

Item No 02:-

19/04052/FUL

**Scrubbets Farm
Scrubbets Lane
Bagpath
Kingscote
Tetbury
Gloucestershire
GL8 8YG**

Item No 02:-

Change of use and alterations to existing agricultural buildings to dog kennels at Scrubbets Farm Scrubbets Lane Bagpath Kingscote Gloucestershire GL8 8YG

Full Application 19/04052/FUL	
Applicant:	Mr R Hazell
Agent:	Corinium Planning Services
Case Officer:	Claire Baker
Ward Member(s):	Councillor Richard Morgan
Committee Date:	11th November 2020
RECOMMENDATION:	PERMIT

UPDATE: This item was deferred from the 12th August Planning and Licensing Committee Meeting at the request of Officers, to enable them to seek further information in relation to the noise assessment. Although Members did not make a resolution to undertake a formal Sites Inspection Briefing (SIB), the Committee also resolved that Members of the SIB Panel would, if they so choose, visit the site individually to gain an appreciation of the local highway network. The additional information requested has now been received and re-consultations undertaken by Officers.

The Officers' report to the August Committee is as follows, with updates highlighted in bold text, including updates reported to the August Committee on Additional Pages.

Main Issues:

- (a) The principle of development
- (b) Scale, design and impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Highway impact
- (d) Environmental impact and residential amenity
- (e) Biodiversity
- (f) Archaeology
- (g) Drainage

Reasons for Referral:

The Ward Member, Councillor Morgan, has requested that the application be considered by the Planning and Licencing Committee for the following reasons:

"The development would result in a large volume of cars using a 2 mile single track road resulting in an unacceptable impact on the road itself and on highway safety. In addition, there is no way a development of this nature and size won't have any noise impact for nearby residents. I would like this to be taken to committee because I cannot see how a commercial development of this nature can be allowed in AONB and all the other protected zones."

1. Site Description:

The application site is part of Scrubbets Farm Bagpath. The site is located to the south of the village within open countryside, surrounded by fields. There are no residential properties immediately adjacent. The site contains relatively modern farm buildings that were erected as pig housing in the 1990s but are currently used for ancillary farm storage. There are two existing accesses that serve the site. The site is located within the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

97.00959 Erection of purpose built pig rearing units. Permitted 4 September 1997

3. Planning Policies:

EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN14 Managing Flood Risk
EN15 Pollution & Contaminated Land
EC5 Rural Diversification
EC6 Conversion of Rural Buildings
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

Pollution Officer (ERS): Comments incorporated into the Officer report

Highway Officer: Comments incorporated into the Officer report

County Archaeologist: Comments incorporated into the Officer report

Drainage Engineer: Comments incorporated into the Officer report

Biodiversity Officer: Comments incorporated into the Officer report

5. View of Town/Parish Council:

Kingscote Parish Council Objects: Comments are attached to this report.

Other Representations:

26 objections received:

- (i) it would lead to an increase in traffic on a very narrow lane, which is already unable to cope with existing traffic, to the detriment of highway safety for children dogs and horses;
- (ii) the increase in traffic would result in an increase in noise;
- (iii) the AONB and conservation area would be severely impacted by the increased traffic and noise;
- (iv) the site has only one access
- (v) the single track, narrow lane has blind spots and few passing places;

- (vi) the road is already falling into disrepair and there have been accidents arising from construction traffic;
- (vii) 70 dogs would cause excessive noise;
- (viii) there would be a threat to the biosecurity of the pig rearing business from the increase in traffic to the farm, which would be contrary to Local Plan Policy EC5 - Rural diversification;
Update: this point was corrected in the August Additional Pages to refer to the perceived impact of traffic, rather than noise.
- (ix) the site is not a sustainable location;
- (x) the number of collections and drop offs cannot be controlled;
- (xi) the noise report and transport statement are inaccurate and the effects of increased traffic and noise would be detrimental to the residential amenity of local residents and adversely affect walkers;
- (xii) the development would give rise to light pollution in the AONB;
- (xiii) the light and noise would disturb protected bats;
- (xiv) No business plan to suggest there is a need for the proposal;
- (xv) a proper traffic assessment should be carried out;
- (xvi) it is not clear how dog excrement would be dealt with and this could lead to smell;
- (xvii) no assessment of external noise of dogs;
- (xviii) previous applications in the area in 2002 and 2003 were refused on the unsuitability of the roads for more development;
- (xix) the applicant has disregarded the concerns of the community and there is a lack of transparency;
- (xx) the proposal is contrary to the Cotswold Design Code and NPPF;
- (xxi) proper notification of the application was not carried out.

Update: The following additional Third Party representation was included in the August Additional Pages:-

PETITION SUBMITTED BY LOCAL RESIDENTS RECEIVED 10th AUGUST 2020

Petition Summary:

Total number of households in hamlet excluding applicant = 30
Number of households who have signed the petition opposing the development = 26
Number of households unavailable to respond = 2
% of households in hamlet who have signed the petition opposing the development = 86%

Update: Since the August Committee the following further third party representations have been received:

- (i) An additional new objection which raises the new issue that the amendments to limit the noise will not be fully abided by; such as that which requires customers to park and wait for staff to approach them in the parking area.**
- (ii) Several emails from an objector requesting a meeting with the Highway Officer on site together with the listing of specific questions to be answered. A copy of the email listing the questions and the Highway Officer's response is attached to this report.**
- (iii) A letter from an objector which has been circulated to all Members of the Planning and Licencing Committee. A copy of which is attached to this report.**
- (iv) A further noise report commissioned by an objector**

7. Applicant's Supporting Information:

Planning Statement
Design and access statement
Noise impact assessment
Transport assessment
Ecological report

Update: A letter from the agent which seeks to address issues raised by Members and objectors at the August Committee is attached to this report

8. Officer's Assessment:

Background and proposal

The existing farming enterprise is pig rearing which is carried out on the 80 acres of land in the applicant's ownership at Scrubbets Farm, Bagpath and at two other rented sites in other locations. The buildings that are the subject of this application are relatively modern having been permitted in 1994 as pig housing. Since the current owner chose to rear outdoor organic pigs, the buildings have been used for ancillary farm storage.

The proposal is for the conversion of 4 of the existing farm buildings for use as dog boarding kennels which would be able to house a maximum of 60 dogs. It is proposed that the enterprise would be operated by one person, the applicant's daughter.

Building 1 is single story, partly subterranean and constructed of concrete walls and a galvanised steel frame supporting concrete panels over-clad with timber boarding. It has a pitched roof of corrugated metal sheeting. This building would house 11 kennels and in addition to the conversion of the building, a narrow extension running the length of the building, that would adjoin building 4, is also proposed.

Building 2 is also single storey and partly subterranean and is constructed of similar materials to building 1. It would house 16 kennels and a kitchen for preparing the dogs' meals. A small extension linking the building to building 3 is proposed in addition to a narrow lean-to extension along the southern elevation to provide an enclosed run. The extensions would be roofed with profiled composite sheeting with walls clad in feather edged shiplap boarding to match the existing.

Building 3 is again single storey and partly subterranean, but it is of single skin breeze block construction with roofing of corrugated metal sheeting. It is proposed that the converted building would house 8 kennels. A small pedestrian link would be added to link the building with building 2. It would have a glazed roof and the walls would be clad with timber boarding.

Building 4 is the tallest building at the site but has no upper floor. It is constructed of concrete blocks with a pitched roof of corrugated metal sheeting. This building would be converted to provide a reception area, storage of equipment, staff shower and toilet and customer toilet.

All the existing roofing and cladding of the buildings is to be retained. The buildings are surrounded by hard surfacing and there are a number of other agricultural structures within the application site which would be relocated as they would remain in farming use. External flood lighting already exists on north side of building 4 and some of the other agricultural buildings that are outside the application site. However, further lighting is proposed at the reception and parking areas to allow safe movement around the buildings.

(a) The Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the consideration of this proposal is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

Local Plan Policy - Policy EC5 - Rural Diversification states that:

Development that relates to the diversification of an existing farm, agricultural estate, or other land based rural business will be permitted provided that:

- a. the proposals would not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;
- b. existing buildings are reused wherever possible; and
- c. the scale and design of the development contributes positively to the character and appearance of the area.

Local plan policy EC6 - Conversion of Rural Buildings states that:

The conversion of rural buildings to alternative uses will be permitted provided:

- a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;
- b. it would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and
- c. the development proposals are compatible with extant uses on the site and existing planned uses in close proximity to the site.

Chapter 6 (Building a strong, competitive economy) of the National Planning Policy Framework (NPPF) states, at Paragraph 83, that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

Officers are of the view that the proposal accords with Local Plan Policies EC5 - Rural Diversification, EC6 (Conversion of rural buildings) and paragraph 83 of the NPPF. The application site is a farm, located in a rural area. The proposal consists of the conversion and extension of redundant farm buildings to form dog boarding kennels. As such the proposal constitutes diversification of the existing pig rearing farm operation which would support the viability of the farm. With regard to Local Plan Policy EC5, the applicant has stated that the proposed enterprise is compatible with the existing pig rearing farming operation. The proposal also utilizes existing redundant farm buildings which would be upgraded with sympathetic extensions contributing positively to the appearance of the area.

