

**PLANNING AND LICENSING COMMITTEE**  
**11<sup>th</sup> November 2020**  
**ADDITIONAL PAGES UPDATE**

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**ADDITIONAL REPRESENTATIONS ON SCHEDULE ITEMS : Pages 6 – 14**

Item:	Ref No:	Content:
<b>01</b>	<b>19/02248/FUL</b>  <i>(Land At Dunstall Farm Fosseway Moreton-In-Marsh)</i>	<p><b>FURTHER RESPONSE RECEIVED FROM GLOUCESTERHIRE COUNTY COUNCIL EDUCATION:</b></p> <p>GCC Objects to the recommendation to permit planning application 19/02248/FUL Erection of 250 dwellings at Land At Dunstall Farm, Fosseway, Moreton in Marsh.</p> <p>The basis for this objection is that:</p> <ul style="list-style-type: none"> <li>• GCC has not yet secured a site for a new primary school in Moreton in Marsh; and</li> <li>• CDC officers have recommended that secondary provision should be funded through CIL rather than S106, but no CIL funding has been allocated for this purpose.</li> </ul> <p>If the planning committee resolves at its meeting on 11 November 2020 to make a commitment for CDC to work with GCC to secure a suitable site for a new primary school in Moreton in Marsh; and resolves to allocate the full funding contribution towards secondary school places generated by this development through either S106 or CIL, then GCC will be able to withdraw its objection.</p> <p><b>AGENT’S RESPONSE TO ABOVE COMMENTS FROM G.C.C. EDUCATION:</b></p> <p>“I write in response to GCC’s latest comments dated 06/11/2020. We remain hopeful that the Cotswold District Council is able to provide GCC with sufficient comfort in respect of working collaboratively to find a new primary school site, and to ensure CIL contributions are directed towards Chipping Campden secondary school. We also note the late response has not altered the Case Officer’s recommendation to approve.</p> <p>We must however make the following comments in respect of each of the objection points raised by GCC -</p> <p><i>1 – GCC has not yet secured a site for a new primary school in Moreton-in-Marsh.</i></p>

	<p>As of 26/10/2020 GCC confirmed to the case officer in writing that they are working on a strategy to deal with primary school provision in Moreton and they will be able to accommodate children from new developments.</p> <p>Based on GCC's own data, Spitfire has made it clear that there is a solution to the provision of primary school places in Moreton-in-Marsh and a new school is not required to mitigate the impact of this development. It has never been the case that this planning application alone requires the provision of a new school in Moreton-in-Marsh. GCC must have agreed with this previously by virtue of requesting planning obligations, to which Spitfire has agreed.</p> <p>The stipulated objection places a burden on this application that is unjustified and that is also entirely outside of the applicants' control, making it an unreasonable planning objection. With that being said, we hope this empowers CDC, and its members, to proactively work with the Local Education Authority to find an acceptable solution to meeting future needs for primary education in Moreton. We should also note that the agreed S106 contributions from this application can assist with this and is all that can reasonably be asked of Spitfire in this instance.</p> <p><i>2 - CDC officers have recommended that secondary provision should be funded through CIL rather than S106, but no CIL funding has been allocated for this purpose.</i></p> <p>In respect of this point, CDC has recently resolved to adopt an Infrastructure Funding Statement. This allows for CIL contributions from this application to be directed towards Chipping Campden school. CDC can allocate funding towards the expansion of Secondary provision at any point, and have made it clear in their IFS that they intend to do so. Again, this request from GCC falls outside of Spitfire's control as the dedication of CIL funds is a matter to be addressed between CDC and GCC. This objection holds no weight."</p> <p><b>3 ADDITIONAL THIRD PARTY OBJECTIONS RECEIVED:</b></p> <p><i>"Moreton simply can't sustain any more housing. The infrastructure is not there to cope with more traffic, roads are constantly tailed back. The school can't cope with more pupils currently, the doctors surgeries are full and there aren't the leisure facilities needed. The access would create fast to much congestion on an already very busy road. This is a lovely green area, that does flood, it is lovely to walk round and helps absorb excess water that would run of into the town of built on. Just because we are just outside the AOB lots of developers want to build here which isn't fair. As residence we strongly object to this land being built on"</i></p> <p><i>"On a positive note I have felt that most of the development of the Fire College Estate has been sympathetic, and has fitted well in the context of essential expansion.</i></p>
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		<p><i>The proposed Dunstall Farm development differs in at least four main respects :-</i></p> <ol style="list-style-type: none"> <li><i>1. Unsympathetic, green field building of 250 houses etc. on virgin A.O.N.B countryside creeping towards Stow on the Wold.</i></li> <li><i>2. Creates a dangerous "pinch point" on the A429 Fosseway, (particularly in the vicinity of the hospital) and will further "choke " traffic flow in and out of Moreton which is already regularly at a standstill on busy periods.</i></li> <li><i>3. Will require quite exceptional stabilisation of foundations and drainage excavations as geological surveys available online show that this is unstable land, and may well cause serious flood planning contingencies to be required to ensure that additional risk is not posed to the town as experienced when the entire town centre was flooded to a considerable depth in 2007.</i></li> <li><i>4. Moreton in Marsh is restricted in two key respects to support additional housing development for the foreseeable future :-</i> <ul style="list-style-type: none"> <li><i>* Railway bridge on the A429 at Moreton is inadequate.</i></li> <li><i>* Parking at the Station, which will be more in demand, is insufficient to accommodate additional commuter traffic.</i></li> </ul> </li> </ol> <p><i>These are compelling reasons to stop this wholly undesirable development and I hope that for the above reasons that this planning application will finally be permanently refused"</i></p> <p><i>"250 more houses in Moreton, when we already have plans passed for over 300 houses on sites and there are newly built houses that have not been sold yet. If you are insisting on building on this green agricultural site reduce the numbers put 50 houses perhaps this will satisfy the monetary greed of people concerned, the infrastructure of Moreton is under great pressure , the school is full ,also other schools which a lot of students have to travel too, are bursting at the seams. We have no industry here to employ people, this will mean people will have to travel on an already congested Fosseway. Please think of the future and think sensibly about this proposal, Moreton in Marsh cannot cope with this plan."</i></p>
02	<p><b>19/04052/FUL</b></p> <p><i>(Scrubbets Farm Scrubbets Lane Bagpath Kingscote)</i></p>	<p><b>CASE OFFICER UPDATE:</b></p> <p>Following discussions between Councillor Brassington and the Pollution Officer, conditions 4, 6 and 7, pertaining to noise, have been amended as follows:</p> <ol style="list-style-type: none"> <li>4. The alterations and conversion of the existing pig buildings shall incorporate a block design of dog kennels that incorporate the following bespoke acoustic performance for the building envelope; namely, all side walls and roofs shall achieve an acoustic sound reduction index (SRI) rating of no less than RW</li> </ol>

