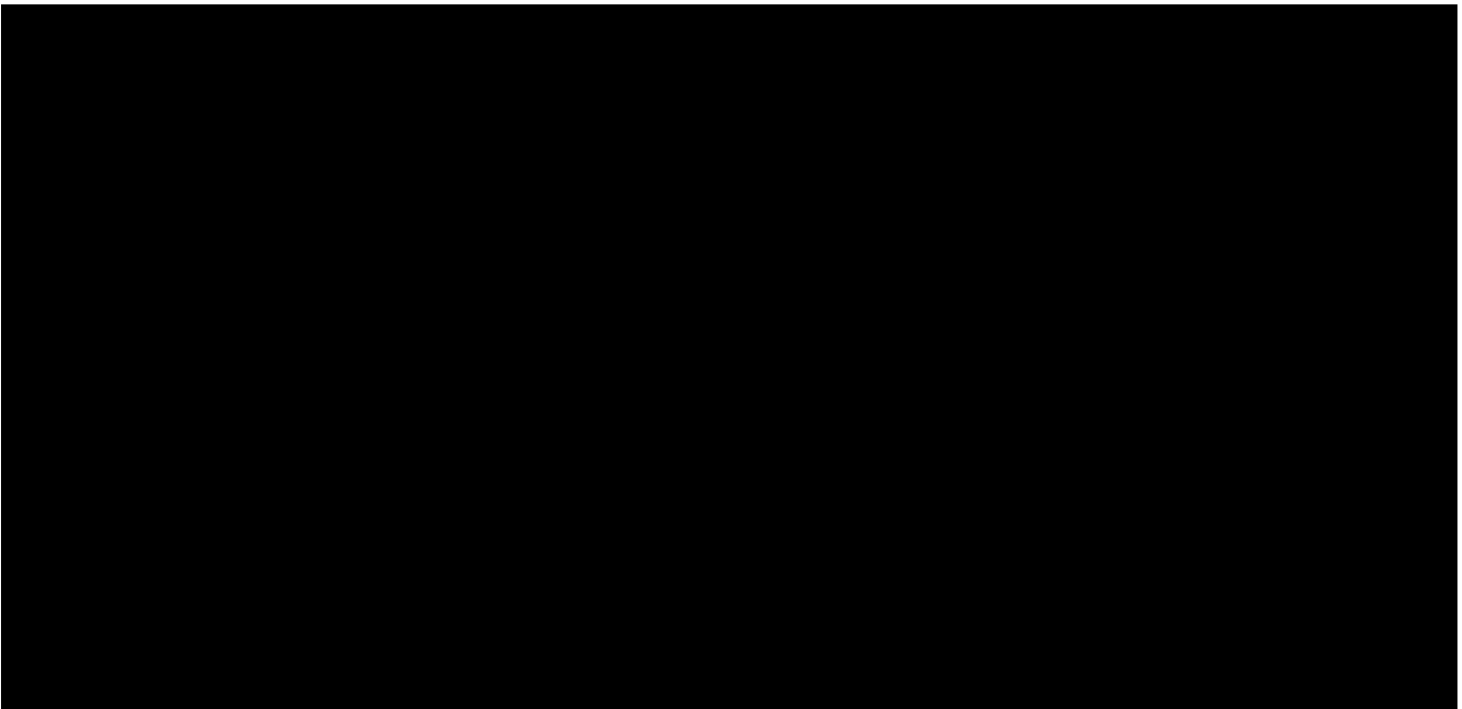




From: Bennion, Victoria [REDACTED]
Sent: 18 March 2019 15:18
To: Richard Castro-Parker
Cc: Juan Baeza
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

I have just tried to call you but it keeps sending me straight to voicemail.

Please can you inform me of the reason and justification of your refusal? Is it still based on the reference to the NPPF, in accordance with Paragraph W criterion 10(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015?

