

Delegated Report		Analysis sheet		Expiry Date:		29/09/2006	
		N/A / attached		Consultation Expiry Date:		24/09/2006	
Officer				Application Number(s)			
Miss Kiran Chauhan				2006/3344/P			
Application Address				Drawing Numbers			
Tennis Courts Hampstead Heath Parliament Fields Highgate Road London				Overall Dimensions ST75; ST95; Specification; Specification and Capacities - Imperial; Metric; Mesh Fencing; SuperHush Container Generator; Dimensions; Photographs x 3; Site Location Plan; C 0441/001			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		Date		
Proposal(s)							
Temporary change of use from tennis courts to an ice rink for a six week period over Christmas from 2/12/2006 to 14/01/2007 plus three weeks of construction and dismantling and erection of associated temporary structures.							
Recommendation(s):		Grant					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	26	No. of responses	03	No. of objections	00
Summary of consultation responses:		Site notice also displayed. 2 letters of support received on grounds that the ice rink last year was a great success and that the music was kept at a low level. 1 letter of 'no objection'.					
CAAC/Local groups* comments: *Please Specify		Heath and Hampstead Society – no response. Corporation of London – no response.					

Site Description

The proposed site of the ice rink is the existing enclosure of the four tennis courts adjacent to Highgate Road on the east of the Heath. The tennis courts are directly north of William Ellis school and directly west of La Sainte Union des Sacre Coeurs school.

The site is not in a conservation area but is identified as Metropolitan Open Land.

Relevant History

28.10.05 – PP granted for the temporary change of use from tennis courts to an ice rink for a six week period over Christmas from 3/12/2005 to 15/01/2006 and erection of associated temporary structures.

Relevant policies

RUDP: T1, T9, SD6, SD7, SD8, N1, N2

SPG advice

Assessment

Overview

The application proposes the change of use of the existing tennis court site for a period of nine weeks from late November to mid January 2006, which includes two weeks of construction and one week of dismantling. The ice rink would be open to the public from 2nd December 2006 to 14th January 2007, a period of six weeks. The proposed operating hours are 10am to 10pm every day except Christmas Day.

Transport and access

The floor area of the ice rink is 2,000sqm. This triggers the need for a transport assessment to be provided in line with policy T1. A transport assessment was not required as part of the application approved last year as it was assessed under the UDP 2000 and the thresholds for requiring such an assessment were different (assessment only required if person capacity is likely to exceed 500 persons a day). No transport assessment has been submitted with the application, and on this basis, and in the light of the limited period applied for, it is considered that the applicant provide a green travel plan instead. No complaints were received by the Council on grounds of traffic and parking congestion last year so this would seem to suggest that movements to and from the ice rink did not result in a significant impact on the transport network. Nonetheless, the applicant is still required to provide a green travel plan and they have indicated their willingness to do so, however, they have stated that they do not wish to provide one by Legal Agreement on account of the costs involved (approx £1,000). Almost all travel plans are requested by Legal Agreement as they carry more weight and are legally binding, however in this instance it is considered that requesting one by condition would be acceptable. The ice rink is only operating for a period of 6 weeks and last years experience seems to suggest that access to the site was undertaken in a sustainable manner. The travel plan would need to identify promote sustainable means of travel to the ice rink through their website and promotional literature and identify the various means of travel to the rink. The condition will require that a plan be provided within one month from the date of the decision notice so that any amendments can be incorporated before setting up commences.

Design and Protecting Metropolitan open land

The use of the site as an ice rink falls within the same use class as tennis courts (D2) therefore only the erection of temporary structures ancillary for the use of the ice rink require planning permission. The site is designated as metropolitan open land (MOL) and policy N1 (MOL) lists the categories for what are considered to be appropriate development. The list identifies open air leisure facilities as being acceptable. Policy N2 (protecting open space) requires development to be ancillary to the use of the land as open space. The erection of temporary swiss-style chalets for skate hire, a café and box office would be in accordance with this policy as the proposed structures are small in size, both in relation to the nearby Heath management buildings and to the Heath in general. The generators and snow compound will be screened with 2m anti-climb green screening and this is acceptable.

Access to the ice rink will be via the existing public pavement running from Highgate Road westwards into the Heath. The ice rink will contain the visiting public within the existing tennis court enclosure and there will be no public access needed across the existing grass. The public pavements parallel to Highgate Road are quite wide with pelican crossing points, and are used to accommodating large numbers of school children from the neighbouring schools.

The proposed painted single storey timber buildings take into consideration the nature of the neighbouring structures on the Heath and have been chosen to be more in keeping with the nearby Heath structures than the usual marquee tents which often accompany such temporary leisure facilities. The design and height of the temporary structures and generators are acceptable and are not likely to result in loss of views to the Heath. Nor is any harm likely to occur to surrounding trees as no ground excavation will occur. A condition would be added requiring the reinstatement of the grass and any effected ground following removal of the structures to its original condition – this was also attached to last years consent.

Noise and amenity for neighbours

The position of the generators has been altered from last year. Last year they were located to the west of the ice rink and this time they are proposed to be located to the east, adjacent to Highgate Road. As a result, the generators will be closer to residential properties on the east side of Highgate Road (they were 100m away last year, and they will be 30m away this year). The generators used would be screened by a 2m high anti-climb fence. The equipment manufacturer states that the generators are designed specifically for quiet operation in populated areas and will operate at 48-55dBA. The likelihood of noise disturbance from the plant equipment is very low, although the standard noise condition would need to be included as a condition to the permission. The ice rink clearance machine to be used at the end of the event is a higher specification than the one used last year and will produce a lower noise level. The works of construction and dismantling are short in duration and access to the site from Highgate Road is straightforward and are unlikely to cause undue disturbance.

While it is acknowledged that the music played on site and the presence of members of the public skating would create noise additional to the existing levels, the hours of operation of the facility are limited. In addition the area is subject to daily fluctuations in noise due to the busy traffic on Highgate road and the neighbourhood schools. It should also be noted

that no complaints were received by Council on noise and disruption grounds from its operation and use last year.

Summary

The proposal seeks to provide a temporary leisure facility with limited hours. The proposals include remedial measures to ensure that local concerns about the impact of noise, traffic and the visual effect of the development on the Heath are minimised. These measures are likely to ensure minimal and short term impact on the amenity of neighbours. The provision of temporary structures on the land is also considered acceptable as they are ancillary to the use taking place.

Recommendation

Grant Planning Permission

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