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

Sent: 01 July 2020 08:52

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

Subject: FW: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Please scan as correspondence from environmental health

Anita Gardner
Principal Planning Officer,
Directorate of Place

T: 01903 737529

E: Anita.Gardner@arun.gov.uk



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

Sent: 26 June 2020 11:01

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

Subject: RE: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Anita,

I have this morning spoken with Mr. Stocker and reiterated the requirements. It may be that the acoustic consultant can provide comment on the outstanding points and Mr. Stocker could produce a noise management plan to demonstrate how the day-to-day running of the business

will be managed (e.g. controlling noise from patrons/doors and windows being open/deliveries/refuse and recycling etc.).

I am awaiting confirmation from EH and Planning at A&W to see what was submitted for the other property as this may assist with this case.

Thank you,

Kate.

Kate Giddings
Senior Technical Officer
Environmental Health

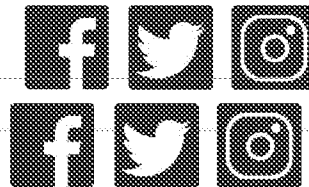
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From: Anita Gardner <Anita.Gardner@arun.gov.uk>

Sent: 24 June 2020 14:55

To: Craig Stocker [REDACTED]

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

Subject: RE: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Dear Mr Stocker,

I can confirm that no decision will be reached on your application for the next 2 weeks (i.e. prior to 08-07-2020) to allow for receipt of further information.

In your last bullet point you ask if you would need to resubmit a planning application. At this stage I wouldn't advise that since it would take several weeks/months to determine. You could make an application to vary the condition, but the quickest and most expedient route would be to try and facilitate an approval of this current discharge of condition application.

I await receipt of further information following your discussion with Kate on Friday.

Regards

Anita Gardner

Anita Gardner | Principal Planner, Directorate of Place, [Arun District Council](http://www.arun.gov.uk) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Craig Stocker [REDACTED]

Sent: 24 June 2020 14:33

To: Kate Giddings <kate.giddings@arun.gov.uk>; Juan Baeza <Juan.Baeza@arun.gov.uk>; Anita Gardner <Anita.Gardner@arun.gov.uk>

[REDACTED]
Subject: RE: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Katie,

Appreciate there is a backlog, and as you are unable to discuss this with me urgently, Anita, I would respectfully ask that you postpone any decisions that you currently intend to make by the end of this week, until I have had a chance to resolve the issue to your satisfaction.

With regards to the 2 points you have made below, I submitted a scheme for your review on 22 April. Can you confirm that you have approved this scheme?

On the assumption that the scheme is approved, I have undertaken the required work and a test has been undertaken to demonstrate that the noise sensitive residential dwellings are protected from unwanted noise.

The sound test has been completed in good faith and at a significant cost, and by all accounts, the main objective – to reduce the impact of any noise to neighbouring dwellings – has been achieved. It seems to me that the issue here is more that the incorrect form (or ref to building regs) has been submitted, or the report does not tick all the boxes as it stands. I hope this is an admin issue that can be resolved relatively quickly, however, as we are unable to have a discussion until the end of the week, I think it is reasonable that your department provides more time to gain a resolution.

I would like to take up your offer of a conversation at 10am on Friday. Please call me on [REDACTED]

In advance of the meeting, I would like to understand the following:

- Specifically, what additional information is required? Is there a specific report that you would expect to see, or a report referencing the details as per your note re the 10th & 22nd June?
- Is there any additional sound test that you are aware of that I can arrange, in order to assure you that I have undertaken the necessary works?
- Is there an example that I can refer to of a satisfactory report, which I could perhaps share with the sound test company?
- Would a written letter from the sound company confirming that the requirements below have been met, suffice?
- In the event that I am unable to satisfy the requirements at present, what is the next stage? Do I need to re-submit a planning application? This would seem fruitless as the required work has been completed, a premise licence has already been granted and I intended to open for business early July, and by all intents and purposes, the work has been done.

Kind regards

Craig



Craig Stocker
Founder & Managing director

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

Sent: 24 June 2020 11:17

To: Craig Stocker [REDACTED] Anita Gardner <Anita.Gardner@arun.gov.uk>

[REDACTED] Juan Baeza <Juan.Baeza@arun.gov.uk>

Subject: RE: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Dear Mr. Stocker,

Thank you for your e-mail.

