

COMMITTEE REPORT

Date: 8 June 2016 **Ward:** Fulford And Heslington
Team: Major and **Parish:** Fulford Parish Council
 Commercial Team

Reference: 16/00215/FUL
Application at: York Designer Outlet St Nicholas Avenue York YO19 4TA
For: Temporary use of car park for siting of ice rink and funfair
By: Ms Maria Farrugia
Application Type: Full Application
Target Date: 13 June 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to land at the Designer Outlet in Fulford, specifically the coach park adjacent to the south entrance walkway and car parking area located between the coach park and the boulevard leading to the southern entrance to the Outlet. The proposal is for the use of the land for the operation of an outdoor recreational ice rink and funfair in November, December, and January. The ice rink would operate between the hours of 09:15 to 21.15 during this period and the funfair would operate between 11:00 and 20:30. Both would operate Monday to Sunday.

1.2 The rink itself would measure 30 by 27 metres; with a canvas skate hire building to the west and a café, office and first aid facility opposite to the east of the ice rink. A ticket office would be located to the south of the rink.

1.3 The proposed funfair layout shows 6 rides and a toy/games stand, food stall, a marquee, a payment kiosk, six small log cabins and two electric generators. However the application seeks permission that is flexible enough to allow the rides to vary from year to year. The site area measures approximately 56m by 47m. The highest ride is shown as 6 metres high.

1.4 Information supporting the application includes a lighting assessment and acoustic report. The ice rink event has been running from the site for the last 6 years and is known as Yorkshire's Winter Wonderland.

PLANNING HISTORY

1.5 There have been a considerable number of applications granted at the Designer Outlet. The history below relates to permissions that have been submitted within the car parking area:-

- Permission was granted for the park and ride facility in the car park to the north of the building in February 2006 (05/02593/GRG3).
- A storage building, landscaping and alterations to the car park on the west side of the building were granted in May 2006 (06/00564/FULM).
- Single storey building to provide P_R office was approved in June 2008 (08/00842/FUL)
- Temporary permission for the siting of public ice rink (Nov - Jan) on coach park was granted in August 2010 (10/01868/FUL)
- Temporary permission was granted for 5 years for the siting of public ice rink on the coach park in April 2011 (11/00868/FUL)
- Permission was refused for a temporary wooden sales stand outside the south entrance in November 2011 on the basis that the development was inappropriate development in the Green Belt and no very special circumstances had been shown. (11/02033/FUL)
- Siting of a holiday lodge in the car park area was refused in December 2011 (11/02625/FUL) because of the location of the site in the Green Belt and proximity to protected trees.
- Permission was granted for the erection of a miniature railway and associated storage shed within the Designer Outlet car park (12/01456/FUL) in June 2012.
- Planning permission was refused for the placing of a car wash facility in the car park in December 2012 (12/03184/FUL) because of the location of the site in the Green Belt.
- Permission was granted for the siting of the funfair and marquee between November and January for a temporary period (to coincide with the expiry of the Skate rink temporary permission) (13/00245/FUL)

2.0 POLICY CONTEXT

2.1 Please refer to section 4 paragraphs 4.2 to 4.12 of this report.

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANGEMENT – No objections in principle subject to conditions.

3.2 PUBLIC PROTECTION - public protection does not wish to object to this application. However, there is the potential for an impact on residents of Naburn Lane, if conditions restricting the operation are not placed on the permission. Similar previous activities have been permitted within two separate temporary permissions, one for the ice rink (10/01868/FUL) and one for the funfair (13/00245/FUL) these contained conditions which restricted the activity to a level which is not detrimental to the amenity of local residents. If permission is granted for this application, it is requested that the same level of control is placed on the permission.

EXTERNAL

3.3 HIGHWAYS ENGLAND - No Objections.

3.4 DESIGNING OUT CRIME OFFICER - No concerns.

3.5 FULFORD PARISH COUNCIL - Fulford Parish Council objects to this application.

i) Inappropriate Development in the Green Belt. - The site lies within the green belt and the proposals have been seen to have a serious impact on the openness and visual amenity of the area when viewed from within and from outside the site. No very special circumstances have been put forward by the applicant that would justify granting a further permission and there appear to be few public benefits.

ii) Impact on City Centre - We are concerned that the out-of-town location of the ice-rink and funfair draws visitors away from the city centre. We ask that this matter be investigated and that a sequential test be carried out.

