

To register to receive notification of planning applications in your area please go to
www.arun.gov.uk/planning

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)



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

Sent: 17 February 2021 11:13

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

Subject: FW: A/46/19/PL - Land North of Mayflower Way, Angmering (Condition 19)

Please scan as a consultee response for A/6/21/DOC

Anita Gardner
Principal Planning Officer,
Directorate of Place



T: 01903 737529

E: anita.gardner@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)



To register to receive notification of planning applications in your area please go to
www.arun.gov.uk/planning

From: Carol Reynolds <Carol.Reynolds@arun.gov.uk>

Sent: 14 February 2021 22:47

Subject: FW: A/46/19/PL - Land North of Mayflower Way, Angmering (Condition 19)

Dear Will,

Please find below my response in respect of your comments 3rd February 2021.

'You will note that my original response, 6th November 2019, as reflected in Conditions 12 and 19, required a fully robust Acoustic Report with identification of all noise sources in the vicinity and mitigation measures which will be provided to properly deal with this. I consider BS 4142 assessment to be an integral part of such a report.' Excerpt from my email, 7th April 2020.

'Dog barking is extremely annoying. In respect of the fact that you have selected not to use BS4142 criteria in this case, then please provide fuller detail of those criteria on which you will base your robust report.' Excerpt from my email, 4th December 2020.

Commercial Kennels and Cattery. Thank you for your comments, but unfortunately and as you will read above, I do not concur with your assertion that this department agreed that BS4142:2014+A1:2019 could not be used in this setting, although you proposed that an alternative method should be used. Whilst I have no objection to parallel assessments of the likelihood of any community disturbance due to barking dogs which are then used to support or refute a BS4142:2014 assessment, we have specified that the BS4142 assessment should be completed and the noise condition cannot be discharged without it.

Certainly, the use of LA_{max} as presented in the report lacks justification for the assertion that no noise detriment will occur and the lack of consideration for any form of boundary, or source treatment, means that the noise condition cannot be discharged. No detail is provided of the likely day-time impact of barking dogs on the use of external amenity spaces to the proposed new houses, such detail is required. It is also suggested that you use a 1 minute, rather than a 5 minute sampling time for the assessment of LAF_{max} to better reflect the potential for disturbance from the kennels. The report equates LA_{max} levels from the A259 with dog barking, omitting heightened sensitisation that can occur in this case. I presume that referenced 'boundary fencing' pertains to the existing perimeter fencing around the neighbouring kennels/workshops site where only minimal acoustic attenuation can be expected.

I am sure that you will be aware that although section 1.3 of BS4142:2014+A1:2019 specifically states that it is not to be used for the assessment of domestic animals, (a domestic setting would not be expected to have 26 dogs) a Technical Note produced by the Association of Noise Consultants (ANC) dated March 2020 advised that the standard may be applicable to domestic animals in a commercial setting, such as kennels. Although not ratified by the British Standards Institute, for full transparency, please provide a BS4142 Assessment.

In the absence of your own assessment, I have carried out a basic assessment using the following inputs from research and other acoustic reports dealing with dog kennels. You will note that unlike yourself, I consider noise from dog barking to be both intermittent **and impulsive**:-

A large dog bark @ 1m = 96.3dB LA_{eq} or **108dB LA_{max}**

A dog will bark approx. 20 times per hour, each bark lasts 1 sec.

The distance between the boundary of the kennels and the nearest NSR is 20m.

The midpoint of the kennels is approx. 20m from the boundary.

The total distance attenuation is therefore 40m.

If we assume that 13 out of the 26 dogs bark, then this amounts to 13 x 20 barks or 260 barks.

The noise reduction for duration of noise is $10\log(260/3600) = -11.4$

The reduction due to distance is $20\log(1/40) = -32$

Nominal reduction from existing perimeter fence = -5

So the noise at the nearest NSR is $96.3 - (11.4 + 32) = 47.9\text{dB}$

The noise is intermittent and so a correction of +3dB

The noise is impulsive and so a correction of +9dB

The rated noise level is therefore 59.9dB

The background noise level (from your report) is LA90 45dB

The difference is +14.9dB

With reference to Section 11, paragraph b) 'a difference of around 10dB or more is likely to be an indication of a significant adverse impact,' if this is considered within the context of equivalent LAmax levels from the A259, then even allowing for a lower level of correction for impulsivity of +6dB, the Rating Level is well above 10dB.

