

Parish: Chichester	Ward: Chichester North
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CC/18/02538/FUL

Proposal Temporary change of use to Christmas ice rink with ancillary food and drink uses, including the installation and removal of ancillary temporary structures.

Site Priory Park, Priory Lane, Chichester, PO19 1BL

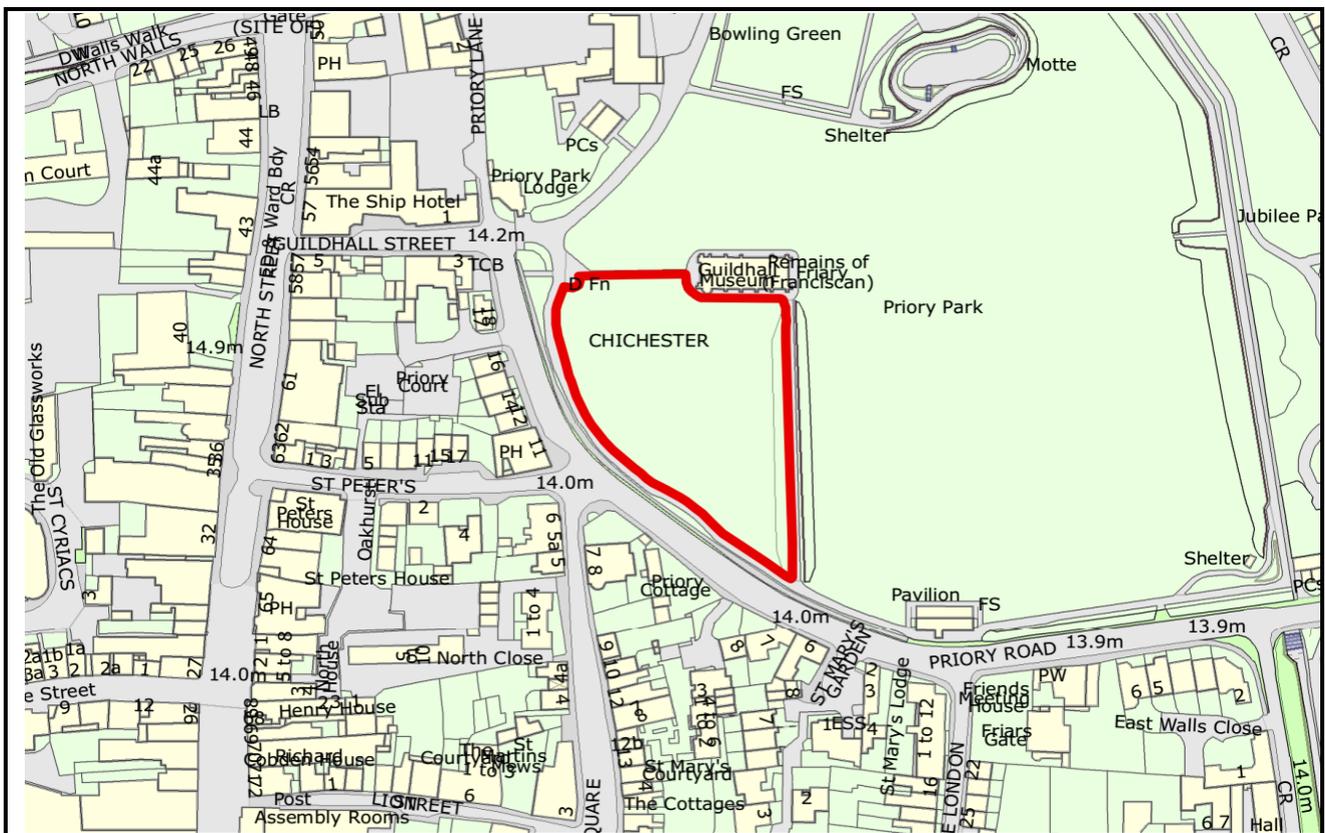
Map Ref (E) 486301 (N) 105188

Applicant Mr Edward White

RECOMMENDATION: PERMIT

Previous Recommendation

RECOMMENDATION TO DELEGATE TO OFFICERS FOLLOWING THE EXPIRY OF THE CONSULTATION PERIOD ON 1 NOVEMBER 2018; SUBJECT TO NO OBJECTION BEING RECEIVED FROM HISTORIC ENGLAND AND NO NEW SIGNIFICANT MATERIAL CONSIDERATIONS BEING RAISED THROUGH THIRD PARTY REPRESENTATIONS.



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1.0 Reason for Committee Referral

This application was considered by the Planning Committee on 17 October 2018, whereby it was resolved to delegate to officers to determine other than in the event an objection was received from Historic England and/or new significant material considerations were raised. The effect of the resolution was that if either of these occurred, the application would be reported back to the Planning Committee for determination.

Following the Planning Committee meeting, Historic England did not raise an objection, however the measures required to mitigate noise have resulted in amendments to the scheme with two 'tech zones' rather than a single 'tech zone' now shown and the method of securing the marquee structure to the ground also revised. These changes are considered to be new significant material considerations upon which third party comments have been received. Therefore, the application is returned to the Planning Committee for determination.

The report has been updated in bold text to reflect the update sheet presented at the Planning Committee on 17 October, amendments to the scheme, comments received and further assessment by officers.

Red Card: Cllr Moss - Exceptional level of public interest

2.0 The Site and Surroundings

- 2.1 The application site lies in the south west corner of Priory Park, an area of public open space within the Chichester Conservation Area located between Priory Road and the North East Walls. The park incorporates a range of facilities including a bowls club, cricket club, play area, café and toilet block. In addition the park features the Guildhall, a scheduled ancient monument and grade I listed building, plus the Motte and the North East Walls which are both scheduled ancient monuments.
- 2.2 The application site comprises an area of level grass to the south of the Grade I listed Guildhall, also designated as a scheduled ancient monument, and to the east of Priory Road. The main access to the park is adjacent to Guildhall Street on the western side of the park, and there are pedestrian access points at its north west corner from Priory Lane and its south east corner from Priory Road.

3.0 The Proposal

Whilst indicative plans/proposals of temporary structures and plant were previously available as part of the application, the proposals have been amended to include:

- The marquee housing the ice rink, skate hire, café and viewing area**
- 4 pergodas providing ancillary food and drink outlets**
- Provision of WC's for customers**
- A single point of access in the north west corner with timber shed to serve as a box office**

- **Plant ('Tech') zones to the south of the marquee (2 x chillers and 2 x pumps) and to the east of the marquee (generator with fuel tank storage)**
- **A 2.4m high temporary fence with close boarded timber cladding around the edge of the site and additional acoustic barriers around the plant zones**

3.1 Planning permission is sought for the temporary change of use of part of Priory Park, for a period of 6 weeks to an ice rink with ancillary food and drink uses, including the installation and removal of ancillary temporary structures and plant. Being temporary in nature the structures themselves do not require planning permission **but form part of the overall permission sought**. The ice rink would be operational from 24th November 2018 until 6th January 2019 inclusive. However works to provide the rink and ancillary structures would commence early-mid November 2018 and the rink de-riq would take place between 7 January 2019 until 13 January 2019.