With regard to Local Plan Policy EC6, the existing buildings are considered to be capable of conversion without substantial alteration, extension or re-building. It has already been stated that the proposal would not adversely affect the existing farming operation and there are no extant or planned uses at the site or in close proximity to the site which would be incompatible with the proposed use.

Update: The issue of the impact on the biosecurity and the viability of the existing business have been raised by a third party. The response of the applicant's agent to this issue was attached to the August Additional Pages as follows:

"In respect of Policy EC5 I refer you specifically to paragraphs 1.4, 3.27 and 5.10 of the Planning Statement which I believe addresses the 'severance or disruption' policy considerations.

In respect of local concerns about the viability of the pig-rearing enterprise, unlike at the time of the neighbouring application, 02/01283/FUL, where the applicant operated a specialist pig-breeding enterprise, some 6 years ago the farm practices at Bagpath were changed to a 'fattening' or 'finishing' pig enterprise where pigs in their latter stages of rearing are brought in ready for 'finishing'. Therefore, as this 'finishing' process is not subject to meeting the higher controls of biosecurity, there is no risk to the viability of the 'finishing' pig enterprise that currently operates on the farm. Furthermore, as is clear from paragraph 1.4 of the Planning Statement, the 80 acres of farmland owned at Bagpath/Kingscote is a very small part of the overall Farm Business, in fact less than 12%; the more specialised operations are now conducted on other land in the District."

Officers therefore conclude that the principle of the development is acceptable and in accordance with Local Plan Policies EC5, EC6 and paragraph 83 of the NPPF.

(b) Scale, design and impact on the Cotswolds Area of Outstanding Natural Beauty

Local Plan Policy EN2, states that development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

Local plan policy EN5 - Cotswolds Area of Outstanding Natural Beauty states that:

1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Chapter 12, paragraph 130, of the National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Chapter 15, paragraph 172, of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Chapter 15, paragraph 180 states that planning decisions should limit the impact of light pollution from artificial light, intrinsically dark landscapes.

The site is located in the open countryside, within the AONB.

There are currently a number of farm buildings within the site of a scale, design and use of materials that are typical of such buildings and which one would expect to see in a rural location. The proposal is to convert 4 of the buildings to a use as dog kennels. The buildings would be upgraded but their appearance would be very much as existing with only modest extensions of appropriate materials. As the appearance of the buildings would appear much as existing, but upgraded, Officers are of the view that the proposal would serve to conserve and enhance the character and appearance of the AONB.

There is existing lighting at the site; however, some additional lighting is proposed. To avoid unacceptable light pollution from such lighting in the AONB, a condition would be applied to any permission requiring that the details of the lighting scheme be submitted for approval by the Local Planning Authority to ensure that only low level lighting would be provided.

Officers are therefore of the view that the proposal is in accordance with Local Plan Policies EN2, EN5 and paragraph 172 of the NPPF.

(c) Highway impact

Local Plan Policy INF4-Highway Safety: requires developments to have safe and suitable accesses and be well integrated with the existing transport network.

Local Plan Policy INF5-Parking Provision: requires that developments should accord with the parking provisions of the Local Plan parking toolkit.

Chapter 9 (Promoting Sustainable Transport) of the NPPF states, at paragraph 109, that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The original response of the Highway Officer recommended that no objection be raised and no conditions be applied. However, several objections have been received from third parties questioning the adequacy of the transport assessment. This included an assessment by a transport consultant. As a result, officers requested that the Highway Authority revisit the proposal who then requested further transport information which was subsequently submitted.

Scrubbets Farm is located at Bagpath south of the A4135 which connects Tetbury to Dursley and Wotton-under-Edge via B4058. The roads serving the development site, whilst prevalingly substandard in width and footway provision, are typical of those set in a rural location. There are existing accesses used by farm vehicles. The National Planning Policy Framework states that:

"development should only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Having considered the details submitted part of the application, it is the view of the Highway Officer that there is no evidence to suggest that the proposed development could give rise arise an unacceptable impact on the safety and operation of the local network in what is a rural setting. The Highway Officer advises that the Highway Authority has considered some form of mitigation through the inclusion of passing bays along some of the preferred main routes, but has decided that any condition for this would not only be unnecessary to make the development acceptable in planning terms, but also not be fairly and reasonably related in scale and kind to the development. It is, however, recognised that any subsequent development could give rise to unacceptable impact on the safety and operation of the local highway network, therefore the Highway Authority would reconsider the traffic impacts if such a proposal were to be brought forward.

Consequently the Highway Officer has maintained his original recommendation of no objection with no conditions required. A copy of the Highway Officer's final response is attached to this report.

In order to address third party concerns regarding the traffic impact of the development, the applicant's agent has suggested restricting the hours that dogs are dropped off and picked up as follows:

Drop-off/pick-up shall only take place between 08:00 - 10:00hrs / 16:00 - 18:00hrs on weekdays and Saturdays, and between 09:00 - 10:00 and 16:00 -18:00 on Sundays/Bank Holidays.

Officers are concerned that rather than reduce traffic impact it may intensify traffic during those hours and that it would be preferable to spread visits to the site throughout the day. However, such a condition could be applied if Members found this preferable.

The proposals are therefore considered to accord with Local Plan Policies INF4 and INF5 and Chapter Section 9 of the NPPF.

(d) Environmental impact and residential amenity

(i) Noise

Local Plan Policy EN15- Pollution and contaminated land states that:

1. Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:
 - a. pollution of the air, land, surface water or ground water sources; and/or
 - b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

Chapter 12 (Achieving well designed places) of the NPPF stresses the importance of a high standard of amenity for existing and future users.

Chapter 15, Paragraph 180 of the NPPF states planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. They should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Following a full site walk-over visit and meeting with the applicant, the Environmental Health Officer raised no objection in principle to the proposal. He considers that a suitable noise assessment report has been submitted and that the design and build of the kennel modules reflects and addresses potential noise impact concerns raised by the technical noise assessment. He also recommends conditions to manage potential dog barking noise nuisance. The conditions require the following:

That the alterations and conversion of the buildings include 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 40 dB. In addition the design must include fully enclosed runs and all external access doors and windows to the boarding kennel facility are to be kept closed, other than for access and egress.

The installation of an alternative means of air space ventilation, other than natural ventilation, which does not compromise the acoustic performance of the building envelope,

the details of which to be agreed by the Local Planning Authority prior to work commencing on the conversion of the buildings.

The submission of a Noise Management Plan (NMP) which shall state how noise any noise complaints will be responded to and detail full management procedures, policies and the administration of the business to address barking noise.

The restriction of the number of dogs at the site to 60 at any one time. The number of dogs has been reduced from the previous maximum of 70.

However, several objections have been received from third parties, including a report from a noise consultant, questioning the adequacy of the noise assessment. This included an assessment by the objectors' noise consultant. The Environmental Health Officer has considered the various objections and has not amended his recommendation. His detailed response to third party objections is attached to this report.

The issue of possible light pollution has already been addressed in the section of the report dealing with the impact of the proposed development on the AONB.

Officers are therefore satisfied that the proposal accords with Local Plan Policies EN2 and EN15 and Chapters 12 and 15 of the NPPF.

Update: The additional noise assessment information, relating to the impact of any dog barking nuisance on the garden areas of neighbouring properties, was submitted and considered by the Environmental Health Officer. He maintained his recommendation to permit subject to slightly revised conditions. A copy of his additional response is attached to this report.

Following his response a further noise report, commissioned by an objector, was submitted which challenges the noise report submitted by the applicant's agent. The report was forwarded to the Environmental Health Officer for comment. Having considered this report the Environmental Health Officer has not revised his view. The response of the Environmental Health Officer to this report is attached.

At the request of the applicant's agent, the Environmental Health Officer has reconsidered the conditions recommended in his additional response and these have again have been revised. A copy of the his response regarding the conditions is attached.

(ii) Contamination

The Environmental Health Officer has raised no objection to with regard to human health risks from land contamination.

(e) Biodiversity

Local Plan Policy EN8-Biodiversity and Geodiversity (Features Habitats and Species) supports development that conserves and enhances biodiversity providing net gains where possible.

Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states at paragraph 175 that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

An ecological report has been submitted with this application and, having reviewed the report, the Biodiversity Officer does not consider that there are significant ecological constraints at this site and that, provided the appropriate conditions are attached to any permission, the proposals are in line with all the relevant biodiversity legislation, policy and guidance.

The buildings are not suitable for bats, although a wide range of bat species were recorded in the general area foraging or flying over. In addition the development should provide a net gain for biodiversity as the report includes some enhancement recommendations such as two bat tubes or boxes being installed on two of the buildings at the site. A condition would be applied to ensure that the recommendations within the ecological report are implemented. The proposal is considered to accord with Local Plan Policy EN8 and Section 15 of the NPPF.

(f) Archaeology

Local Plan Policy EN10 states that:

1. In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.

Chapter 16 -Conserving and enhancing the historic environment of the NPPF asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.