I would therefore request, once again, details of the source, or boundary treatment that will be put in place to prevent detriment to the amenity of the new properties.

2. Motor Vehicle Repair Shops/Valeting.

I have recently visited this site and found that the workshop west of D&A Motors repair shop, etc has been removed. I therefore agree to accept these conclusions.

3. Road West of Proposed Housing. Please note my comment at the beginning of this email, which required identification of all noise sources which may adversely affect the proposed houses. I have already noted that there are minimal windows provided to the west of residential units along this road. Assessment is required of the potentially detrimental impact of commercial vehicles, including HGV's, using this road and of operation of this commercial site, (particularly that area to the immediate west of the proposed houses), on habitable rooms and new immediately adjacent gardens.

The Site Agent has informed me that in:-

i. The area immediately west of this narrow road/ dirt track;

*there is ongoing day time use of commercial earth moving equipment

*an approximately 40 foot lorry arrives on site at 14:00 hours, up to 5 times per week, Monday to Friday, with the next hour spent in loading or deposit of earth type materials.

ii. the scaffolding yard.

*loading of HGV lorries takes place between 08:00 to 16:00 (normally in the morning) once, to twice per week.

As stated, I believe that the site at the top of this road has B2 Use and no restriction on the hours of operation. Please detail suitable mitigation measures which will be provided to reduce noise in habitable rooms and amenity spaces in line with BS8233 and World Health Organisation Guidelines and impact noise in sensitive rooms and amenity spaces to a minimum, from both of these sources in the day time.

A259 and Road Widening.

The use of a 5 minute sampling time does not provide sufficient detail to identify episodes of noise that exceed 60 LAFmax. I would therefore ask that the report be recalculated using a one minute sampling time (45dB LAFmax internally).

Yours sincerely

Carol Reynolds

Carol Reynolds

Senior Environmental Health Officer
Environmental Health Department

T: 01903 737676

E: carol.reynolds@arun.gov.uk



Please note my normal working days are Tuesday to Friday

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

www.arun.gov.uk

Sign up to our newsletter [here](#)

Business Support during Coronavirus click [here](#)

From: Will Fairman [REDACTED]

Sent: 03 February 2021 16:03

[REDACTED]

Subject: RE: A/46/19/PL - Land North of Mayflower Way, Angmering (Condition 19)

Hi Carol, Anita,

Many thanks for your comments, please see below our responses in green.

Let us know if there is any further information or clarification you require in order to discharge the planning condition.

Regards

Will Fairman



London Winchester Exeter

www.clarkesaunders.com

Coronavirus (COVID-19) All CSA offices are open for business as close to normal as possible, with remote working and social distancing measures in place as per government guidance. We are implementing site specific protocols for all survey activity, which is ongoing to the extent that it is safe and access can be provided.

For health information and advice, read NHS pages on [coronavirus](#).
Learn about the [government response to coronavirus on COVID-19](#).

From: Carol Reynolds <Carol.Reynolds@arun.gov.uk>

Sent: 01 February 2021 16:49

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

[REDACTED]

Subject: FW: A/46/19/PL - Land North of Mayflower Way, Angmering (Condition 19)

Importance: High

Environmental Health: No agreement to discharge of planning condition.

I refer to the Noise Impact Assessment provided by Clarke Saunders Acoustics, 23rd December 2020, Project Reference AST1489.201217.NIA.

The report does not adequately consider site layout and orientation bearing in mind there is only 20m separation between the nearest sensitive receptor (NSR) and the kennels and only 10 metres separation between the body works and a new adjacent garden.

There is no further scope to adjust the site layout and orientation as this was fixed as part of the detailed planning application. Clearly, proximity to noise sources has been taken into account in all circumstances and calculations throughout the assessment of the specific sources impacting the site.

