

11/10 Ctee

PLANNING REPORT

Printed for officer by
Ms Rebecca Shilstone on 22 June 2012

Application reference: 12/1850/FUL TWICKENHAM RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
12.06.2012	21.06.2012	16.08.2012	16.08.2012

Site:

York House, Richmond Road, Twickenham, TW1 3AA

Proposal:

Temporary structures erected on the tennis courts and grounds at York House as part of the winter festivities for visitors, comprising:

1. Open-air, temporary ice rink covering a surface area of 300m² (20m x 15m);
2. Two connected marquees with white canvas roofs and white/clear glazed sides to accommodate ticketing, viewing and skate hire and covering a surface area of 72m² (12m x 6m);
3. One area for ice rink machinery (chillers and power);
4. Generator and banded fuel tank located in caretakers compound;
5. WC units including disabled facilities;
6. Licensed food & beverage concession located on access road by main gates.

The facilities will be open to visitors seven days a week (except Christmas Day) and will operate for six weeks (plus two weeks for rig/de-rig) between November 2012 and February 2013 between the hours of 10.00am and 8.00pm.

CAPS amended re: description

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr Berkley Driscoll
29 Popes Avenue
Twickenham
Middlesex
TW2 5TP
United Kingdom

AGENT NAME

DC Site Notice: printed on 22.06.2012 and posted on 29.06.2012 and due to expire on 20.07.2012

Consultations:

Internal/External:

Consultee

21D Urban D
LBRUT Transport
LBRUT Environmental Health

Expiry Date

13.07.2012
06.07.2012
06.07.2012

Neighbours:

The Royal Oak, 13 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
First Floor, 1 - 3 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
19A Richmond Road, Twickenham, TW1 3AB - 22.06.2012
15A Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
12 Sion Court, Sion Road, Twickenham, TW1 3DD - 22.06.2012
17B Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
17A Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
1 Sion Road, Twickenham, TW1 3DR - 22.06.2012
Sion House, 2 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
34 Sion Court, Sion Road, Twickenham, TW1 3DD, - 22.06.2012
32 Sion Court, Sion Road, Twickenham, TW1 3DD, - 22.06.2012
30 Sion Court, Sion Road, Twickenham, TW1 3DD, - 22.06.2012
28 Sion Court, Sion Road, Twickenham, TW1 3DD, - 22.06.2012
19 Sion Court, Sion Road, Twickenham, TW1 3DD, - 22.06.2012
17 Sion Court, Sion Road, Twickenham, TW1 3DD, - 22.06.2012

45 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 43 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 41 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 39 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 38 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 36 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 34 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 32 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 30 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 28 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 26 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 24 Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012
 Oak Lane Service Station, 5 - 11 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 Oak Lane Medical Centre, 6 Oak Lane, Twickenham, TW1 3PA, - 22.06.2012
 15 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 York Cottage, Sion Road, Twickenham, TW1 3DB, - 22.06.2012
 8 Oak Lane, Twickenham, TW1 3PA, - 22.06.2012
 44 York Street, Twickenham, TW1 3BZ, - 22.06.2012
 13 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 11 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 10 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 8 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 6 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 5 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 3 Sion Road, Twickenham, TW1 3DR, - 22.06.2012
 Langham Cottage, Riverside, Twickenham, TW1 3DT, - 22.06.2012
 31 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 27 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 25 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 21 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 Flat, 13 Richmond Road, Twickenham, TW1 3AB, - 22.06.2012
 7 Ferry Road, Twickenham, TW1 3DW, - 22.06.2012
 3 Ferry Road, Twickenham, TW1 3DW, - 22.06.2012
 1A Lebanon Court, Richmond Road, Twickenham, TW1 3DA, - 22.06.2012

History: Development Management, Appeals, Building Control, Enforcements:

Development Management Application:01/0473
 Status: GTD
 Date:29/05/2001 Convert Existing I T Training Area To Day Nursery (20 Children) Under 5 Years Of Age With 4 Staff.

