

-----Original Message-----

From: [REDACTED]
Sent: 04 July 2022 12:24
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Cc: 'Steve Webb' [REDACTED]
Subject: RE: A/59/22/PL Fargro, The Vinery

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Hi Anita, I can confirm agreement of an extension of time until 11th July but would hope that you are happy with the proposal I put forward re the use of conditions to achieve exactly what the EHO wanted. Could you possibly give me a call to discuss?

Kind regards, Paul
Paul Airey
Paul Airey Planning Associates Ltd
65 Harefield
Esher
Surrey
KT10 9TG

-----Original Message-----

From: Anita Gardner <Anita.Gardner@arun.gov.uk>
Sent: Friday, July 1, 2022 11:33 AM

To: Paul Airey [REDACTED]
Subject: RE: A/59/22/PL Fargro, The Vinery

Dear Paul,
I have chased for a response from Chima today and have received a message to say he has left the Authority. I have therefore asked for a response from another officer, but I am not sure how long it will take. In the meantime can you please agree to a further extension to the current extension of time, until 11-07-2022?
Regards
Anita

Anita Gardner
Principal Planner

T: 01903 737529
E: anita.gardner@arun.gov.uk

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-----Original Message-----

From: Paul Airey [REDACTED]
Sent: 24 June 2022 16:19
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Subject: Re: A/59/22/PL Fargro, The Vinery

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Hi Anita I am happy to agree the extension of time as requested.
Kind regards Paul

Sent from my iPhone

> On 24 Jun 2022, at 15:33, Anita Gardner <anita.gardner@arun.gov.uk> wrote:
>
> Dear Paul,
> To allow me the opportunity to re-consult with environmental health and consider their response please can you agree to an EOT until 01-07-2022?
> Regards
> Anita
>
> Anita Gardner
> Principal Planner
>
> T: 01903 737529
> E: anita.gardner@arun.gov.uk
>
> Arun District Council, Civic Centre, Maltravers Rd, Littlehampton,
> West Sussex, BN17 5LF
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>

>

> -----Original Message-----

> From: [REDACTED]

> Sent: 24 June 2022 09:53

> To: Anita Gardner <Anita.Gardner@arun.gov.uk>

> Cc: Chima Umunnakwe <Chima.Umunnakwe@arun.gov.uk>; 'Steve Webb'

> [REDACTED]

> Subject: RE: A/59/22/PL Fargro, The Vinery

>

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>

>

> Dear Anita thank you for your email and the opportunity to suggest a revised wording of the condition to satisfy the concerns of the EHO.

> In response to the second paragraph of your email, the original condition limiting operating hours specifically referred to the storage and warehouse building approved by the development. It could be argued that Yarmer barn as an existing building was not fully covered by that description, but it has always been taken that the operating hours approved apply to the whole site within the red line of the original approval.

> The original suggested wording of the revised condition proposed to differentiate between operations occurring within the approved warehouse and those areas outside of that building, and it would seem therefore that a further differentiation to cover Yarmer Barn would not be inappropriate. It is pointed out that Yarmer Barn is a clearly defined building shown on OS plans. The other areas of the site outside the main warehouse building are also clearly defined and so it is not considered there would be any ambiguity in the definition of these areas for enforcement purposes.

> It is also important to recognise that the issue of concern to the EHO is noise and that there is an overriding noise condition (no 7) in the original approval that controls noise emissions from the whole site. The condition states:

>

>

> 7. From first occupation of the development hereby approved, the

> equivalent continuous A weighted sound pressure level over any 15

> minute period (LAeq 15min), arising from machinery and operations at

> the site shall not exceed the background noise level (LA90,

> 5min) by more the 5dB(A), when measured at the boundary of any residential property.

> The maximum noise level (LAm_{ax}) from machinery and operations at the

> site shall not exceed 60dB(A), when measured at the boundary of any

> residential property. All noise measurements shall be made according

> to the main procedural requirements of BS

> 4142:1990

> Reason: To safeguard the amenities of neighbouring residential properties and their occupiers in accordance with policies GEN7, GEN32 of the Arun District Local Plan.

>

> This condition would clearly allow enforcement action to be taken on unacceptable noise emissions irrespective of the approved operating hours.

>

> In respect of an appropriate condition wording for the operating hours, can I suggest the following, which would be acceptable to my client.