The County Archaeologist has checked the archaeological records and confirms that there is no archaeology at the site and that therefore there would be no impact in terms of archaeology.

(g) Drainage

Local Plan Policy EN14 Managing Flood Risk- states that the design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably in appropriate, a Sustainable Drainage System (SuDS).

The Council's Engineer raises no objection to the proposal subject to the imposition of a condition requiring the submission of a sustainable drainage system (SuDS) prior to any development taking place.

9. Conclusion:

The proposals are considered to be acceptable and policy compliant as stated above and it is recommended that the application be permitted.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): HAZELR01-KC1-PA-001, HAZELR01-KC1-PA-002, HAZELR01-KC1-PA-003 and HAZELR01-KC1-PA-004.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The development shall be completed in accordance with the recommendations in the Ethos Environmental Planning report (Bat Survey Report - Sept 2019). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

Reason: To ensure that biodiversity is protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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 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.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15.

5. All external access doors and windows to the boarding kennel facility shall be kept closed, other than for access and egress.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15.

6. The alterations and conversions shall include the installation of an alternative means of air space ventilation, other than natural ventilation, which does not compromise the acoustic performance of the building envelope. The details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing on the conversion of the buildings and shall be maintained as such thereafter.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15. It is important that the details are provided so that the noise emanating from the site is controlled.

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.

The NMP shall include:

- (i) Specifying the time of the first and last Drop-off /Pick-up appointments of the day;
- (ii) Procedures to minimise the number of customers on the site at any one time e.g. use of 'Time-slots scheduling';
- (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.

(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.

The approved NMP shall be adhered to at all times thereafter.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15. It is important that the details are provided prior to the kennels being brought into use so that the noise emanating from the site is controlled.

8. Customer Drop-offs/Pick-ups shall only take place between the hours of 08:00 and 18:00 Mon-Sat, and 09:00- 18:00 on Sundays/Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15. It is important that the details are provided prior to the kennels being brought into use so that the noise emanating from the site is controlled.

9. Prior to the commencement of development a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality in accordance with the Cotswold Strategic Floodrisk Assessment, National Planning Policy Framework and Planning Practice Guidance. If the scope of the surface water drainage is not agreed before works commence it could affect either the approved layout or completed works.

10. Notwithstanding the drawings hereby approved, the timber boarding shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

11. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

12. The number of dogs occupying the kennels shall not exceed 60 at any time.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15.

Informatives:

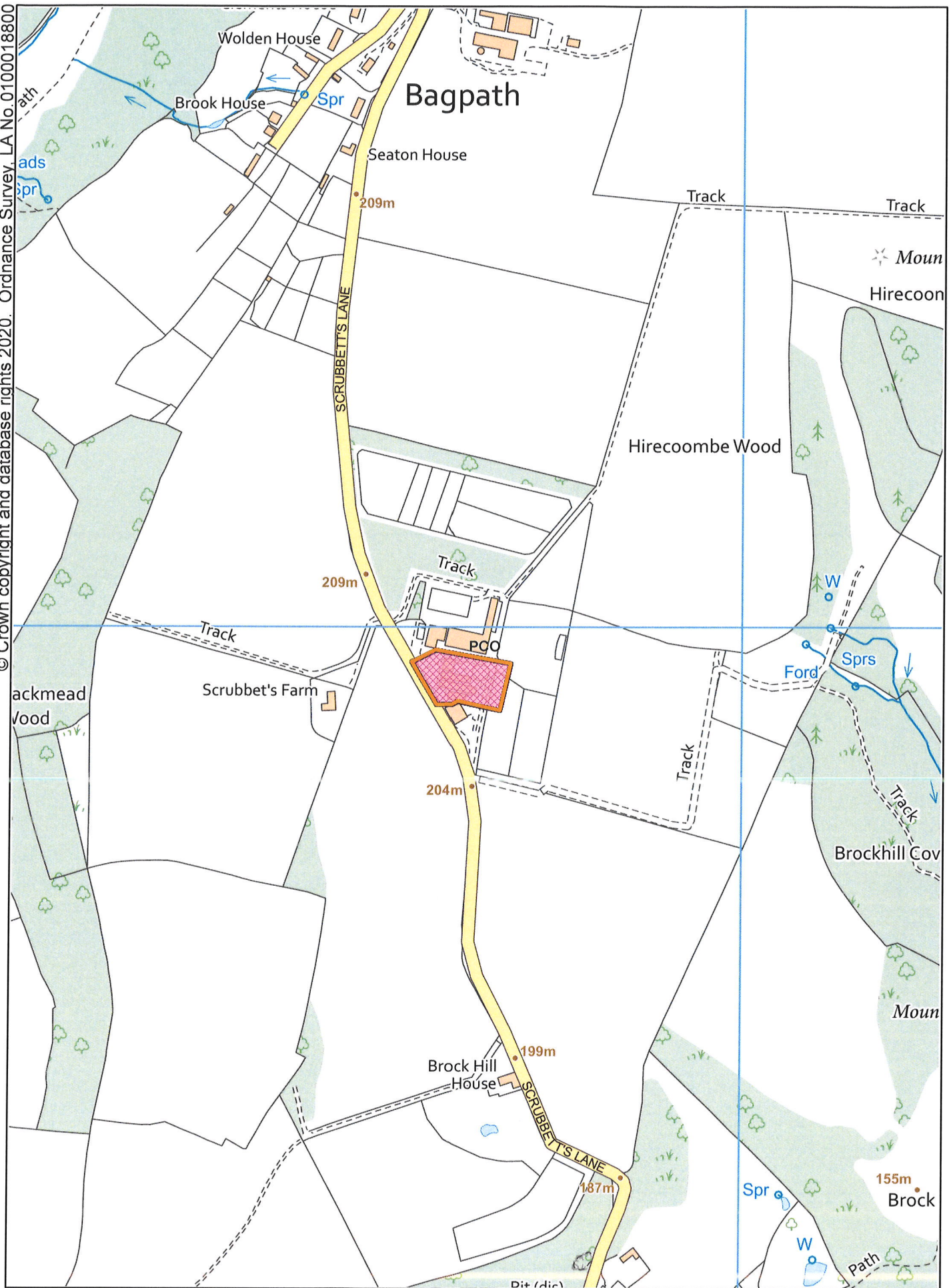
1. The surface water drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))

Code for sustainable homes - A step change in sustainable home building practice

The Local Flood Risk Management Strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

CIRIA C753 suDS manual 2015



SCRUBBETS FARM BAGPATH

Organisation: Cotswold District Council

Department:

Date: 31/07/2020

Scale: 1:5000



COTSWOLD
DISTRICT COUNCIL

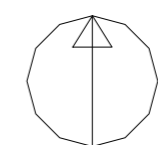
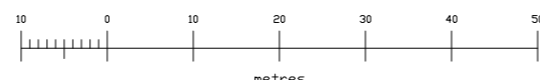


