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

Sent: 13 February 2020 11:03

To: Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: FW: R/295/19/DOC - 4 Broadmark Parade, Rustington

Please scan as consultee response

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37529 | External: +44 (0) 1903 737529 | E-mail: anita.gardner@arun.gov.uk



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From: Kate Giddings <kate.giddings@arun.gov.uk>

Sent: 13 February 2020 10:52

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

Subject: RE: R/224/19/PL - 4 Broadmark Parade, Rustington

Hi Anita,

I understood from the latter report (section 4.1) that the required value had been achieved following the completion of the sound insulation works. As these works have subsequently been removed, I do not think the condition can be discharged.

Thanks,

Kate.

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

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

Sent: 11 February 2020 14:43

To: Kate Giddings <kate.giddings@arun.gov.uk>

Subject: FW: R/224/19/PL - 4 Broadmark Parade, Rustington

Thanks Kate. I think it comes down to whether the minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) is achieved. Can you confirm by return if it is? The application expires today and I need to discuss with Juan once you have responded.

Thanks

Anita

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Kate Giddings <kate.giddings@arun.gov.uk>

Sent: 11 February 2020 14:28

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

Subject: RE: R/224/19/PL - 4 Broadmark Parade, Rustington

Hi Anita,

Thank you for your e-mail.

It is my understanding of the condition that all the works specified in the acoustic assessment shall be included. Whilst the applicant and their agent have stated that the remedial measures have been installed, the works cannot be considered completed therefore I do not think the condition can be discharged at present. As you are aware, EH has received noise complaints relating to this property, specifically the plant on the roof.

What are your thoughts on this?

Thanks,

Kate.

Kate Giddings | Senior Technical Officer, Environmental Health, Arun District Council | Location: Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF
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From: Anita Gardner <Anita.Gardner@arun.gov.uk>

Sent: 10 February 2020 10:15

To: Kate Giddings <kate.giddings@arun.gov.uk>

Subject: FW: R/224/19/PL - 4 Broadmark Parade, Rustington

Hi Kate,

Please see the response from the agent below. Can I have your comments please?

Thanks

Anita

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Adam Beamish [REDACTED]

Sent: 06 February 2020 18:24

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

Subject: RE: R/224/19/PL - 4 Broadmark Parade, Rustington

Dear Anita,

Thanks for your email, the content of which is noted.

Whilst both myself and my client wish to work with the LPA in a positive manner, I would question whether the LPA can legitimately refuse the current discharge application (relating to condition 5).

The precise wording of condition 5 is :

“The use hereby permitted shall include the sound insulation scheme, recommended by Ned Johnson Acoustic Consultants' Acoustic Assessment (ref. 451819 Rev. A, dated February 2019), for protecting the upper floor residential unit from noise. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority.”

Therefore, the wording of the condition is directed towards the sound insulation scheme to protect the occupiers of the upper floor residential unit from noise. The acoustic assessment which has been submitted as part of the current discharge application demonstrates that the insulation scheme has both been installed and achieves the minimum sound insulation criteria. Accordingly compliance with the requirements of this condition has been achieved.

Whilst we acknowledge that another element of the mitigation measures set out within the acoustic assessment has had to be temporarily removed, that element is not part of the sound insulation scheme to protect the upper floor residential element from noise, and is therefore not the subject of condition 5.

In conclusion therefore there is no basis upon which the LPA could legitimately refuse the current application for the discharge of condition 5.

I look forward to hearing from you.

Regards,

Adam

Adam Beamish

BA (Hons), DIP TRP, MRPTI

Beamish Planning Consultancy



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

Sent: 06 February 2020 14:00

To: Adam Beamish

Subject: RE: R/224/19/PL - 4 Broadmark Parade, Rustington

Dear Mr Beamish,

I have discussed the matter with Environmental Health and am advised that that it is likely the acoustic enclosure will take 7-8 weeks to manufacture plus some additional time for installation. I cannot agree to hold the current application in abeyance for that length of time. I therefore propose to refuse the application . Alternatively you can withdraw the current application and re-submit when the works are complete.

You are advised that since the use has commenced your client is in breach of condition 5 of planning permission R/224/19/PL.

Regards

Anita Gardner

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From: Adam Beamish [REDACTED]

Sent: 30 January 2020 12:34

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

Subject: RE: R/224/19/PL - 4 Broadmark Parade, Rustington

Dear Anita,

Thanks for your email of 23rd January regarding the above discharge of details required by condition application.

I have subsequently spoken with my client and he advises that that whilst all the mitigation measures were implemented on site, there has subsequently been a structural issue with an element of the extract system which is currently being addressed by way of the manufacturing of replacement parts. However, because this is a bespoke system, at this time we are unable to clarify precise timescales when this will be replaced.

I am not sure therefore how to best to proceed in these circumstances, clearly it is not in our interests for that application to be refused, could we perhaps agree an extension of time in respect of this discharge application in this particular circumstance ?.

I look forward to hearing from you.

Regards,

Adam

Adam Beamish

BA (Hons), DIP TRP, MRPTI

Beamish Planning Consultancy

[REDACTED]

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

Sent: 23 January 2020 18:32

To: Adam Beamish [REDACTED]

Subject: R/224/19/PL - 4 Broadmark Parade, Rustington

Dear Mr Beamish,

I have received the following comments from the environmental health officer in respect of the above application:

I am in receipt of Ned Johnson Acoustic Consultants' Acoustic Assessment (ref.: 361920, dated December 2019) and whilst this appears satisfactory, it is not clear whether the attenuation measures as outlined in Ned Johnson Acoustic Consultants' Acoustic Assessment (ref. 451819 Rev. A, dated February 2019) have been completed. Before this Department can recommend discharge of this condition, please may the applicant confirm that the attenuation measures have been completed (these are summarised below for ease of reference):

- acoustic enclosures for fans
- fans attached to ducting using flexible connectors
- fans mounted on anti-vibration mounts
- in-line silencers installed to ducting
- acoustic enclosures for condenser units.

I would appreciate clarification within the next 7 days or the application will be refused and an enforcement file raised. It is apparent that the use of the development has commenced prior to test results, being submitted to and approved in writing by the local planning authority in breach of condition 5.

Regards

Anita Gardner



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