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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 14 November 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 14 November 2018

ITEM: 5

APPLICATION NO: CC/18/02538/FUL

COMMENT:

CDC Environmental Health

13/11/2018 – *[In response to amended layout]* I have considered the updated assessment and comments from the applicant's acoustic consultant in relation to plant noise, in the light of a change in proposed layout. I am satisfied that the change in proposed layout does not change our view on the application.

12/11/2018 - I have just had sight of a revised layout for the proposed ice rink, which I understand was submitted in relation to the Ground Weighting Locations for the Marquee. This is listed as "SUBSTITUTE PLAN 03/11/18 - GROUND WEIGHTING LOCATIONS (A1)" amongst the Planning Documents on our Website, which has references: Drawing Number : Priory-101, Rev A. Briefly, this replaces the Pagodas on the West side with 2x WC blocks at the North West corner, and covered seating areas South of that.

Firstly can you confirm that this layout "Priory-101, Rev A" is now the proposed layout for the site?

If so I have a concern that this is a variation from the layout that your Acoustics Consultant based his desktop assessment on, and would appreciate some clarification from you, (and perhaps your Acoustics Consultant is best placed to comment) of the likely impact of the change on the following aspects of the consultant's report:

Referring to the Consultant's report:

In plan Priory-101 Rev A, It appears there will be 2 fence barriers, plus the WC blocks themselves, on the Northern part of the West side of the site, ie, around the WC blocks. This may actually be an improvement, but it is not clear, for example, what effect the height of the pagodas had on the original assessment, and whether introducing hard barriers to this area and the entrance way would introduce a funnel effect. Your consultant may be able to offer reassurance in this regard.

[Officer comment: the applicant has confirmed that the previous noise assessment did not rely upon the pagodas for attenuation of noise]

12/11/2018 (Summarised) - Please see below my comments to Licensing with respect to the Premises Licence Application for the Ice Rink. As you can see I have made comment on the noise management plan and proposed a number of conditions. I believe that, where applicable to the planning process, the same conditions should also be applied to the planning permission, notwithstanding that Planning and Licensing objectives are not the same.

I would propose the following conditions to be attached to the premises licence.

1. Installation and operation of plant servicing the site, including power generation and refrigeration plant, acoustic barriers and location, shall be in accordance with the recommendations of the applicant's acoustics consultant's report dated 23/10/18. Where any alternative or replacement equipment is required throughout the course of the event, the applicant shall ensure that equipment is replaced on a like-for-like basis with respect to noise rating [Lw.]
2. Except during the carrying out of sound checks [as detailed herein] and during the agreed Live Music performances, 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 (at a position to which the organisers are allowed access.) To ensure compliance with this condition the organisers shall, on each day the site is operational, carry out and record the results of at least one observation within 1 hour of the facility being opened to the public, and at least one evening observation between 1800 and 2100.
3. The sound levels from any live or recorded music during the agreed Live Music performances shall not exceed 65dB(A) measured as a 15 minute Leq over any 15 minute period when measured (at a position to which the organisers are allowed access) at or close to the boundary of any noise sensitive premises
4. The Live Music shall cease at or before midnight on New Years Eve.
5. 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 occupation of the site by the applicant. The number shall be provided to all the emergency services, the Licensing Authority and the Environmental Health Authority prior to the first day of the event. The number shall appear prominently on any website, and on external signage at the event, throughout the period of the event. Every case shall be fully logged and responded to by the event organisers, if necessary in a substantive way. (An example of an appropriate response would be to explain that noise levels have been agreed, and to make noise level measurements or observations at the complainant's property. If noise levels exceed those set by any condition herein then appropriate action shall be taken to reduce the sound levels.) The log shall be annotated with a description of the action taken in respect of every call.
6. The organisers shall employ the services of a competent person to undertake noise measurements for the duration of any period of both Late Night Refreshment and Live Music. The measurements must entail the measurement of noise levels in such a way that breaches of the 15 minute condition can be identified before they

occur and corrective action taken to prevent a breach. The persons undertaking the measurements and assessments must be able to immediately contact the person in control of the noise levels (for example, controller of the mixing desk.)