iii) Temporary Permissions. - This is the third application on this site for a temporary permission, yet the NPPG advises against more than one such permission being granted" NPPG: "Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. It will rarely be justifiable to grant a second temporary permission - further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently".

iv) Parking and highways - The Christmas/New Year period is the busiest time of year for the Outlet with December and January being the months of greatest demand for parking spaces. In past years, we have provided photos of vehicles parked all along the perimeter route and on grass verges where there are no pathways or safe routes for pedestrians. This causes safety issues for drivers and pedestrians. In addition, the A19 is operating beyond capacity and the attraction

inevitably draws visitors from outlying areas who arrive by road. No assessment of the increase in vehicle movements has been provided and no recent survey has been undertaken to assess the usage by cyclist and pedestrians.

v) Loss of amenity for nearby residents - Over the years, residents along Naburn Lane have made complaints about noise disturbance and light pollution. This is a further reason why it is not appropriate to grant a further permission.

3.6 One letter of objection has been received covering the following points:-

- Over the course of the existing temporary permission has been in place there have been numerous occasions where the Ice Factor has caused noise levels by playing audio music which has caused nuisance to the objector and family
- There is significant light pollution from this event in both the lighting been used for the event plus the security lighting used at night. Trees on the perimeter have recently been thinned.
- The light pollution is also an issue with Bird life and bats; a bat survey has never been carried out.
- With Public Protection's inability to enforce plus the proven failure of Lunchbox Theatre Production to manage the noise then no audio music should be permitted at the event.

4.0 APPRAISAL

4.1 Key issues:

- Planning policy
- Green Belt
- Sequential Test
- Highways and parking
- Residential amenity
- Temporary permission

PLANNING POLICY

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies require the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of

York, including its historic setting, views of the Minster and important open areas. The key diagram to the RSS includes the Designer Outlet site in the general extent of the Green Belt.

National Planning Policy Framework (NPPF)

4.3 Paragraph 14 of the NPPF says that there is a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. Restrictions are referred to in a footnote to paragraph 14.

4.4 The core planning principles at Paragraph 17 include the expectation that planning should proactively drive and support sustainable economic development, always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings, take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions.

4.5 Paragraph 19 says that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.6 Paragraph 24 says that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses are defined in annex 2 of the NPPF and in relation to leisure uses says that main town centre uses include leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls).

4.7 In seeking to promote sustainable transport Paragraph 34 says that Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and at paragraph 37 says that Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

4.8 Section 9 of the NPPF 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 88 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate. Exceptions to this include provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 90 says that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and the purposes of including land in it. These are: mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings and development under a community right to build order.

Development Control Local Plan

4.9 The policies within the City of York Council Development Control Local Plan (DCLP) have been used for assessing planning applications since 2005 although the document is not formally adopted. Policies in the DCLP are considered to be relevant to this development where they are consistent with the NPPF. In this respect the most relevant policies to the proposal are policy GB1 'Development in the Green Belt' which is similar in its effect to paragraph 89 of the NPPF and policy NE 1 which seeks to protect trees and landscaping.

4.10 The DCLP shows the site as being within the Green Belt. Within the plan Designer Outlet building is designated as a major developed site (the car park is excluded from the designation); such a designation is no longer recognised by Government policy and is no longer relevant to the consideration of applications.

Emerging Local Plan

4.11 The emerging publication draft local plan seeks to remove Designer Outlet and the car park area from the Green Belt. Policies in the emerging draft Local Plan are not considered to be sufficiently far advanced to be relevant at the moment.

4.12 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and the statutory development plan (the Regional Spatial Strategy which shows the site within the Green Belt). It is against this Framework and the RSS that the application proposal should principally be addressed.

PRINCIPLE OF THE DEVELOPMENT

4.13 The Designer Outlet is operated by a single management company; the car parking and ancillary facilities such as toilets and entrance areas provide amenities for the existing shops. There is however a park and ride scheme operating in the northern car park. The proposed ice rink and funfair share the parking facilities of the Outlet and create linked trips between the two activities however the rink can be booked online and the activities can be accessed separately. Management of the funfair and ice rink is independent of the Outlet. Although one may take the view that the Outlet and the temporary facilities are one planning unit given the potential for separate and additional trips being created, Officers consider the rink and funfair, as a whole, are a separate planning unit and thus for the time when the buildings are sited and the funfair equipment and retail cabins are in place there is a change of use of land.

