

From: Simon Davis

Sent: 26 June 2018 15:49

To: Planning.Responses

Subject: FW: Dog Training & Exercising on Land East of Parsonage Farm Yapton Road Barnham PO22 0BD - LA Ref BN/25/18/PL

Objection to application

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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Save the environment - think before you print.

From: [REDACTED]

Sent: 26 June 2018 15:26

To: Simon Davis

Cc: Environmental Health

Subject: Dog Training & Exercising on Land East of Parsonage Farm Yapton Road Barnham PO22 0BD - LA Ref BN/25/18/PL

Dear Mr Davis,

On behalf of my clients, Mr. and Mrs Caldecott of Mill House Yapton Road, I attach our letter of objection to the above application.

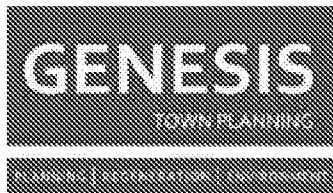
I'd be grateful if you could notify me of your decision or the likely committee date should it be referred there for a decision in due course.

Thank you,

Kind regards

Paul White BA (Hons) DipTP MRTPI
Director of Planning

[REDACTED]
26 Chapel Street
Chichester
West Sussex
PO19 1DL



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PDW/18080

26 June 2018

FAO Mr S Davis

Dear Sirs

**Continuation of Use of Land for Dog Training and Exercising on Land East of Parsonage Farm
Yapton Road Barnham PO22 0BD- LA Ref BN/25/18/PL**

We act on behalf of Mr. and Mrs. Caldecott of Mill House Yapton Road who raise **strong objections** to the above application. Their property and garden immediately adjoin the application site and since the dog training and exercising use commenced on the open site (unlawfully without planning permission) the activities and their duration have caused significant and harmful nuisance to their residential amenity.

Summary of Objection

Noise complaints arising from the use have already been lodged with your Council's Environmental Health Officer in 2017 and 2018. The complaints have arisen principally from dog barking and instructors' shouting during organised training, agility and play classes in the Training Field carried out by Clix & Trix and Yappy Doggy Day Care which uses the Dog Garden. Otherwise the Dog Garden is let out on an hourly basis to the public on an unsupervised basis with no restrictions on how many dogs can be brought to the site. Our client advises that an annual dog show is also held which causes additional traffic and parking issues in Yapton Road.

Overall we therefore **object** to 1) the proposed use within a residential area which is unneighbourly and 2) to the way the application has been validated without an Acoustic Noise Assessment. This should have been submitted as a fundamental validation requirement in accordance with adopted Local Plan Policy GEN32. Without an Assessment, the nature and extent of the noise related impacts and the possibility that measures could be taken to mitigate the noise, simply cannot be considered.

At this stage therefore and based on actual noise break out from the open field that has been endured by our client since the dog training use commenced, we therefore request the **application is refused planning permission.**



Site Location

The application site is edged red and the garden of Mill House is edged blue on the Plan below. The northern field in the application site is used as a Dog Walking Garden and the southern field is used for Training and Classes. At the end of our clients garden which abuts the application site there is a greenhouse, tables and chairs and a pergola used as a sitting out area.



The Current Use

We have reviewed the agents supporting statement and the information on the use in the application form. We have also looked at the applicant's website which advertises the classes and activities carried out at the site. We note from the Planning Application form that:

1. Section 10 - Spaces for 4 cars are provided
2. Section 19 - No employment details are provided although the website states that there is 1 employee assisted by a team of volunteers. The employment benefits are self-evidently limited.
3. Section 20 – hours of operation are listed as 08.00-18.00 Monday to Saturday, Sundays and bank holidays

In addition the agents Supporting Statement states:

4. The applicant 'Clix and Trix' moved to the site 15 months ago which is divided into 2 fields, The Dog Garden and The Training Paddock.
5. The Dog Garden is used for informal dog walking not only by the applicant but another company called 'Yappy Days Doggy Daycare' up to three times a day if required with the earliest visitor at 8-9am and latest visitor using the 3-4pm slot during the week and 4-5pm at weekends.

6. The Dog Garden is hired out to the local 'Pug Club' which uses it for 2 hours on a Sunday 2-4pm. Otherwise Clix and Trix lets the Dog Garden for dog walking by the general public on an unsupervised basis. The Supporting Statement acknowledges there are no 'set opening and closing times' for this and it is allowed to be used by the public 'as and when they wish'. According to the Clix & Trix website the cost of hire is £5 per family with no restrictions on how many dogs can be brought to the site.
7. The Training Paddock is used for Training Classes by Clix and Trix. Classes run at 10-11am, 11am-2pm, 4-5pm and 5-6pm weekdays and weekends. Sunday is the busiest teaching day with classes from 10am-3pm. There is a behavioural class on Thursday evenings between 6-7pm.
8. The maximum number in any Class is 10 dogs.