Development Management Application:03/0103/FUL
 Status: WDN
 Date:05/03/2003 External And Internal Repairs And Maintenance Including Replacing Rotted Timber Windows With New Aluminium Framed Double Glazed Windows.

Development Management Application:92/2059/LBC
 Status: GTD
 Date:26/02/1993 Refurbishment Of Mens And Ladies W.c's Attached To Public Halls Including Clakroom.

Development Management Application:94/T2157/CA
 Status: GTD
 Date:13/09/1994 Fell To Ground Level Ulmus Procera At Rear Of Training Rooms Of York House

Development Management Application:94/T2158/CA
 Status: GTD
 Date:13/09/1994 Fell To Ground Level Ulmus Procera At Rear Of Training Rooms Of York House

Development Management
Status: GTD
Date:13/09/1994

Application:94/T2159/CA
Fell To Ulmus Procera At Training Ground At Rear Of Training Rooms Of York House

Development Management
Status: GTD
Date:13/09/1994

Application:94/T2160/CA
Fell Ulmus Procera At Rear Of Training Rooms Of York House

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2161/CA
Crown Clean Fagus Sylvatica 'laciniata'

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2162/CA
Crown Clean Salix Alba

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2163/CA
Crown Clean Salix Alba

Development Management
Status: GTD
Date:27/09/1994

Application:94/T2164/CA
Crown Clean Cedrus Le Atlantica

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2165/CA
Clear Overhanging Branches Form New Gates And Crown Clean Quercus Robur

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2166/CA
Clear Overhanging Branches From New Gates And Crown Clean Quercus Robur

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2167/CA
Crown Lift Prunus Ceresifera Nigra

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2168/CA
Crown Lift Prunus Ceresifera Nigra

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2169/CA
Crown Lift Prunus Ceresifera Nigra

Development Management
Status: GTD
Date:09/09/1994

Application:94/T2170/CA
Formative Prune Platanus X Hispanica On Front Lawn

Development Management

Application:94/T2171/CA

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - ~~YES~~ / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

Case Officer (Initials): RS

Dated: 26/9/12

I agree the recommendation:

Team Leader/Development Control Manager

Dated:

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:	
INFORMATIVES:	

ADDITIONAL NOTES CONTINUED FROM ABOVE:

Professional Comments:

✓

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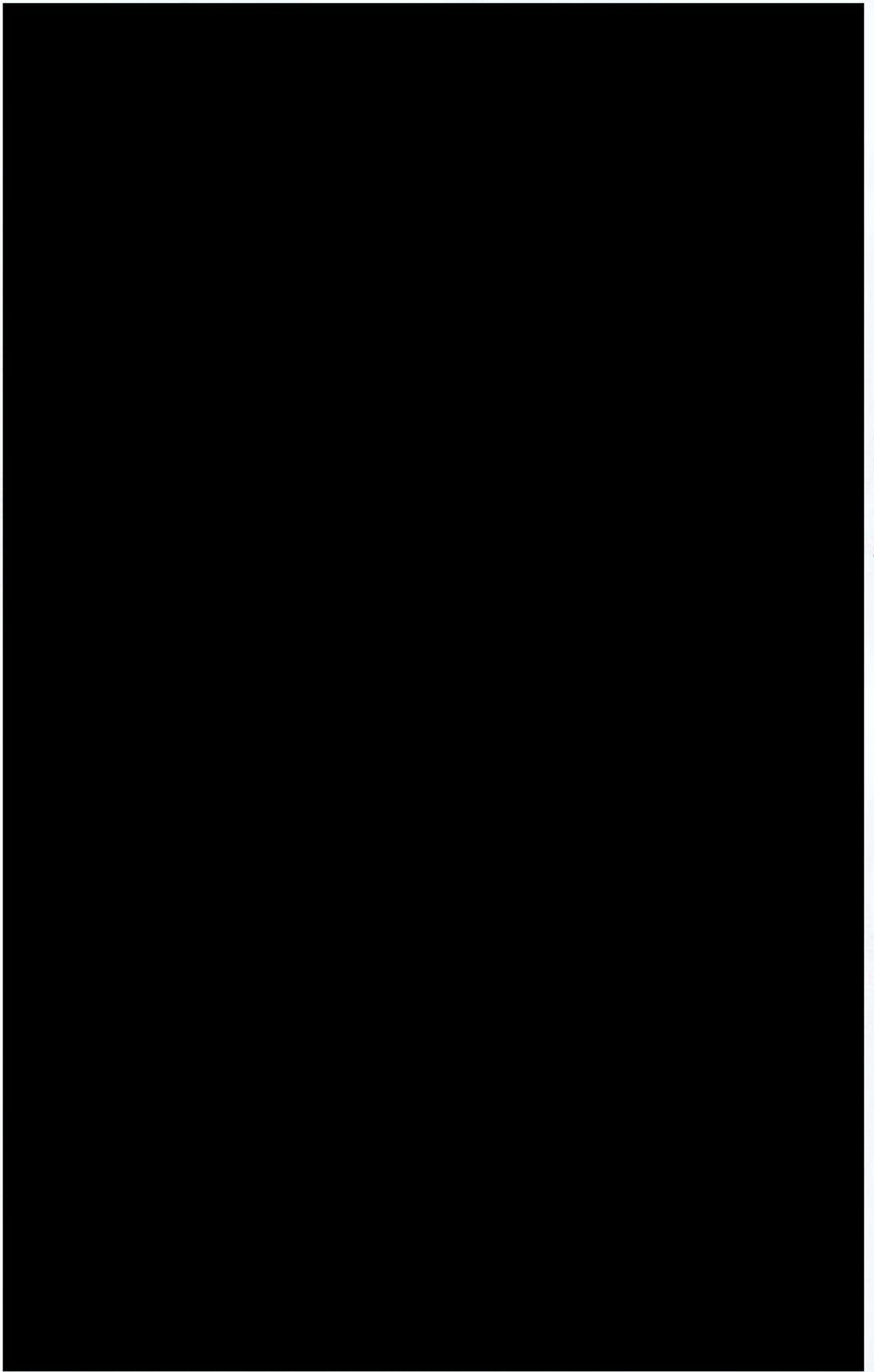
Notes of Telephone calls/discussions/meetings

