

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 17 October 2018 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

SUPPLEMENT TO AGENDA

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Agenda Update Sheet

Planning Committee

Wednesday 17 October 2018

ITEM: 5

APPLICATION NO: CH/18/00810/FUL

Additional Information

Further information has been provided by the agent in response to comments raised at planning committee on the 19.09.2018.

The drainage ditch to the north of the site would be accessible from the proposed communal area and would not form part of the areas to be transferred into private ownership through the sale of the dwellings. This would allow for unfettered access for ongoing maintenance. The maintenance of the ditch would fall to a management company.

With reference to the telegraph pole on site, as the tracking did not identify any potential conflicts that would require its removal, the developer has not looked into whether its removal would be possible. The developer would however make enquires to establish the feasibility and viability of doing this.

Additional condition

Prior to any works commencing on the access road; construction and drainage details of the access road and surface finishes, which shall include non-migratory surface material, shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the access road shall be constructed and maintained in accordance with the agreed details.

Reason: To ensure that the access would be constructed to a standard suitable for refuse vehicles, that it would be adequately drained and to minimise noise and disturbance to neighbours.

ITEM: 6

APPLICATION NO: BO/17/02114/FUL

Further consultee comments

The following additional consultee comments have been received:

Bosham Parish Council

Object: The Parish Council do not think an ancillary requirement [condition] goes far enough to be more restrictive. This design has all the features and characteristics of a second dwelling and as such could be 'rented out' / Air B&B could be an option as could any other commercial residential use, whilst still belonging to and therefore ancillary to the main dwelling. The current ancillary accommodation is insignificant by comparison.

Chichester Harbour Conservancy

No objection to the amended proposed development subject to the following conditions:

- The ancillary accommodation to be restricted with no separated dwelling or subletting as tourist accommodation to occur.
- Agreeing sample of external materials
- Demolition of all existing buildings and removal/disposal of such rubble off site.
- Agreeing details of any hard and soft landscape design including the green roof.
- Implementation of any agreed landscape design and replacement of any soft planting which die or fail within the first five years.

Bosham Association

We submitted an objection to this application on 18 September 2017 on the grounds that, while the size of the second dwelling had been reduced, it remained a second dwelling and easily separable from the main dwelling. We concur with the view of CDC Planning that the creation of two dwellings on this plot is not appropriate. We see that the size of the second dwelling has been reduced again but it remains a second dwelling and easily separable from the main dwelling. As such, there is no change to our view. In our opinion, asking the applicant to stop referring to it as an ancillary dwelling does not address the issue.

Additional Conditions

It is recommended to add the following conditions to the list of conditions in the agenda.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the accommodation hereby permitted shall be restricted to use as ancillary accommodation to the existing dwelling at the site and at no time shall the accommodation be let for any commercial or tourism use separate to the main dwelling.

Reason: The site is in an area where a new dwelling would not normally be permitted except the demonstrable needs of the case.

ITEM 8:

APPLICATION NO: SDNP/17/03764/FUL

Further Representations

Two additional letters of support (reported verbally to 19 September committee), raising the following matter;

Highways safety – visibility from bridleway entrance is poor as it is on a bend in the road. The proposed exit is on a straight piece of road where visibility is good in both directions. In the interest of rider safety the bridleway diversion would be well received.

Further Consultation Responses

WSSC – PROW

I note your members' enquiry about the additional footpath that the landowners have agreed to dedicate through woodland adjoining the stream on their southern boundary which was dealt with as part of the path proposals. The path will descend a gradual slope through trees from the bridleway to meet the road close to Barnett's Bridge. This will enable walkers following the Serpent Trail, or others wishing to continue south eastwards towards Lavington Common, to take a more direct route and avoid a length of road walking that at present must be negotiated.

I would not say that the slope is steep - I have walked the route in both summer and winter conditions and do not anticipate that steps will be required. Indeed, steps in an informal woodland setting are best avoided if at all possible due to maintenance difficulty caused by inevitable shade and leaf fall and possible trip hazard and so I would be more likely to favour the addition of a hand rail if slippery conditions do happen to arise. As regards the very small highway ditch at the road end, it is intended that a small 2 plank bridge be installed to accommodate the path.

Further comments from interested parties

Correspondence from Sussex Wildlife Trust to applicant

This is to confirm that we have an understanding with you that you will clear trees on your land to the east of the proposed Barnetts Bridleway under our guidance. And further that you will give the SWT perpetual and anytime access to the land in case we wish to include it in our conservation maintenance activities from time to time. You also confirm that you will contribute a fair share of any conservation work that we regard as necessary on your land from time to time.

It goes without saying that converting your adjacent parcel of land from degraded conifer plantation to Heathland would be a welcome addition to our efforts to improve biodiversity

on Graffham Common and will certainly contribute to the aims of the South Downs National Park Authority's Heathlands Reunited project.

