

## REPORT SUMMARY

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|---|--|--|
| <b>REFERENCE NO - 19/01815/FULL</b>   |  |  |
| <b>APPLICATION PROPOSAL</b><br>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.  |  |  |
| <b>ADDRESS</b> Calverley Grounds Mount Pleasant Avenue Royal Tunbridge Wells Kent TN1 2SH   |  |  |
| <b>RECOMMENDATION</b> GRANT subject to conditions (see section 11 of report for full recommendation)  |  |  |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• The current proposal is very similar to previously approved scheme;</li> <li>• Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by conditions.</li> </ul> |  |  |
| <b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b><br>The following are considered to be material to the application:<br><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</b><br><b>Net increase in numbers of jobs: 31 (one contracted role and up to 30 casual opportunities as Skate Marshals and in the Box Office)</b><br><b>Estimated average 9 week workplace salary spend in Borough through net increase in numbers of jobs: £72246.98</b><br>The following are not considered to be material to the application:<br><b>Estimated annual council tax benefit for Borough: N/A</b><br><b>Estimated annual council tax benefit total: N/A</b><br><b>Annual New Homes Bonus (for first 4 years): N/A</b><br><b>Estimated annual business rates benefits for Borough: N/A</b>                                   |  |  |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>The Borough Council are the owners of the land and are the applicants.   |  |  |
| <b>WARD</b> Park  | <b>PARISH/TOWN COUNCIL</b><br>N/A        | <b>APPLICANT TWBC</b> Property and Estates<br><b>AGENT</b> N/A |
| <b>DECISION DUE DATE</b><br>13/09/19 (EOT)  | <b>PUBLICITY EXPIRY DATE</b><br>09/08/19 | <b>OFFICER SITE VISIT DATE</b><br>Various                      |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining</b>   |  |  |

| <b>sites):</b>  |   |           |          |
|-----------------|---|-----------|----------|
| 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   | 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   | 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   | 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   | 08/12/11 |
| 11/02755/FUL    | Temporary change of use for siting of ice rink, skate change marquee, lighting and associated equipment   | Granted   | 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 nine week period each year for three years (i.e. until 2022) for a 720m<sup>2</sup> ice rink, a 160m<sup>2</sup> nursery ice rink and associated structures and amenities. The smaller nursery rink is a new feature for this year. The nine weeks would fall within the period of time from the end of October to the end of the following January. The ice rink would measure 20 metres by 36 metres and incorporates a barrier at a height of 1.2m.
- 2.02 The proposal also includes an ‘L’ shaped marquee to provide a skate changing room, seating and covered café/bar. It would measure 47 metres by 25 metres and wraps around two sides of the ice rink. Part of the marquee is 7.85m in height and the other part is 6.48m.
- 2.03 There are six ‘goal’ lights proposed and six single lights, all standing at 4m high. Generator and chiller units for the ice rink are also proposed to the east of the rink and set within an acoustic enclosure. An electrical cupboard to provide power to the Christmas cabins is also proposed to be set at the existing retaining wall along the footpath.
- 2.04 The proposal also seeks permission for the siting of up to eight Christmas chalet/cabins and one larger Father Christmas log cabin to be used in conjunction with the ice rink. The cabins 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.
- 2.05 The hours of operation would be 09.30 to 21.30 every day (the previous permission stated 21:00). The nine week opening period for 2019-2020 is currently proposed to be from 16<sup>th</sup> November 2019 to 2<sup>nd</sup> January 2020.

## 3.0 SUMMARY INFORMATION

|                        | Existing   | Approved under 17/01206/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                        | 8.35m             | +8.35m             |
| Ice Rink Size(senior)  | 0          | 720m <sup>2</sup>            | 720m <sup>2</sup> | +720m <sup>2</sup> |
| Ice Rink Size(junior)  | 0          | N/A – not part of scheme     | 160m <sup>2</sup> | +160m <sup>2</sup> |

#### **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) (2019)**  
**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**

EN1: Environment

EN11: Historic Parks and Gardens

EN21: Important Open Space

EN24: Arcadian Area

R1: Recreation

TP4: Safe Access

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 2 representations (one supporting, one objecting) received raising the following issues:

- Object to grant until 2022 (as the Event Management Plan only states it is for 2019);
- Issues with Calverley Square Development – issues with pedestrian and vehicular access if the ice rink coincides with the Calverley Square Development construction;
- The residents of Calverley Park have co-existed with the Ice Rink event for a number of years with only minimal problems.
- Calverley Park is private – must not be accessed by visitors or contractors;
- Refuse collection plan within the Event Management Plan is inadequate;
- Residents reserve the right to complain to the organisers as necessary and to expect to receive a prompt response should sound from the ice rink operation become a nuisance.
- In the event of cold weather and snow, organisers should consider safety of visitors on the entrance paths within the Grounds.

## 7.0 CONSULTATIONS

### **Historic England**

7.01 (16/07/19) – no comment

### **Gardens Trust**

7.02 (30/07/19) - have considered the information provided in support of the application and have liaised with colleagues in Kent Gardens Trust. On the basis of this, do not wish to comment on the proposals at this stage. Emphasise that this does not in any way signify either approval or disapproval of the proposals.

### **Kent Police**

7.03 (26/07/19) - Having reviewed the on line plans and documentation, it was pleasing to note the general site security measures as detailed in the Ice Rink Management Plan document and that site security will be similar to that supplied for the previous application.

