



REGULATORY SERVICES COMMITTEE

27 October 2016

REPORT

Subject Heading:

P1563.16 – Market Place, Romford (Date received 29/09/2016)

Proposal

Installation of a temporary ice rink for the Christmas Period in Romford Market Place, including ice arena, skate exchange area, plant area and sales booth. Ice rink to run between dates of 18th November and 15 January 2017. Erection and dismantling requires up to an additional 10 days either side of these dates

Ward

Romford Town

Lead Officer

Simon Thelwell
Projects and Regulation Manager

Report Author and contact details:

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Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

SUMMARY

It is proposed to establish a temporary ice rink at the eastern end of Romford Market Place for the duration of the Christmas period from 18th November until 15th January 2017.

The proposal raises considerations in relation to the character and appearance of the Market Place and Romford Conservation Area, the impact on the residential amenity of neighbouring residents and businesses together with access arrangements.

The proposal is considered to be acceptable and it is recommended that temporary planning permission be granted subject to conditions.

It should be noted that the period for neighbour consultation and that given for responses to the site notice and advert has not yet expired and it is therefore recommended that the decision be delegated to the Assistant Director of Regulatory Services.

RECOMMENDATIONS

That the Committee resolve that, pending the expiry of the deadline for comments set by the Site Notice and advertisement in the local newspaper and subject to no further representations being received raising substantive points which are not addressed by this report, the decision be delegated to the Assistant Director of Regulatory Services to grant temporary planning permission subject to the following conditions.

1. This permission shall be for a limited period only commencing on 18/11/2016 and expiring on 15/01/2017 on or before which date the use hereby permitted shall be discontinued, The buildings and works carried out under this permission shall be removed and the site reinstated to its former condition within 10 working days of 15/01/2017 to the satisfaction of the Local Planning Authority. Any variation from the above dates within a 10 day window shall be requested in writing to, and agreed in writing by, the Assistant Director of Regulatory Services.

Reason:

To enable the Local Planning Authority to retain control.

2. The premises shall not be used for the purposes hereby permitted other than between the hours of 12.00 and 21.00 on Mondays to Fridays from 15th November until 21st December 2016 and from 3rd January until 13th January 2017, and between the hours of 10.00 and 21.00 on weekends and Mondays to Fridays from 22nd December 2016 until 2nd January 2017 with the exception of Christmas Day, Boxing Day and New Year's Day when the ice rink shall not operate without the prior consent in writing of the Local Planning Authority. Any variation from the above times, and/or dates, within a 10 day window, shall be requested in writing to, and agreed in writing by, the Assistant Director of Regulatory Services.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 9 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document

5. No deliveries into the site, loading and unloading of vehicles and associated construction and or removal of the temporary structures, stages and sound systems shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason:-

To protect residential amenity in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. Before the development hereby permitted commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the temporary site. Such scheme as may be approved shall be implemented prior to commencement and thereafter retained in accordance with such details.

Reason:-

Insufficient information has been supplied with the application to assess the noise levels from the proposed use. Submission of a scheme prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use, will prevent noise nuisance to adjoining/adjacent properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

7. Before any works to install new plant and machinery commences a scheme for proposed new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed $L_{A90} - 10\text{dB}$ and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining/adjacent properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

8. Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system or generator/s installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system or generator/s. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. A sound propagation test shall be undertaken at all amplified speaker positions at least 1 hour prior to the start of any recorded music in order to inform the setting of appropriate control limits. A hotline shall be available throughout the duration of the event. The number for this hotline shall be made available at least 14 days prior to the event starting and notified to all properties likely to be disturbed by the event. Staff shall be trained in the procedures to follow when receiving a call. All calls made to this number shall be fully documented and the resultant action recorded. There shall be a named person responsible for the noise hotline and their contact details shall be forwarded to the Local Planning Authority at least 7 days prior to the commencement of the use.

Reason:-

Insufficient information has been supplied with the application to assess the noise levels from the amplified music. Submission of a scheme prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use, will prevent noise nuisance to adjoining/adjacent properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

10. Between the hours of 19.00 and 21.00 hours, music noise levels (LAeq, 15mins) shall not exceed 50dB when measured at 1metre from the façade of any noise sensitive premises.