Officer comment

The following comments from the British Horse Society and Sussex Police were received by WSCC in response to the Bridleway Diversion Order application. Whilst neither is a consultee under the current application and neither body has chosen to make representations in fairness to the applicant and for completeness their comments are reported here.

Email from British Horse Society (BHS) to WSCC – PROW 19 November 2015

Thank you for your email of 19th November relating to the above proposal. I am aware that there is a great deal of local support from horse riders for this proposal. As you say, Fitzlea Wood Road, although a minor rural road, is used by a significant amount of traffic which generally tends to be travelling too fast! At present the bridleway meets the road on a bend with limited visibility to the south, which is considered dangerous by riders who have to be reliant on hearing rather than seeing traffic. The proposal for the bridleway to meet the road virtually opposite BW 1008, will provide a much safer crossing point, and generally riders feel that the benefits of this compensate for the extra road work from the south.

I note (para 12) that the BW will have a width of 3m (overall wider than the present route) and that it will have open access along its length (no gates) which is welcomed. However, I understand that FP 2881 and the track that is part of the Serpents Trail are included in SWT's permit scheme for local riders, so confirmation that there will also be open access on these paths is important.

As also stated in para 12, it is very important that the new route of the BW has a surface suitable for year round use (as at present). The present BW must of course remain open until the diverted route is ready for use.

Email from WSCC - PROW to BHS 25 November 2015

Thanks for this Tricia. I am particularly interested to hear about the SWT permit scheme – I didn't know about this at all. I have only had an acknowledgement from SWT so far and so imagine they will be telling me about the permit scheme in due course as it obviously needs to be taken into account. I would just mention that the owners of the plot of land in question, i.e. the diversion applicants, do not know of it though.

I should clarify that the extra path link B to E is not going to be useable by horses – it will be too much of a twitten of a path, on a woodland surface, winding through trees with quite a gradient in places and emerging on the road where there is insufficient verge space for horses. So I hope riders wouldn't be expecting it to be part of the bw network even on a permit basis. However, as regards the non-definitive route marked Serpent Trail which joins existing fp 2881 just west of point F, if this is part of the permit scheme then I do not see any reason for the diversion to affect this. It may just need the applicant's permission as landowner of the point where it will meet the new bw route which I don't think would be a problem.

Do you think I can still expect support from local riders, even without the B to E link?

Email from BHS to WSCC – PROW 25 November 2015

Hmm, interesting nobody has mentioned the horse riding permit scheme. It covers the whole of Graffham Common and is jointly run by Dr David Ross (owner of the Serpent's Trail track and the rest of BW 1004, so I am told), and SWT.

I understand there is an expectation the new FP between B and E will not be available to horse riders, but they definitely still support the diversion. I had thought of mentioning it, but suspected the topography would not be suitable.

From what I'm told, making the diversion route suitable for year round use will be expensive!

Comments from Sussex Police on Footpath Diversion Order application - November 2015

I have had the opportunity to examine the detail within the application and as a result I offer the following comments:

There have been previously recorded incidents of theft and burglary at the above location and I am of the opinion that the proposed diversion, extinguishment and creation of new bridlepath/footpaths along with the proposed security measures will assist in reducing the opportunity for crime and the fear of crime.

The extinguishment of the existing serpent trail bridleway will allow the applicant to install/erect fencing and a controlled gate. This will create defensible space that will clearly define public from private space as well as removing the interaction of walkers, horses and vehicles using the access road from the equation.

The new proposed route clearly makes sense from a safety point of view as it meets with bw 1008 at a more acceptable route at the road, removing the need to negotiate the highway. The only negative aspect to this alternative route is its access across peaty, wet ground. However, the applicant is conscious of this and has agreed to implement substantial fit for purpose works to install an appropriate route.

I have no objection to the application. I support the recommendations made by the reporting officer.

Further correspondence between applicant and officers

Following deferral of the application at the 19 September 2018 committee the following correspondence has taken place between officers and the applicant (Officers comments are made in blue and red, applicant's comments in black and green):

Email dated 11 October 2018

Dear Mr Saunders,

I am sorry to burden you and your colleagues with yet another mail on this subject, however, your mail of yesterday is not entirely satisfactory. I hope you can understand that there is no personal aspect to this, I am understanding of your work load, the press of deadlines and your light team with Ms Shore on leave, however, I must ensure my application is treated correctly. Only then can we be confident of a productive and informed hearing next week at the Planning Committee.

I include a new set of comments in track changes (green).

Regards David Jones

Email dated 10 October 2018

Dear Dr Jones

Further to your email I have responded to each of the points you make in the email below in red.

