

Attn. Mrs A Gardner
Planning Department
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

20 March 2020
Ref: RH/Let/P1483i

Dear Mrs A Gardner,

Discharge of Conditions 4 and 7 pursuant to Application Reference A/74/18/OUT (Outline Planning Permission with all matters reserved, except access, for the demolition of existing outbuildings and the erection of 9No. two storey dwellings consisting of 2No. two bedroom dwellings, 3No. three bedroom dwellings and 4No. four bedroom dwellings) at The Laurels, Dappers Lane, Angmering, BN16 4EN.

This application has been submitted online via the Planning Portal under reference **PP-08603354** and includes the application form, relevant documentation, and this covering letter.

As per the correspondence from the Head of Planning at Adur District Council and as set out in Appendix A, the fee for this application has been waived.

Please find enclosed details submitted to discharge Conditions 4 and 7 pursuant to Application Reference A/74/18/OUT at The Laurels, Dappers Lane, Angmering, BN16 4EN, as highlighted below.

- **Application Form**
- **Covering Letter**
- **Acoustic Report (Submitted to address Condition 4)**
- **Contamination Reports including Remediation Strategy, Risk Assessment and Infiltration Testing Report) (Submitted to address Condition 7)**

Directors

Chris Barker MATP MRTPI Managing Director
Huw James MRTPI
Adam King RIBA

ECE Planning Limited
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Crescent Road, Worthing BN11 1QR

Condition 4

Following approval of this application and before the reserved matters applications are determined, the applicant shall submit an acoustic report to demonstrate that the internal and external noise levels of the proposed residential units bordering these sites, including access thereto/from, will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and World Health Organisation:2009. The applicant should also demonstrate application of guiding principles from ProPG: Planning & Noise May 2017 as well as from the Planning Noise Advice Document, Sussex, July 2015. Any mitigation measures which may prove necessary are to be specified and such a scheme to be approved in writing by the Local Planning Authority. Any works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and retained thereafter. Post construction validation testing to be carried out within 8 weeks of completion of those residential units closest to the noise sources to demonstrate to the satisfaction of the Local Planning Authority that the above standards are met.

The details agreed shall be adhered to at all times thereafter.

An application to discharge Condition 4 has previously been submitted and refused on 20 February 2020 under reference A/165/19/DOC for the following reason:

This decision is based on the Noise Impact Assessment prepared by Venta Acoustics, 24th October 2019, Report Number VA2987.191024.NIA and Venta Acoustics additional report dated 13th February 2020, VA2987.200212.L.1.1.

The report indicates that even with the stated mitigation, the nearest affected receiver would be adversely affected by noise from existing businesses. The report notes that internal noise levels may be acceptable but that the noise would still be audible. It makes no comment on the use of external amenity areas

The applicant has not demonstrated that the noise environment is acceptable for the proposed development. It is suggested that the only practical way of controlling the noise from the existing businesses to acceptable levels is by abatement at source and that the developer should consider working with these businesses to achieve this.

Since the refusal of the condition application, discussions have taken place between ECE Planning and Head of Planning at Arun District Council and it has since been agreed that the originally submitted Noise Impact Assessment is acceptable.

The Noise Impact Assessment was agreed as acceptable under the Reserved Matters application (reference A/166/19/RES) therefore it would be unreasonable for the same report to be refused as part of this discharge of condition application.

Furthermore, other applications in close proximity to The Laurels do not have noise constraints or requirements and therefore it would not be consistent if the application site did. Refer to Appendix A for further information.

As a result of the email correspondence and the previously submitted Noise Assessment (submitted again for completeness), it is considered that condition 4 can be discharged in full.

Condition 7

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- All previous uses.***
- Potential contaminants associated with those uses.***
- A conceptual model of the site indicating sources, pathways and receptors.***
- Potentially unacceptable risks arising from contamination at the site.***

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

An application to discharge Condition 7 has previously been submitted and refused on 29 January 2020 under reference A/165/19/DOC for the following reason:

'Arun District Council have decided to REFUSE details reserved by condition for the following reasons:

The submitted information is not sufficient to discharge the condition.

Having reviewed Ashdown Site Investigation Limited, Geo Environmental Data and Historic Maps (ref.: R18-13291, dated October 2018), Ground Contamination Risk Assessment Report (ref.: R 1813291, dated November 2018) and Remediation Strategy (ref.: R13936, dated October 2019), the Environmental Health Officer has advised condition 7 cannot be discharged because part 4 of this condition remains outstanding.

In order to consider the condition for discharge, the applicant will need to confirm the following:

- which of the remedial options will be followed/whether a combination of these options is proposed/whether a different remediation strategy will be deployed;*
- the data that will be collected to demonstrate the remedial work is being achieved;*
- details of any long-term monitoring required.*

The condition also requires detail of contingency in the event that previously unidentified contamination be discovered. The proposed discovery strategy is suitable, therefore this element does not require further elaboration.'