>

> Condition 4. External operations of the storage and distribution warehouse including deliveries and dispatches hereby permitted shall not be permitted on Sundays or Public Holidays or at any time otherwise than between the hours of 06:00 and 20:00 on Mondays to Fridays and 07:00 to 18:00 on Saturdays. Internal operations only of the storage and distribution warehouse hereby permitted shall not be restricted. Operations within Yarmer barn at the North-east corner of the site and adjoining residential premises, shall not be permitted on Sundays or Public Holidays or at any time otherwise than between the hours of 07:00 and 18:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays.

>

> I look forward to hearing your comments.

> Kind regards, Paul

>

> Paul Airey

> Paul Airey Planning Associates Ltd

> 65 Harefield

> Esher

> Surrey

> KT10 9TG

>

> [REDACTED]

>

>

>

>

> -----Original Message-----

> From: Anita Gardner <Anita.Gardner@arun.gov.uk>

> Sent: Thursday, June 23, 2022 5:35 PM

> To: Paul Airey [REDACTED]

> Cc: Chima Umunnakwe <Chima.Umunnakwe@arun.gov.uk>

> Subject: FW: A/59/22/PL Fargro, The Vinery

>

> Dear Paul,

> Since you have submitted an application to vary the condition please can you advise how you would now like the description amended? Or are you suggesting imposition of an additional condition if the application is approved? If so please advise of the suggested wording so that I can discuss with environmental health and see if it satisfies their requirements.

>

> I understand that the area of the development may not be included in the original application for extended hours. If that is the case, the application in its current form would not be an appropriate way to alter the hours of operation. Please confirm that the application relates to part of the development which is included in the extended hours.

>

> Regards

> Anita

>

> Anita Gardner

> Principal Planner

>

> T: 01903 737529

> E: anita.gardner@arun.gov.uk

>

> Arun District Council, Civic Centre, Maltravers Rd, Littlehampton,

> West Sussex, BN17 5LF

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>

> Dear Anita, thank you for your email but please could I suggest that this issue raised by the EHO could easily be dealt with by way of a condition clarifying that the revised hours would not apply to activities within the existing Yarmer barn at the north east of the site. Such a condition would meet the tests of Planning Circular 4/1998: the use of conditions in planning permissions, in particular that it would be enforceable.

> Withdrawing and resubmitting the application will result in unnecessary paperwork but more importantly will adversely affect my client operations at the peak of the season.

> Kind regards

>
> Paul Airey
> Paul Airey Planning Associates Ltd
> 65 Harefield
> Esher
> Surrey
> KT10 9TG
>
> [REDACTED]
>
>
>
>
> -----Original Message-----
> From: Anita Gardner <Anita.Gardner@arun.gov.uk>
> Sent: Tuesday, June 21, 2022 3:42 PM
> To: Paul Airey [REDACTED]
> Subject: RE: A/59/22/PL Fargro, The Vinery
>
> Dear Paul,
>
> I understand from the environmental health officer, following his site visit, that a change is required to the above application to enable it to be supported. In line with the guidance on our website which can be viewed from the links below I cannot agree to accept further additional information/ amended plans. This guidance makes it clear amending an application before decision is not encouraged.
>
> The details with Environmental Health could have been agreed prior to submission in line with our Guidance.
>
> Apply for planning permission | Arun District Council
>
> https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arun.gov.uk%2fwhat-happens-next&c=E,1,I35h33ve0UcC3_gx7Owm4aQq2V0j589mhmcDL8aY2ik0YE4SvSz8oJX0iDFkGYbkZOWIknTWpA5ByWT8XGVPJcGob9IOAue_cKYP_60hr_PA,,&typo=1
> o=1
>
> I therefore request that the application is withdrawn and resubmitted with the amended details.
>
> Regards
>
> Anita Gardner
> Principal Planner
>
> T: 01903 737529
> E: anita.gardner@arun.gov.uk
>
> Arun District Council, Civic Centre, Maltravers Rd, Littlehampton,
> West Sussex, BN17 5LF
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>
>
> -----Original Message-----
> From: Paul Airey [REDACTED]
> Sent: 31 May 2022 10:59
> To: Anita Gardner <Anita.Gardner@arun.gov.uk>
> Cc: Steve Webb [REDACTED]