DATE

ACTION

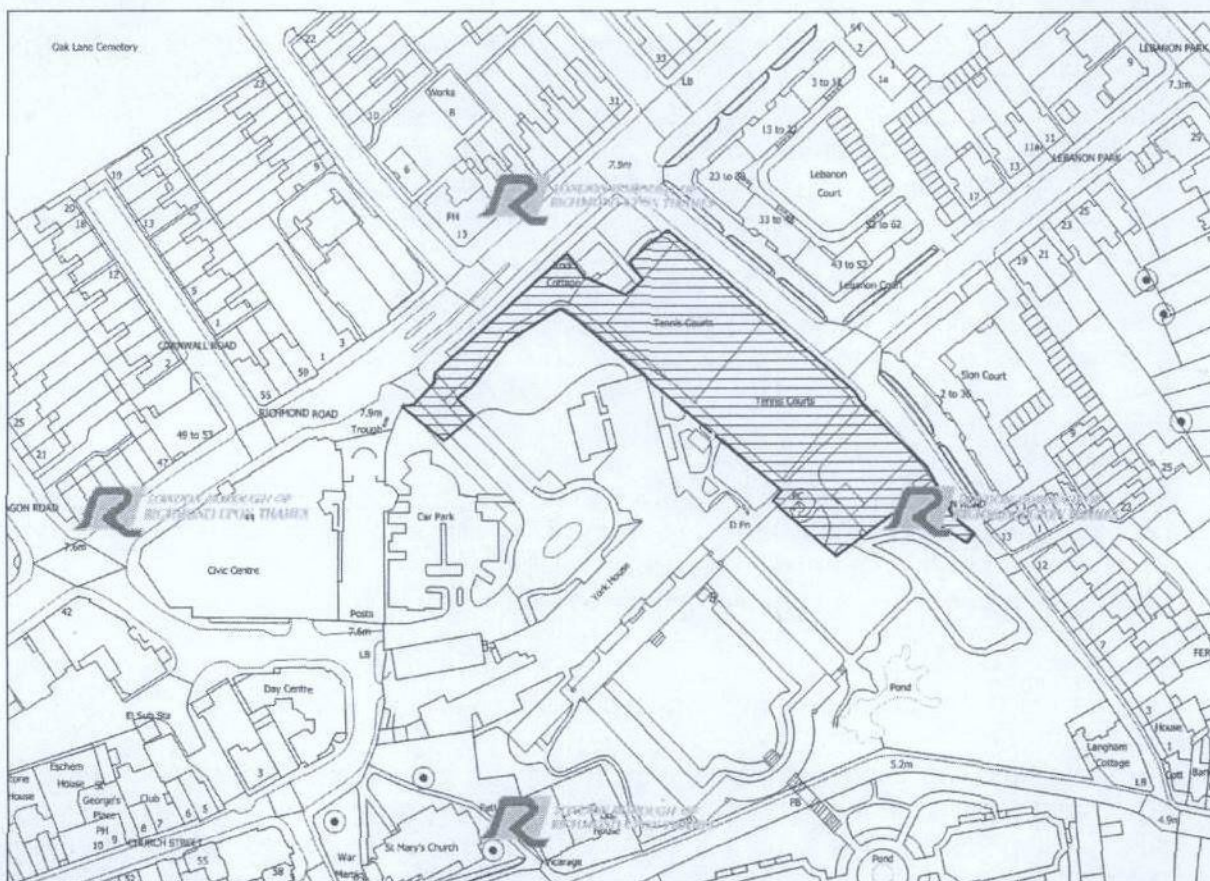


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4



12/1850/FUL
YORK HOUSE GARDENS
YORK STREET
TWICKENHAM

TWICKENHAM RIVERSIDE WARD
Contact Officer:
R Summers



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Do not scale

Proposal: Temporary structures erected on the tennis courts and grounds at York House as part of the winter festivities for visitors. The facilities will be open to visitors seven days a week (except Christmas Day) and will operate for six weeks (plus two weeks for rig/de-rig) between November 2012 and February 2013 between the hours of 10.00am and 8.00pm or between November 2013 and February 2014 between the hours of 10.00am and 8.00pm

Applicant: Mr Berkley Driscoll

Application received: 12 June 2012

Main Development Plan Policies :

Core Strategy policies: CP 9; DMP policies: DM OS 2, 4, 8, 9; DM TP 1, 5; DM HD 1, 2; DM TP 1; DM DC 5; Twickenham Action Area Plan proposal TW4.

SUMMARY OF APPLICATION

The application is for a temporary use for ice rink & supporting facilities which accords with various planning policies of the Local Planning Authority and is likely to be beneficial to Twickenham Town Centre as a commercial/recreational centre. It is recognised that there could be potentially harmful matters arising from the use which can be mitigated via the suggested planning conditions and the temporary nature of

the use. As such the application is recommended for permission subject to the conditions listed on this report/decision notice.

SITE DESCRIPTION & PROPOSAL:

1. The planning application relates to the tennis court area within York House Gardens. The two courts nearest Richmond Road would receive the rink & two linked marquees; the other two courts will remain available for tennis. The scheme is fully described above but for the avoidance of doubt the applicant initially sought planning permission for a period of 6 weeks usage between Nov 2012 - Feb 2013. Up to 100 users could be on court at any one time with 10 no. 45 minute sessions available throughout the day from 10.00 to 20.00.
2. The chiller equipment would be located near to the rink within an enclosed structure; the generator within a compound to the south east. A disabled WC is proposed to the south east of the rink close to the existing urinal. A drink/food unit would be located on the drive to York House.
3. The rink would be lit with 6/8 blue lights on 6 No. 3.5m high columns with festoon lighting on cables around the edges of the rink. It would be fully accessible. The principal access would be via the main gates to York House utilising the existing path to the court area. This would also be lit by a portable lighting system.
4. The applicant advises that customers would be encouraged to use public transport or the car parks in Twickenham. Coaches would be directed to York House car park.
5. The applicant has submitted documents to support the proposal including details of equipment, laying of the rink, noise levels, transport suggestions and a statement summarising the responses to the pre application consultation carried out with the local community.