In respect of the comments you make in general about the recommendation to refuse planning permission and the handling of the application in general, I am sorry that you consider the position taken by the LPA to be one that is not impartial. Throughout the handling of the application we have sought the advice of professionals to inform the officer recommendation and have requested further information and clarification where we consider it to be required. We have acknowledged that there are positives to the proposal and have clearly explained the reasons behind our recommendation. We have not ignored the comments of your own professional as you state but as planning professionals we are entitled to make our recommendation following assessment of all of the relevant information before us.

I hope my comments below help to enable an understanding of the process and that there will be a further opportunity to update Members prior to the committee meeting.

Regards

John Saunders

Email dated 9 October 2018

Dear Mr Saunders,

I am perplexed by your approach and treatment of this application which shows an astonishing degree of partiality. Your latest guidance report for the upcoming 17th Oct Planning Committee posted last Friday, repeats word for word the previous report for the

15th Sept Committee without amendment to reflect the inaccuracies that have been pointed out to you. You have chosen to disregard thoughtful comment without offering reasoned rebuttal. The result is another round of guidance to the Planning Committee which you must know is biased and flawed. Given the amount of time and attention dedicated to this application it is hard to excuse this as oversight. I do not understand why you have adopted this audacious course, but believe we deserve to have our application fully and fairly described. This is not the case today.

Here are some examples;

1. I refer to your mail below regarding the letter from Ms Judith Grimwood of the WSCC PRow team. The LPA took over this application after three years of examination by her team who gave it a positive recommendation. Ms Grimwood's report includes a list of all significant consultees and is published on your Public Access website. You state you have consulted with her regarding her conclusions.

We have previously discussed that the application for the diversion of the bridleway under the Highways Act 1980 and the application for planning permission for the physical works for the provision of the bridleway are different processes and consider different issues. Agreed and clearly acknowledged by me below. I understand that the LPA concerns itself with other aspects. However, where the LPA chooses to concern itself with some of the same aspects that were covered by the PRow team i.e. road safety and rural crime, and where these matters are crucial to the case, then it is abundantly reasonable that the LPA should review the previous judgements and consultee responses and bring them to the attention of Members. It is therefore incorrect to say that the LPA 'took over' the application, not really, since the PRow process comes first, the LPA does 'take over' the application, this implies nothing more than sequenced examination. The applications are separate and clearly very different in the issues they consider. The WSCC report is clear in that you as the applicant would, prior to the determination of the Diversion Order, be required to determine whether planning consent will be required for the construction of the track and to provide any information that may be requested as part of the planning application process. All understood and never contested

With regard to Ms Grimwood's comments you will I am sure be aware that the views of WSCC PRow team are reported as part of WSCC's comments where it is confirmed that they are satisfied with the proposals.

The PRow team sought the views of the British Horse Society and the West Sussex Crime Prevention Officer. I understand very well, that the LPA may properly concern itself with aspects of the project that are beyond those examined by the PRow, but where it comments specifically on aspects already covered by the PRow such as road safety for horse riders and rural crime, and where the LPA's inclination is to disagree, then it is a matter of common diligence to call up the PRow case notes to understand why they reached a contrary conclusion. To say you had not received letters that you know exist on the case file and know are likely to inform issues central to the application, is disingenuous. Convenience to your argument should not be the criteria for your selection of sources.

Neither the British Horse Society nor the West Sussex Crime Prevention Officer have commented on this application and there is no requirement to consult either. These consultees have not had the opportunity to comment in the LPA process. They will assume

that having made their position plain they are already prominent on the record. They could not suspect that their views have lost weight as the case transferred from one regulator to another. This represents a significant loss of balance which should have been accommodated with a re-consultation given that the LPA has reached different conclusions to PRoW on road safety and rural crime. The overriding principle is given by the NPPF; '*[securing] the right information is crucial to good decision making*'

However the comments of both are reported in the WSCC Diversion Order report which is referred to in the committee report. Indeed, the committee report clearly makes comment about the highways safety improvements that will result from the scheme and these are weighed in the overall balance of competing considerations.

For the record;

You report to the Committee on road safety; '*whilst the visibility of the existing access to the south is poor, this is mitigated to a degree by the fact that the location is extremely tranquil and the road does not appear to be particularly busy*'

In contrast local riders have described the road as a '*rat track*' that people '*drive along too fast*' and the exit has been called '*an accident waiting to happen*'. These comments from local people, coupled with similar sentiments from the British Horse Society, and the Police have not influenced you to amend this mild statement in your report to the Committee to give it its proper weight.

On rural crime you advise the Committee that; '*it is considered that the proposal does not raise any crime or disorder implications*'

In contrast, Mr Phil Edwards Crime Prevention Officer of the Sussex Police in consultation with the PRoW on the 16th Dec 2015, wrote; '*there have been previous recorded incidents of theft and burglary [and this project will] assist in reducing the opportunity for crime and fear of crimeI support the recommendation made by the reporting officer (PRoW).*

Remedy; the Planning Committee report should be amended to acknowledge that the Police wholeheartedly support this application on the grounds of reducing crime and the fear of crime (the quotes are available to you) and add a further amendment that the overwhelming sentiment from local horse riders is towards support for this project on safety grounds.