3.2 The ice rink would be housed alongside a café and skate hire area within a marquee approximately 30m x 45m in size. The marquee would have a gently curved roof with the highest point at approximately 8.1m. **To the south of the marquee there would be an area for plant to support the use of the site during opening hours (such as chiller units for food) and drink. To the east there would be a further 'tech zone' which would house the generator and other plant required to operate the ice rink, which would need to run continuously for the period of the permission, if granted. These areas would be enclosed by an acoustic fence, 4m in height.**

3.3 The proposal would incorporate 7 pergodas used for the ancillary festive food and drink concessions which would be positioned to the west of the main marquee. In addition a timber shed approximately 3m x 5m in size would be provided to the north west of the marquee to serve as a box office.

3.4 Pedestrian access to the skating rink would be via the existing access points to the park, utilising a rubber mat walkway, and an additional ramped access would be provided at the northern end of the development, off of an existing hard surfaced footpath.

4.0 History

None relevant to the application.

5.0 Constraints

Listed Building	Adjacent
Conservation Area	CC
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

No objection subject to a requirement to re-instate the grass.

6.2 CCAAC

16/10/2018 - 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.

6.3 Historic England

24/10/2018 - Thank you for your letter of 4 October 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Our remit requires us to focus on the whether the proposed use of the park has the potential to cause harm to heritage significance or its appreciation; we think there are three ways in which harm might occur:

- o By temporarily affecting the character of the conservation area and the setting of designated heritage assets;**
- o By damaging buried archaeological remains; and**
- o By damaging the fabric and structure (including planting) of the park.**

In this case we think that there might be a little harm to the conservation area and scheduled monuments as a result of the development adversely affecting their appreciation, although the harm would be temporary and small overall.

We think that harm to buried archaeological remains can be avoided by means of method statements covering all phases of works (construction, operation, dismantling and remediation) that prohibits ground disturbance below a depth of 400mm; planning and licence conditions requiring compliance with method statements; and monitoring of compliance with conditions.

We think that physical harm to features of the park should also be avoidable through design and control of implementation by means of planning and licence conditions, and monitoring.

On balance, we think that the likely levels of any harm are likely to be less than substantial in the terms of the NPPF and that therefore that it is for your Council to assess whether any unavoidable harm will be outweighed by public benefits, such as the investment of proceeds in the conservation of the park or heritage assets (NPPF para.196).

If you are minded to permit the development we recommend that our published guidance on the use of temporary structures at outdoor events is followed in designing and implementing it: <https://historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events/temporary-structures-historic-places/> .

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 196 of the NPPF.

In determining this application you should bear in mind the statutory duties of: section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess; and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

6.4 WSCC Highways

16/10/2018 - 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 Manager, 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.

17/10/2018 - The parking team does not have any issues to raise. The proposal above has been considered by WSCC as the County Highway Authority (CHA). No objection in principle is raised however in order to assess the full highway impact we need to understand how many vehicles are required to set up the ice rink.

As such please can the applicant provide a site set up plan. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during set up, de-rig**

- o the method of access and routing of vehicles during set up, and de-rig
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of equipment,
- o the storage of materials used in construction of the ice rink,
- o the erection and maintenance of security hoarding during the set up and de-rig,
- o details of public engagement both prior to and during set up/de-rig

6.5 CDC Environmental Protection

30/10/2018 - Thanks for the opportunity to comment on the additional information provided by the applicant; specifically the Desktop Noise Assessment report produced by Acoustic Associates dated 23/10/18.

The acoustics consultant has used modelling software to predict noise levels close to the nearby residential premises, that would arise from the operation of the fixed plant required to operate the rink. The applicant has responded to our earlier comments to the application and, as a result, the modelling is based on a layout and barrier arrangements that differ from the original application. Specifically:

- **The original application placed all the plant within one Tech Area, but the proposal now is to have 2 x Tech Areas. This does not introduce new plant, it involves relocating the generator to a new area close to the Guildhall, and siting the 2x Chillers and 2 x Pumps in the other area to the south of the rink structure; the location of the Tech Area in the original application. Based on manufacturers' data for all the plant, the generator has the highest noise output.**
- **The consultant noted that 2.4m barriers around the plant would not be adequate, since the Chillers are 2.3m in height. Enclosing barriers around the Tech Areas 4 metres high are proposed.**

The modelling is based on this revised layout. The consultant includes a number of other suggested additional attenuation measures, and some observations, for example the likelihood that residents may choose to close their windows at night in the colder weather. These points are not relied on to meet the required noise level and no specific noise level reduction is attributed to them.

The consultant refers to various standards to interpret the results of the noise modelling. These include WHO standards for internal noise levels for bedrooms at night of 30dB(A), and BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, to indicate the likely reduction in noise level of 15dB(A) afforded by an open window. In fairly simple terms, a predicted level of 45dB(A) close to the façade of the dwelling should equate to the acceptable level of 30dB(A) within the property. Anything above this would require additional mitigation measures.

The modelling indicates that the predicted levels all fall under 45dB(A) close to the dwellings. The consultant concludes that level should be acceptable provided the mitigation measures and recommendations specified in sections 6 and 8 of his report are followed.

We have no reason to question the accuracy of the modelling, and the standards within the WHO Guidance and BS8233 are all sound and based on research.

It would be appropriate to place conditions on the grant of planning permission that require the consultant's mitigation measures and recommendations to be followed.

Operational noise from use of the rink

As indicated previously we would still recommend conditions to regulate noise during the rink's operational hours. This would require a noise management plan from the applicant to show how they will manage:

- **Noise during normal rink operation**
- **Noise during any regulated entertainment, eg, live music**
- **A complaint system for the public.**
- **Noise monitoring during the event.**
- **Ensuring people have left the site.**
- **Noise from service vehicles – eg waste collection and catering supply vehicles**

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.

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 east side of the site, and as far east 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 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 as 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.

No objection in principle, subject to the submission of a noise management plan and condition to control lighting.

There is potential for light and noise to impact on neighbouring premises, and no information in the application about how these will be controlled, other than through operational hours. There are dwellings very close to the site. It may be that the applicant's previous experience of these temporary rinks has all been in city centre locations without noise sensitive premises in close proximity.

Lighting is mentioned in the application, "to complement and highlight surrounding features". The intention seems to be for creating ambience but overspill could be an issue if directionality is not considered carefully. Applicant would need to ensure there is no lighting directed at neighbouring properties.

Noise:

The Main likely noise sources are:

1. PA - music for skaters and announcements.
2. Refrigeration plant: generator and pumps - which may need to run 24/7
3. Operation of the resurfacing machine - seems to be required every changeover
4. Participant/user noise

Noise is mentioned with respect to:

- o The PA system - "DB level adjusted and directed to minimise noise pollution to nearby residents during hours of operation"
- o Plant area "to be enclosed and secure to...minimise noise" as per submitted drawings.

Given the number of noise sources and close proximity to dwellings we would need a noise management plan. Points for the applicant below are mainly comprised of previous comments made to Licensing for an event in the same location last month. Some additional details are included specific to this application regarding noise levels from the plant compound and resurfacing machine.