Public and other representations;

6. English Heritage recommend the application is determined in accordance with national & local policy guidance & in house specialist advice.
7. 48 representations received objecting for the following reasons [several support the concept but not at this location]:
 - Unacceptable noise and disturbance from customers, traffic, music and equipment
 - York House Gardens locked at dusk so the use will expand the noise period with possible vandalism increasing
 - Danger from generator & fuel tank to neighbours
 - Lighting will be intrusive & create pollution
 - Other alternatives suggested such as Radnor Gardens Old Deer Park, Twickenham Riverside, Bushy Park, Marble Hill
 - Lack of parking facilities putting pressure on existing congested roads, particularly when the CPZ is not in operation leading to possible danger to all
 - CPZ not in operation on Sundays which may result in heavy extra traffic parking locally
 - Excessive use of energy when rink not in use
 - Potential damage to recently re-laid tennis courts & walls etc of this Listed Garden
 - Smells, litter etc from fast food outlet
 - Ruin the ambience of this very sensitive Conservation Area & Listed Building
 - Loss of courts, which are well used
 - Sufficient ice rinks elsewhere & not within residential areas
 - Site too distant to benefit Twickenham town centre
 - Successful rinks are in more iconic locations with better transport nearby

- Noise during rig/de-rig periods
- Insufficient information regarding noise levels from chillers, light levels, PA system
- Noise from users who may have been drinking
- Emergency access from Sion Road may not be achievable due to its narrowness
- Potential increase in crime due to crowds gathering

8. 45 representations received supporting the application for the following reasons:

- Great asset for young people in particular
- Trees will obscure views of the rink etc
- Most people draw their curtains & close their windows at night
- Borough has a history of ice skating
- Local traders should benefit in these recessionary times
- Potential noise from generators can be minimised to an acceptable level
- Additional attraction to Twickenham which is welcomed

Amendments

- Application amended to allow the proposal **either** between Nov 2012 to Feb 2013 **or** Nov 2013 to Feb 2014.
- Chiller, generator pump and bunded fuel tank located between ice rink & boundary wall to Sion Road

Reconsultation

9. 18 Representations received re-iterating objection above plus:

- Alternative dates will add to the uncertainty
- Should be trialed first before agreeing further periods
- Chiller etc closer to residential with noise and smell issues
- Must allow normal access to the Gardens
- Activity will go beyond 20.00
- Enclosed nature of site will create noise reverberation

10. 5 representations supporting the application for the reason set out above.

11. The applicant has subsequently submitted a noise report based on studies carried out from 31 August to 4 September 2012

Professional Comments

12. The main planning issues are as follows: land use; impact on the locality; & impact on neighbours including parking.

Land Use

13. This is a somewhat unusual case which has divided opinion almost equally although the amount of support/objection is not the key consideration in that it is the quality of the arguments, when related to planning policy & any other material considerations, that is most germane.

14. The site is within, although on the outer edge of both the Twickenham Town centre as defined in the DMP & the Twickenham Action Area Plan [TAAP]; the latter currently being developed.

15. The principal of the proposal is a positive one & will bring a new leisure use to Twickenham with some additional trade & activity to the town in line with the relevant policies & the general thrust of the TAAP to give the centre a greater profile. In particular Proposal TW4 for York House & Gardens in the TAAP states as follows:

16. **Aims** – to make optimum use of this wonderful public building and grounds, providing a

range of appropriate uses, which would contribute towards making the York House area more of a destination, and enhance this end of the town. To allow this area to be reinforced as the "Civic and Cultural" quarter of the town.