7. There shall be only one person at any given time responsible for the overall volume of sound from the regulated entertainment. This person shall be appointed by name for the period in question by the event organiser. This person shall be obliged to report to the organisers any difficulty he is having obtaining the necessary assistance and compliance with any instructions he gives relating to the control of noise levels with any other person in the chain of producing or controlling the regulated entertainment sound (for example, but not exclusively, the artists, their engineers and the engineers for the main sound system.)
8. If the sound levels exceed those specified in any condition herein, the persons monitoring the sound levels shall have the authority during the event to direct appropriate action be taken to reduce the sound levels to below 65dB(A) Leq, 15 min, at the nearest noise sensitive premises.
9. A sound check shall be conducted on the morning or afternoon of (or if not, the day before) any Live Music entertainment event. The Environmental Health Authority shall be invited to be present to ensure that sound levels are set such that they do not exceed the levels stated above. They shall be given at least 48 hours' notice of the time of the sound check.
10. Any of the above conditions pertaining to noise levels at noise sensitive premises shall not be applicable in the case of any such property where the residents of a property have agreed by signed letter, an original of which has been passed to the Licensing Authority a least one week before the event, that they are content that those conditions shall not be applicable at their property.
11. No deliveries to, or waste collections from, the site shall take place between the hours of 17:00 and 07:00
12. Within 3 weeks of the final day of the event, the event organiser shall furnish the Environmental Health Authority with a report detailing the findings during the noise monitoring and detailing any breaches detected of the above levels, or the barely audible threshold.
13. Within 3 days of the final day of the event, the event organiser shall furnish the Licensing Authority with copies of the complaint log as required at condition 4 above.
14. The applicant shall ensure that adequate provision is made for the containment and removal of litter and waste from the site, and that litter does not escape from the site. This shall include the picking of litter from within the site boundary and around the perimeter.

CDC Drainage Engineer

The proposal is to allow surface water to run-off and percolate into the surrounding ground. Given the temporary nature of the construction, location and the ability for water to drain to ground as existing we have no objection to the proposed surface water drainage.

Third party representations

8 further third party letters of objection have been received concerning:

- a) generic structural calculations provided not site specific
- b) proposal is for a pub
- c) there is nightlife and dozens of places people can enjoy a range of venues
- d) ground anchors causing damage to archaeology
- e) initial application had little detail
- f) suitable sites elsewhere
- g) ice rink would destroy residential character
- h) noise would dominate surroundings
- i) lack of interest from other operators indicates proposal would not be viable
- j) financial losses experienced elsewhere
- k) event management plan not well thought through
- l) sale of alcohol
- m) concern there is an outside dancing area resulting in noise and safety hazards from wind getting underneath the roof

1 further third party letter of support have been received concerning:

- a) social media and newspaper polls indicate overwhelming support
- b) a licenced rink is unlikely to bring crowds of heavy drinkers
- c) should promote civic life
- d) Chichester is a market town facing stiff competition from the internet for retail business, so need to make city a vibrant choice

Applicant's further supporting information

The applicant has submitted;

- calculations for the proposed ballast
- confirmation that the surface water would be allowed to run off the building and drain into the ground
- revised noise modelling plan to reflect the amended layout

Addendum to conditions

Condition 7 should be amended to read:

At all times during the set-up, operation and de-rig phases the operator shall ensure that an appropriate waste management plan, including the provision of refuse bins and their collection, is implemented to ensure that at no time is litter or waste left within the park. The applicant shall ensure that adequate provision is made for the containment and

removal of litter and waste from the site, and that litter does not escape from the site. This shall include the picking of litter from within the site boundary and around the perimeter.

Reason: In the interests of amenity.