The submission of a Noise Management Plan would be expected that would include the following, but not necessarily restricted to:

- o A map identifying the nearest noise sensitive receptors, and the noise sources on site. It would be helpful to confirm whether the "Tech Zone" is the plant enclosure area.
- o The designation of monitoring points. Monitoring locations on the day may be dependent on wind direction so a number around the event should be designated.

- Monitoring results to be logged and provided to the Local Authority's Environmental Health Department within 7 days after the event.
- o Details of noise levels from the plant compound, with the enclosure in place. Since refrigeration is likely to be required 24/7 the aim should be for inaudibility at nearest noise sensitive premises.
 - o Details of noise levels from the re-surfacing machine.
 - o Set a maximum music noise level, not to be exceeded at the monitoring points, based on a 15min LAeq.
 - o Details of monitoring sound instrumentation. A class 2 meter would be considered a minimum however a class 1 meter would be preferred.
 - o Type of music and amplification.
 - o Details of orientation of speakers and noise output of speakers. An array of directional, lower level speakers, would be favoured.
 - o Detail of complaints procedure. A number to be provided to local residents within a 250 meter radius of the event. A number to be provided to the Local Authority's Environmental Health Department prior to the event, for the out of hours officer for the weekend. Log of complaints to be kept and provided to Environmental Health Department within 7 days after the event.

Finally, the generator will require fuel and we would normally specify a condition relating to the storage of fuel, requiring an impervious surface and bund capable of containing 110% of the contents.

6.6 CDC Economic Development

Economic Development Service supports this application.

The sustainability and vitality of the town centre is one of the Council's key priorities. The recent consultation exercise carried as part of the Chichester Vision Plan process highlighted the need to improve opportunities for leisure. Theme 3 within Chichester Tomorrow - A vision of Chichester specifies "Chichester City Centre will be a leading centre of artistic, cultural and heritage excellence at the heart of one of the UK's leading visitor destinations..... To do this, Chichester City Centre will present a lively and attractive offering of high quality arts, heritage, culture and leisure opportunities".

Other nearby Cities such as Winchester, Southampton and Brighton, have seen the benefits of having seasonal ice rink, with surrounding markets stalls. In Bognor Regis, over the period 23 November 2017 - 8 January 2018, an estimated 8,000- 10,000 people visited the Ice Rink that was close to the High Street, just off The Esplanade (Source: Arun District Council - Council Meeting Agenda 12th September 2018).

Chichester BID is trialling a number of initiatives to increase footfall to the north of the City during the Christmas period. As part of the new Christmas lighting installations, they are lighting the entrance into Guildhall Street. The BID is also in working in partnership with along with West Sussex County Council and Chichester District Council to install a recycled Christmas tree on the private grounds of Jack Wills, North Street. Alongside these and other initiatives, there is a real chance to boost footfall to the city and support retailers on the High Street at the end of a demanding year for retailers nationwide.

The ice rink also represents seasonal entertainment that will enhance the vitality and viability of the city centre for this Christmas period and will complement and provide linked

trips with the surrounding retail and leisure uses attraction will draw both the local community and visitors to the City Centre, which will support the local visitor economy.

6.7 CDC Archaeology

2/11/2018 - After the results of the recent excavations and geophysical surveys I think it's clear that, apart from one or two small areas which are known to have been deeply disturbed in relatively recent times (e.g. the WWII reservoir), the whole of Priory Park should be considered to contain below-ground archaeological deposits of interest that can be particularly well preserved. In the area of the recent excavations the Roman remains were covered by between 400 and 500mm of overburden (mostly probably resulting from post-medieval gardening and modern landscaping) - but this may not be the case elsewhere. In the circumstances I'd say it's very likely that any ground anchors that penetrate to depths deeper than 400mm will impact on archaeological deposits of interest, and my advice would have to be that this might result in unquantifiable damage to deposits of unknown significance - and that this should not be allowed.

However, because of the presence of the 400-500mm layer that protects the archaeological deposits, I think it ought to be possible to use surface ballast, perhaps even reinforced by the use of shallow pegs or pins, without impacting significantly.

Previous comments

No objection.

I agree with the conclusions of the summary archaeological desk-based study and Heritage Statement (section 6.0) regarding the likely impact of the proposal on the archaeological resources and heritage assets contained in and surrounding the park. I also agree with the suggested measures to ensure that any impact is kept within acceptable limits and that these should be secured via appropriate conditions.

6.8 CDC Environment Officer

No objection.

Bats - The lighting scheme for the site will need to take into consideration the presence of bats in the local area which may be using the trees for hibernation. The lighting for the rink and ancillary food and drink stands should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that the lighting is directed only where it is needed to avoid excess light spill and importantly avoid lighting above 900 and 1000. We request that blue-white short wavelength lights and lighting with a high UV content are not used within the scheme as this type of lighting is most harmful for bats.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st

October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

6.9 CDC Licensing

I have considered the content of the planning application balanced against this council's Statement of Licensing Policy 2016 - 2021 ('policy') published under the Licensing Act 2003.

Communications, Licensing & Events has no objection to the planning application seeking to temporarily change the use to a Christmas ice rink with ancillary food and drink with temporary structures subject to my comments below.

Should a supplementary licensing application be submitted to this Licensing Authority as part of the proposed use the council's licensing policy is clear in that we will seek to ensure its integration with local planning, tourism and cultural strategies and any other plans introduced for the management of town centres and the night-time economy, whilst recognising that there should be a clear separation of the planning and licensing regimes. The Licensing Authority recognises both the needs of residents and visitors for a safe and healthy environment in which to live, work and enjoy their recreation. In particular this Licensing Authority recognises that the entertainment industry is a major contributor to the local economy attracting tourists and visitors which makes for vibrant communities and potential employment opportunities.

The proposed temporary change of use as set out in the planning application is consistent with this Licensing Authorities policy in terms of supporting the need to encourage and promote events (live music, dancing, theatre etc.) for the wider benefit of the community as a whole. If representations are made under any subsequent licensing application as part of this proposal concerning the potential for disturbance in a particular neighbourhood the Licensing Authority's consideration of the merits of that licensing application will be balanced against the achievement of the licensing objectives i.e. the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Any subsequent licensing application ancillary to the planning application will be considered on its individual merits and consideration given to whether further additional measures may be appropriate. Only when a complete and proper licensing application is received will the statutory consultation process begin with the statutory Responsible Authorities, namely Sussex Police, West Sussex Fire & Rescue, Health Protection (food safety), Trading Standards, Health & Safety, Environmental Protection (noise) etc. along with any other persons i.e. the general public.

On the grant of a licence this Authority would expect every holder of a permission to minimise the impact of anti-social behaviour of their patrons within the vicinity of their premises and to reflect the measures that are to be taken to achieve this in their operating schedule and demonstrate these are applied in practice.

To conclude this Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have due regard to those differences and the differing

impact these may have on the local community and therefore will tailor conditions accordingly when dealing with any specific licensing application.

For the avoidance of doubt please accept this correspondence as no objection from Communications, Licensing & Events to planning application CC/18/02538/FUL subject to, if appropriate, the necessary licensing permissions being in place.

6.10 CDC Sports and Leisure

I can confirm that there is a 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.

Sport & Leisure are fully supportive of the proposed temporary ice skating rink for Chichester. It provides a new and additional opportunity for people to participate in physical activity either as individuals, with friends or with family members.