17. **Uses** - Civic use retained and additional use of building to create a community / cultural hub with café / gallery / restaurant space, exhibition and performance space. Increased use of the former road outside the Civic Centre for occasional events and possibly one off or regular markets. Environmental improvements to Champions' Wharf Sculpture Park to include more welcoming entrance to York House Gardens. All new building and uses must take account of the Listed status of York House and its Registered Garden, including taking account of the overall ambiance of the House and Gardens and the importance of the setting of York House.
18. It should also be noted that this application is for a temporary use for 6 weeks & should be considered as such. If permission is given & the use commences then there will be an opportunity to be able to review the matter if a further planning application was submitted at a later date for something similar.
19. The proposal has been amended by the applicant so that if there is insufficient time to organise the event for this Christmas then it can be implemented for the following year. For the avoidance of doubt if planning permission is forthcoming then this decision does **not** give consent for both Christmases.
20. However, even on a temporary basis only, it must be judged against potential harm which is likely to manifest itself in terms of an adverse impact on neighbours from this extra activity &, in particular, the likely increase in pressure for parking on local roads outside the CPZ hours. These aspects are discussed in the relevant section below.
21. The scheme will result in the loss of two tennis courts for an 8 week period which is regrettable given that the representations received suggest they are well used although the Council's sports section suggests the use is much less than in the other seasons. The decision is effectively one sport in lieu of another for that period. Planning policy does not discriminate in such circumstances &, as such, it would be difficult to argue the loss of the courts usage could be resisted through a refusal as it would remain in recreational use. As a side matter it is understood the applicant would need to enter into a contract with the Council to ensure any damage to the courts is fully repaired.

Impact on the locality

22. York House Gardens is a Grade 2 Registered Historic Garden containing a Grade 2 * Listed Building within it & the whole site lies within the Twickenham Riverside Conservation Area. This means the site is a very sensitive one to any development even if on a temporary basis. It is unlikely such a short term use would have an unacceptable impact on the Gardens & street trees subject to the actual rig/de-rig being carefully handled to ensure no damage is done to boundary walls etc whilst locating the rink into place. There are other examples of larger ice rinks in sensitive sites such as Hampton Court Palace & Kew Gardens although it is recognised that the current case is within a more tightly knit site than the other examples given.
23. The tennis courts are sited on the north east side of the Council complex & are separated from Sion Road by a 3m high wall for much of its length. That road is quite narrow & is fronted by the 5 storey high flats comprising Lebanon & Sion Courts directly opposite the courts. Further down Sion Road, towards the river, are a number of fine Listed properties. The rink etc will be primarily concealed from public view by Sion Road wall & will be seen against the back drop of other larger buildings in the grounds of York House. Thus it is not considered that the various structures will have an adverse impact

on the locality particularly as they are not insitu for more than 6 weeks.

Impact on neighbours

24. This can be broken down into 4 main elements
 - noise & activity from users including music
 - noise, smells etc from chiller unit etc
 - light pollution
 - parking impact in surrounding roads
25. The application seeks planning permission from 10.00 to 20.00 seven days a week. Whilst the capacity is for 100 skaters the applicant advises from experience of other sites the likely number will be about 50 per session. The applicant has advised the background music will be from low level amplified music & can be managed satisfactorily & without harm to the residents. However, if it became a problem it is possible for the Council, under other legislation, to ensure such music levels was kept within reasonable bounds. Moreover, such music will be conditioned to stop at 20.00 which is not particularly late into the evening especially when residents would normally be behind closed curtained windows in the winter months. Sion Road wall would also help to screen such noise.
26. Noise from skaters will inevitably occur but the proposal is for a very modest rink with reasonably social hours of operation & thus it is not anticipated this will cause material harm to neighbours' amenities also taking into account that this part of the Grounds provides tennis which has its own noise regime.
27. Thus it should be noted that the site currently contains recreational uses which have an impact on the area & Proposal TW4 of the TAAP seeks to promote this further & it is arguable that this temporary use will help to achieve that objective.
28. The applicants' recently submitted noise report has been assessed by the Council's Environmental Health Officer who advises that noise etc from the relocated chiller unit & generator, if contained within an acoustic shelter as proposed, can comply with the relevant condition listed at the end of this report.
29. There will be 6 light columns at 3.5m in height plus festoon lighting between the columns. The luminaries, with 'soft' blue lighting, will be sited to direct light downwards onto the rink, a relatively modest area 20m by 15m, to minimise any light spillage. The high wall to Sion Road & street trees [albeit without leaves at that time of year] will also help to mitigate the impact of such lighting.
30. Potential parking from skaters has raised a significant amount of concern particularly after 18.30 & Sundays when the CPZ is not in action. It is noted that the surrounding residential streets are heavily parked outside CPZ controls thus additional parking is likely to have an adverse impact on the locality if high. This is more difficult to assess without a trial being carried out as there are a number of factors to consider:
 - How many skaters will arrive by car
 - The applicant suggesting the promotion of public transport through its Web site
 - Public car park within York House Gardens for evening/week end use
 - Other Council car parks in the Town which could be used, particularly if users combine skating with other activities
 - Bus routes adjacent the site
 - Train station is not far from the site
 - Location on the edge of the centre where it would be more ideally sited nearer the Town.