Commercial Kennels and Cattery. I acknowledge that the consultant does not consider that BS4142:2014 applies to commercial kennels and so has attempted to assess the impact of this existing business on the proposed housing through comparison of LAFMax levels. However, I am unconvinced by this approach and do not consider that the figures provided demonstrate that the housing will not be adversely affected by the operation of the kennels. My own rough calculations, based upon the referenced loudness of a large labradoodle dog as 95dB at 3 metres distance, suggest that for the number of animals boarded and the attenuation provided by distance, noise levels produced by barking dogs could approach 80-85dB at the nearest NSR and so give rise to complaints. I therefore reiterate the requirement for any acoustic report to include a BS4142:2014 assessment of the kennels as part of the submission. The report must consider the day as well as night-time impact of the kennels.

Modelled data may be used given the difficulty in carrying out meaningful onsite assessment during COVID Lockdown. I would ask you to justify any assumptions made in such an assessment in order to be able to develop suitable site boundary treatments, and/or source treatment works which will mitigate any potentially adverse noise intrusion to neighbouring homes and amenity spaces thereto, to reasonable levels

BS4142 explicitly states: *"The standard is not intended to be applied to the rating and assessment of sound from: ...domestic animals;..."*. Due to this, we agreed in our preliminary consultation with Arun DC that the approach would be to provide a contextual assessment of specific sound sources incongruent to the existing soundscape, based on our own previous experience and knowledge, with any necessary additional mitigation measures specified to minimise the risk of adverse impact for future occupants.

In order to undertake this assessment, we situated measurement position 1 such that any noise levels arising from the kennels and cattery would be captured at the nearest noise sensitive receptor. We used this data alongside historic data acquired by ourselves from previous assessments to ensure a robust conclusion is achieved despite the reduced capacity at the kennels at this time.

Without reviewing Arun DC's specific calculations, it is difficult to comment, however it appears that it is a simple calculation based on the kennels being at maximum capacity, occupied entirely by large dog breeds, barking in unison and in exactly the same location. Furthermore, the calculation may not include screening losses afforded by boundary fencing.

BS4142:2014 adopts a methodology of comparing equivalent continuous time-averaged noise levels (LAeq) generated by specific sources against typical background noise levels (LA90). There is no such method for comparing maximum events with the underlying LA90 noise level. Furthermore, this would be a departure from the approach with Arun DC prior to undertaking survey measurements and the subsequent assessment. Whilst it is acknowledged that dog barking has character and may be intermittent, it is not tonal nor is it impulsive if assessed using the Joint Nordic reference methods set out in B4142.

We are confident that the calculations and figures mentioned in our report are representative of the real-world scenario on site. That is, given the distances to the nearest receptors (~20m to the nearest enclosed space and ~25m to the nearest open space), maximum noise levels would be substantially mitigated through distance attenuation, screening from boundary fencing, and furthermore building fabric attenuation during the night-time period as overnight boarding dogs are not allowed outside after 9:30pm and before 7:30pm. This rationale has shown that maximum events associated with individual dog barks are likely to be commensurate with or lower than existing maximum noise levels from other existing sources.

This has all been considered, alongside all other noise sources, when specifying the outline external building fabric performance in section 9.0 of our report, in order to achieve the desirable internal noise levels.

Motor Vehicle Repair Shops/Valeting. Please note my comment 4th December 2020 which states 'that I would anticipate a 5 dB correction for impulse noise (with reference to the kennels) in this case, with the aim that noise from commercial outlets would be barely audible at the nearest noise sensitive receptors.' Please revisit BS4142 calculations to provide pertinent character corrections for this location to reflect the acoustic environment in neighbouring houses and gardens. Please justify any assumptions made in such an assessment in order to be able to develop suitable site boundary treatments, and/or source treatment works which will mitigate any potential noise intrusion to reasonable levels, as necessary.

As BS4142 is not used, in this instance, for the assessment of the boarding kennels, we misunderstood Arun DC's initial comment, anticipating that this 5 dB correction was to be applied to the motor vehicle repair shop (where BS4142 is used). The superseded version of BS4142:1997 required a blanket penalty of 5dB for any acoustic features.