7.04 It is extremely important that the measures detailed in the Ice Rink Management Plan are installed as part of the operation of the site whilst it is in place, as without these appropriate security measures, the site may attract all kinds of crime and antisocial behaviour. It is also important that the chalets are adequately secured along with any merchandise. Any cash should not be left on site. The generator itself along with any fuel should also be adequately protected.

### **Mid Kent Environmental Protection**

7.05 (18/07/19) - Noise from music and plant should be monitored by a competent person. Letters should be sent out local residents prior to the rink opening with a contact name and number for any event related issues including excessive noise. In order to minimise noise and emissions of fuel related pollutants to the air the operation should seek to maximise use of mains electricity where possible. No objections.

### **TWBC Principal Conservation Officer**

7.06 (30/07/19) - have reviewed the application drawings and supporting information - am familiar with the site. Raise no objection to the proposal for temporary installation of the ice rink.

- 7.07 However, would suggest that a condition requiring a proposal for preventing damage to the grass, flowerbeds and hardstanding areas during installation of the ice rink and requiring a restoration plan for areas of grass, flowerbeds, or hard standing after removal of the ice rink.

**TWBC Parking Services**

- 7.08 (18/07/19) - Parking Services have no comment to make on this application and it is assumed that any temporary parking arrangements required will be arranged separately as and when needed.

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

- 8.01 The application is for a temporary ice rink located within Calverley Grounds and will be placed in a similar location as the ice rink that has operated over previous Christmas periods. The proposals for 2019 to 2022 will be similar to the ice rink designs approved in 2017 but with the addition of a nursery rink.
- 8.02 None of the existing buildings or structures will be removed or damaged during the temporary installation. No excavations will take place therefore there will be no 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. These are of a similar specification to those used in previous years.
- 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. A draft example 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 09:30am 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**

- 9.01 Application form

Ice Rink Event management Plan 15 November 2019 – 5 January 2020 rev 1  
Supporting Planning Statement and Heritage Statement  
Drawing numbers L4P1K1 01A; L4P1K1 03A; L4P2K1 03A; L4P2K1 04A; Plan View;  
A02; A03; A04; A05; A06; A07; A08; A09; A10; A11; A12  
Drawings titled Tunbridge Wells Ice Rick 2015 Pole Layout; Custom Truss Structure  
over steps; and Custom Truss Structure over entrance

## **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. In fact 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 heart 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 permissions.

### **Visual Impact/Impact on the Conservation Area and Historic Park and**

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.
- 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. nine 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. 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. 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 1. It is also noted that part of the ice rink structure appears to be sited within the flower bed however this part of the structure would be suspended over the flower bed.
- 10.08 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**

- 10.09 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.
- 10.10 MKIP Environmental Protection has no objection in principle to the application. The comments request that mains electrics are used as much as possible to avoid air pollutants from other energy sources and also to request that the generators with the lowest noise emission as possible are used.
- 10.11 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**

- 10.12 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.
- 10.13 Over the last couple of years the ice rink has closed to the public at 9pm, however prior to that it was open until 9.30pm. It is now proposed to revert to the later closing time. This can be subject to condition.



- 10.14 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 are raised 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

- 10.15 Glare from external lights could impact on amenity and cause a nuisance. The proposed floodlights will be hooded and directional, therefore minimising as far as possible the light spill and any effects of the lighting on any adjacent residential properties.
- 10.16 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**

- 10.17 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**

- 10.18 Given the distance of the site to the allocation, and the nature of the use, it is not considered that the proposal will prejudice the future potential redevelopment of Mount Pleasant Avenue Car Park for office (B1(a)) or financial and professional services (A2), as allocated in Site Allocations Local Plan 2016 (Policy AL/RTW 21) and permitted last year.
- 10.19 The NPPG 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, one of the instances where temporary permission can be justified is where it is anticipated that there will be a change of planning circumstance at the end of the period. Given the proposals and allocation in the Site Allocations Local Plan (2016) for office and theatre development at the edge of Calverley Grounds, which Members are well aware of, it is considered that in this instance there is such justification for a final temporary permission as there is the potential that the planning situation will become more certain in the near future.

#### **Conclusion**

- 10.21 The principle of the ice rink within Calverley Grounds as an additional recreational attraction in a town centre location, to be operated on a nine 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.
- 10.22 There would be no highway safety concerns from visitors to the attraction with public transport available and parking within the town centre car parks.

- 10.23 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 nine weeks only between the 31st October and the 31st January yearly until the 31st January 2022. Works to restore the land to its former condition be undertaken within 14 days after the use ceases each year and grass seeding to commence by 01 April each year unless otherwise agreed in writing by the Local Planning Authority.

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

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

Drawing numbers L4P1K1 01A; L4P1K1 03A; L4P2K1 03A; L4P2K1 04A; Plan View; A02; A03; A04; A05; A06; A07; A08; A09; A10; A11; A12  
Drawings titled Tunbridge Wells Ice Rink 2015 Pole Layout; Custom Truss Structure over steps; and Custom Truss Structure over entrance

Reason: To clarify which plans have been approved.

- (3) 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

- (4) 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

- (5) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be no more than 5dB above the existing measured ambient noise Level LA90 T during the night time period. For the purpose of the assessment the Authority will accept 23:00 - 07:00 hours as covering the night time period.

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

- (6) 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

- (7) The use shall not be open to or used by the public other than between the hours of

09.30 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.