2. There are a number of inaccuracies and misleading text regarding third party objections to the application.

You repeat in your latest report to the Planning Committee (section 4.1), the text of a Lodsworth Parish Council objection to the scheme, although you know that they have withdrawn their objection (letter from the Parish Council Clerk Ms Helen Cruikshank to you on 11 Sept 2018). Indeed you made a declaration on the agenda update sheet for the 15th Sept Planning Committee meeting recognizing this fact, but you have nevertheless repeated it in your latest report as if it were current. It is unreasonable to expect that the Committee will necessarily retain this detail from one meeting to the next and they will therefore be influenced by the latest text stating there is an outstanding objection, when in fact there are none.

The latest comments from Lodsworth PC were reported to the 19 September committee and are included in the report to the 19 October committee. The report on the website is not the final version and has been placed there in error for which I apologise. I will arrange for the correct report to be uploaded to the website. It is a pity that this was the last advice Members had available before attending the site visit

With consultee's including Parish Council's we report all comments made in date order hence why the earlier comments remain in the report. This is your process and I respect it, but perhaps when you include in your report obsolete objections you should make it clear at that point that they have been withdrawn.

Remedy; this should be 'corrected' along with the items under 1) above.

You have repeated word for word an objection from the SWT from 14th March although this was withdrawn 13th June. In my notes to the Planning Committee, I pointed out a number of problems with your treatment of this correspondence. The bottom line is that the SWT support this project, your report does not state that, instead you have 'spun' the facts to present it as a problem, when in fact it is a benefit.

As above we report all comments made by consultee's throughout the application process. It is clear if the report is read in its entirety that the SWT has changed its stance during the course of the application. I hold to my original comments, the LPA's section on the SWT is misleading as to their real position which I have given below;

Remedy; you should state the facts plainly, they are that the SWT support this project on the grounds that it will extend the reach of their 'Heathlands Reunited Project' by securing the management of our ground according to their practices. The bridleway will also provide them with vehicular access to their site. Your text on this matter is counterfactual.

Similarly, you have repeated word for word the negative comments from Ms Walton the Winchester based Landscape Architect without amendment to reflect the inconsistencies and inaccuracies contained in her report that I pointed out in my earlier notes on your report.

Ms Walton is the LPA's landscape consultant and as such it is appropriate that her opinion on the proposal is included in the report. Whilst I acknowledge that you may disagree with her comments, what we are reporting is her professional opinion on the proposal and there is no reason, nor would it be appropriate, to amend them. You are entitled to disagree with Ms Walton's comments and you have made your opinions known to Members in the document circulated prior to the September committee. I do not challenge Ms Walton's judgements, I may disagree with her, but that is not my complaint. I merely point out that her statement is contradictory, she calls for the applicant to be responsive to the needs of the SWT and also recommends tree planting on the site at a ratio of 3:1 for each one felled, whereas the SWT are urging the applicants to cut 70% of the trees down to allow Heathland Regeneration.

3. **Ecology;** You claim that the ecology work is incomplete and that there is, accordingly, a presumption of 'harm'. Following the Planning Committee meeting on the 15th September, I spoke with Tom Day, who spoke on behalf of your Conservation Officer Liz Rogers at the meeting. I explained that we stand ready to address any LPA concerns with whatever extra Ecology work is needed and justified. I followed that up with a letter suggesting we set out our understanding on

the LPA's position on each aspect in the Sept 15th report as a basis for reaching a mutually agreed work plan if such is needed. This preliminary defining exercise is necessary since some of the positions taken by the Conservation Officer are quite extraordinary (*study search for Dormice nuts and badger setts on totally unsuitable seasonally boggy acid heath*), others are cryptic and unactionable, (*more consideration needs to be given to otters*) and in one case the demand is unlawful (*obliging the Ecologist to share proprietary purchased data contrary to contact*). Clarification to narrow the field to any possibly valid issues was therefore essential. I followed this up with a note to Mr Day confirming these points. He agreed to the process (mail 27th Sept.).

With the support of the independent Ecologist, I sent a detailed letter on the 1st Oct giving our perspective on each of the Conservation Officer's points. Mr Day promised a formal response by Friday 5th October.

As of today, three weeks after my appeal for dialogue, nothing has been received from Tom Day or Liz Rogers. I called Mr Day this morning and he claims to be working on it, but he was not aware that you had already re-issued the old Ecology notes, he was not aware that you were on a site visit today and he was not aware that your full report for the 17th Oct Committee was posted. He seemed surprised since he claims to have briefed you on progress underway to resolve Ecology matters. In your report to the Committee, you acknowledge no part of this attempt at dialogue and progress and merely restate the poorly argued and flawed Ecology positions of September. It is hard to avoid the conclusion that there is no will to solve problems, even when they are within your grasp.