		<p>40 dB. The building envelope shall be acoustically sealed to its floor and roof. All glazing shall have a minimum sound reduction index of no less than 40 dB. The block design shall include fully enclosed runs. All of the above to be maintained as such thereafter and not altered without the written prior approval of the Local Planning Authority.</p> <p>6. Prior to its installation, technical details of the air space ventilation shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved scheme before the development is brought into use and maintained in accordance with the approved scheme and not altered without the written prior approval of the Local Planning Authority. The level of noise emitted from the air space ventilation system shall not exceed a rating level*, LArTr of 28dB (60 minutes daytime 07:00-23:00 h) and 17dB (15 minutes at night from 23:00- 07:00 h) when measured at a distance of 1 m from the façade of the nearest noise sensitive dwelling premises. (*as measured according to BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound)</p> <p>7. A Noise Management Plan (NMP) shall be submitted to the Council for prior approval, before the use of the dog kennels commences. The NMP shall state how any noise complaints will be responded to and detail full management procedures, staffing arrangements, policies and techniques to address external dog barking noise.</p> <p>The NMP shall include:</p> <ul style="list-style-type: none"> <li>(i) Specifying the time of the first and last Drop-off /Pick-up appointments of the day;</li> <li>(ii) Procedures to minimise the number of customers on the site at any one time e.g. use of 'Time-slots scheduling';</li> <li>(iii) Procedures to minimise the time that arriving /departing dogs are outside of any site buildings, the details of which shall be included on Advisory Signage boards displayed at the entrance and carpark area.</li> <li>(iv) At hand-over times (Booking- in/Drop-off and Collection/pick-up) customers and their dogs must remain in their vehicles and wait for a member of staff to approach their vehicle.</li> <li>(v) All noise complaints being recorded in writing and kept on site for 5 years and available for inspection by the Local Planning Authority at any time</li> <li>(vi) Specifying the roles and responsibilities of the site manager</li> <li>(vii) A regular programme of inspection and maintenance to ensure the acoustic integrity of the building and equipment.</li> </ul> <p>Records of these inspections shall be recorded in writing and kept on site for 5 years and be available for inspection by the Local Planning Authority at any time.</p>
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03	<p><b>20/02285/FUL</b></p> <p><i>(Land South of Back Lane Ampney Crucis)</i></p>	<p><b>2 ADDITIONAL THIRD PARTY REPRESENTATIONS RECEIVED:</b></p> <p>Two further Objections have been received. Both comments state that their objections remain, and that they object to the principle of development, safety, environmental and wildlife concerns</p>

