2022-23 - Plan View Marquee Sizes with Dims
L4P4K1 03 A Ice Rink 2022 Site Plan Prop
L4P4K1 03 A Ice Rink 2022 Grounds Prop
L4P4K1 04 A Ice Rink 2022 Elev Prop
L4P4K1 01 A Ice Rink 2022 Location Plan
Custom Truss Structure – Elevations x 2
Technical Specification for 300 KW Chiller

Reason: To clarify which plans have been approved.

- (3) Prior to the 31st December 2022, a landscape management/restoration plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted document shall cover the following points;

- Management of water runoff during use and at dismantling .
- Restoration of the parkland after dismantling including paths, grassed areas, area of 'hoggin' etc, affected by either vehicle movements, longstanding decks, plant, walkways, concentrated customer use or other damage resulting from the operations of the Ice Rink and increase in public use. Plan to include post use inspection between Local Planning Authority and the Parks Department to agree areas of restoration;
- A timetable of works and for implementation.

The development shall then be operated in accordance with the approved details for the duration of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character, appearance and amenities of the locality

- (4) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity

- (5) The noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it is operating.

Reason: To protect the residential amenity of the locality

- (6) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In order to protect the occupiers of the dwellings from undue disturbance

- (7) Low frequency noise emitted from the generators shall be controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in the DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2005.

Reason: In order to protect the occupiers of the dwellings from undue disturbance

- (8) The use shall not be open to or used by the public other than between the hours of 09.00 and 21.30 on any day.

Reason: To protect the residential amenity of the locality

INFORMATIVES

- 1) The applicant is advised to contact the Environmental Protection Team to seek advice on the type of generator and screening proposed.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.