The facility would provide an opportunity for outdoor physical activity at a time of year when the opportunities for outdoor exercise are limited mainly due to weather. This is the only proposed ice skating rink for the whole of the Chichester District and encourages local communities and visitors to participate in a non-traditional sporting activity whilst enjoying the Christmas events and activities in Chichester City Centre over the festive period.

6.11 Chichester BID (Business Improvement District)

Chichester BID (Business Improvement District) supports this application.

Chichester BID believe that an ice rink will help increase dwell time and footfall, this will drive economic benefits to our BID Levy Payers. This type of event is a great opportunity to attract a wider and different audience to the local area and link up with the BID's programme of activities that we have planned for Christmas 2018.

The BID are hoping that this application is granted and based on a positive and successful ice rink event for this year, it would be a great opportunity for partners to build on to make 2019 even better.

6.12 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.

6.13 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.

6.14 Sussex Gardens Trust

Sussex Gardens Trust (SGT) has considered the above application. Whilst the Trust has reservations about the use of the park as envisaged in the application, it is recognised there would be public benefits that may justify approval. Detailed comments are shown below.

Priory Park is recorded as an "Historic Park" at para 19.67 of the Chichester Local Plan (2014 - 2019), hence under the National Planning Policy Framework it is a "*non-designated heritage asset*". In determining the application, the Planning Authority should make a balanced judgement with regard to the scale of any adverse impact on the significance/ harm and any public benefits (NPPF para 135).

The application does not include a "Statement of Significance" or an assessment of the effect of the proposals. The Trust considers the significance of the park is associated with the many listed historical buildings within and surrounding the park (Roman and medieval walls, Guildhall, the Motte, Priory Lodge and White Pavilion) - together these Heritage Assets have great *Historical Significance*; moreover, the park provides the setting for all of these and hence has great *Aesthetic Significance*. Additionally, the Park has great Evidential Significance because the site is thought to have extensive unexplored roman and medieval remains. As a public park it also has *Communal Significance*.

The Trust has reservations about the use of the Priory Park for unrelated events which cause visual harm or physical damage to this non-designated heritage asset. In this case this application, the proposals, if approved, would cause harm to the Aesthetic Significance of the Park due to the visual impact and noise intrusion, which could be substantial harm during the short period the ice rink is in use – and this has been reflected in the objections from some nearby residents. Nevertheless, the Trust recognises the use of the park as proposed for a short period during the quieter winter period might be acceptable, particularly if the public benefits are used to help fund the continued repair and maintenance of the park.

There is a risk that grass and other garden features (ie trees, shrubs, plantings etc) could be damaged during the period the ice rink is used. For this reason, it is suggested any approval should include a condition that "*the land should be restored to its condition immediately prior to the buildings being situated on the land by [say 31st March 2019]*". This mirrors a condition attached to the approval of the Brighton ice rink; in practice we understand new turf is laid each year at Brighton.

6.15 The Chichester Society

The Executive Committee supports this proposal which they believe will on balance bring benefit to the City. The concerns of the local residents regarding noise nuisance should be addressed and adequate security staffing be provided. Also all possible measures for protection and re-instatement of grass and planting should be provided.

6.16 Third party objections

24 third party letters of objection have been received concerning the following;

- a) Increased traffic
- b) Damage to grass and ground within the park
- c) Proposal will exclude the use of that area of the park for the general public for an excessive period
- d) Would be a welcome attraction in another location
- e) Ground will take many months to recover making it out of bounds to the public
- f) Objection to application for alcohol licence
- g) There is no recommended ballast design for the proposed structures in the application; site specific structural calculations from a structural engineer are required and have not been provided
- h) Potential of risk to public safety
- i) Other venues that meet space requirements and central location that would not impinge on residents should have been considered
- j) Alcohol licence seems unnecessary
- k) Will add to difficulty finding a parking space
- l) Prayer group is meeting in Guildhall for a talk by Bishop of Chichester, and the skating rink is not compatible with the nature of the event due to noise and the large number of people in the area. Request the rink is not operated during afternoon of 1 December
- m) Proposal would result in 500 cars per day looking for a parking space, equates to over 50% of North Gate car park, where will additional vehicles and normal Christmas traffic park?
- n) The applicant is a commercial partner of CDC; this was not acknowledged at the Planning Committee and undermines impartiality of the planning system
- o) An ice rink is a good idea but not in this location and not combined with sale of alcohol
- p) Damage to grass
- q) Noise generation and impact upon residents
- r) Risk of public disorder and anti-social behaviour, potential harm to children related to consumption of alcohol
- s) Should be a family attraction so proposed long hours make a mockery of this
- t) Park was gifted to the people of Chichester for their leisure as a perpetual memorial of the fallen in the first world war; is the proposal centred on money and profit a fitting memorial?
- u) CDC will be paying for this event with taxpayers money with inadequate planning and possible financial consequences and risk
- v) Lack of transparency and potential for a conflict in interest

- w) The 'Reigate on Ice' event has been cancelled due to damage to ground as a result of it being compacted making it hard for water to drain and grass to re-grow
- x) Operating hours of other similar facilities being until 8pm would be more appropriate
- y) How will ice be disposed off? Will it be poured down the drains and is there capacity not to cause flooding or backing up of waste/water
- z) Requirement for fuel tanks and frequency and timing of fuel deliveries
- aa) Waste manage for the toilets
- bb) Emergency access arrangements
- cc) Traffic generation
- dd) Damage to Priory Park, lack of security management plan and enforcement of by-laws (riding cycles and walking dogs) during later opening hours,
- ee) Plans don't reflect mitigation measures contained within the acoustic report
- ff) Concern about acoustic report; not everyone has double glazing, why are there 2 tech zones and has more plant been added, no noise impact study of the rink in operation, what are music levels and how will they be measured, has combined impact of all plant been considered, no times for set up and breakdown have been provided
- gg) Proposal is a great idea but application should be rejected so proper consideration and consultation can be undertaken for next year where all impacts have been properly assessed
- hh) Cost of policing the event, could be a target for terrorist activity and potential for antisocial behaviour, 'Chice' emergency plans and security will not be sufficient and it will impact upon local police presence
- ii) Proposal would prevent access by all to park
- jj) Conflict with weddings booked
- kk) Residents have had to put up noise and disturbance from festivals and events in the park, the idea of a rink from November to January will cause additional unacceptable noise and pollution
- ll) Transformation of peaceful park to an entertainment venue
- mm) Conflict with human rights
- nn) Legal basis of delegating the decision to officers
- oo) Late licence on Christmas Eve (24.30) and New Year's Eve (01.00 New Year's Day)

6.17 Third party support

47 letters of support have been received concerning:

- a) Asset to the City at Christmas
- b) Much needed activity for all
- c) Ice skating facilities are few and far between
- d) Will bring families to Chichester and spending in the shops
- e) Facility attracts family enjoying nothing more than festive cheer in the form of a glass of mulled wine so unlikely to cause antisocial drunken behaviour
- f) Good idea for me and my friends to go for a special Christmas treat
- g) Wonderful to see a person/business taking an interest in Chichester, someone with so much experience in event organisation putting something back into their community
- h) An event like this may help Chichester regain the Christmas shoppers