> Subject: Re: A/59/22/PL Fargo, The Vinery
>
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>
>
> Hi Anita thank you for your email. Can I reiterate that my client is very happy for you and the EHO to visit the site and discuss the issues with you direct.
>
> Kind regards Paul
>
> Sent from my iPhone
>
>> On 31 May 2022, at 10:37, Anita Gardner <anita.gardner@arun.gov.uk> wrote:
>>
>> Dear Paul,
>> I have picked up your phone message.
>> Unfortunately I have no update. I have chased the EHO for his response to the options offered in your e-mail of 12-05-2022. I have requested a response by the end of tomorrow and will come back to you when I receive a reply.
>> Regards
>> Anita
>>
>> Anita Gardner
>> Principal Planner
>>
>> T: 01903 737529
>> E: anita.gardner@arun.gov.uk
>>
>> Arun District Council, Civic Centre, Maltravers Rd, Littlehampton,
>> West Sussex, BN17 5LF
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>> -----Original Message-----
>> From: [REDACTED]
>> Sent: 17 May 2022 12:30
>> To: Anita Gardner <Anita.Gardner@arun.gov.uk>
>> Subject: RE: A/59/22/PL Fargo, The Vinery
>>
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>>
>>
>> Thank you Anita. Do you think you might be able to encourage the EHO to visit the site and see the issue first hand?
>>
>> Kind regards, Paul
>>
>> Paul Airey
>>
>> Paul Airey Planning Associates Ltd
>>
>> 65 Harefield

>>
>> Esher
>>
>> Surrey
>>
>> KT10 9TG
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>>
>> [REDACTED]
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>> From: Anita Gardner <Anita.Gardner@arun.gov.uk>
>> Sent: Monday, May 16, 2022 10:01 AM
>> To: [REDACTED]
>> Subject: RE: A/59/22/PL Fargro, The Vinery
>>
>>
>>
>> Dear Mr Airey,
>>
>> I acknowledge receipt of your e-mail. I have consulted with environmental health and will come back to you in due course.
>>
>> Regards
>>
>> Anita
>>
>>
>>
>> Anita Gardner
>>
>> Principal Planner
>>
>>
>>
>> T: 01903 737529
>>
>> E: anita.gardner@arun.gov.uk <mailto:anita.gardner@arun.gov.uk>
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>> West Sussex, BN17 5LF
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>> From: [REDACTED]
>> [REDACTED]
>> [REDACTED]
>> Sent: 12 May 2022 16:43
>> To: Anita Gardner <Anita.Gardner@arun.gov.uk>
>> <mailto:Anita.Gardner@arun.gov.uk> >
>> Cc: 'Steve Webb' [REDACTED]
>> [REDACTED]
>> Subject: RE: A/59/22/PL Fargro, The Vinery
>>
>>
>>
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>>
>>
>>
>> Dear Mrs. Gardner, I refer to your email which my client is extremely disappointed with. Could we point out that the facility has been operational for a number of years and, as far as we know, there have been no concerns raised about noise by residents. It is also relevant that there are no objections to the proposal other than by the EHO.
>>
>> While the noise survey is 10 years old, it does provide significant background information to the noise environment in the area which is dominated by the adjacent A27.
>>
>> The survey concluded that even with fork lift trucks operating immediately adjacent to the residential area, there was little likelihood for complaints. In fact the great majority of fork lift truck operations are on the south side of the site behind the building, or within the building itself, and are remote from any residential property.
>>
>> In order to provide reassurance to the concerns of the EHO we would like to do two things.
>>
>> Firstly, invite both you and the EHO to visit the site during a working day to demonstrate that noise concerns from the existing operations are unfounded. Any day next week would be possible.
>>
>> Secondly, we would be prepared to accept a planning condition
>> ensuring that no external operations would occur during the proposed
>> extended hours period in an extended area adjacent to the residential
>> properties. (see attached plan - exclusion area marked in red)
>>
>> I would be hopeful that we could resolve this matter quickly without the necessity of a new application and the cost of and delay of a new noise survey which is unlikely to tell us anything new.
>>
>> My clients need greater flexibility of working hours for the benefit of their business now and would obviously like to avoid a delay in the decision being made.
>>
>> Kind regards
>>
>>
>>

>> Paul Airey
>>
>> Paul Airey Planning Associates Ltd
>>
>> 65 Harefield
>>
>> Esher
>>
>> Surrey
>>
>> KT10 9TG
>>
>>
>>
>> [REDACTED]
>>
>>
>>
>> From: Anita Gardner <Anita.Gardner@arun.gov.uk
>> <mailto:Anita.Gardner@arun.gov.uk> >
>> Sent: Thursday, May 12, 2022 10:34 AM
>> [REDACTED]
>>
>> Subject: RE: A/59/22/PL Fargo, The Vinery
>>
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>>
>>
>> Dear Paul,
>>
>>
>>
>> I forwarded the noise report and your e-mail to Environmental Health for comment. They are unable to accept it because it is too old. The report was prepared 10 years ago. It is considered that the noise climate in 2012 would not necessarily be the same in the present time. Furthermore, the marginal significance recorded at receiver one indicate potential for noise complaint considering the type of activities. Therefore, noise mitigation should have been considered at that location.
>>
>>
>>
>> They suggest a revised noise report is provided with up to date data, taking the present noise climate of the site into account and as may be required, ensure adequate noise mitigation measures.
>>
>>
>>
>> I can't allow the current application to remain live whilst an updated noise survey is undertaken and based on their comments the current application is likely to be refused. I therefore suggest that the application is withdrawn and re-submitted in due course with an up to date noise report.
>>
>> Please let me know by Monday next week (16th) if you wish to withdraw the application.
>>
>>
>>
>> Regards
>>