Since the refusal of condition application, discussions have taken place between Ashdown Site Investigation Ltd and the Environmental Health Officer at Arun District Council.

As set out in Appendix B, the clarification provided by Ashdown Site Investigation Ltd has been considered sufficient by the Environmental Health Officer to address the previous reason for refusal. As a result of this clarification and the previously submitted site investigation documents (detailed below and submitted again for completeness), it is considered that the condition can be discharged in full.

- Ground Contamination Risk Assessment Report;
- In Situ Infiltration Testing Report;
- Geo-Environmental Data and Historical Maps;
- Groundwater Monitoring Results;
- Remediation Strategy.

Conclusion

It is considered that based on the enclosed information, Arun District Council can confirm that Planning Conditions 4 and 7, as listed above and pursuant to the planning application **A/74/18/OUT** at **The Laurels, Dappers Lane, Angmering, BN16 4EN** have been successfully met in full.

If you have any further queries or require further information please contact me on [REDACTED]

Yours sincerely

ECE Planning

[REDACTED]
Sam Sykes MKTP1
Associate Planner

Appendix A – Email Correspondence from Neil Crowther Dated 20 March 2020

Rebecca Hoad

Subject: FW: P1483i The Laurels, Dappers Lane, Angmering

From: Neil Crowther [REDACTED]
Sent: 20 March 2020 09:52
To: Chris Barker [REDACTED]
Cc: Juan Baeza [REDACTED]
Subject: P1483i The Laurels, Dappers Lane, Angmering

Chris,

I have looked into this matter now and I believe the Team Leader has spoken with colleagues in EH. My conclusions are;

- We have acted unreasonably in refusing the DOC application.
- You submitted the noise survey as part of the RES application and EH were consulted. They made no comment on that submission. In granting that permission, we were accepting the conclusions of the noise survey.
- To re-submit the same noise survey and for it not to be approved was unreasonable. Whilst EH raised a objection we, the decision maker, should have used our judgement on whether their objection was reasonable.
- Other applications in close proximity do not have noise constraints/requirements and there is no reason why they don't and you do.

I apologise for this course of events and the time/expense it has cost you and your clients. As you know, we can't simply revoke the decision. I would therefore invite you to re-submit the application and we will waive any application fee for this. That application will be approved.

Regards, Neil

Neil Crowther | Group Head of Planning, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road,

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Appendix B - Email Correspondence between Ashdown Site Investigation Ltd and Environmental Health Officer Dated 2 March 2020

Rebecca Hoad

From: Kate Giddings [REDACTED]
Sent: 02 March 2020 17:10
To: Stuart Card; Anita Gardner
Cc: Sam Sykes; Rebecca Hoad
Subject: RE: 195/19/DOC Condition 7 - Contamination The Laurels Dapper Lane

Dear Stuart,

Thank you for your e-mail.

The clarification provided is considered satisfactory and I have copied in our planning officer to this response for continuity.

Kind regards,

Kate Giddings.

Kate Giddings | Senior Technical Officer, Environmental Health, Arun District Council | Location: Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: Stuart Card [REDACTED]
Sent: 02 March 2020 08:56
To: Kate Giddings [REDACTED]
Cc: 'Sam Sykes' <ssykes@eceplanning.com>; Rebecca Hoad <RHoad@eceplanning.com>
Subject: 195/19/DOC Condition 7 - Contamination The Laurels Dapper Lane

Dear Kate,

We have reviewed the comments of your email of the 22nd January 2020 and further to our conversation, we can confirm that we have spoken to the client and can advise as follows:

The client has confirmed that in general across the site, where feasible, the made ground will be stripped from each of the garden areas/soft landscaped to expose the undisturbed Head deposits. However, where deeper made ground is encountered the provision of the cover system will be implemented, overlying the geo-grid and high visibility geotextile marker.

We confirm that all imported soils to be used in garden areas, whether as part of a cover system of specific depth or as surface covering to the undisturbed Head deposits, will be subject to verification testing. Testing will be undertaken at a frequency of 1 sample per 50m³ of imported soils for the range of contaminants outlined within the remediation strategy. A minimum of four samples will be taken per batch of soils (a batch of soils will be considered soils arriving on site from the same supplier on a single one day). Delivery notes will be included within the verification report to demonstrate the volume of soils

We can confirm that no long term monitoring is proposed as part of our remediation works.

We trust this allows the discharge of condition 7 and we understand that condition 8 and 9 cannot be discharged until such time as the verification report has been issued for the site confirming successful completion of the remediation works as specified.

Kind regards,.

Stuart

Stuart Card
Environmental Consultant

Ashdown Site Investigation Ltd


Ashdownsi.co.uk

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