- i) So many people travel to the Bognor one, and Chichester has more to offer these visitors
- j) CDC acting on evidence and adhere to policies/procedures and help provide festive cheer
- k) Chichester needs more events and activities like this, events that are going to bring the families and younger generations back to the city
- l) A fantastic opportunity to take a walk through town, do a bit of shopping, enjoy and skate and enjoy a glass of wine or 2, lets no ruin the opportunity, Chichester is in need of a boost
- m) If it doesn't happen people will go elsewhere
- n) Will help all the shops and bars/restaurants
- o) Always have to travel away from Chichester to find things to do
- p) Bringing ice rink would bring all generations together
- q) The organising company will have done everything they can to reduce noise created by the event
- r) Location is perfectly suitable. It should be a city centre activity like Somerset House, the Tower of London, The Natural History Museum, central Brighton, central Manchester. People live by all these locations.
- s) Think about the benefits and positive economic impact for the city
- t) Rink would be in the town centre where high amount of activity is normal; chose to live in a town centre and accept the change in atmosphere
- u) Measures to reduce noise impacts would be put in place
- v) Would go some way to addressing the feeling amongst many that Chichester caters only for the older generation
- w) Event will be well managed, opening hours are sensible and would be controlled, it will not block shop frontages and will encourage extra visitors to the city and help other local businesses
- x) Visited rink at Winchester and it is a good vibe, would be nice to do something in home town and put money back into the community
- y) Hopefully it will become a regular event rather than the same old market each year
- z) Would build a sense of family and community
- aa) Great for tourism
- bb) Would particularly help late night shopping on a Thursday
- cc) Support city and high street and keep it local
- dd) Should have been done years ago
- ee) Increased use of Priory Park is applauded, it is a beautiful public space so should be used to the utmost,
- ff) Continued use in winter as a skating rink is a great idea
- gg) Should be more publicity of events taking place

6.18 Third party comment

1 Third party comment has been received asking for details of the proposed dates for the temporary ice rink.

6.19 Applicant/Agent's Supporting Information

Following the Planning Committee meeting in October, the applicant has submitted amended plans showing wc's provision within the site, an altered access to ensure greater separation from existing planting and noise mitigation measures.

Additional information submitted includes an Acoustic Assessment, Noise Management Plan and details of a marquee than can be held in place by ballast rather than being fixed into the ground.

The Acoustic Assessment assesses the impact of noise from the proposed plant and recommends mitigation measures to reduce the noise levels. The applicant has confirmed all measures would be implemented.

The applicant has also provided a Noise Management Plan which sets out how the operational noise from the proposal would be managed and monitored, the provision of a complaints telephone line and the provision of security staff during opening hours and for 1 hour after closing to ensure all visitors leave without disruption to local residents.

In addition, the applicant has advised of the following;

- Structural calculations provided are based on the specified structure, this has been confirmed by the supplier Mar-Key Marquees Ltd and confirms the structure being secured with ballast at each 5m gable along each elevation (1 Tonne weighting at each leg along all elevations and 2 Tonne weighting at each of the three corner legs on each corner). On the basis that this now confirms no ground anchoring is required and also that each weight can be lifted by the relevant machinery (each weight being one tonne) we believe that this now concludes the concerns over any ground staking required.**
- Fuel Usage, with the provision of a fuel cell (compliant with regulations and typical with temporary infrastructures) we can hold 3000L in addition to the 500L which the generator belly tank holds. This results in refuelling taking place three times during a seven day operational period. Fuel deliveries would occur outside of public access to the park (pre 8am) and in line with the proposed vehicle movements already submitted and agreed previously in relation to the install of the structure.**
- De-Rig / Ice Melting – With 4 inches of ice present on the rink this equates to 57,000L of non-contaminated water being released over a 24hr period as the ice melts. To put this into perspective this is the equivalent of a 4 inch rainfall during the same duration (24hrs). To alleviate any issues with saturating the ground (which would be in our interest in any case with the proposed site licence bond to reinstate the grass following any damage), we would propose to utilise sump pumps to disperse the water to adjacent surface water systems. These measures are used at sites throughout the UK in more sensitive locations and would be adopted for this specific proposal following the concern raised.**
- The access ramp adjacent to the structure was detailed as being positioned between both planted areas and furniture however we've revised this position and rotated the ramp by 90 degrees to eliminate any cause for concern.**

The applicant has provided the following supporting information (summarised):

- o Build Schedule - In order to have any successful chance of publicising the Rink and attracting visitors to Chichester from neighbouring towns we'd need to be operational around 12th November allowing for a 10 day install prior to this (Build commencing approx. 1st November). Obviously this is based on a decision being made at the earliest opportunity (which we've been informed could be 1st November). Should decision be delayed to mid-November it would almost certainly prevent the project from proceeding this year based on lack of time to install and generate interest.
- o Opening times - are in line with our Premises Licence application documents being submitted.
- o The Supporting Information submitted with the application provides some indication of likely session times etc and staffing levels during the peak period, but it is provisional.
- o Financial commitment has already been made on the project due to the requirement to secure the rink and various infrastructure ahead of stock being unavailable nearer the determination deadline. We've taken this risk based on our wish to bring something to Chichester which puts Chichester firmly on the map in terms of festive offering and a project which has been 2 years in discussions with CDC regarding its potential. Due to Ice Skating season being upon us without placing any of these deposits now we would almost certainly not be able to proceed as no rinks would be available.
- o An earlier determination date would allow for advertising to commence and social media interest generated to increase footfall to both the Ice Rink and Chichester. Neighbouring rinks (Winchester) would be expected to be going live around early November albeit established and significantly easier to generate footfall therefore any consideration that may be given to provide early consent would be welcomed and allow for Chichester to also market this new and exciting experience.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
 Policy 2: Development Strategy and Settlement Hierarchy
 Policy 3: The Economy and Employment Provision
 Policy 8: Transport and Accessibility
 Policy 10: Chichester City Development Principles
 Policy 27: Chichester Centre Retail Policy
 Policy 30: Built Tourist and Leisure Development
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 47: Heritage
 Policy 49: Biodiversity

Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to the following; sections 2 (Achieving sustainable development), 4 (Decision-making), 6 (Building a strong, competitive economy), 7 (Ensuring the vitality of town centres), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).