>> Anita
>>
>>
>>
>>
>>
>> Anita Gardner
>>
>> Principal Planner
>>
>>
>>
>> T: 01903 737529
>>
>> E: anita.gardner@arun.gov.uk <mailto:anita.gardner@arun.gov.uk>
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>> From: [REDACTED]
>> [REDACTED]
>> [REDACTED]
>> Sent: 04 May 2022 11:02
>> To: Anita Gardner <Anita.Gardner@arun.gov.uk>
>> <mailto:Anita.Gardner@arun.gov.uk> >
>> Cc: 'Steve Webb' [REDACTED]
>> [REDACTED]
>> Subject: FW: A/59/22/PL Fargro, The Vinery
>>
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>>
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or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.
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>>
>>
>> Dear Mrs Gardner, further to my email below, I attach a copy of the acoustic survey which was undertaken by
Clements Acoustics in 2012 for the original application for the development.
>>

>> The survey assessed the background noise levels at the residential properties to the east of the Vinery site, and then estimated the effects of noise impacts from the Fargo development in respect of HGV movements and the activities of forklift trucks at the site. These activities were considered to be the main noise generators from the development, and were assessed against the relatively high background noise levels generated primarily from the adjacent A27.

>>

>> The report concluded that even using the more restrictive night time recommended noise levels the development was unlikely to generate complaints based on the assumptions used. It is noted that the report assumed that fork lift truck activities would occur in the vicinity of the residential properties when in fact this is not the case.

>>

>>

>>

>> The current application to extend the operating hours in the evening is not considered to have any significant effect on noise levels for the following reasons:

>>

>> 1. The extended hours will only be required on occasion when there are peak demands on operations.

>>

>> 2. Any activities will only be undertaken within the building or within the loading area at the south of the main building.

>>

>> 3. The main building screens any activities for the residential receptors

>>

>> 4. It is not proposed that any HGV operations would occur during the proposed extended hours.

>>

>>

>>

>> There is therefore no justification for considering that the amenity of the residential properties would be adversely affected by the proposal and it is requested that the EHO is requested to reconsider the position.

>>

>>

>>

>> I would point out that my client has invested in their business and have so far replaced 6 gas powered fork-lift trucks (out of a fleet of 9) for electric powered units. These are significantly quieter in operation, and the remaining 3 will be swapped out at the end of their normal operating cycle. My client has also confirmed that there would be no external fork-lift activities adjacent to the residential properties during these expended hours.

>>

>>

>>

>> Please do call me if you have any queries.

>>

>> Kind regards,

>>

>>

>>

>> Paul Airey

>>

>> Paul Airey Planning Associates Ltd

>>

>> 65 Harefield

>>

>> Esher

>>

>> Surrey

>>

>> KT10 9TG

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>> [REDACTED]
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>> [REDACTED]
>> [REDACTED]
>> [REDACTED]
>> Sent: Thursday, April 28, 2022 1:14 PM
>> To: 'Anita.Gardner@arun.gov.uk' <Anita.Gardner@arun.gov.uk>
>> <mailto:Anita.Gardner@arun.gov.uk> >
>> Cc: 'Steve Webb' [REDACTED]
>> [REDACTED]
>> Subject: A/59/22/PL Fargo, The Vinery
>>
>>
>>
>> Dear Mrs. Gardner, I am aware that the EHO has objected to the above application but don't think he is aware of the Acoustic survey which was undertaken for the original application. I will be making a response to the objection with supporting evidence which you will receive shortly.
>>
>> Please call me if you have any queries
>>
>> Kind regards
>>
>>
>>
>> Paul Airey
>>
>> Paul Airey Planning Associates Ltd
>>
>> 65 Harefield
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>> Esher
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>> DX 57406 Littlehampton
>> You can view Arun District Council's Privacy Policy from
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