Condition 9 should be amended to read:

The development hereby permitted shall not be carried out other than in accordance with the mitigation measures details in sections 6 and 8 of the submitted Acoustic Assessment produced by Acoustic Associates Sussex Ltd dated 23/10/2018 Issue 1. The mitigation shall ensure overnight noise levels(outside opening hours of the site) shall not exceed 45dB(A) [as a 15 min Leq over any 15 minute period] when measured from the boundary of any noise sensitive premises (at a position to which the organisers are allowed access). Thereafter the mitigation measures shall be retained as approved until the use and associated plant has ceased operation. Where any alternative or replacement equipment is required throughout the course of the event, the applicant shall ensure that equipment is replaced on a like-for-like basis with respect to noise rating [Lw.]

Reason: In the interests of protecting the amenity of neighbouring properties.

The following additional conditions are recommended:

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 occupation of the site by the applicant. The number shall be provided to all the emergency services, the Licensing Authority and the Environmental Health Authority prior to the first day of the event. The number shall appear prominently on any website, and on external signage at the event, throughout the period of the event. Every case shall be fully logged and responded to by the event organisers, if necessary in a substantive way. (An example of an appropriate response would be to explain that noise levels have been agreed, and to make noise level measurements or observations at the complainant's property. If noise levels exceed those set by any condition herein then appropriate action shall be taken to reduce the sound levels.) The log shall be annotated with a description of the action taken in respect of every call.

Reason: In the interests of amenity.

No deliveries to, or waste collections from, the site shall take place between the hours of 17:00 and 07:00.

Reason: In the interests amenity.

Recommendation

The recommendation remains to permit subject to the conditions, as amended.

ITEM: 6

APPLICATION NO: EWB/18/00753/OUT

Further Consultee Comments

East Wittering and Bracklesham Parish Council

No objection.

Following a meeting with Seaward homes, which has addressed many of our concerns, and in light of the publication of indicative housing allocations in the revised Local Plan for East Wittering & Bracklesham, the Parish Council no longer object to this application. The Council agreed that the application makes good use of a brownfield site, and will reduce the burden on new greenfield developments required to fulfil our housing allocation of 350 homes.