- PRIOR TO ANY WORKS COMMENCING ON SITE THE FOLLOWING ITEMS SHOULD BE ADDRESSED BY THE PRINCIPAL DESIGNER:
1. F10 NOTIFICATION TO THE HSE (IF REQUIRED)
 2. ISSUE THE PRE-CONSTRUCTION INFORMATION (PCI)
 3. ENSURE SERVICES ISOLATION CERTIFICATES ARE ISSUED (GAS, ELECTRIC, WATER, ETC)
 4. REVIEW R&D ASBESTOS SURVEY FOR BUILDINGS BUILT BEFORE 2000
 5. PRODUCE A FIRE MANAGEMENT PLAN.
 6. IDENTIFY ROUTE TO NEAREST A&E IN THE EVENT OF AN EMERGENCY.
 7. ENSURE ADEQUATE WELFARE FACILITIES HAVE BEEN PROVIDED.
 8. ENSURE OPERATORS ARE COMPETENT TO CARRY OUT THE TASK REQUIRED. EVIDENCE OF SKILL CARDS ETC.
 9. REVIEW ACCESS AND EGRESS OF MACHINERY OR PLANT EQUIPMENT TO SITE - IS THIS RESTRICTED.
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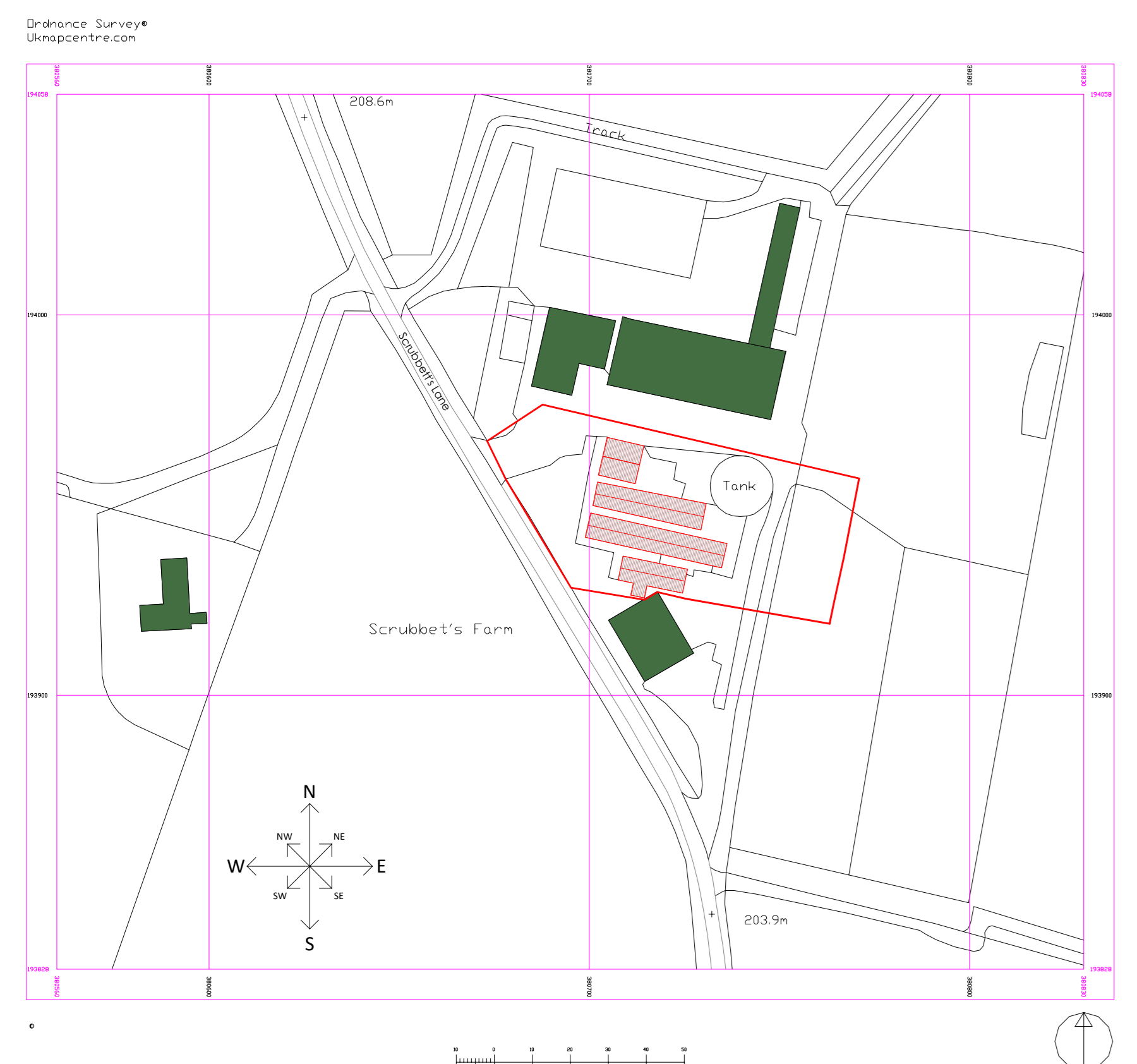


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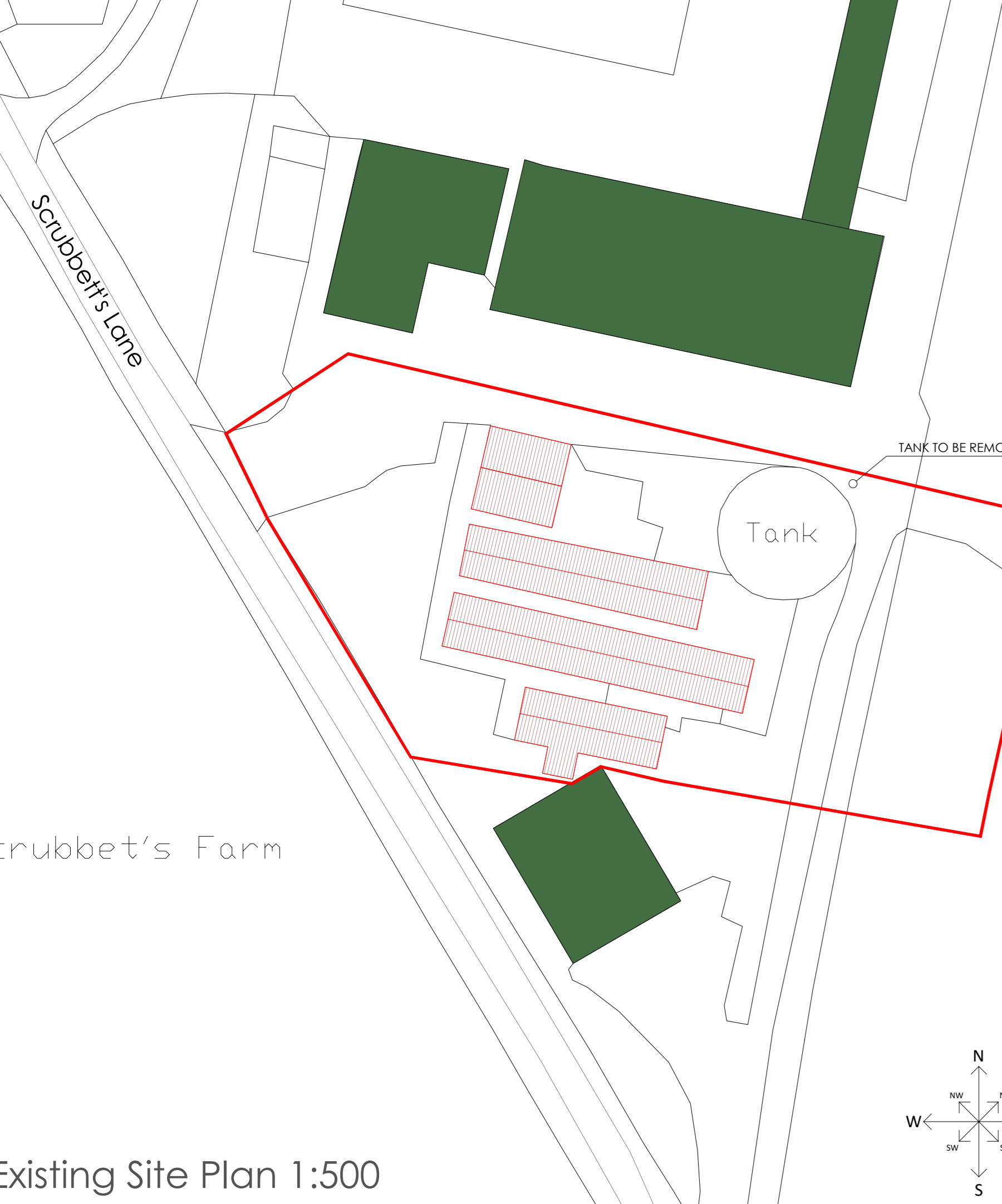
mikeupton

DESCRIPTION	REV	DATE	DRWN	APPR
Scheme Proposed Conversion of Existing Buildings to Kennels				
Client	RJ Hazell Scrubbets Farm, Bagpath, Tetbury, GL8 8YG			
Site	Scrubbets Farm Bagpath Tetbury GL8 8YG			
Title Location Plans				
CHECKED	DATE	20/11/2019		
APPROVED	DRAWN	RCR		
DRAWING NUMBER	ENGINEER	SCALE	REVISION	
HAZELR01-KC1-PA-004		1:20	0.00	
PAPER SIZE	A2		PLANNING	