Have you sought a legal opinion on this matter? Only we have put this past our solicitor who has informed us that if we are meeting the noise requirements through the mechanical ventilation, then this cannot be refused on impact to internal residential amenity.

Please can you provide some further justification for your objection.

Thanks,
Victoria

From: Richard Castro-Parker [REDACTED]
Sent: 18 March 2019 14:29
To: Bennion, Victoria [REDACTED]
Cc: Juan Baeza <Juan [REDACTED]>
Subject: [EXTERNAL] RE: Hawthorn Road LU/7/19/PD

Dear Victoria,

The report was been passed to the Area Manager and then as it was recommended for 'objection' it was checked by the Head of Planning, who following an assessment of the report did not recommend an alteration to the recommendation. I have just checked now and it appears that it has been signed off by my manager with a recommendation of 'Objection' and the decision is being processed for sending out to you (e-mail). The Officers report should be uploaded online shortly.

Yours sincerely

Richard Castro-Parker

Senior Planning Officer (Contract)
Arun District Council.

From: Bennion, Victoria [REDACTED]
Sent: 18 March 2019 11:34
To: Richard Castro-Parker
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

Hope you had a good weekend.

I am just emailing to see if you have had any further correspondence with your Area Manager in relation to the determination of the prior approval application?

Thanks,
Victoria

From: Bennion, Victoria
Sent: 14 March 2019 11:55
To: Richard Castro-Parker <[REDACTED]>
Subject: RE: [EXTERNAL] RE: Hawthorn Road LU/7/19/PD

Dear Richard,

I have tried calling again but it went straight to voicemail.

Please can you confirm the exact grounds you are writing this up for refusal?

Is it solely on the grounds of internal residential amenity in relation to the mechanical ventilation system?

Thanks,
Victoria

From: Richard Castro-Parker [REDACTED]
Sent: 14 March 2019 11:35
To: Bennion, Victoria [REDACTED]
Subject: [EXTERNAL] RE: Hawthorn Road LU/7/19/PD

Dear Victoria,

I am still writing the report with a recommendation of OBJECTION. However, I have forwarded your e-mail to the Area Manager responsible for signing of this report who will take it into account when they assess the Officer report. As per my, earlier email, I wish to pass it by the head of planning. Once this has been done I will get in contact to let you know if the recommendation has changed.

Yours sincerely

Richard Castro-Parker

Senior Planning Officer (Contract)
Arun District Council.

From: Bennion, Victoria [REDACTED]
Sent: 14 March 2019 10:56
To: Richard Castro-Parker
Cc: Juan Baeza
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

Thank you for agreeing to an extension of time.

In light of my email, has your opinion changed on the determination of the application?

Please let me know if you have any further questions in relation to the application, I will be happy to provide any further information.

Thanks,
Victoria

From: Richard Castro-Parker [REDACTED]
Sent: 14 March 2019 10:53
To: Bennion, Victoria [REDACTED]
Cc: Juan Baeza <[REDACTED]>
Subject: [EXTERNAL] RE: Hawthorn Road LU/7/19/PD

Dear Victoria,

I agree to an extension of time until the 21st March for LU/7/19/PD. I am just writing this application and wish to pass it by the head of planning on their return to the Office.

Yours sincerely

Richard Castro-Parker

Senior Planning Officer (Contract)
Arun District Council.

From: Bennion, Victoria [REDACTED]
Sent: 13 March 2019 16:37
To: Richard Castro-Parker
Cc: Sanders, Jen
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

Thank you for phoning yesterday to discuss the determination of Unit 4 Hawthorn Road. As you have pointed out, there seems to be a bit of confusion over what can be considered within the remit of a Prior Approval submission, which I think is complicating matters. I therefore thought it might be helpful to re-cap the position.