I am aware that you have been discussing ecology matters with Tom Day, that you have provided comments to him and, that he intends to provide you with a response as soon as he is able to. We have discussed this matter on a number of occasions. I hope that he has now provided you with a response. At this stage it appears to me that whilst some progress has been made there are still a number of unresolved matters, however I hope that dialogue can continue until agreement is reached. I am confident of this. The LPA has to produce its reports for committee meetings sometime prior to the meeting and at the time of the report deadline there was nothing substantive to add to the report. Should progress be made in resolving these issues then an update will be provided to Members prior to the committee meeting. Yes considerable progress had been made and I am appreciative of the efforts of both Tom and Liz to bring this over the line before next week, given everything else they have to do. However, some acknowledgment of this activity in your report to Members would go a long way to assuring me that you are recognizing this fact.

Mr Day would be aware that the matter would be going back to committee in October and that there was going to be a members site visit. He would not need to have been aware of the date of the site visit as he would have no involvement in it. I had assumed that you were a small team working together and communicating closely on all aspects. It would have been very helpful if Mr Day had known your agenda so he could have updated you before your site visit,.

In respect of the content of the LPA's ecologist's professional opinion, you are entitled to disagree and provide your own opinions which you have done.

In summary, we have not been informed of any issue with Ecology that reach the generally accepted Planning Precautionary Standard. Maybe some will emerge in the course of the current exercise with the LPA Conservation team, but nothing written in the current Ecology report makes such a case. There is no potential harm to protected species and there is much biodiversity gain to be had by our cooperation with the SWT. The current Ecology 'issues' appear to be clumsily assembled as a reason to claim 'harm'. Your Conservation Officer's 'concerns' do not command the respect of the highly qualified independent Ecologist, who in any normal circumstances would welcome the extra work called for. Indeed, the issues raised do not survive scrutiny even at the level of common sense.

As advised above, you and your ecologist are both entitled to make your case for the proposal, May I make an important point here. The Ecologist is not **mine** he is **ours**. The only sense he is mine is that I am obliged to settle his fees. I have never met him and he was chosen because he is a fully qualified professional with many hundreds of studies to his record. He is your resource as much as mine. He contests most of Ms Roger's objections on professional grounds and the dialogue has become fractious and unproductive. He feels his integrity is under attack; for instance he has reported a 'nil' finding for bat roosts in all the trees that would be affected by the bridleway and has been told that that is not good enough we only have '*your word for it*' To put it mildly, suggestions that he is in the Applicant's pocket are deeply corrosive to trust. I am trying my best to bridge into productive dialogue with your Eco team and have prevailed upon the outside Ecologist to cooperate to get this done. It is working. We now have a work plan that covers all of the remaining issues however as it stands the LPA's ecologist has raised some legitimate concerns that remain unresolved. You understand completely my complaint regarding these 'concerns' it is stated above. But no matter we are getting there

Remedy; The current LPA position on this matter is clearly flawed and if persisted with, is in danger of bringing the function into disrepute. The remedy is to be found in the fact that there is still a week to address this. Either a 'no harm' report at the next meeting or a presumption of 'no harm' contingent upon 'clean findings' through some justified actions as yet to be identified.

Fifteen months after this application was submitted to the LPA, I feel I have exhausted all avenues of reasonable dialogue with you. There is no prospect of progress through normal business-like dealings based on fact and reason. You are, of course in the position to put your view to the Planning Committee with whatever recommendation commends itself to you, but you cannot expect to support it with selective and misleading text without consequences for you and the function you represent.

With this long and frustrating history, still no nearer to honest resolution, I think it is now necessary to inform your senior colleagues of events. Accordingly, I am copying this to Mr Whitty, to our local district Cllr Mr Hobbs and to Cllr Shaxson who 'Red Carded' the application, and to your planning colleagues at the SDNPA, including Mr Tim Slaney as he is the signatory of your report.

In conclusion, I really feel this whole business could have been, and for the hopefully short distance it has yet to run, should be, handled in a more enterprising and collaborative way. I have tried today to make my remarks constructive. I still hope for good and business-like relations with the LPA. I recognize it is not easy to arrive at truth and balance and an essential component is to listen carefully and give proper weight to the views of others, both professionals on the team, and to local people who live with and around the site. Again from the NPPF; '*planning decisions should be approached in a positive and creative*

way'. I will certainly be listening and where permitted, will be contributing carefully, I look forward to seeing you at the Committee next week and hearing your guidance to the Members and their response.

ITEM 9

SCHEDULE OF APPEALS, COURT AND POLICY MATTERS

6. COURT AND OTHER MATTERS (page 85)

River Farm – application has been lodged for permission to appeal to the Court of Appeal.

