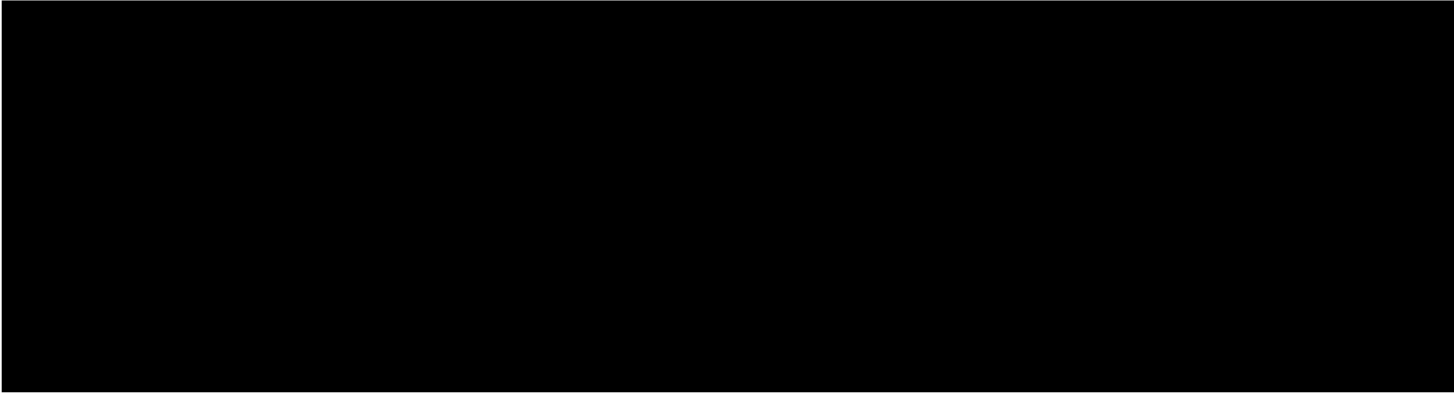




From: Christopher Davis
Sent: 04 July 2018 17:39
To: Planning.Responses
Cc: Simon Davis
Subject: BN/25/18/PL - Land to east of Parsonage Farm Yapton Road Barnham PO22 0BD

EH comments in relation to BN/25/18/PL

Having now evaluated the proposed development and formulated my conclusions I would state that based on the requirements of the NPPF and NPPG, this development falls into category 3 (below):

- ~~1. No comments~~
- ~~2. Conditions or Informatives requested~~
- 3. Refusal recommended**

I therefore put forward the following;

Paragraph 123 of the NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

The principle considerations are:

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

Contrary to the statement that no noise complaints have been lodged against the business within the submission documentation by Stephen Jupp (Chartered Town Planner) dated 11 May 2018 on behalf of the applicant Elaine Armstrong of 'Clix and Trix'; in fact Arun District Council Environmental Health (EH) department has received numerous noise complaints dating back to 07/03/2017. In addition to numerous written confirmations of noise complaints, authorised officers of the EH department have also visited the premises and have directly spoken to Elaine Armstrong of Clix and Trix where verbal and written confirmation of noise nuisance complaints has been

relayed to the business owner / operator and verbal warnings administered. The dates of these visits include 15/03/2017 and again on 10/05/2018

Authorised officers of EH have also witnessed nuisance from dog barking and raised voices of dog trainers during training sessions. These episodes of nuisance / disturbance witnessed to date have not resulted in formal action being taken but if more evidence is gathered then the council shall be taking formal action, against the person(s) responsible for the nuisance, to abate the nuisance; this will occur as no efforts have been made to date to mitigate the disturbances following advisory visits by EH officers

As well as ongoing investigations into noise nuisance, I would state the following;

1. Having reviewed the development proposal and supplied information, it has been determined that noise from dogs barking / raised voices will cause **'an unacceptable adverse effect'**, as defined within the Planning Practice Guidance. The noise exposure will cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring. It is considered very likely that should permission be granted for the development proposal a 'statutory' nuisance as defined under the Environmental Protection Act 1990 will likely occur / reoccur. **I therefore recommend refusal.**
2. The application proposes to introduce commercial activity into an area with noise sensitive receptors. Noise from dogs barking in open fields adjacent noise sensitive receptors will adversely impact the amenity of existing occupiers in the area. No information on noise control measures is provided within the application and therefore it is considered that the application contains insufficient detail to be properly determined. In order to ensure any adverse noise impacts are appropriately mitigated, a noise impact assessment is required which characterises the current prevailing noise environment and identifies any potentially significant sources of noise from the proposed development. Noise mitigation measures would also need to be proposed by a competent acoustician and considered by the Planning Authority. **I therefore recommend refusal.**

Please note:

Acoustic barriers / fences – these generally only work well for steady state noises – such as road traffic noise and are much less useful for impact noises and unpredictable noises such as noise from a sports pitch, dogs barking, motor-racing or noise from skate parks. They also are much more effective when close to either the source of the noise or the premises they are aiming to protect.

Informatives

1. The granting of this planning permission does not in any way indemnify against 'statutory' nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737500

Christopher Davis
Environmental Health Officer
Environmental Health Department
[REDACTED]

Arun Civic Centre | Maltravers Road | Littlehampton | BN17 5LF