4.14 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP but is proposed to be removed from the Green Belt in the emerging Local Plan (publication draft 2014). The RSS represents the statutory development plan for the area.

4.15 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.16 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development in the Green Belt. Paragraph 89 refers to exceptions to new buildings; as the proposal does not relate to new buildings this paragraph is not relevant. Paragraph 90 lists other development that may be considered as not inappropriate. This does not include the change of use of land. It is considered that the proposed development of ice rink and funfair with retail cabins placed on site for a temporary period November to January as a whole does not fall within any of the exceptions to inappropriate development in paragraphs 89 and 90. It therefore constitutes inappropriate development within Green Belt. Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight should be given to harm and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.17 For members information it can be noted that previous applications for the ice rink and funfair were separate proposals. The conclusion reached in determining the separate developments was that the ice rink was appropriate development in the

Green Belt as it related to buildings and could be termed sport and recreation use and the fun fair was a use of land which as explained above would be inappropriate development. As the fun fair and ice rink are now one application as a whole it is considered that the proposal represents inappropriate development in the Green Belt. Furthermore in the case of the ice rink the siting of buildings temporarily could also be viewed as a change of use of land as opposed to the erection of buildings. In this case one could have dealt with the rink application as a change of use of land.

Openness

4.18 Paragraph 79 establishes that openness is an essential characteristic of Green Belt. Previous applications have considered that the proposal does not impact on the openness of the green belt.

4.19 The site is located within the car and coach park areas which are hard surfaced and well lit. The area is viewed in the context of the existing Outlet buildings and is during Outlet opening hours often occupied by cars and coaches. The boundaries of the site are well planted and the immediate environment of the Outlet site is notable for the tree cover. The relatively developed nature of the site and the site context is such that its temporary use each year would have very limited impact on the openness of the Green Belt.

Purposes of Green Belt

4.20 The Green Belt purposes are to check unrestricted sprawl of built up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration (paragraph 80 NPPF). The proposal will not undermine the purposes of Green Belt which is viewed in the context of the Outlet complex.

Sequential test

4.21 Paragraph 24 of the NPPF requires that main town centre uses are directed to the town centre first, then to edge of centre and only if no sites are available should out of centre locations be considered. Main town centre uses are defined in Annex 2 of the NPPF as retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls);offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). The definition refers to more intensive uses for sport and recreation as being main town centre uses. The ice rink would not it is felt be termed intensive sport and recreation,

and therefore no sequential test would be required. The fun fair would be considered a leisure use. The examples provided within the definition of main town centre uses relate to sites which require substantial buildings, and it is considered that a temporary leisure use which involves no permanent structures would not fall under the category of development requiring a sequential test. The rink has operated in the city centre before but, as Members may recall, on a site that was found not to be acceptable. Previous applications have not required a sequential test to be undertaken. Officers are satisfied that for an operation that is carried out for limited time each year that the development does not amount to a main town centre use as described in annex 2 of the NPPF and does not require a sequential test.

Residential Amenity

4.22 The ice rink and funfair have been operating from the site for a number of years and therefore there has been opportunity for Public Protection to assess the impact of the development on adjacent properties. The nearest residential dwellings are on Naburn Lane, the curtilage of the nearest property being around 80m from the proposed ice rink. The carriageway of Naburn Lane, an internal circulation road within the Designer Outlet and a substantial area of landscaping are located between the proposed ice rink and the dwellings. There has been a letter of objection from a resident of Naburn Lane who is concerned that the operation of the site has caused disturbance (from noise and light) and that there is an inability for Public Protection to enforce against the use.

4.23 Public Protection is satisfied that with appropriate conditions the development can be supported. In response to the objectors concerns Public Protection comment that there have been six complaint cases at Designer Outlet since October 2011, four of which relate to business at the Designer Outlet and do not relate to operation of the Ice Factor event. The two which related to activities at the Ice Factor were in November 2012 and November 2011. The former was not substantiated despite visits to the objector's property; the latter was substantiated and found to be a problem which occurred when a CD was left in the CD player at the end of the event. It is Public Protections understanding that from that date on, CDs were removed at the end of each day and this incident has not recurred. Given this, Public Protection is satisfied that appropriate conditions will address noise issues.