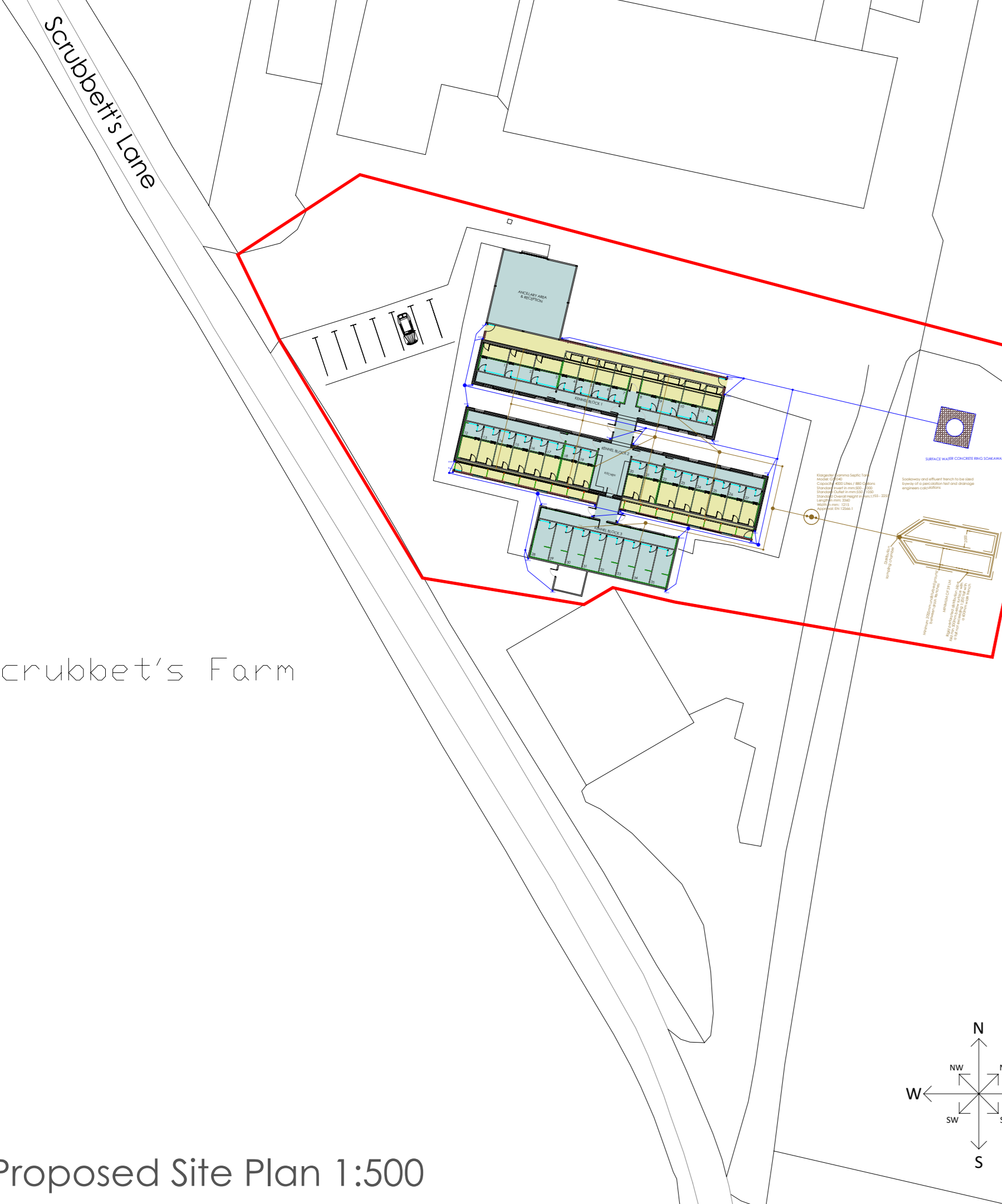
Location Plan 1:1250



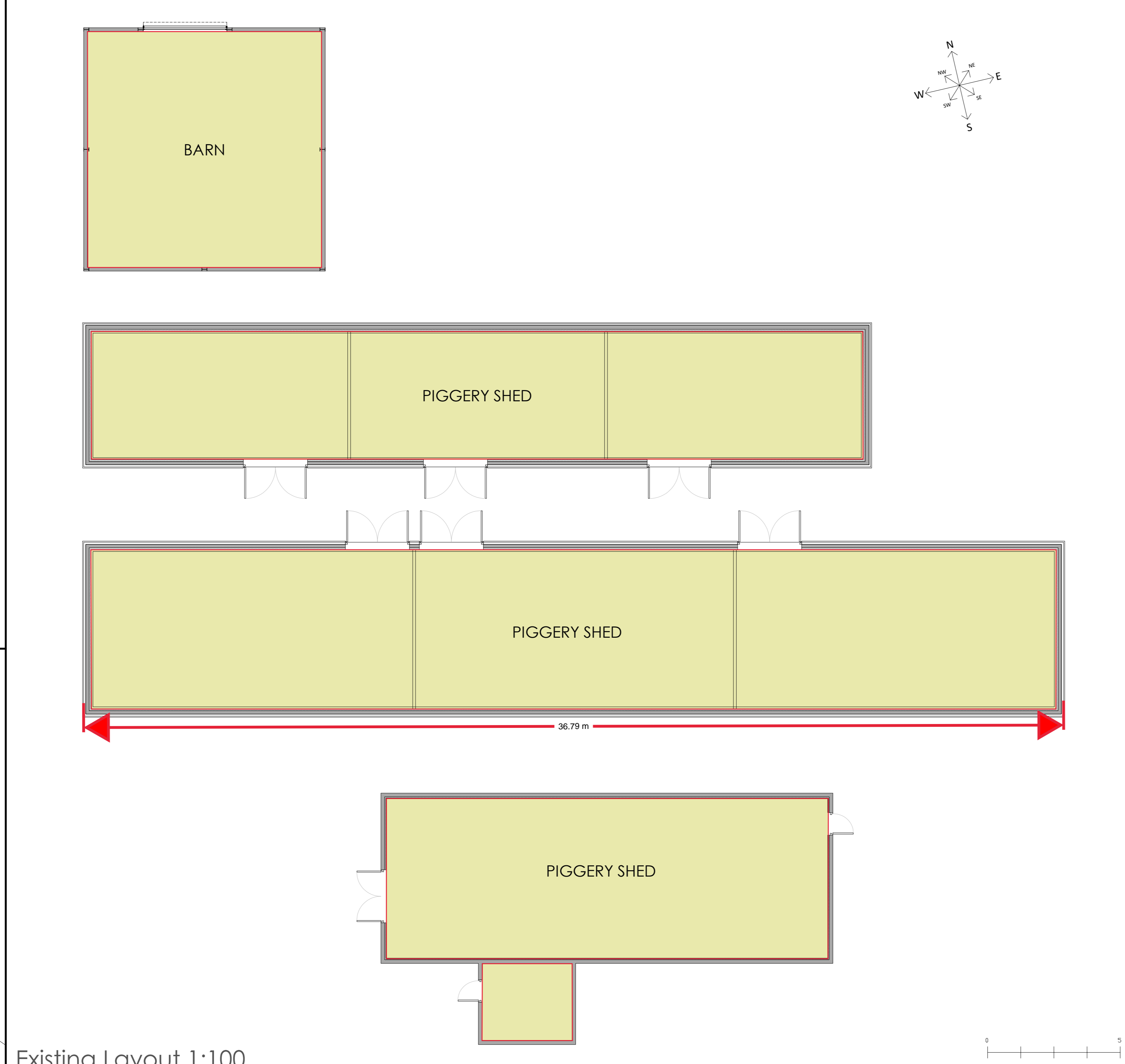
Location Plan 1:1250



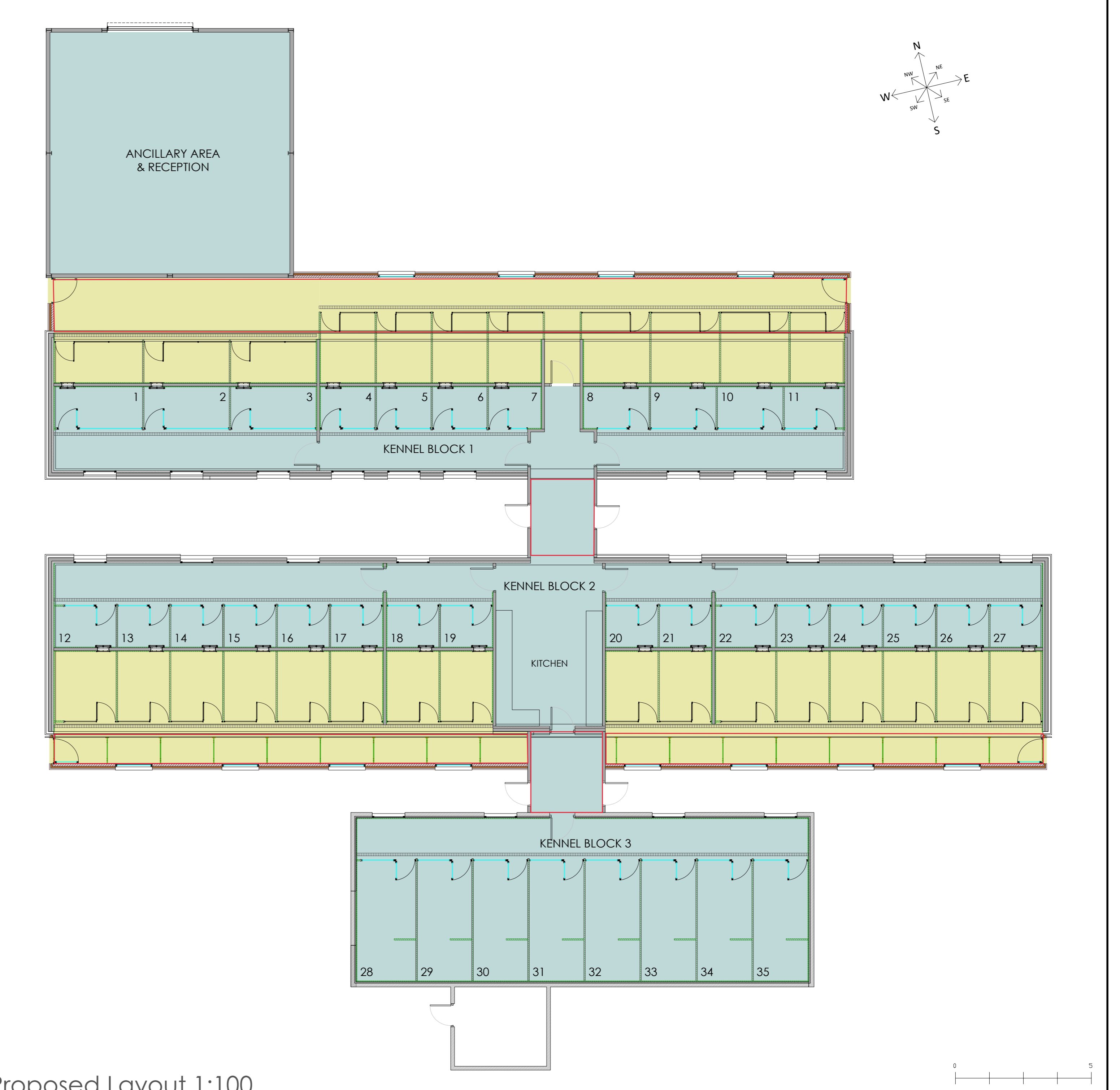
Existing Site Plan 1:500



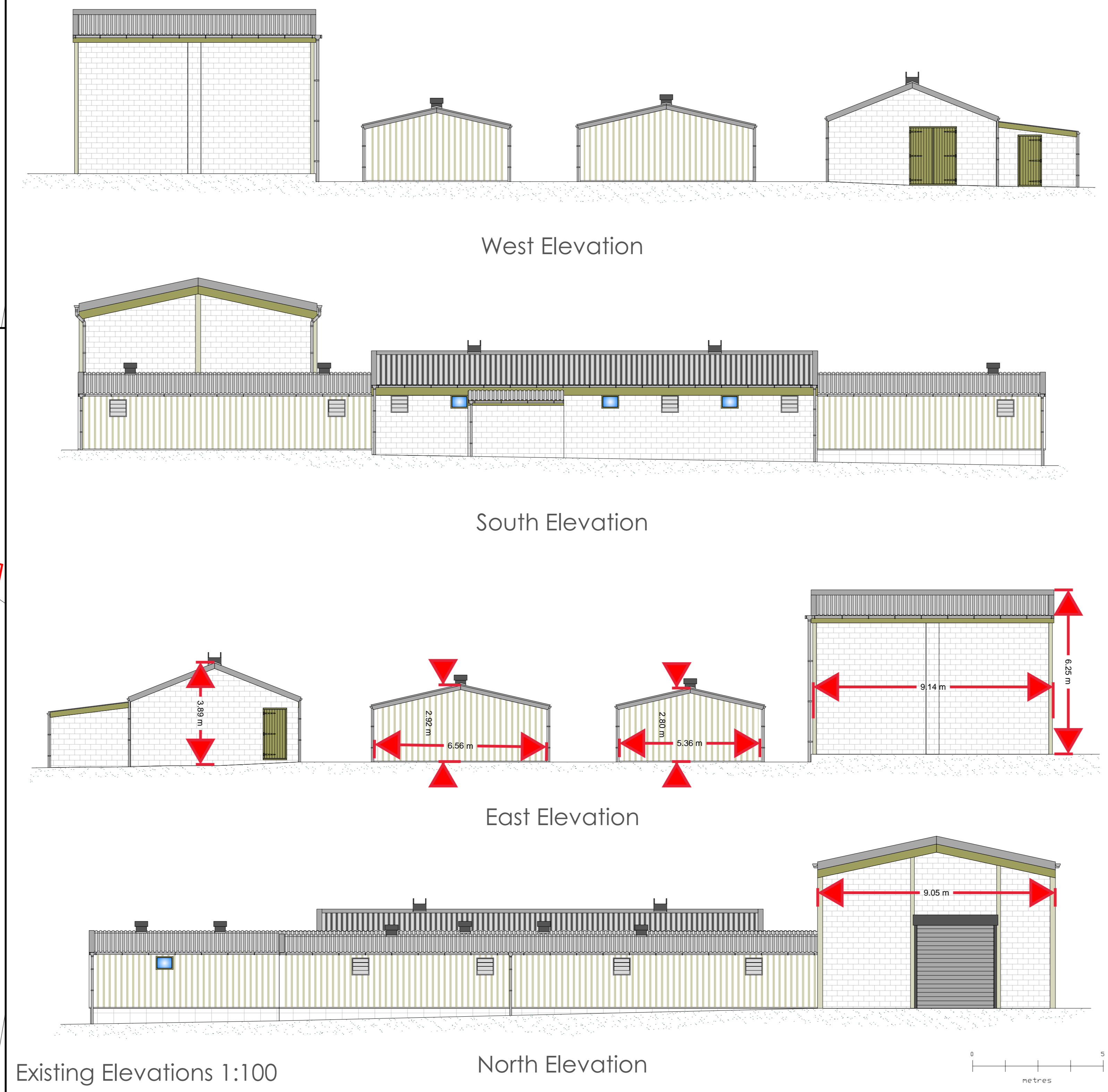
Proposed Site Plan 1:500



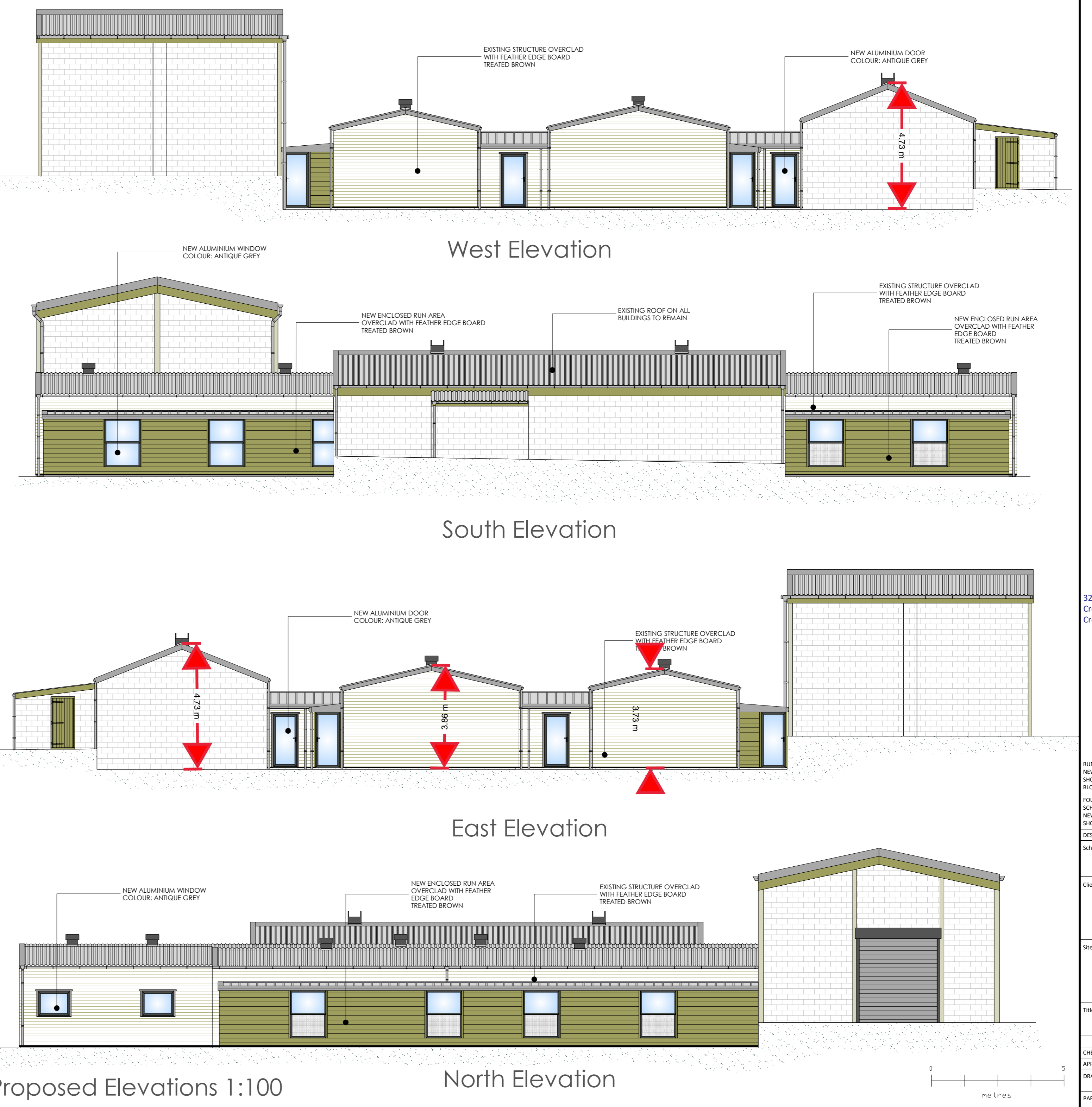
Existing Layout 1:100



Proposed Layout 1:100



Existing Elevations 1:100



Proposed Elevations 1:100

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mikeupton

NO	REV	DATE	DRAWN	APP'D	DESCRIPTION
1					ISSUED FOR PERMIT
2					REVISED TO REFLECT COMMENTS
3					REVISED TO REFLECT COMMENTS
4					REVISED TO REFLECT COMMENTS
5					REVISED TO REFLECT COMMENTS
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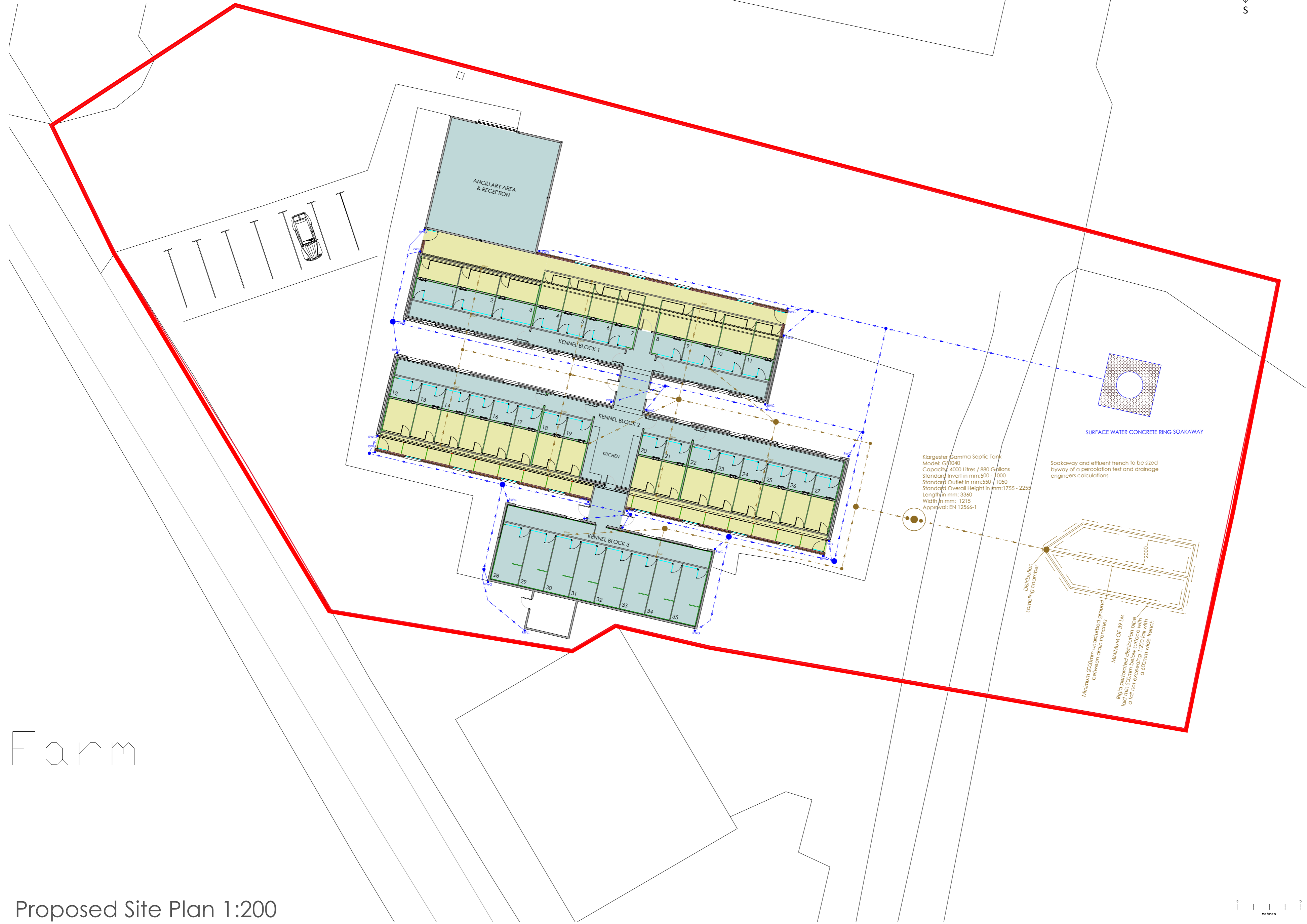
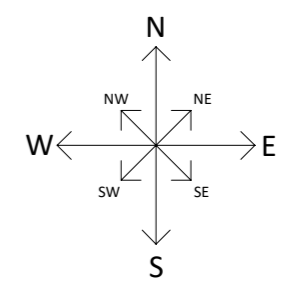
Client: RJ Hazell, Scrubbet's Farm, Biggath, Tetbury, GLS BYG