Summary of Activities

Retrospective planning permission is now sought for the above uses but without any Noise Assessment of the nature, frequency and intensification of the noise from barking dogs, the number of dogs or the duration of the use with specified hours of operation from 8am-6pm daily including weekends and bank holidays (but already used until 7pm on a Thursday evening). This is not compliant with Local Plan Policy GEN32 as explained below.

Based on the hours of use specified in the application form the use would give rise to permanent noise nuisance 10 hours a day, 7 days a week all year round even including bank holidays. There is no noise mitigation proposed in the application whatsoever so it has the potential to be carried out completely without planning control if consent was granted.

Apart from the unneighbourly noise nuisance from dogs barking, there is also the car parking for the daily use and the annual dog show. We accept that more than 1 dog might attend a Training Class in the same car, but even assuming 2 dogs in 1 car on average per visit, 10 dogs maximum on site would require 5 spaces. However the 1 hour standard length Class does not allow for any turnaround time for arriving and departing dog owners so additional spaces will be needed for the overlap. Added to this are walkers using the Dog Garden. In short, the 4 proposed car parking spaces as shown on the application plan are in our view inadequate for the daily use and certainly so for the annual dog show.

Planning Policy Considerations

The National Planning Policy Framework (**NPPF**), Noise Policy Statement for England (**NPE**), the on-line Planning Practice Guidance (**PPG**), the **adopted** Arun District Local Plan and the proposed **replacement Local Plan** are all relevant to the application.

Unfortunately the agent appears unfamiliar with national policy for noise as the supporting statement only refers to adopted Local Plan Policy GEN3 which deals with the protection of Countryside.

The NPPF paragraph 123 states that planning policies and decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The NPE applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise but not occupational noise in the workplace. Environmental noise includes noise from transportation sources;

Neighbour noise includes noise from inside and outside people's homes; and Neighbourhood noise includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street. In our view the noise from barking dogs can be considered a Neighbour Noise and a Neighbourhood Noise.

The first aim of the Noise Policy Statement for England is to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. The second and third aims are to mitigate and minimise adverse impacts on health and quality of life and where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise. In our view the application proposal conflicts with all three aims as the introduction of a permanent unmitigated noise source to a noise sensitive residential area for a potential 77 hours a week or over 4000 potential hours over a 52 week period neither avoids or minimises adverse noise impact and has no potential to improve health impact through effective management and control of barking dogs because no measures are proposed.

The PPG advises on how the noise impact of a proposal can be determined and states that decision taking should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

Without a Noise Acoustic Assessment, none of the above considerations have been addressed in the application. The nature of the noise source and whether it can be mitigated is another concern as barking dogs will amount to a non-continuous source of noise with a varying number of noise events, variations in the frequency and pattern of occurrence of the noise. The spectral content of the noise (i.e. whether or not it contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features) will all depend on the type of dog and are other issues which have not been considered in the application.

At a Local Plan level the agent for the applicant refers to adopted Policy GEN3 – Development in the Countryside as the principal policy consideration for the application. No reference is made to Policy GEN32 which expressly deals with Noise Pollution. The policy states:

Policy GEN 32 – Noise Pollution

‘Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise generating uses. Development which is a potential source of significant noise pollution will not be permitted unless the council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels. Details of such measures will be required as part of the planning application’.

Plainly the intention of the policy is to ensure noise sensitive development can be controlled and adequately mitigated. The onus is on the applicant to demonstrate to the Council that appropriate measures has been taken to ensure noise levels will be carried out at an acceptable level as part of the application submission.

The application is not compliant with Policy GEN32 as no such information has been submitted. In validating the application the Council has also ignored its own adopted policy guidance.

The emerging Local Plan 2011- 2031 is well advanced and Proposed Modifications were published for consultation by the Council in January 2018. Policy QE DM1 deals with Noise Pollution and once adopted will replace GEN32. Part 2 of the Policy deals with new noise generating development and states:

2. Policy QE DM1

Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by:

- a) Evidence to demonstrate that there are no suitable alternative locations for the Development;**
- b) A noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required to ensure noise is managed to an acceptable level.**

The emerging policy is well advanced and although not adopted, some weight can be attached to it as a planning consideration. However the policy requirements for new noise generating development simply haven't been addressed by the applicant and is another good policy reason why we think the application is flawed.

For all of the above reasons the application should be refused planning permission. It is unneighbourly and poorly justified in terms of adopted and emerging National and Local Plan Policy. Should the application be reported to your planning committee for a decision we would be grateful if the points raised in this letter are brought to the attention of the committee members for information.

We are also copying the letter to your Environmental Health Officer for information.

Yours sincerely

for Genesis Town Planning Ltd



**Paul D White BA (Hons) DipTP MRTPI
Director of Planning**



Copy: Mr. and Mrs. Caldecott; Arun DC Environmental Health