4.24 The objector also raises concerns about the submitted acoustic report; Public Protection says that this report is dated November 2010 and refers to the noise climate at that time. The report identifies an 11 dB increase above background, however, since this date the recommendations made in the report were acted upon and in more recent years the site has operated on mains power. Public Protection have reviewed the predicted noise level at the objectors property based on no generator on site, an enclosure providing screening to the chiller units, and the distance between the source and receiver being the minimum between the boundary of the property and the boundary of the site. This gives an indicative level

of 30 dB where the acoustics report indicates the background when the site was not operating was 31.1dB and 29.7dB. Public Protection would previously have requested a noise level of 5dB below background, this was based on BS4142:1997, this standard was updated in 2014 and based on the current standard we now recommend noise levels the same as background. The levels calculated are equivalent to the background when the event is not operating.

4.25 Overall Public Protection is satisfied that the development can be supported subject to appropriate conditions. It is concluded that the intervening internal road, landscaping and Naburn Lane provide a significant buffer between the site and the surroundings such that there are no visual amenity concerns for adjacent residents. Conditions will seek to control noise levels, hours of operation, lighting and audio equipment. The land will be required to be reinstated to its former use by the 15th January in each year. With appropriate conditions it is considered that the development will not be detrimental to adjacent residents and accords with the core planning principle in paragraph 17 of the NPPF which seeks a good standard of amenity for all existing and future occupiers of land and buildings.

Highways and Parking

4.26 The proposed development would take up 100 car parking spaces and 28 coach spaces. This leaves 2700 car parking spaces and 7 coach spaces during the operation of the Yorkshire's Winter Wonderland event. The car park at the Designer Outlet is busy at Christmas time. Evidence provided by local residents and the Parish Council in respect of previous applications for the ice rink and funfair have highlighted that indiscriminate car parking has occurred within the designer Outlet site. Designer Outlet manages the car park and the concern about parking outside of parking bays is a matter for the Outlet management.

4.27 The operation of the visitor attraction coincides with the busy Christmas/January sales shopping period, although many trips will be linked, there will be an increased temptation to park on Naburn Lane due to difficulty parking at such busy times within the shopping park and the proximity of the Ice rink to this area of unrestricted parking accessible by foot. The rink and funfair activities have been in place at a similar time for the last 5 years. In operating the event, the event team have historically applied for a coning order to prevent indiscriminate parking on Naburn Lane in response to their event traffic management document (which supported the early applications). Highway Network Management seeks assurance that the event when in operation will fund cones and the required temporary coning orders to prevent indiscriminate parking on the highway, as has been successful for the last 5 years. A Traffic Management plan is proposed to be conditioned and the requirement to ensure coning along Naburn Lane will be sought through this management plan.

4.28 The event is close to the park and ride which has a regular bus service into the city. To encourage less dependence on the motor vehicle, Highway Network Management seeks measures to incentivise and provide sustainable travel to the site. Sustainable measures can be sought through the Traffic Management Plan.

Temporary Permission

4.29 The applicant is seeking a further 5 year temporary consent. The Parish Council have raised concerns that a further temporary permission does not comply with the National Planning Policy Guidance (NPPG). The NPPG says in relation to temporary permissions that 'It will rarely be justifiable to grant a second temporary permission - further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently'. It is agreed that a further temporary consent would not comply with Government advice and on this basis it must be considered whether permission should be granted on a permanent basis i.e. to operate between November and January every year or whether there are grounds to refuse planning permission. Therefore whilst the development represents inappropriate development in the Green Belt, for the reasons set out above the application is considered acceptable. Therefore it is recommended that the application for the temporary use of the car park is granted on a permanent basis i.e. can take place each year between November and January indefinitely subject to the conditions of operation set out at the end of this report.

4.30 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a small loss of openness. No harm is associated with the highway and residential amenity implications of the development. No sequential test is required for the development.

OTHE CONSIDERATIONS - Very Special Circumstances

4.31 Paragraph 81 of the NPPF says that once Green Belts have been defined, local planning authorities should plan positively to enhance its beneficial use by, among other things, looking to provide opportunities for outdoor sport and outdoor recreation. The NPPF is also supportive of development that is beneficial to the rural economy.

4.32 A previous application for the funfair set out the very special circumstances as being the lack of harm to openness and the purposes of including land within the Green Belt. These considerations remain the same and apply equally to the whole of this scheme as set out in paragraph 4.19 above.

4.33 In addition the applicant has set out a number of other considerations which in their view amount to very special circumstances:-

- The development is a significant tourist attraction for York (winning visitor attraction of the year 2015)
- The development provides employment for 50 people during its operation.
- The facilities provide opportunities for people with disabilities to enjoy a new activity.
- The facilities provide healthy family entertainment.
- The site can be accessed sustainably; is on a good bus route, next to a park and ride facility and accessible by bicycle.

