Henry Adams

The Planning Inspectorate
Room 3/18
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref: DA/HAPL932
Your Ref: APP/Y3805/W/16/3143400

07 April 2016

Dear Sir/Madam

Appeal by Kato Holdings Ltd relating to Lancing Manor Filling Station, Old Shoreham Road, Lancing
Response to the Council's Statement of Case

This letter and the accompanying response by the appellant's drainage consultant from CEP form the appellant's response to the Council's Statement of Case and other third party representations in respect of the appeal against the refusal of planning permission at the above property.

Firstly, in paragraph 1.1, the LPA refer to the trees on the northern boundary having died or been removed. These trees, being Elms, do die back when reaching a certain age and succumb to Dutch Elm disease and therefore have limited longevity. The proposal therefore includes a new and comprehensive landscaping scheme for this boundary which will become established and provide an effective screen.

The LPA, in section 4 of its statement, sets out the material considerations for the determination of the appeal which correspond to its reasons for refusal. On the first matter of surface water drainage and flood risk, a separate letter is produced by the appellant's drainage consultant CEP which sets out the response to those comments and those of the Lancing Manor (SE) Residents' Network.

With regard to traffic noise, the LPA, in paragraph 4.6, state that a significant observed adverse effect which should be avoided, is having to keep windows closed most of the time. As mentioned in our Statement of Case, at paragraph 4.8, paragraph 005 of the NPPG actually states is "**where there is no alternative ventilation**, having to keep windows closed most of the time because of the noise". As detailed in our statement of case, it is submitted that meeting the WHO and BS criteria would not result in significant observed adverse effects and therefore minimising the outcomes is an appropriate solution in accordance with the guidance in the NPPG.

Henry Adams

In relation to the section on visual impact of acoustic fences, the LPA should acknowledge that this site is in the built up area and identified in the SHLAA as suitable for housing. If housing is going to be accommodated on this site then the noise impact of the A27 needs to be mitigated. The fact that existing properties don't benefit from such fencing is immaterial. It is not uncommon to see such fencing around new developments on major routes. As mentioned in our statement of case, it is not considered that the fencing would be prominent and the benefits will outweigh any perceived visual impact.

Paragraph 4.13 of the LPA's statement is entirely subjective and not supported by any technical evidence.

Finally, with regard to the last two paragraphs on contaminated land, the LPA has chosen a single sentence of the NPPG out of context with the guidance as a whole. Our Statement of Case provides more detail on the advice in the NPPG particularly in relation to the use of conditions which can ensure that identified stages in remediation are carried out before the development commences. The LPA has provided no evidence or other advice from a qualified person to suggest that the contamination cannot be remedied.

I trust that the Inspector will take these additional comments into account in reaching a decision on this appeal.

Yours faithfully

Dawn Appleton

Dawn Appleton MRTPI
Senior Planner

DD: 01243 521828
e: dawn.appleton@henryadams.co.uk