Breach Avenue – Judgement was handed down on 12th September 2018. The Council's challenge was dismissed. Council ordered to pay the first defendants costs but not the second defendant's costs. Application made by the Council to the Court of Appeal on 2nd October 2018 for permission to appeal.

Item 11

APPLICATION NO: CC/18/02538/FUL

Further Consultations

Following the production of the committee report a number of responses have been received from consultees and third parties.

CCAAC

The Committee objects to this application. While we very much support the principle of an ice rink in Chichester for its amenity value and as a worthwhile activity for young people over the holiday period, we consider that Priory Park is an inappropriate location. The rink and associated marquee will be there long enough to kill the grass underneath which will then need to be replaced and there is important archaeology which might be damaged by ground anchors. The noise and disturbance of the generating equipment, floodlighting and PA system in this residential area is unneighbourly and there will be damage to the grass from heavy vehicles during set up and dismantling. We suggest that better locations (preferably on hard standings) would be Oaklands Park, Northgate car park, Westgate Fields (in front of Chichester College) or the Tennis Club.

WSCC Highways

The submitted Construction Management Plan from S3K Limited has been considered and accepted by WSCC for the site set up and de-rig of the proposed temporary ice rink.

Car parking spaces will be required and as such the Parking Manger, Miles Davy has been made aware of the applicants intentions. Further comments are awaited however given the scale and nature of the proposal WSCC raise no highways objection.

If I have any comments to pass on from Mr Davy I will send these asap.

CDC Conservation and Design

Thank you for asking me to comment on the temporary skating rink as per the above application. As the installation is temporary and will have no lasting impact on the historic environment beyond the setup/opening and removal of the rink, I have no objections on conservation grounds.

CDC Parks and Gardens

The provision of a temporary ice rink will increase footfall and introduce activity in the park at an otherwise quiet time of year. For these reasons we would ordinarily offer our support. However it should be understood that by having the structure in place for the period proposed this will result in the grass beneath it being killed. This will recover with time and reinstatement work. We will need to scratch the surface and apply grass seed to the event area. Such work cannot take place until March as the seed may be damaged by frost conditions. With favourable weather it will then take around two months for the grass to establish to the extent that the area can be used for further activities. I would allow until the end of May for this.

As the period between March and May is typically quiet for event bookings the decision will need to be taken on whether this is considered acceptable when balanced with the benefits the ice rink may bring to the park and business community.

CDC Environmental Protection

Comments in relation to additional noise information received 11/10/2018:

We can place conditions with respect to noise levels etc. What we don't want to be doing is acting a consultant for the operator; setting noise levels for them. We would be mindful to set levels relative to the background noise level, and it would be incumbent on the applicant to find what these levels are and ensure they meet them.

At worst though, if the music is too loud we can address that when they are operating and without the whole operation grinding to a halt. This can be done informally with reference to the condition or using nuisance powers. It's the plant noise that worries me more as it may be 24/7 and they potentially won't be able to cease operating the plant without stopping the event as a whole. I can imagine the pumps and generator will need to be going all night (or at least on a thermostat and able to come on if required) to avoid it being a paddling event rather than skating event. "Silent running" isn't really silent of course for generators etc, it just means they're quieter than some cheaper models. At night in that area the background level will be low. From the description, the enclosure is a good fence round the Tech Area. Concern with that is there are dwellings close by, and at first floor level they may have a direct path straight from that noise source. Enclosure, to my mind, should be complete enclosure, ie, above as well as surrounding, unless the operator can show us that the noise levels will not otherwise intrude at neighbouring dwellings.

They mention a 24/7 complaint number. It would need to be someone in a position to respond and address a concern that may arise, ie, someone on site or able to get to site fairly swiftly.

Comments in relation to further supporting information received 12/10/2018:

Using the information supplied and applying some basic calculations suggest the “Tech Area” plant noise will not be acceptable at night as things stand. I had a look at the site today. There are a number of 1st floor single-glazed windows, which are likely to be bedrooms, along the Priory Rd between the Park Tavern and Little London, so these are the most likely to be affected at night by plant noise. We do not have details of attenuation that could be achieved by a well-positioned acoustic barrier though, so this may be something further the applicant can offer. Enclosure is not likely to be possible. They have suggested the use of sound absorbent material but no detail about likely effectiveness – positioning and the qualities/spec of the material used are relevant.

Potential improvements would be:

- 1) To relocate the Tech Area to the west side of the site, and as far west as feasible. This would increase the distance from it to neighbouring premises which will help.
- 2) Construction of the Tech Area fence to include acoustic barrier appropriately positioned bearing in mind the line of sight to bedroom windows.
- 3) It may be that orientation of the plant within the compound will make a difference, as noise is not always emitted uniformly from a piece of equipment. This should be considered.