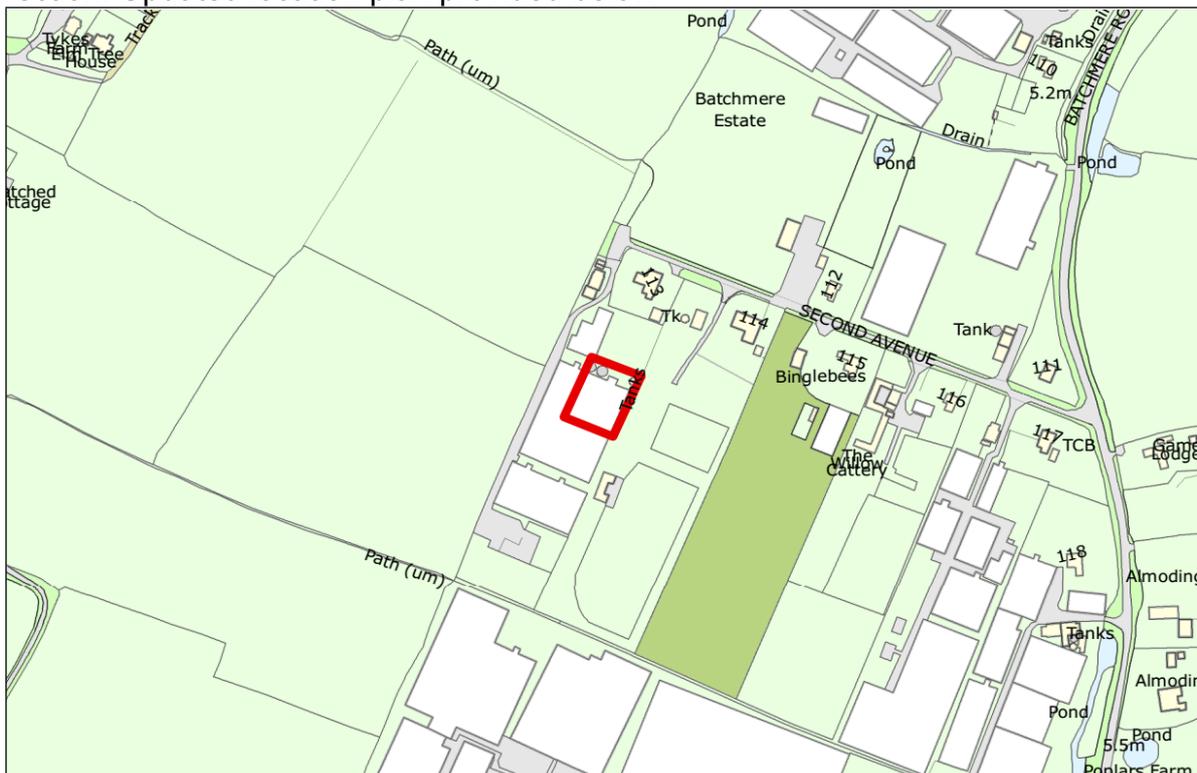
2 Further Objections

- Too many houses, density too high
- Houses with access drives onto Clappers Lane will cause congestion
- With Wates development, too much traffic on local roads
- Existing oak tree and hawthorn hedge should be retained

ITEM: 9

APPLICATION NO: E/18/00578/FUL

Correction: Updated location plan provided below



Parish Council

12/11/2018

Having reviewed your very extensive report prepared for the Planning Committee, Earnley Parish Council withdraw their objection to this application.

Addendum to the report

Amendment to section 8.18 to read;

8.18 This development would not be liable to pay the Council's CIL charge as the application is for the change of use of existing floor space. As set out in vi) above, it would also be liable to a contribution with reference to Recreational Disturbance.

Amendment to conditions

Condition 12 should be amended to read:

12) The flues hereby approved shall be of a matt black finish.

Reason: In the interests of the visual amenity of the rural area.

ITEM: 7

APPLICATION NO: BO/18/02114/FUL

Correction: Updated location plan provided below



ITEM: 10

APPLICATION NO: E/18/02199/FUL

Applicant's supporting information

The applicant has submitted additional information stating that;

The planning history detailed within the committee report is not accurate to the site. Concerns were expressed regarding the reference within the officer's correspondence to Dragon Cottage.

Addendum to report

The planning history has been checked and the following references (which relate to 123 Second Avenue and not the application site) should be omitted from the planning history within the committee report;

98/02268/ELD PER Self-drive minibus hire business.

01/00115/REF DIMISS Construction of 6 no. solar heated character cottages with integrated workshops.

The planning history for Dragon Cottage, the extensions and outbuildings forming part of Dragon Cottage (referred to as Dragons Lair) and Dragons Nursery are included within the planning history because they are interrelated and within the applicant's ownership.

Addendum to recommendation

Reason for refusal 5 should be omitted, and an informative stating the plans to which the decision relates should be added as follows:

INFORMATIVE:

The decision relates to the following plans: CD020818, CD030818, CD040818, CD020515, CD040515, FD031111, CD01 18 18, CD01 18 B and 4.

ITEM: 11

APPLICATION NO: EWB/17/03043/FUL

Further Consultee Comments

WSSC Highway Comments (summarised)

No objection

Visibility splays of 2.4m by 43m, do not pass through third party land and are acceptable, subject to conditions.

Parking to front of House A would be acceptable.

Parking to front of House B would result in multi-point manoeuvre, although there are no highway safety concerns.

The Proposal would not result in a severe impact on the operation of the highway network.

Conditions regarding access constructed in accordance with approved plans; visibility splay in perpetuity; car parking provision prior to first occupation; cycle parking provision.

Additional condition

To read;

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled proposed block plan and numbered 428pp01 rev J.

Reason: In the interests of road safety.

Recommendation

The recommendation remains to defer for s106 then permit.

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