4.34 The site circumstances and those considerations put forward by the applicant are (even when attaching substantial weight to the harm to the Green Belt) benefits that are considered to amount to very special circumstances in this case sufficient to clearly outweigh the potential harm to the Green Belt and any other harm.

5.0 CONCLUSION

5.1 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP but is proposed to be removed from the Green Belt in the emerging Local Plan (publication draft 2014). The RSS represents the statutory development plan for the area.

5.2 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

5.3 The proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a small loss of openness. No harm is associated with the highway and residential amenity implications of the development. No sequential test is required for the development.

5.4 For the reasons set out in paragraph 4.28 it is recommended that the application for the temporary use of the car park is granted on a permanent basis i.e. can take place each year between November and January indefinitely subject to the conditions of operation set out at the end of this report.

5.5 It is considered that the other considerations put forward by the applicant together with the mitigation of other harm through the imposition of planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special

circumstances to justify the inappropriate development in the York Green Belt even when substantial weight is given to any harm to the Green Belt.

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 The development hereby permitted shall be carried out in accordance with the following plan and other documentation:-

Updated Site layout drawn by PJM dated 18/01/16

Elevations of the skate rink received 27th January 2016

Yorkshire Winter Wonderland Planning application - Additional information

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority

3 The use hereby approved shall only operate during the months of November and December and shall not operate between 1st January and 31st October inclusive each year.

Reason: To safeguard the amenities of local residents, to ensure that the car park is available for the use of the retail outlet and in the interests of the visual amenity of the area.

4 All buildings and equipment used in association with development (the ice rink, cafe and funfair) shall be removed from the site and the land reinstated to its former condition as use as a coach and car park at or before 15th January of each year.

Reason: To ensure the coach and car park is re-instated in line with the requirements of the shopping centre.

5 No audio systems associated with the development shall operate outside the hours of 09:15 and 19:30 hours, unless required for emergency purposes.

Reason: To safeguard the amenities of local residents

6 The funfairs shall only be located in the area shown on Image three in the supplementary planning statement. The number of rides in this area shall be limited to 6 and no ride shall exceed 6 metres in height.

Reason: to minimise the loss of car parking and in the interests of visual and residential amenity

7 The use of generators on site shall be restricted to a single generator used to power the funfair rides. This generator shall be situated as shown on image 3 of the supporting document and shall be housed in an acoustic enclosure. The acoustic enclosure shall be at least 2m in height and imperforate in construction with no air gaps to allow the escape of noise and shall be in place for the entire operation of the use hereby approved.

Reason: to safeguard the amenities of local residents.

8 The plant and machinery associated with the operation of the ice rink shall be housed in an acoustic enclosure. The acoustic enclosure shall be at least 2.5m in height and imperforate in construction with no air gaps to allow the escape of noise and shall be in place for the entire operation of the use hereby approved..

Reason: to safeguard the amenities of local residents.

9 The funfair, marquee and associated uses shall not operate outside the hours of 11:00 to 20:15 hours Mondays to Sundays.

Reason: To safeguard the amenities of local residents

10 No lighting associated with the development, other than security lighting, shall operate outside the hours of 09:00 to 22:00 hours, unless required for emergency purposes.

Reason: To safeguard the amenities of local residents.

11 The ice rink and associated cafe shall not operate outside the hours of 09:15 to 2130 hours Mondays to Sundays.

Reason: To safeguard the amenities of local residents.

12 The ice-rink and associated plant and machinery shall be powered by mains electricity.

Reason: to safeguard the amenities of local residents

13 Prior to the development hereby approved being brought into use; a Traffic Management Plan (TMP) shall have been submitted and approved in writing by the Local Planning Authority (LPA). Said TMP shall include at least the following information:

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- Parking strategy to minimise the risk of indiscriminate parking occurring in the vicinity of the site.
- Measures to protect damage to adjacent highway verges from indiscriminate parking.
- Measures to incentivise and provide sustainable travel to the site

The development hereby approved shall thereafter be operated in accordance with the aforementioned approved TMP, or such variations that shall be have been agreed in writing by the LPA.

Reason: To protect the amenity of local residents and ensure the free flow of traffic on the highway.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Additional detail provided about the operation of the site and the very special circumstances that are considered support approval of development in the Green Belt

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