Comments in relation to further supporting information received 15/10/2018:

I have not been able to find a night-time Background Noise Level, but it seems likely that this will be in the order of an L_{90} of 30 to 35 dB(A) . This would give a suitable target for the applicants to achieve, at or close to the boundary of any noise sensitive premises, for plant and any other site noise that operates during the night (2300 to 0700), measured as LAeq (5 min). A combination of appropriate siting of the Tech Area and acoustic barriers of suitable height and quality will be required to enable them to achieve the target level.

We need to see how they intend to make this work. For modelling or monitoring purposes, whilst the sensitivity is likely to be at first floor level during the night, the difference between ground floor level and 1st floor level will be marginal if the barrier is high enough and the distance great enough. So monitoring at ground floor level should be sufficient.

In addition to the attached document, potential conditions would be along these lines:

- Prior to the development commencing, a noise mitigation scheme shall be submitted to and approved in writing by the LPA, clearly detailing the measures that will be put in place to prevent noise from plant, equipment and/or activities subject to this planning permission giving rise to the potential for detriment to amenity at the nearest residential dwellings. The mitigation scheme shall be carried out in accordance with the approved scheme which shall be implemented in full.

- The night-time noise level from the development shall not exceed 35dB LAeq (5mins) at or close to the boundary of any noise sensitive premises at a position to which the organisers are allowed access, (the sensitive boundary noise level.) A noise test shall be carried out by a competent person on behalf of the developer and the result submitted to the Local Planning Authority to demonstrate compliance with the sensitive boundary noise level. Should this test show that the boundary noise level has not been complied with and notwithstanding the development hereby approved, a further scheme of attenuation works capable of achieving the boundary level shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the commercial use of the development.

This feels like a proportionately cautious approach, given the limited detail about noise mitigation provided so far.

CDC Sport and Leisure

I can confirm that there is 3 phase 400V power supply at The Guildhall and single phase 230V power supply at the White Pavilion which may be able to assist with the generator noise.

Further Representations

14 Third Party letters of objection have been received concerning;

- Inappropriate for Priory Park
- Noise and disturbance cause by machinery
- Noise from music
- Increased traffic
- Damage to grass and ground within the park
- Proposal will exclude the use of that area of the park for the general public for an excessive period
- Would be a welcome attraction in another location
- Ground will take many months to recover making it out of bounds to the public
- No arrangements in place for the policing of Priory Park
- Who will enforce local byelaws
- Vandalism of heritage assets within the park
- Close proximity of houses
- Noise from the PA system, particularly during the evening hours
- Priory Park is a quiet residential area, what arrangements will be in place to ensure orderly egress from the park at the end of the evening?
- Will local residents be provided an all-hours phone number to be used in the event of operating issues?
- The park is meant for peaceful enjoyment and be freely accessible for all as a gift and use for commercial purposes would be illegal
- query whether covenants have been checked
- Light pollution
- Fenwicks café doesn't seem to be included in ancillary food and drinks uses, surely it will suffer
- Concerns for safety of guests after dark
- The initial 6 weeks period has been extended
- Details of noise abatement measures not provided
- Better to site ice rink in other locations with flat hardstanding and parking

- x) Consultation period has been reduced and preferential treatment given to the application
- y) Planning committee can't take a balanced view in the absence of all third party comments
- z) Other events have led to unpleasant and intimidating experiences for local residents
 - aa) Concern about alcohol being served
 - bb) The appearance of the structures being ugly and impacting upon the listed buildings
 - cc) Litter
 - dd) Parking of vehicles and smelly food vans on the site
 - ee) Detrimental to conservation area
 - ff) Decision is being made on an unusually tight timeframe and the decision needs more time
 - gg) No parking or toilet facilities
 - hh) Security
 - ii) Irrespective of sound mitigation measures noise spill will occur
 - jj) Health concerns due to lack of sleep as a result of disturbance from noise
 - kk) Parking in area is challenging, proposal will result in congestion
 - ll) Toilet block not built for the level of use
 - mm) Pedestrian congestion will be difficult and dangerous
 - nn) Good idea, wrong location

3 additional third party comment has been received concerning:

- a) The information does not include length of time, operation times or details of the studies about parking, access, noise abatement or alternative sites
- b) Oaklands park/Oakwood park would be a good alternative
- c) Junior ParkRun is held every Sunday morning and whilst the route can be amended, it will be important that the proposal does not result in vehicles movements that would make it unsafe for parkrun to operate alongside the ice rink,

Further Officer Assessment

The representations received have been carefully considered, and they fall into several areas of concern; principle of the use, noise and impact upon amenity, security, highway safety, impact upon the ground and impact upon heritage assets. With the exception of security these issues were all considered as part of the officer's report, and further comments are provided below.