I recall from our conversation, that the Environmental Health Officer (EHO) now agrees that acceptable noise standards can be achieved through the proposed noise mitigation measures. However, it is the EHO's opinion that being unable to open windows will have a negative impact on the living conditions and quality of life of occupants. Therefore, the concern is clearly now in relation to ventilation, as opposed to noise. As previously explained the windows can be opened and are not fixed shut permanently. Residents therefore have the option to open or close

the windows as they see fit, should the noise from the surrounding area cause them disturbance. It is also worth noting that the surrounding premises do not operate 24/7 and therefore the highest levels of noise will only happen at certain moments throughout the day.

Mechanical ventilation is an accepted solution in many residential developments across the country and is not indicative of a poor internal environment. To support this, I attach an appeal decision for Aspenden Road, which was supported by the Secretary of State. This confirms at paragraphs 144 and 145 of the Inspectors Conclusion *"reference to alternative ventilation within Practice Guidance is a clear indication that such solutions form an accepted part of the approach to mitigating against the impact of noise[...] Consequently, to my mind, the reliance on mechanical ventilation is not indicative of a poor internal environment"* (my emphasis). This is endorsed in paragraph 4 at the beginning of the report, on behalf of the Secretary of State.

Notwithstanding the above, I recall from our conversation that your Council is exploring the potential to refuse the prior approval application with reference to the NPPF, in accordance with Paragraph W criterion 10(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Paragraph W confirms the relevance of the NPPF for prior approvals, but only *'so far as relevant to the subject matter of the prior approval,'* (my emphasis). In this regard, Class O states that the determination of a prior approval can only be based on four conditions; transport, contamination, flood risk and noise. Ventilation or indeed residential amenity, do not fall within any of these conditions and therefore Class O Proposals cannot be refused on these grounds, regardless of the NPPF provisions. For completeness, however, we will consider the paragraphs of the NPPF previously reference by your EHO.

Paragraph 170 of the NPPF relates to noise pollution and since we are now in agreement that acceptable noise levels can be met with the proposed mitigation, this paragraph is now satisfied. However, reference was also made to paragraph 180 which states that planning policies and decision should *"[...] avoid noise giving rise to significant adverse impacts on health and the quality of life"* (my emphasis). The key here, therefore, is what can be considered a 'significant' adverse impact. The nearby premises do not operate 24/7 and occupants are provided with a choice of openable windows and/or mechanical ventilation as they see fit, as such, occupants are not subject to persistent noise impacts. In addition, and as identified previously and endorsed by SoS, these are accepted forms of mitigation and ventilation and cannot be considered as having significant adverse impacts on health and quality of life. As such, paragraph 180 is also satisfied.

We appreciate there is a lot to consider here and given that the determination deadline is tomorrow, we suggest an extension of time of one week, to allow yourselves enough time to consider the above.

Please let me know if you have any further questions.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 12 March 2019 11:41
To: Richard Castro-Parker [REDACTED]
Subject: RE: [EXTERNAL] RE: Hawthorn Road LU/7/19/PD

Dear Richard,

Have you had any further response following our Acoustics Addendum that we submitted last week?

Please can you confirm if you are writing the report for approval or refusal? When I spoke to you last week you implied that you had discussed the scheme with a colleague and that you were of the opinion that you could not refuse it again? Is there any update on that?

Thanks,
Victoria

From: Richard Castro-Parker <[REDACTED]>
Sent: 12 March 2019 11:38
To: Bennion, Victoria <[REDACTED]>
Subject: [EXTERNAL] RE: Hawthorn Road LU/7/19/PD

Dear Victoria,

I am writing the report for this application today and I will get in contact once written.

Yours sincerely

Richard Castro-Parker

Senior Planning Officer (Contract)
Arun District Council.

From: Bennion, Victoria <[REDACTED]>
Sent: 12 March 2019 09:17
To: Richard Castro-Parker
Cc: Fiona Fitzgerald
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

I believe you were out of the office yesterday, please could you provide me with a further update on the determination of the prior approval for Unit 4 Hawthorn Road.

I understand that you were due to sit down with your manager on the matter?

