

Dealt with by: Environmental Health

Our Ref: SMD/2023/0065

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Date: 4th April 2023

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Kerry Hill Farm Eaves Lane
Armshead**

PROPOSED DEVELOPMENT

Change of use from agricultural field currently used as grazing land for horses to use as a dog exercise field. The area of development will utilise a previously fenced paddock used for grazing of horses which will result in no physical changes to existing boundary hedges and fences which have been in place for agricultural purposes for the past 40 years.

Potential Areas Of Environmental Concern.

1. Noise caused by barking dogs (Condition mitigation scheme)
2. Lighting (Condition no lighting to be installed)
3. Condition submitted timings
4. Condition numbers limit on dogs as submitted

General Comments

Noise: The applicant has provided some explanation as to how noise shall not impact the nearest neighbours e.g timings, dog numbers. But we would advise a site specific noise mitigation scheme is produced including the above, code of conduct, signage etc. Dog barking can be loud and annoying but if the site is managed and monitored appropriately then it should not adversely impact neighbourhood amenity.

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

Bin and waste arrangements: The proposed operation will create commercial waste. This would should be compliant with Duty of Care regulations. The applicant/operator should arrange a suitable commercial waste contract or disposal arrangements. Records of all waste disposal and transfer should be retained for inspection for up to 6 years. The site should be checked regularly to prevent a build-up of dog faeces and waste bags on the land.

Recommendation and Conditions

The Environmental Health Section have no objection but would advise the following conditions are placed on any permission granted.

1. Noise attenuation scheme

Before use of the development commences, a noise-mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

Reason: *To protect the amenity of the locality, especially for people living and/or working nearby*

2. Construction & Demolition works: Time of operations

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- **08:00 - 18:00 hours (Monday to Friday);**
- **08:00 - 13:00 hours (Saturday)**
- **No working is permitted on Sundays or Bank Holidays.**

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: *To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.*

3. Hours of Use and Dog Limits – General

Condition submitted timings and dog limit numbers

Reason: *To avoid the risk of disturbance to neighbouring dwellings during unsocial hours.*

.4. Lighting

Condition no lighting to be installed.

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233:

Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014
Methods for rating and assessing industrial or commercial sound and/or the Building
Regulations 2010 Document E or other appropriate guidance

- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
 - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
 - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

Regards

Environmental Health