Reason:

To protect residential amenity in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

11. Before any works commence details of the layout of the equipment compound, including the position of fixed plant and mobile machinery and details of fencing, shall be submitted to and agreed in writing by, the Local Planning Authority. Thereafter the equipment compound shall be laid out in accordance with the agreed scheme.

Reason:-

Insufficient information has been supplied with the application to judge the layout of the equipment compound and its implications for the generation of noise which might be partly mitigated by preventing line of sight to flats in Nayland Court. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

12. The ice rink hereby permitted shall accommodate no more than 150 skaters per session.

Reason:-

To prevent obstruction of the surrounding street and to safeguard the amenity of the area in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

13. Before the use of the ice rink commences details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the agreed scheme.

Reason:-

Insufficient information has been supplied with the application to judge the impact of lighting and the potential for this to cause a nuisance to adjacent occupiers. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1.0 **Site Description**

- 1.1 The proposed location is at the north eastern end of the Market Place bounded on three sides by Aldi supermarket and flats above to the north west, Tollgate House to the north east and retail units and the entrance to Laurie Walk to the south east with the open Market Place to the south west.

2.0 **Description of Proposal:**

- 2.1 It is proposed to install a temporary ice rink at the north eastern end of the Market Place for the period from 18th November to 15th January 2017. The ice rink would be orientated across the Market Place measuring 30m by 12.5m. A 12m x 12m skate exchange would be located centrally to the north eastern side of the ice rink with a 12m x 9m plant compound positioned to the south east of the skate exchange furthest away from residential properties on the north side of the Market Place.
- 2.2 The ice rink and the skate exchange would be enclosed within a white marquee measuring 4.58m to its ridge. The sides of the ice rink marquee are removable whilst the rink is in operation to expose clear plexi-glass sides to give skaters and spectators views in and out.
- 2.3 Outside of operating hours the sides of the marquee would be replaced and the building secured.
- 2.4 The ice rink marquee would be floodlit internally and decoratively lit externally with festoon lighting. Operating hours are proposed until 9pm with the opening time varying between 12 noon Monday to Friday during term time and 10am at weekends and the school Christmas holiday period.
- 2.5 The ice rink would operate hourly sessions with a maximum of 150 skaters capacity at any time.

3. **Relevant History**

- 3.1 None relevant

4. **Consultations and Representations:**

- 4.1 Consultees and 294 neighbouring properties and premises have been notified of the application. The application has been advertised on site and in the local press. The time period for responses to the press and site notice does not expire until 28th October.
- 4.2 At the time of writing the period for receiving neighbour letters had not expired. To date three letters of objection and one letter of support have been received. Any further representations will be reported orally.
- 4.3 Objections raised relate to:
 - Further information is required to enable a judgement to be made over erection and dismantling of the facility; the impact of plant and equipment; dates and times; the layout of the plant area and the location, control and orientation of speakers for any music system
 - Access via Market Link is difficult at the best of times and would need to be controlled during the period the ice rink was in place when less parking would be available;
 - The use will attract gangs of youths and noisy teenagers;
 - Emergency access for residents and business needs to be

- maintained;
- The previous Ferris Wheel exposed residents of Nayland Court to excessive noise;
- Generators will produce noise 24/7 in order to maintain the ice;
- Potential light pollution;
- Ice rink should be located where no residents would be affected.

Objections are dealt with within the Staff Comments section of the report.

Consultee Responses

English Heritage – No comments to offer. The application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

LBH Environmental Health – No comments in relation to air quality or contaminated land but conditions suggested in relation to noise.

LBH Highways – No objections

5 Relevant Policies

5.1 Policies CP4 (Town Centres), CP7 (Recreation and Leisure), CP15 (Environmental Management) and CP18 (Heritage) DC20 (Access to Recreation and Leisure Including Open Space), DC32 (The Road Network), DC33 (Car Parking), DC55 (Noise), DC61 (Urban Design), DC62 (Access) and DC68 (Conservation Areas), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents together with Policies ROM7 (Market Place), ROM8 (Day and Evening Economy) of the Romford Area Action Plan DPD are material planning considerations.