Site: Scrubbet's Farm, Biggath, Tetbury, GLS BYG

Title: Planning Application

DATE: 04/07/2019
DRAWN: Daryl Upton
ENGINEER
SCALE: 2:00
DRAWING NUMBER: KENNEL-EC3-PA-001
SHEET: 2/00
PAPER SIZE: A0
PLANNING

- PRIOR TO ANY WORKS COMMENCING ON SITE THE FOLLOWING ITEMS SHOULD BE ADDRESSED BY THE PRINCIPAL DESIGNER:
1. F10 NOTIFICATION TO THE HSE (IF REQUIRED)
 2. ISSUE THE PRE-CONSTRUCTION INFORMATION (PCI)
 3. ENSURE SERVICES ISOLATION CERTIFICATES ARE ISSUED (GAS, ELECTRIC, WATER, ETC)
 4. REVIEW R&D ASBESTOS SURVEY FOR BUILDINGS BUILT BEFORE 2000
 5. PRODUCE A FIRE MANAGEMENT PLAN.
 6. IDENTIFY ROUTE TO NEAREST A&E IN THE EVENT OF AN EMERGENCY.
 7. ENSURE ADEQUATE WELFARE FACILITIES HAVE BEEN PROVIDED.
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Klargester Gamma Septic Tank
 Model: G31040