Security and nuisance

The applicant has confirmed that the fencing around the edge of the site would serve to contain the attraction which would allow for the operators to safely manage visitors without disruption to other people using the park. The proposal is also the subject of a licencing application, and any concerns about the sale of alcohol or nuisance would be considered as part of this process.

Principle of the use

Concerns have been raised by third parties that the proposal would breach covenants on the park. This is not a planning matter and therefore is not a consideration material to the planning application. However, it is not uncommon for events to be held within Priory Park, and it is important to note that the proposal would not prevent free access to the park around the proposed development.

A concern has been raised that the proposal should not impact upon other events taking place, for example Junior Parkrun on a Sunday morning. It has been indicated by the junior parkrun Event Director that the parkrun route can be amended to accommodate the proposal, however it is essential that it remains safe for the parkrun to go ahead and as such regard must be had to vehicle movements during the construction and de-rig phase plus delivering during the operation of the ice rink. It remains the opinion of officers that the proposal would not result in the loss of sports activities within the park contrary to national and local planning policies. It is not considered reasonable to restrict the movement of all vehicles on site at specific times based on the information available, however it is considered that it would be reasonable to draw this matter to the attention of the applicant for their comment.

Noise and impact upon the amenity of neighbouring properties

The applicant has sought to address concerns raised with regards to noise and the impact of the proposal upon the amenity of nearby residential properties. Officers remain of the view that the proposal would be acceptable in principle subject to adequate noise mitigation measures that would ensure that the noise generated would not result in noise levels being higher than the existing background noise levels at the nearest sensitive receptors. The applicant has confirmed that the plant can be re-located to the western side of the marquee, which would enable the marquee to act as a buffer to the noise generated, and other measures including noise barriers within the tech zone which would house the plant could be installed and the plant can be orientated within the tech zone to minimise the noise being emitted from the tech zone.

The Council's Environmental Health Officers (EHO's) are working with the applicant to ensure all necessary measures to reduce the noise to an acceptable level are provided. If it is not possible to mitigate the noise generated to the point that it would meet the Council's requirements then the proposal would not be granted planning permission. However, at this time it is considered that there are potentially technical solutions available to ensure that the noise generated would be at a reasonable level such that the amenity of neighbouring properties would be safeguarded.

In addition to a requirement for the applicant to demonstrate that the noise can be adequately mitigated, a noise management plan, which would require as a minimum noise monitoring during the event, full details of the complaints procedure and contact details for the responsible person at the event should local residents need to raise concerns about noise or other issues, would be the subject of a condition in the event planning permission is granted.

Other possible conditions from the document provided by Environmental Health include:

- No music shall be audible within noise sensitive premises with the windows open in a typical manner for ventilation. The test for compliance with this condition is that

noise shall be no more than barely audible at or close to the boundary of any noise sensitive premises.

- A noise complaint system shall be put in place and shall consist of an allocated telephone number. The line shall open and be manned at all times throughout the period of set-up, operating and de-rig of the ice rink and associated uses. The number shall be provided to all emergency services, the licencing authority and the Environmental Health Authority prior to the commencement of the development. Every call shall be fully logged and responded to by the event organisers if necessary in a substantive way. The log shall be annotated with a description of the action taken in respect of every call.

Highway safety

WSCC Highways has confirmed that the proposed routing for vehicles during the set-up and de-rig phases, plus the operation of the ice rink would not result in any adverse impact upon highway safety. If approved, a condition would be imposed requiring the development to be carried out in accordance with the submitted details.

Impact upon the ground

It is recognised that the proposal would potentially result in the loss of some areas of grass due to the length of time the structures would be in situ. The applicant is however considering how to minimise the damage to the grass and is likely to submit further information in due course. Notwithstanding this the Council's Parks and Gardens Officer has confirmed that the grass would be re-seeded where necessary.

With regards to the concern that the proposal would result in damage to the ground that would harm the appearance of the park and archaeology, the applicant has demonstrated that due to the nature of the construction and proposed method of construction large vehicles would not be required to cross the grass, and once the deck for the ice rink has been provided the structure would be erected by hand from the deck.

Whilst it is recognised that the carrying out of the proposed development would impact upon the ground and the grass covering in particular it is considered that subject to the development being carried out in accordance with the submitted details that the proposal would not result in harm to the appearance of the park or archaeology. Therefore, in the event permission would be granted a condition would be imposed requiring the works to be carried out in accordance with the submitted details.

Impact upon heritage assets

The comments of the Council's Principal Conservation and Design Officer have now been received. It has been confirmed that due to the temporary nature of the proposal it would not result in harm to the heritage assets within Priory Park or the surrounding area. It therefore remains therefore, that whilst officers recognise the appearance of the park would change for the duration of the proposal, due to this impact being temporary the proposal would be acceptable in respect of the impact upon heritage assets.

Recommendation: The recommendation remains for the Planning Committee to delegate the decision to officers.

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