Other Local Policy and Guidance

7.5 The following documents are material to the determination of this planning application:

Chichester Conservation Area Appraisal

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon heritage assets
- iii. Impact upon the amenity of neighbouring properties and the wider area

- iv. Ecological considerations
- v. Highway safety

Assessment

i) Principle of development

- 8.2 The application site lies in the centre of Chichester, in a sustainable location within a reasonable walking distance of bus stops and the train station, where recreation facilities for residents and visitors to the city would be acceptable in principle in accordance with policies 1 and of the Chichester Local Plan (CLP) which seek to provide development in sustainable locations. In addition, policy 10 of the CLP supports new development that enhances the role of the city as the sub-regional centre and visitor destination by, inter alia; strengthening the vitality and viability of the city centre, enhancing the city's existing entertainment and leisure offer, including the 'evening economy', and providing improved facilities for social and community uses.
- 8.3 The proposal would result in a temporary change of use of a small portion of the park for alternative leisure purposes for a period of time from early November until mid-January, with the ice rink being operational from 24th November 2018 to 6th January 2019, which would not impact upon the existing formal sports provision (i.e. the cricket field). The Council's Sports and Leisure team has advised that the proposal would provide a good opportunity for outdoor physical activity at a time of year when the opportunities for outdoor exercise are limited, and the opportunity for the local community and visitors to participate in a non-traditional activity is supported. As such there would be no conflict policy 54 of the CLP or section 8 of the NPPF 2018 which seeks to protect existing sports provision and encourage new sport and recreation facilities.
- 8.4 The Council's Economic Development Officer has advised that the proposal would accord with the Council's key priority to enhance the sustainability and vitality of the town centre. In addition, recent consultation carried out as part of the Chichester Vision Plan process identified the need to improve opportunities for leisure. The proposed development would bring visitors into the city centre, and due to the location of the ice rink within the city walls it is likely that visitors would link their trips with the use of other attractions within the city centre, such as shopping, dining out and visiting the Christmas market. As such the proposal would bring economic benefits to the city centre.
- 8.5 The proposed development would therefore accord with policies 1, 2, 10 and 54 of the CLP which seek to secure new development which enhances the city centre as visitor destination and provides additional leisure and entertainment facilities for residents and visitors.

ii) Impact upon heritage assets

Historic England has provided comments, and whilst the comments state they have some concerns about the proposal no objection is raised. The comments advise that there might be a little harm to the conservation area and scheduled

monuments as a result of the proposal adversely affecting their appreciation, however it is noted that the harm would be temporary and small overall. The comments also recognise that harm to archaeology can be avoided by means of ensuring ground disturbance below 400mm is prohibited and that compliance with conditions should be monitored. Historic England also states that it is important the proposal does not affect any fabric of the park, such as structures or planting, however any harm should be avoidable through design and control of implementation and monitoring of conditions. Historic England have, as a result, stated that the proposal would result in less than substantial harm which should be weighed against the benefits of the scheme in accordance with the NPPF.

Following receipt of the comments, the applicant has confirmed that a design solution to provide ballast to hold the marquee in place is possible, and this is accepted by the manufacturer of the marquee as demonstrated by the submission of a report from the marquee manufacturer which allows for ballast. Officers are therefore satisfied that the mitigation measures contained within the submitted archaeological report are achievable and it would be reasonable to impose a condition in the event that permission is granted to secure these mitigation measures.

The applicant has also provided an amended access arrangement that would ensure the ramped access into the marquee would be set away from planting to the south of the Guildhall, and the proposed boundary fencing would be temporary event fencing that would not require posts to be driven into the ground; as such this can be placed around trees without impacting upon their roots. Officers are therefore satisfied that the proposal would not impact upon planting within the park in accordance with the advice from Historic England.

Historic England recognise the small and temporary nature of the impact the proposal would have upon heritage assets and therefore has advised that the proposal would result in less than substantial harm. The NPPF states that where development would result in less than substantial harm, this harm should be weighed against the public benefits including, where appropriate, securing its optimum viable use. Officers consider that there are recognised public benefits of the scheme, including the economic benefits for the city centre as a result of attracting visitors to Chichester and also increasing their dwell time which would benefit shops and other businesses within the city centre during the festive period. The proposal would also provide an active leisure facility for residents and visitors to Chichester.

It is considered that due to the small level of harm and the temporary nature of the proposal that the public benefits outweigh the limited harm in this instance, and therefore the proposal accords with national and local planning policies.

- 8.6 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses whilst Section 72 of the same act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the NPPF stresses the importance of

protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage assets, and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character of a place. Furthermore, policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets.

- 8.7 The proposed development would lie within the setting of the Grade I listed Guildhall, which is also a scheduled ancient monument, the Chichester Conservation Area, and also within an Archaeological Priority Area. The Motte within Priory Park and also the city walls which run around the eastern and northern edges of Priory Park are also scheduled ancient monuments. In addition, the park is surrounded by a range of Grade II and II* listed buildings and local listed buildings. The site therefore lies in an area rich with heritage assets and the impact upon each asset has been carefully considered.

Archaeology

- 8.8 The application is accompanied by a detailed Archaeological and Heritage Statement which assesses the impact of the proposal upon the surrounding heritage assets. In order to protect the archaeology within the park the proposal would not result in ground works being undertaken. The structural elements of the building would be installed onto wooden sheet material and the structure would be self-supporting therefore there would be no requirement for pegs to be driven into the ground. All service runs would be ducted above ground and the pedestrian walkways would be covered by rolled matting. The proposal would therefore have a nil impact upon archaeology.
- 8.9 The report recommends that the details submitted are conditioned to ensure the development would not impact upon archaeology and that further information is submitted regarding the erection and dismantling phases. Additional information has been requested regarding the access routes, number of vehicular movements and type of vehicles during construction/dismantling and this is expected prior to the Planning Committee. **Mitigation measures necessary to ensure that no damage to the existing ground surface occurs are detailed within a construction management plan which will need to be the subject of condition in the event that permission is granted to ensure compliance.**

Listed Buildings, Scheduled Ancient Monuments and the Conservation Area

- 8.10 No part of the development proposed would physically impact upon the listed Guildhall or the scheduled ancient monuments within Priory Park due to the location of the development. However, it is recognised within the submitted heritage report, and by officers, that there would be a temporary impact upon the setting of the listed buildings and ancient monuments due to the scale and location of the proposed development. The impact upon the setting would occur during the erection, operation and dismantling of the ice rink and the associated structures. This would be from early November 2018 until mid-January 2019, with the ice rink being operational between 24 November 2018 and the 6th January 2019.

- 8.11 The proposed development would be visible from key views in and out of the centre of the conservation area due to its location within a highly visible public open space. Views from outside of the park towards the development would be mitigated in part by the planting and trees around the edge of the park, due to the size of the proposal it is considered that the proposal would impact upon the character and appearance of the conservation whilst it is in situ. However, as stated above this impact would be temporary and would not result in lasting harm to the conservation area.
- 8.12 It is essential that following the dismantling of the structures that the site returns to its former condition to ensure that the impact upon the heritage assets is only temporary. If, for example, the ground was damaged and grass not re-seeded this would adversely impact upon both the setting of the listed buildings and scheduled ancient monuments and the character and appearance of the conservation area which would be contrary to national and local planning policies. The heritage report submitted suggests provision should be made for an examination assessment of the sites condition post removal of all structures to ensure that there is no detriment to the appearance or condition of the site. The report also suggests that contingencies should be put in place to ensure any surface damage occurring as a result of any erection, dismantling and operations phases of any permitted development are adequately repaired to ensure the site area is returned to its original condition and appearance. Officers recommend a condition requiring the proposed mitigation measures to be undertaken, including for the area of land affected by the development to be re-seeded to ensure the land is returned to its original condition.
- 8.13 Officers consider that due to the temporary nature of the impact upon these heritage assets and the character and appearance of the locality that the proposal would not result in harm to the significance of the affected heritage assets. Therefore the proposal would not conflict with the NPPF or policy 47 of the CLP.

iii) Impact upon the amenity of neighbouring properties and the wider area

The Acoustic Assessment submitted demonstrates that subject to the provision of mitigation measures the proposed plant would not result in noise levels that would have an adverse impact upon the amenity of neighbouring properties. The proposed mitigation measures would include the creation of 2 areas for plant, with the noisiest plant (the generators) being located to the east of the marquee and therefore a greater distance from surrounding properties, and the quieter plant being located in the position originally proposed to the south of the main marquee. In addition, the plant area would be surrounded by a fence 4m in height to act as an acoustic barrier.