 Capacity: 4000 Litres / 880 Gallons
 Standard Invert in mm: 500 - 1000
 Standard Outlet in mm: 500 / 1050
 Standard Overall Height in mm: 1755 - 2255
 Length in mm: 3360
 Width in mm: 1215
 Approval: EN 12566-1

SURFACE WATER CONCRETE RING SOAKAWAY

Soakaway and effluent trench to be sized by way of a percolation test and drainage engineers calculations

Distribution sampling chamber

Minimum 200mm undisturbed ground between drain trenches

MINIMUM OF 39 LM Rigid perforated distribution pipe laid min 50mm below surface with a fall not exceeding 1:200 fall with a 600mm wide trench

Farm

Proposed Site Plan 1:200

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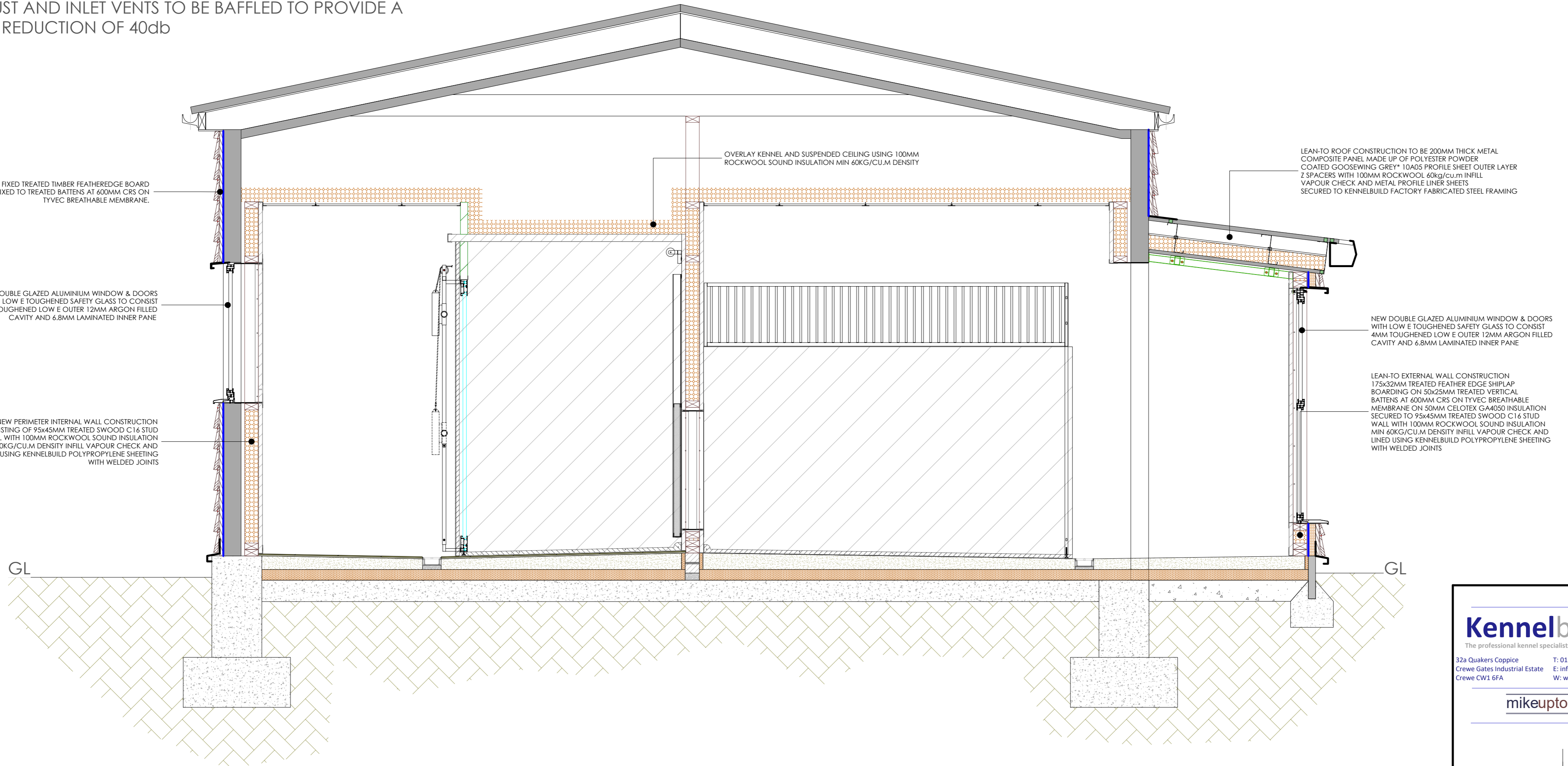
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 Crewe Gates Industrial Estate E: info@kennelbuild.co.uk
 Crewe CW1 6FA W: www.kennelbuild.co.uk