Thanks,
Victoria

Victoria Bennion
Planning Consultant - Planning, Development & Heritage
JLL
30 Warwick Street, London W1B 5NH

From: Bennion, Victoria
Sent: 11 March 2019 09:41
To: 'Richard Castro-Parker' <[REDACTED]>
Cc: 'Fiona Fitzgerald' <[REDACTED]>
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

Following our call last week, do you have any update on the Prior Approval application for Unit 4 Hawthorn Road?

Thanks,
Victoria

From: Bennion, Victoria
Sent: 07 March 2019 10:51
To: 'Richard Castro-Parker' [REDACTED]
Cc: 'Fiona Fitzgerald' [REDACTED]
'planning@arun.gov.uk' [REDACTED]
Subject: RE: Hawthorn Road LU/7/19/PD

Dear Richard,

I am emailing in relation to the objection from the Environmental Health Officer that we found on your website.

Please see the attached Acoustic Addendum which addresses the comments raised by the officer.

I would appreciate it if you could respond to this email in order to confirm receipt?

Please let me know if you have any additional comments that need to be addressed.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 28 February 2019 15:52
To: 'Richard Castro-Parker' [REDACTED]
Cc: 'Fiona Fitzgerald' [REDACTED]
'planning@arun.gov.uk' [REDACTED]
Subject: RE: Hawthorn Road LU/7/19/PD

Hi Richard,

I have noticed that you have uploaded an objection from the Environmental Health Officer on your website, it is disappointing that you had not informed us of this despite my emails and voicemails.

We do not agree with the objections raised and are currently in the process of preparing a note to clarify a number of key points in relation to the objection.

We hope that you will provide us with the opportunity for this document to be assessed in relation to the objection.

I will be in touch shortly with our response.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 25 February 2019 11:48
To: 'Richard Castro-Parker' [REDACTED]
Cc: 'Fiona Fitzgerald' [REDACTED]
Subject: RE: Hawthorn Road LU/7/19/PD

Hi Richard,

I have just left you a voicemail in relation to Unit 4 Hawthorn Road.

I am conscious that I still haven't had a response in relation to the resubmission of the prior approval application and given that the determination deadline is the 14th March, this does not leave us much time to address any further comments from the Environmental Health Officer.

Please can you confirm if you have any comments that need to be addressed.

I look forward to your response.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 19 February 2019 12:18
To: 'Richard Castro-Parker' <[REDACTED]>
Cc: 'Fiona Fitzgerald' <[REDACTED]>

Subject: RE: Hawthorn Road LU/7/19/PD

Morning Richard,

Following my previous emails, please can you confirm if this application has been passed on to the Environmental Health Officer for review?

Please let me know if you have any questions or comments that need to be addressed in relation to this application.

Look forward to hearing from you.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 11 February 2019 11:32
To: 'Richard Castro-Parker' <[REDACTED]>
Cc: 'Fiona Fitzgerald' <[REDACTED]>
Subject: RE: Hawthorn Road LU/7/19/PD

Morning Richard,

Please can you confirm if you have any questions or require any additional information in relation to the resubmitted prior approval application.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 05 February 2019 17:30
To: 'Richard Castro-Parker' <[REDACTED]>
Cc: 'Fiona Fitzgerald' <[REDACTED]>
Subject: RE: Hawthorn Road LU/7/19/PD

Hi Richard,

Hope you are well.

Further to my previous email, please can you advise if this application has been passed on to the Environmental Health Officer yet?

Please let us know if there is anything to be addressed.

Thanks,
Victoria

From: Bennion, Victoria
Sent: 28 January 2019 15:17
To: Richard Castro-Parker [REDACTED]
Subject: Hawthorn Road LU/7/19/PD

Dear Richard,

As you are aware, we have submitted an amended prior approval application for Unit 4, Hawthorn Road.

Please could you advise if this has been passed on to the Environmental Health Officer?

Thanks,
Victoria



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