**From:** Neil Shellard  
**Sent:** 27 October 2020 10:24  
**To:** Claire Baker  
**Subject:** RE: 19/04052/FUL - Red Twin Ltd review

Hi Claire,

Technical Pollution Services (TPS) continue to support the application (19/04052/FUL) in principle, subject to relevant noise related planning conditions provided in earlier emails.

I am not familiar with the company (*RedTwin Ltd*) or Gavyn Bache (GB) whom has produced the critique/review, dated 21 Oct 2020, of the applicants noise report assessment (Noiseair report Ref. 3932-R1-V8). I wonder if GB was able to make a site visit to see the rural context, experience the existing soundscape and view the relatively large separating distances between the proposal site and neighbouring residential premises? Had he done so, I think a lot of his apparent concerns would have been erased.

A special 'block design' layout construction as illustrated in the drawings accompanying the application is proposed. This special block design is intended and will limit dog barking from within the *fully enclosed buildings*. The insulation performance of the block design construction will be to a high specification and also a very conservative standard. The applicants experienced acoustic consultants, have worked in-conjunction with professional kennel designers to submit an architecture that is designed to be sound insulated/proofed. Lately, more attention has rightly been placed and assessed around potential transient *external* dog barking. New noise contour plots have kindly been provided. Any such impact from external noise whilst dogs are transferred from cars to the kennel, will be limited by the requirement of strict adherence to a specially drafted 'Noise Management Plan' [NMP] And its noise management techniques as recommended by TPS.

I remain satisfied with the choice of methodology of assessment adopted by the applicants consultants. TPS are satisfied in principle with the levels adopted for the background levels, which TPS consider are *representative* and fair for the context. I don't think using a lower background level for the daytime period was appropriate, necessary or justified. I think a reasonable worst case approach using 28dB LA90 (background) daytime is acceptable. In my opinion GB has *over-emphasised* the significance of measurement tolerance, accumulated uncertainty and erroneously gone with the very lowest background level. And the applicant's noise report does address uncertainty at para. 4.3.7

In response to GB's question raised of paragraph 4.2.2, details of the dog breed used to define an LAMax level for the assessment, have been provided in earlier emails from the applicants noise consultants. The applicants noise consultants have clarified the logic and first principles why only four dogs were used in the assessment. And I think the noise level of a single dog barking is acceptable as used. A NMP required by condition, professionally implemented, can sufficiently manage and minimise external dog barking. I note that GB states that he has no experience of using the software 3D sound model cited in the assessment. I do not believe that dog barking will be highly audible between 19:00 and 23:00hrs as asserted. Indeed, if it is, it would be in breach of the NMP and a failure of the fabric of the building structure. Where I do agree with GB is that doors and windows will need to remain closed- otherwise these elements will significantly jeopardise the acoustic integrity of the façade. They must be kept closed.

I hope these comments are useful.

Best regards,  
Technical Pollution Team

I refer to the Officers Report to Committee Item 02 ( 9/04052/FUL) of the Agenda for the meeting 11<sup>th</sup> November 2020

Yet again I take particular issue with the section updating the impact on biosecurity which was misrepresented in the original report, wrongly corrected at the last meeting and now wrongly assessed in this update.

Correspondence from the applicant's agent dated 24/September 2020 makes reference to an alleged communication (written or verbal is unclear ) from a vet in connection with the impact the kennel proposal would have on the biosecurity of the existing business. As this alleged statement is not submitted as supporting evidence and is not available for public scrutiny or comment I seek confirmation that this should not feature in the committee's decision.

CDC do have however, on public file and referred to in the documents associated with this application the view expressed by DEFRA on the impact a neighbouring development proposal (CT 8238 /A Jun 2003), similar in scale in traffic terms, would have on the bio-security of the principle business of the farm.

DEFRA advice then was unequivocal - "*All pig herds ... should be sited away from access by the public ... as it is thought the 2000 classic swine fever outbreak in East Anglia was caused by a walker throwing an unwanted ham sandwich to sows on an outdoor unit. That outbreak cost the taxpayer several million pounds and resulted in the slaughter of several thousand pigs.*"

The pigs on this farm are similarly in outdoor units a few yards beyond a low Cotswold stone wall immediately adjacent to the access road to the proposed kennels.