5.2 London Plan policies: 4.6 (Support for and enhancement of arts, culture, sport and entertainment), 7.4 (local character), 7.6 (architecture) and 7.15 (reducing noise and enhancing soundscapes) are considered to apply.

5.3 The National Planning Policy Framework and Romford Development Framework are further material considerations.

6. Staff Comments

6.1 This proposal is brought to Committee as a Council application on land which is Council owned where objections have been received. The issues arising are the impact on residential amenity, parking, access and heritage.

6.2 The proposal arises from the ongoing strategy to promote and enliven Romford Market, providing an enhanced offer to Havering residents and visitors, especially during the Christmas period.

6.3 The proposed location at the north eastern end of the Market Place is considered to be the most appropriate one for a temporary installation. The

main focus of the retail stalls in the Market Place is further down the Market Place and positioning the ice rink across the eastern end of Market Place maximizes the uninterrupted area available for stall holders. Temporary ice rinks have proved popular and a significant draw in other locations and as the rink would be covered its use is not weather dependent, further increasing its attractiveness. It is considered that the proposal would be in accordance with Policy ROM7 which promotes the area at the eastern end outside Tollgate House as an event space and focal point for Romford Town Centre.

- 6.4 As an active Market Place the presence of temporary structures is part of the character of the area. Whilst the proposed ice rink marquee would be in place for a longer duration and is on a larger scale than the stalls, which come and go on market and non-market days, it is not considered that the scale and design of the temporary structure would appear inappropriate or out of character. The intention is that the structure would reflect the festive season, both internally and externally to contribute further to the attractiveness of the Market Place as a destination. On this basis, and given its temporary nature it is not considered that the proposal in any way conflicts with the Conservation Area status of the Market Place.
- 6.5 The size and positioning of the ice rink and associated structures and development has been agreed with the Fire Brigade and ensures that sufficient access is maintained around it for safety and emergency services purposes.
- 6.6 The temporary reduction in the number of parking spaces available in the Market Place (20 spaces) raises no objections from Highways. The management issues relating to the reduced availability of parking spaces in the Market Place was a matter which was dealt with last year when a larger area at the eastern end of the Market Place was used as the site for a number of temporary wooden stalls which were in place for a longer period than the market operated for.
- 6.7 Concerns about noise and disturbance from the use itself, setting up and dismantling, music and equipment are acknowledged and appreciated given the proximity of the site to residential apartments on the north side of the Market Place. However, to some extent these premises are accustomed to the regular setting up and dismantling of the market stalls and the early arrival of market traders. Furthermore, the intention is that the use of the ice rink would not commence until at least 10am and would not continue beyond 9pm. The layout and positioning of the plant compound, which includes equipment and cooler units, has been designed with the proximity to the residential units in mind, locating it on the southern side of the skate exchange furthest away from residential properties and where the structure of the skate exchange itself should provide further protection. Nevertheless, whilst some information about noise output and control has been received it is insufficient to provide certainty. Accordingly, a number of conditions are suggested to ensure that the impact upon residential amenity is further minimised, including setting noise limits, noise monitoring, controls over the hours of operation, construction and deliveries. The fact that the ice rink will

be covered will assist with ensuring that noise disturbance is minimized, whilst enabling music to be played for the enjoyment of skaters.

- 6.8 Potential amenity issues arising from lighting would also be addressed by a condition.

7. **Conclusions**

- 7.1 Having regard to the above it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.1 to 5.3. Staff are satisfied that the temporary facility can be operated without causing undue disturbance to residential amenity and that it will provide an attractive and popular adjunct to the operation of the Market. It is recommended that temporary planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None arising.

Legal implications and risks:

None arising

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

The ice rink is a single storey structure and will be accessible from pavement level for wheelchair spectators or visitors who are ambulant disabled. Penguin skating aids would be made available for those who may need assistance standing up on the ice.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.