The assessment indicates that subject to the provision of the recommended mitigation measures, noise would be no more than 45db close to the front of the neighbouring properties, which would equate to 30 db within the properties. This is in line with the advice from the Council's Environmental Health Officer, who advises that noise levels should be no higher than existing background noise levels which are likely to be 30-35 db, as perceived within neighbouring residential properties. The Council's Environmental Health Officer is satisfied that the Acoustic Assessment demonstrates that subject to the necessary mitigation measures being implemented in accordance with the

proposal, it would not have an adverse impact upon the amenities of neighbouring properties.

A Noise Management Plan (NMP) has been submitted as requested by the Council's Environmental Health Officer to ensure that noise from the operation of the ice rink would be adequately managed. The measures proposed include;

- Noise limiters that cut off power supply to any amplification system in use
- Fixed and mobile noise monitoring equipment that allows for monitoring inside and outside the venue
- All amplified music to be played under the control of the sound limiter and mobile monitoring equipment
- Noise monitoring would be documented to provide a database of noise levels around the site and at the perimeter of the site
- No deliveries before 07.00 or after 17.00 to reduce noise impact
- CCTV will be fitted and maintained at all times for the purposes of the prevention and detection of crime and disorder
- Overnight security will be present from closing until 06.00 hours
- Security staff will be equipped with phones or radios to contact the duty manager in the event of an incident or complaint received via feedback forms on site, the complaint telephone number or via email using the event contact email address
- Staff will proactively manage noise including checking noise levels
- Pedestrian barriers will line exit route to ensure customers exit the site, this will also aid park clearance checks before the gates close and the site is handed over to the duty overnight guard
- Signs will be displayed within the site asking customers to leave in a quiet and orderly fashion to show respect to local neighbours and verbal announcements will be made at the end of each night
- All complaints will be logged and recorded for a 'daily management report'

The Council's Environmental Health Officer is currently considering the submitted NMP including the noise levels at which the equipment would be powered off and the position of the monitoring locations and will suggest adjustment where necessary. An update will be provided to the Planning Committee.

In addition to the NMP, noise generated by the use of the proposed development would be limited by an hours of operation condition, and whilst late night opening on New Year's Eve is considered to be acceptable, it is considered that it would not be justified on Christmas Eve and therefore the proposed opening until 11.30 on Christmas Eve would not be permitted under the recommended conditions.

Based on the information available, Officers are of the view that the appropriate noise management and mitigation measures can be secured to ensure that the amenities of nearby neighbours and the wider area would be safeguarded in accordance with policy 33 of the CLP.

8.14 The application has not been accompanied by a noise report and therefore at this stage it is not possible to quantify the likely impacts upon the amenities of nearby

dwellings. The plans submitted advise that acoustic fencing would be utilised around the plant enclosure to minimise the transmission of noise from this source beyond the park, however no details have been provided at this time. Furthermore it is anticipated that noise would be generated by plant, public address systems, operation of the re-surfacing machine and also noise from participants and it is essential that noise generated by the proposal would not be significant or unduly harmful to the amenities of neighbours or the wider area.

8.15 The Council's Environmental Health Officer has confirmed that there is no objection in principle to the use proposed, provided a noise management plan is secured that would ensure no significant impact would occur. Given the timescale for proposed implementation the noise management plan would need to be agreed prior to determination of the application, and therefore the additional information required by the Council's Environmental Health Officer has been requested and an update will be provided to the committee in due course.

8.16 On the basis that there is no 'in principle' objection from the Environmental Health Officer, and that it is likely that measures could be put in place to mitigate the likely noise generated as a result of the development, it is considered that the proposals are capable of support, subject to the receipt of further suitable details. Therefore it is likely that the appropriate noise management and mitigation measures can be secured to ensure that the amenities of nearby neighbours and the wider area would be safeguarded in accordance with policy 33 of the CLP.

iv) Ecological considerations

8.14 Policy 49 of the CLP seeks to ensure that the biodiversity value of a site is safeguarded and that new development would not cause demonstrable harm to habitats or species. The proposed development would not cause any direct disturbance to protected species or biodiversity as a result of its location on an area of short cut grass within an existing park. The Council's Environment Officer has confirmed that they raise no objection to the proposal, however they request that any lighting proposed takes into consideration the presence of bats in the local area which may use the trees for hibernation. The Environment Officer has provided detailed advice in respect of the type of lighting that would be acceptable, and it is recommended that this is the subject of a condition. It is therefore considered that the proposal accords with section 14 of the NPPF 2018 and policy 49 of the CLP.

v) Highway safety

WSCC Highways has confirmed that they have no objections regarding the submitted Construction Management Plan, and therefore it is recommended that this is the subject of a planning condition in the event that permission is granted. Concerns have been raised by third parties about potential conflict between delivery vehicles and pedestrians. The application has confirmed that no deliveries will take place during the opening hours of the park, thereby ensuring that no conflict would occur. On this basis officers remain of the view that the proposed development would be acceptable in respect of highway safety and the impact upon the highway network.

- 8.15 No on-site parking is proposed as part of the operation of the ice rink, however the application sites lies in a sustainable city centre location within walking distance of bus stops, the train station and a number of public car parks and as such the nil provision of parking is acceptable.
- 8.16 The Highways Authority has raised no objection in principle to the proposed development, however additional information has been requested in respect of the set-up, operation and de-rig phases including the routing for vehicles, storage of materials, position of hoarding and any required parking. The information is required to ensure the size of vehicles required can be accommodated safely during the set up/de-rig, and that proposed deliveries to the site whilst it is operational can be managed safely. The additional information has been requested and it is anticipated that this will be received prior to the Planning Committee.

Other matters

During the course of the application a number of objections have been received, matters raised include the following;

Application for alcohol licence

The licencing requirements form part of a separate consent regime, and whether the applicant is seeking to sell alcohol or not is not a material planning consideration.

Use of the Guildhall for another event

The Guildhall is a venue that could be used to host other events alongside the proposed development, and given that its use is not residential it does not constitute a sensitive receptor for the purpose of noise assessments. Therefore the use of the venue during the operation of the proposed ice rink is not a material planning consideration.

Lack of transparency due to the involvement of CDC in the leasing of the land/ promotion of the proposal

It is not uncommon for Local Planning Authorities to determine applications in which the Council has an interest, for example as a result of the Council being the land owner and this is not a material consideration.

Damage to the ground

Whilst the proposal would likely lead to the loss of an area of grass following the development, measures are proposed to ensure that the ground is not damaged including the means of construction from one end of the deck, the use of small lifting plant rather than heavy vehicles on the grassed areas and the use of ground protection track mats for all vehicle movements across any grass. Notwithstanding this, a condition is recommended requiring re-instatement of the ground to its existing condition and re-seeding of the grass within the first planting season to ensure that the ground is not adversely affected in perpetuity. In addition, the applicant has confirmed that they have

agreed to enter into a bond with the Council to cover the reinstatement of the ground as part of the licencing process.