The Officer's Report claims that as the farm is a finishing unit and no longer a specialist breeding unit there is no longer a threat to the viability of the principle enterprise. As far as swine fever is concerned a pig is a pig regardless of the badge it's wearing. The DEFRA advice in respect of Classic Swine Fever referred to ALL pig herds as does the same advice to UK farmers in respect of African Swine Fever now prevalent in Europe.

In assessing the overall viability of this proposal I suggest that this DEFRA position must be drawn to the attention of the committee.

The suggestion by the applicant's agent that this would be *ultra vires* is nonsense.

I also question the Officer's report in connection with **Section (c) Highway impact**.

It is not clear from the report that there have been 3 different GCC Highways Officers reports from 3 different people and objectors have queried why the recommendations have changed each time. The explanation that "*officers requested that the Highway Authority revisit the proposal who then requested further transport information which was subsequently submitted*" appears **not to be supported by the evidence**. A Freedom of Information request for all GCC Highways records associated with this application returned no records of a request to revisit, one record in a Highway Officers Report asking for a traffic survey to be undertaken and **no records of the 'further transport information' claimed to have been provided**. GCC claim that there are no records associated with this application apart from those reports published on the CDC web site and a query and reply to a newspaper journalist. This apparent lack of records is currently being investigated with the Freedom of Information Commissioner.

**I suggest that it would be unsafe to base a decision on the GCC Highways report until these anomalies are resolved.**

I also ask that, in the absence of a business plan associated with this application, the committee question the potential viability of the business given a reduced need for dog kennels for the foreseeable future as result of Covid-19 pandemic travel restrictions both in the UK and abroad.

The reference in the 27<sup>th</sup> October email from from Jaqui Pembroke to unreasonably restrictive traffic arrangements suggests that the applicant anticipates rather more movements than they allow for in their proposals. In particular the reference to cancellations and appointments suggests they intend, as do other local kennels, to offer grooming facilities to 'non-resident guests' This has been not been mentioned elsewhere in the application nor considered for example in traffic arising. If this is the case there needs to be a revised traffic report.

#### NOTES

FoI enquiries are available on GCC web site

(<https://www.gov.uk/guidance/african-swine-fever#prevent-asf-spreading> accessed 18 Jan 2020)

(<https://www.bva.co.uk/news-and-blog/blog-article/the-reality-of-the-risks-posed-by-african-swine-fever-and-how-vets-can-help/> accessed 18 Jan 2020)

DEFRA written answer <https://www.theyworkforyou.com/wrans/?id=2018-12-05.199314.h>

M G Challis 9/11/20



**Ref: Mr Richard Hazell, Scrubbetts Farm, Bagpath, Tetbury, Glos GL8 8YG**

The George Veterinary Group has provided veterinary services to Mr & Mrs R Hazell for many decades. I have been involved as part of the specialised pig veterinary team since 1997, with primary responsibility for Mr Hazell's pig units since 2013.

I am aware of a previous planning application submitted in 2003. At that time the pig industry was recovering from the devastating insults of Classical Swine Fever in 1999, PMWS / PDNS in 1999 onwards and the dramatic effects of Foot-and- Mouth Disease in 2001.

In 2003, the site at Scrubbetts Farm was the main breeding unit where the foundation bloodlines for all replacement stock was held. This high health unit was used to produce breeding sows for the rest of the business. A health breakdown would have had catastrophic implications for the business, from an economic, health and welfare basis not just immediately, but consequentially for many years.

For the past 10 years there have been no breeding stock at Scrubbetts Farm. Biosecurity for a long established high health organic unit is always important, but the welfare and health consequences, should we encounter another pathogenic challenge such as those seen in 1999-2001, would be far easier to manage with no longer term consequences and implications limited to this site only.

The proposed kennel diversification is an enclosed unit with a secure perimeter fence. There will be no direct contact between kennel visitors and the pig unit. As such I do not believe it poses any more of a risk to the finishing herd than is faced on a day to day basis already (i.e. cars using the roads).

There will be no direct access to the pig unit from the kennels for the clients of the kennels or the general public as the pig rearing site is on the opposite side of the road. No deliveries to the kennels will have to pass the pig unit.

I am confident, knowing the biosecurity measures that are already in place and that have been successfully so for a long period of time, that the applicant and his family will continue to ensure that no part of their personal daily lives will risk the health and welfare of the pig enterprise.

Please let me know if I can assist further or if there are questions arising.

With best wishes



*A. M. Davis BVMS MRCVS*

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