Our subjective impression on site was that intermittency and impulsivity of the commercial sources were 'just perceptible' at the location of the nearest noise sensitive receptor, equating to a total penalty of +6dB. The modified rating level would be 44 dB(A), which is 1 dB below the background sound level, with the outcome of the assessment unchanged indicating a low impact, as the standard states: *'Where the rating level does not exceed the background sound level, this is an indication of the specific sound having a low impact, depending on the context.'*

Furthermore, we would reiterate that our robust assessment also includes another +3 dB correction to account for when the workshop doors on the northern side of the building may be open during the summer months, which is very much a worst case prediction as this represents a doubling in noise level.

The assessment of these sources is a pessimistic 1-hour scenario to simulate high intensity of the operation of the motor vehicle workshop. In reality, this might only happen occasionally and lower noise levels than shown in the assessment could be expected to prevail for the majority of the time.

Road West of Proposed Housing. The report gives no mention to the noise impact of HGV lorries accessing South Downs Scaffolding and the B2 Use at the end of Mayflower Way (unmade up road to the west of proposed houses) see my email 4th December 2020. Please include your findings in this case

Monitoring position P2 was positioned in order to measure noise arising from the public road west of the proposed housing which is being referred to here. Measured levels were used in the specification of mitigation measures throughout the report, and are considered representative of the typical scenario. BS4142 would not apply to HGV traffic on a public road and we are satisfied that any reasonable intensification of vehicle movements along this section of road is unlikely significantly affect the daytime and night-time average noise levels. In addition, the mitigation measures specified for dwellings is expected to be capable of maintaining the internal noise level to not normally exceed L_{Amax} 45dB at night where there are more than 10-15 night-time HGV pass-bys along this section of road. It should be noted that Plots 7 and 11 which are closest to the western boundary have no windows to habitable rooms which face directly west.

A259 and Road Widening. Please supplement assessment of the overall levels of noise at night ($L_{Aeq,T}$) by detailing the number of times when individual events exceeded 60dB L_{AmaxF} more than 12 times per night at the monitoring positions and how intended mitigation works will reduce any adverse effect to a minimum.

As stated in our report, the typical night-time L_{Amax} levels detailed in our report are derived from the 90th percentile of the measured L_{Amax} data, thus by definition, do not exceed 61 dB, 66 dB or 65 dB more than 10% of the time at positions 1, 2 and 3 respectively. We have used a 5-minute sampling time which would indicate that there were not more than 10 events which exceeded this typical maximum design case. The outline building fabric performance in Section 9.0 of our report is specified in order to achieve the BS8233 desirable internal levels set out in Section 5.0.

A259 and Road Widening. Please supplement assessment of the overall levels of noise at night (LAeq,T) by detailing the number of times when individual events exceeded 60dB LAMaxF more than 12 times per night at the monitoring positions and how intended mitigation works will reduce any adverse effect to a minimum.

As stated in our report, the typical night-time LAFmax levels detailed in our report are derived from the 90th percentile of the measured LAFmax data, thus by definition, do not exceed 61 dB, 66 dB or 65 dB more than 10% of the time at positions 1, 2 and 3 respectively. We have used a 5-minute sampling time which would indicate that there were not more than 10 events which exceeded this typical maximum design case. The outline building fabric performance in Section 9.0 of our report is specified in order to achieve the BS8233 desirable internal levels set out in Section 5.0.

Quiet Waters. I note continued to reference residential dwellings at Quiet Waters. Each application will be dealt with on a case by case basis.

This is merely an observation, for the information of Arun DC, which we believe to be relevant to the context of the assessment. We believe taking all aspects of the situation into account is a more thorough and robust approach, as opposed to a 'line in the sand', blanket approach. This does not, however, affect the calculations and/or conclusions of our assessment.

Carol Reynolds

Senior Environmental Health Officer
Environmental Health Department

T: 01903 737678

E: carol.reynolds@arun.gov.uk



Please note my normal working days are Tuesday to Friday

Arun District Council, Civic Centre, Malltravers Rd, Littlehampton, West Sussex, BN17 5LF

www.arun.gov.uk

Sign up to our newsletter [here](#)



<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.