Examples of damaged ground elsewhere has been provided by a third party, however this information cannot be verified in terms of the damage caused, the scale of the development, the means of construction, duration of the development or the conditions of the ground to start with. Therefore this cannot be used as a comparison and is not a material consideration.

Fuel usage

A concern has been raised about the rate at which fuel would be used and the need to re-fuel the generator frequently. The applicant has advised that in accordance with the relevant legislation a fuel cell can stored on the premises, and therefore 3 deliveries of fuel will be required per 7 operational days. The applicant has also advised that deliveries will take place outside of the opening hours of the park. It is considered that the number of deliveries proposed would not result in an adverse impact upon amenity or highway safety, even if this were to increase to one delivery per day.

Waste management for toilets

It is the responsibility of the operator to ensure that the temporary toilets provided are fit for purpose and the waste disposed of appropriately, and this is not a material planning consideration.

Traffic generation

A number of concerns received relate to the impact of the proposal upon traffic and parking. WSCC Highways are satisfied that the proposal would not have a severe adverse impact, and officers consider that it is likely the proposal would result in linked trips to the city centre, and as such pressure upon parking would not rise exponentially as a result of the proposal. In any event the site lies in a sustainable area which is accessible by sustainable modes of transport thereby reducing dependence on private motor vehicles and the resultant traffic generation and parking demands.

Quality of the acoustic report

As stated above the Council's Environmental Health Officer is satisfied that the assessment is fit for purpose and that it demonstrates the proposal would not adversely impact upon the neighbouring properties.

Alternative sites

The Local Planning Authority must determine the application submitted, and therefore consideration of alternative sites for the proposal is not a material consideration.

Surface water drainage, including disposal of water from the final melting of ice

The size and scale of open ground within the wider park area will likely compensate for the prevention of rainfall generated surface water that will not be available due to the area covered by the proposed marquee. Further details of how any such water will be channelled and disposed of are awaited from the applicant. With regard to the surface water generated by final ice melt of the rink itself, the applicant has confirmed that the level of water generated would be equivalent to 4 inches over a 24 hour period. Whether this will be acceptable simply to discharge to ground will depend upon existing ground conditions at the time and there are a number of options available that would be possible in order to prevent surface water runoff to road or other properties including discharge direct to ground, to direct to the foul sewer (which will require capacity to be confirmed by Southern Water, or to tanker the water away from the site). It is recommended that a condition requiring a disposal plan for ice melt water be submitted and approved prior to the end of December 2018, to ensure a suitable method of disposing of the ice melt water is agreed.

Human Rights

A concern has been raised that Human Rights have not been taken into consideration adequately, and the noise, disruption and disturbance caused by noise pollution would be contrary to the Humans Rights Act. The impact upon nearby residents, particularly in respect of noise and disturbance are key material considerations that have been carefully considered by officers in conjunction with specialist officers. Officers therefore remain of the view that the recommendation to permit would not be contrary to the provisions of the Human Rights Act and would be justified and proportionate.

Conclusion

8.17 Based on the above it is considered the proposal complies with development plan policies that seek to enhance the vitality of the city centre and to enhance its appeal as a visitor destination whilst protecting preserving the heritage assets and without detriment to the amenity of neighbouring properties, ecology or highway safety. Therefore the application is recommended for approval.

Human Rights

8.18 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION:

PERMIT SUBJECT TO THE FOLLOWING CONDITIONS

1) The ice rink with ancillary food and drink uses hereby permitted shall be for a limited period from 24 November 2018 until 6 January 2019, and all

structures, plant and paraphernalia associated with the use shall be dismantled and removed from the site by 13th January 2019.

Reason: In the interests of protecting the character and appearance of the area and the surrounding heritage assets.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: Location Plan (1:1250), Site Plan (1:500), Priory 101 Rev. A dated 02.11.18, Priory 102 Rev. A, Priory 103, Priory 104 Rev. A and Priory 105

Reason: To ensure the development complies with the planning permission.

3) Within one month of the date of this decision a scheme for the making good of the ground and reinstatement of the grass shall be submitted in writing to the Local Planning Authority for approval. The scheme shall accord with the recommendations contained in section 6 of the submitted Summary archaeological desk based study and heritage statement (dated September 2018, produced by Development Archaeology Services Ltd) and shall include a programme for the proposed works. Thereafter the development shall not be carried out other than accordance with the approved scheme.

Reason: In the interests of protecting the character and appearance of the conservation area and the setting of the nearby heritage assets.

4) The development hereby permitted shall not be carried out other than in accordance with the mitigation measures contained in section 6 of the submitted Summary archaeological desk based study and heritage statement (dated September 2018, produced by Development Archaeology Services Ltd), and at no time shall any peg or other means of fixing the structures to the ground be inserted more than 400mm beneath the existing ground level.

Reason: In the interests of protecting the surrounding heritage assets, including archaeology.

5) Notwithstanding the information submitted the ice rink with ancillary food and drink uses shall not be operational other than between the hours of 09:00 hours and 20:30 hours Monday to Thursday and between the hours of 09:00 hours and 22:00 hours Friday to Sunday, with the exception of New Year's Eve when the ice rink and ancillary food and drink uses may be operational until 01:00, unless otherwise agreed in writing by the Local Planning Authority.

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

6) Any external lighting proposed shall only be operational when the ice rink and ancillary food and drink uses are open to the public, and not outside of the permitted operational hours of the ice rink and ancillary food and drink as stated in condition 5 of this decision. All external lighting shall be positioned and designed to minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. No lighting shall be directed

at neighbouring properties and the lighting shall be directed only where it is needed and not above 90-100 degrees to avoid excess light spill. At no time shall blue-white short wavelength lights and lighting with a high UV content be used.

Reason: In the interests of protecting the amenity of neighbouring properties and wildlife habits.

7) 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.

Reason: In the interests of amenity.

8) The development hereby permitted shall not be carried out other than in accordance with the submitted Construction Management Plan, and at no time during the operation of the ice rink shall deliveries be carried out during the park opening hours.

Reason: In the interests of highway and public safety.

9) 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. Thereafter the mitigation measures shall be retained as approved until the plant has ceased operation.

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

10) The development hereby permitted shall not be implemented other than in accordance with the submitted Noise Management Plan titled CHiCE Reference Document - Noise Management Plan - Site Specific – Chichester v3, with the exception of the proposed opening hours which are the subject of a separate condition.

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

11) A scheme of dealing with ice water melt from the decommissioning of the ice rink shall be submitted to the Local Planning Authority by 31 December 2018 or 14 days prior to the decommissioning of the ice rink, whichever is the sooner. Thereafter the disposal of all ice melt water from the rink shall be undertaken in accordance with the approved plan.

Reason: In the interests of preventing surface water flooding beyond the site.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) This decision relates to the grant of planning permission only, and the onus is on the applicant to ensure that any other necessary consents or licences are secured prior to the development commencing.

For further information on this application please contact Fjola Stevens on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PFZ27REK8Y00>