I can confirm receipt of two voicemails yesterday and an e-mail requesting a telephone call. Whilst your situation as outlined below is understood, I am sure you can appreciate that the current pandemic has exacerbated the workload for Officers in this Department. It is therefore not always possible to respond to messages the same day they are received. In relation to your enquiry, it is my understanding that there are two components to condition 6 of R/201/19/PL, which are paraphrased below for reference:

- construction work shall not commence until a scheme for protecting the nearest noise sensitive residential dwellings has been submitted to and approved in writing by the Local Planning Authority;
- following approval of the scheme, a test shall be undertaken...to demonstrate that the noise sensitive residential dwellings are protected from unwanted noise.

As previously advised on 10 June 2020 and 22 June 2020, this Department would expect that a suitably qualified, independent acoustician is employed to establish the location of the nearest noise sensitive receptor(s), calculate the likely sound levels (to include tonality, etc.) from the proposed use and ascertain whether this is likely to be problematic for the occupiers of the previously identified receptor(s). Based on this, an appropriate acoustic attenuation scheme can be designed. Once the scheme has been approved by the local planning authority, works can commence and once completed, a test shall be undertaken to ensure the scheme is effective. It does not appear that this process has been followed and that acoustic attenuation work has been completed prior to consultation with the local planning authority. From the single submission received to date, which relates to Building Regulations, it is not possible for this Department to recommend discharge of this condition because the report does not adequately address these requirements.

If you would like to discuss this over the telephone, this week I currently have some availability between 10am and 12.45pm on Friday 26th June.

Kind regards,

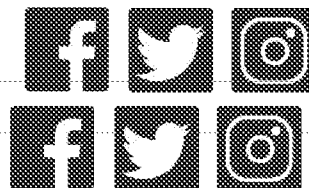
Kate Giddings.

Kate Giddings
Senior Technical Officer
Environmental Health

T: 01903 737586
E: kate.giddings@arun.gov.uk

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From: Craig Stocker [REDACTED]
Sent: 24 June 2020 08:55
To: Anita Gardner <Anita.Gardner@arun.gov.uk>; Kate Giddings <kate.giddings@arun.gov.uk>
[REDACTED] Juan Baeza <Juan.Baeza@arun.gov.uk>
Subject: RE: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Both,

I would like to get some perspective on where we are today. Yesterday I left several emails, voicemails and messages with no real reply other than Anita asking for someone to call me back. This has caused a considerable amount of worry and stress for us over the past 24 hours. The reality and seriousness of the matter is this, our business will go under in this current climate if this matter is not resolved. It will also put our other business (another public house still closed due to the pandemic) under a huge amount of strain as this has funded the new business which is all we have. Being a public house we also received no government grants for the new pub from your council and our landlords have not given us a rent free period. The project had nearly finished and we were a week or two away from opening. We were hoping to open when pubs and restaurants were allowed which will now see us miss out on vital revenue to keep us afloat. We were contacted by your council months ago and advised to fill out a the mentioned condition of discharge form in order to prevent any issues at a further cost which we did straight away.

I have applied for planning this was granted. A condition of the planning was that the property was suitably sound proofed to prevent any unnecessary noise or disturbance to the dwelling above first. We did this in fact, we went over and above what would normally be required and we have provided you pictures and proof of this happening. I used a suitably qualified acoustician which you have recommended to prove that the system used is working and this is now not suitable?

All we need to know is what is it we have to give you... please be specific as the last test you recommended cost £500 pounds and now seems worthless. Please be precise and we will get this for you straightaway there has clearly been some kind of misunderstanding. The commercial premise is nearly finished and you contacted us 4 days before the condition of discharge was to expire which we had no idea about. I'm trying to work with you guys so please can someone come back to us today. To get this resolved

Kind regards

Craig



Craig Stocker
Founder & Managing director

From: Craig Stocker [REDACTED]
Sent: 23 June 2020 10:08
To: Anita.Gardner@arun.gov.uk
Subject: Re: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Anita,

Can you please give me a call



Craig



Craig Stocker
Founder & Managing director

----- On Tue, 23 Jun 2020 08:32:36 +0000 Anita.Gardner@arun.gov.uk wrote -----

Dear Mr Stocker,

Please see the comments of the environmental health officer below. It is now my intention to refuse the application by the end of this week. How long do you anticipate it will take to provide the additional information she is requesting?