31. On balance it is recommended that the scheme be granted conditional planning permission & then be assessed during its operation to determine whether this aspect, or any other issue, either needs further mitigation or is individually or collectively a reason for not renewing planning permission if it was sought in the future.
32. With regard to the food outlet this is to be a small moveable unit sited on the access road to York House which would serve food & hot wine, or similar, whilst the rink is in use. Its location & modest size does not appear to cause any material harm to the immediate locality.
33. This concept of granting temporary consents is done for other activities, including child nurseries, so that the LPA can experience the use without committing itself permanently. In this particular application the use applied for is for a temporary period only as it is recognised by the applicant that it will need to be carefully demonstrated it can succeed without demonstrable harm to the neighbourhood.

Conclusion

34. The application is for a temporary use for ice rink & supporting facilities which accords with various planning policies of the Local Planning Authority & is likely to be beneficial to Twickenham Town Centre as a commercial/recreational centre. It is recognised that there could be potentially harmful matters arising from the use which can be mitigated via the suggested planning conditions & the temporary nature of the use. As such the application is recommended for permission subject to the conditions listed on this report/decision notice.

I therefore recommend that **PERMISSION** be granted subject to the following conditions & informatives:

Standard Conditions

- DV48 - Approved drawings 'TA-004 received 13 June 2012, 001E received 4 September 2012'

Non Standard Conditions

- NS01 - The external flood lights shall not be fitted otherwise than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to specify the design and external finishes thereof and angle of tilt of the lights. Reason: To ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.
- NS02 - The ice rink including food outlet and music shall not be used or operated before 10am nor after 8pm on any day. Reason: To safeguard the amenities of nearby occupiers and the area generally.
- NS03 - The use of the ice rink be for a limited period of 6 weeks only either between November 2012 and February 2013 or November 2013 and February 2014 but not for both periods set out above. The buildings and works carried out under this permission shall be removed by either February 2013 or 2014. Reason: The prominent position and materials of construction are not considered suitable for a permanent building.
- NS04 - Before the use commences, the chiller and generators shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the local planning authority and thereafter retained as approved. Reason: To protect the amenity of occupiers of residents of nearby properties
- NS05 - Before any mechanical plant and refrigeration plant to which the application refers is used at the premises, a scheme shall be submitted to and approved in writing by the

local planning authority which demonstrates that the following noise criteria can be complied with and shall thereafter be retained as approved. The cumulative measured or calculated rating level of noise emitted from the mechanical plant to which the application refers, shall equal to the existing background noise level or 5dB(A) below if there is a particular tonal or discrete component to the noise, at all times that the mechanical system etc operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142; An alternative position for assessment/measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved. Reason: To protect the amenities of the area.

Standard Informatives:

Composite informative

IL16FA - Relevant policies 'Core Strategy policies: CP 9; DMP policies: DM OS 2, 4, 8, 9; DM TP 1, 5; DM HD 1, 2; DM TP 1; DM DC 5; Twickenham Action Area Plan proposal TW4'

IL19 - Summary reasons for granting planning permission 'See conclusion above'

Background papers

Application forms etc

Letters of representation