Regards

Anita Gardner

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: 22 June 2020 16:38

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

Subject: RE: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Anita,

Thank you for forwarding Anderson Acoustics' Pre-completion Sound Insulation Testing report (ref.: 4757_001R_1-0_BP, dated June 2020) and associated photographs.

Having now reviewed this report, it is not possible at this stage to recommend that the relevant condition can be discharged. The report references Approved Document E which is a Building Regulation publication. Furthermore, it is my understanding that Approved Document E relates to residential properties and not buildings in commercial use.

As previously advised, this Department would expect that a suitably qualified, independent acoustician is employed to establish the location of the nearest noise sensitive receptor(s), calculate the likely sound levels (to include tonality, etc.) from the proposed use and ascertain whether this is likely to be problematic for the occupiers of the previously identified receptor(s). Based on this, an appropriate acoustic attenuation scheme can be designed. Once the local planning authority has approved the scheme, works can commence and once completed, a test shall be undertaken to ensure the scheme is effective. The submission received to date does not adequately address these requirements.

I am more than happy to discuss these points with the applicant and/or consultant if required.

Many thanks,

Kate.

Kate Giddings

Senior Technical Officer

Environmental Health



T: 01903 737586

E: kate.giddings@arun.gov.uk

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

Sent: 19 June 2020 13:20

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

Subject: FW: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Kate,

Please see attached additional information. Is this now sufficient to discharge the condition?

Thanks

Anita

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From: Craig Stocker [REDACTED]
Sent: 19 June 2020 10:14
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Subject: RE: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Anita,

I hope you are well.

Please find attached the sound insulation test report carried out by one of your recommended companies. They confirmed that the independent ceiling system we have installed is robust and is what would be recommended. All tests passed building regulations.

I have also attached images to show the materials that went into our soundproof scheme.

Please don't hesitate to get back in touch should you need further information.

Kind regards

Craig



Craig Stocker
Founder & Managing director



----- On Fri, 19 Jun 2020 07:18:29 +0000 Anita Gardner<Anita.Gardner@arun.gov.uk> wrote -

Dear Mr Stocker,

I will need receipt of the additional information as soon as possible. Can you let me know a likely timescale for receipt? The 3 week timescale I gave included time for me to re-consult with environmental health officers so I am expecting the outstanding details to be submitted by Wednesday next week.

Regards

Anita Gardner

Anita.Gardner@arun.gov.uk | Principal Planner, Directorate of Place, [Arun District Council](http://www.arun.gov.uk) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Craig Stocker

Sent: 13 June 2020 11:53

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

Subject: Re: R/73/20/DOC - Condition 6 of R/201/19/PL - 106 The Street, Rustington

Hi Anita,

As discussed on the phone I would like to agree to the 3 weeks extension as I will have all the information needed (proof of noise protection installation and test) by then.

If you need anything else in the meantime please don't hesitate to get back in touch.

Kind regards
Craig



Craig Stocker
Founder & Managing director



----- On Thu, 11 Jun 2020 13:49:44 +0000 Anita
Gardner<Anita.Gardner@arun.gov.uk> wrote -----

Dear Mr Stocker,

The information submitted in respect of discharge of this condition is insufficient.

I have been advised by the environmental health officer that the following details will need to be submitted to allow further consideration:

They would expect to see a scheme for protecting the nearest noise sensitive receptor. It is recommended that an independent, suitably qualified acoustician is engaged to ascertain where the nearest noise-sensitive receptor/s is/are located, calculate the likely sound levels (including tonality, etc.) from the proposed use and ascertain whether this is likely to be problematic for the previously identified receptor/s. Based on this, an appropriate acoustic attenuation scheme can be suggested as required.

Once this scheme has been approved by the LA, works can commence and once completed, a test shall be undertaken to ensure that the proposed works have been successful.

Attached is a list of consultants who have their offices in East and West Sussex but please note that EH and ADC cannot recommend companies or individuals

Accordingly, I suggest that you either withdraw the application and re-submit when you have all the information available to re-submit or if you think that the information will be available within the next 3 weeks we can agree an extension of time on the application until 17-07-2020 to accommodate receipt of the information, but if further information is not received within this timeframe the application will be refused.

The application is due to expire on 17-06-2020 so if I do not receive a response to this e-mail by 16-06-2020 the application will be refused on the basis of the information currently submitted.

Further I note that works are being undertaken on site which are in breach of this pre-commencement condition. Unless works cease immediately you are advised that enforcement action will be pursued. No works should be undertaken until the condition is discharged.

Regards

Anita Gardner

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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