mikeupton

DESCRIPTION	REV	DATE	DRWN	APPR
Scheme				
Proposed Conversion of Existing Buildings to Kennels				
Client	RJ Hazell Scrubbeds Farm, Bagpath, Tetbury, GL8 8YG			
Site	Scrubbeds Farm Bagpath Tetbury GL8 8YG			
Title	Proposed Site Plan Showing: Proposed Drainage Scheme			
CHECKED	DATE	16/08/2019		
APPROVED	DRAWN	Daryl Upton		
DRAWING NUMBER	ENGINEER	SCALE	REVISION	0.00
HAZELR01-KC1-PA-002		1:200		
PAPER SIZE	A2 PLANNING			

- PRIOR TO ANY WORKS COMMENCING ON SITE THE FOLLOWING ITEMS SHOULD BE ADDRESSED BY THE PRINCIPAL DESIGNER:
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CONTRACTOR DESIGNED MECHANICAL VENTILATION AND HEAT RECOVERY SYSTEM TO BE INSTALLED IN ALL KENNEL UNITS. EXHAUST AND INLET VENTS TO BE BAFFLED TO PROVIDE A NOISE REDUCTION OF 40db



Typical Section Thru Kennel Block 1:20



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Crewe CW1 6FA

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DESCRIPTION	REV	DATE	DRWN	APPR.
Scheme				
Proposed Conversion of Existing Buildings to Kennels				
Client				
RI Hazell Scrubbed Farm, Bagpath, Tetbury, GL8 8YG				
Site				
Scrubbed Farm Bagpath Tetbury GL8 8YG				
Title				
Typical Section Thru Kennel Block				
DATE		22/08/2019		
CHECKED	DRAWN		Daryl Upton	
APPROVED	ENGINEER			
DRAWING NUMBER	SCALE	REVISION	0.00	
HAZELR01-KC1-PA-003	1:20			
PAPER SIZE	A2		PLANNING	

Proposed Conversion of Existing Buildings to Kennels

Client
RI Hazell
Scrubbed Farm,
Bagpath,
Tetbury,
GL8 8YG

Site
Scrubbed Farm
Bagpath
Tetbury
GL8 8YG

Title
Typical Section Thru Kennel Block

DATE
22/08/2019

CHECKED
DRAWN
Daryl Upton

APPROVED
ENGINEER

DRAWING NUMBER
HAZELR01-KC1-PA-003

SCALE
1:20

REVISION
0.00

PAPER SIZE
A2

PLANNING

KINGSCOTE PARISH COUNCIL

Clerk: Mrs F J Thornton
Tel: 01454 238939
Email: kingscotepc@gmail.com
Website: www.kingscoteparishcouncil.co.uk

32 The Street
Didmarton
Glos. GL9 1DS

Cotswold District Council
Planning Dept.
Trinity Road
Cirencester
GL7 1PX

7th February 20

Dear Sirs

19/04052/FUL | Change of use and alterations to existing agricultural buildings to dog kennels | Scrubbets Farm Scrubetts Lane Bagpath Kingscote Tetbury Gloucestershire

During the consultation period for the above planning application, the Parish Council made an OBJECTION. However, at that time, due to time constraints and lack of knowledge of this application within the parish, the Council were not fully aware of parishioners concerns/objections.

Having now since met with parishioners, Council wish to further comment and outline the grounds of the OBJECTION as detailed below. (summary of parishioners comments)

As part of the process, the reasons for the local resident's concern are:

1. Only one notification posted to a single lamp post that became tattered and illegible unusually promptly before ending up as a single band of sellotape and no notice at all. District Councillor Richard Morgan stated, "I have to agree that a single A4 paper poster attached to a lamp-post does not in any way reflect the size and scale of the application, or the impact it will have on local residents. I am also sorry the notification turned to paper mâché the first time it rained and is ripped."
2. There has not been any consultation or notification by anyone (applicant or official) with the nearest neighbours. The only recollection from a local resident is as follows: "...a planning officer came down lost, looking for Scrubbet's Farm and asking for directions! He casually explained the application from Scrubbet's (followed by an awkward grimace to suggest it was a bad idea)". He was at this point told there would be objections on the ground of traffic and he suggested that noise would be an issue too.
3. The applicants in this case have previously objected to development nearby on the ground of traffic and bio-security for a single residential property (referenced below), which is vastly at odds with their current application which is likely to cause greater impact on the area as a commercial enterprise.
4. Mr Shellard (senior officer) stated that he supports the application. He mentions in his comment that he has spoken to neighbours who raised concerns about the access. Therefore, he is suggesting good signposting – yet nobody in Bagpath has any recollection of being consulted at all. We are a sociable village this seems to be a complete fiction. We have been given no evidence of this consultation or with whom it was carried out besides being asked for directions in point 2 above.

The main two points are:

1. Noise

The applicant's calculations are based on 8 dogs barking at one time totaling 105db from one meter away. This is a fraction of the capacity they state they're aiming for as a commercial entity. Dogs will also rial themselves up and in reality, if they are at their target capacities, it'll be far more than that.

If there can be up to a maximum of 70 dogs at one time, and if we assume the worst case that all dogs are barking (as a minimum 50% of them anyway).

50% of dogs barking would total 111.8db (based on the assessments 99.4db max reading from two dogs,).

100% of dogs barking would total 115db from one meter away.

To put this into perspective; our quiet rural outside area will average 30-35db on any average day. A car driving at 65mph is 70db (and the volume at which ear protection is required in a work environment) which is said to be tolerable for humans. 110db is the equivalent to a live rock band and is the average human pain threshold (16 times as loud as 70db!). 120db is a chain saw, Painful! And like 32 times as loud as 70db. H&S requires ear defenders at what level of noise?? This noise is a health hazard.

KINGSCOTE PARISH COUNCIL

So to try and work out how far in distance it would take for the noise to reduce back down to 35db (rural area noise), based on 105db, its 3200m (2miles)! Based on 115db its 10,000m (6.2miles)! Of course this is all based on a still day with low humidity levels and an open space.....but still this is very worrying.

2. Access and volume of traffic.

In 1999 it was stated "Access... is along narrow and in places tortuous lanes. Neither is suitable for any further development". This is still the case and if anything, it has deteriorated further.

In 2003 an application to build a large house (Referred to above in point 3. REF: 02/01283/FUL, 03/01055/FUL and 03/02046/FUL) was declined and among other reasons, "the roads serving the site are sub-standard and unsuitable to cater for the proposed development by reason of their restricted width, poor alignment, lack of footways and lack of passing bays." The road to Scrubbet's remains as it was then and is unchanged so if "The highway authority recommends no highway objection to be raised" we'd like to know why. Given there has been no change since 2003, this seems a little vexing. Since then, there are more young children, and road users and frequent near-misses involving delivery drivers and people unfamiliar with the roads.

In early January this year, Councillor Stephen Hirst stated that, "I recently drove along the road to ascertain it's condition and I do agree that it cannot stand any increase in traffic, the verges are already torn to pieces by the existing traffic levels and the road is covered in transmitted mud...I will discuss the situation with the Highways Planner in order for him to review his advice and will also acquaint him with past Planning Decisions."

District Councillor Richard Morgan stated "I wholeheartedly agree the single country lane which is the only access to and from the kennels (and is in very poor condition) is not suitable access for a commercial application of this size and scale. I also agree there will be a noise impact from the kennels for Bagpath residents..."

Regarding the number of vehicles, this is simply mathematics based on the applicant's occupancy. The below demonstrates how the original application is dramatically downplaying the volume of traffic.

With a capacity of 70 dogs, but taking a 60% occupancy (42 dogs at any one time across 365 days). 52 stays per kennel space for 42 dogs is 2184 week-long stays.

Assuming one dog per customer, there is a requirement of 4 vehicle movements per stay. One in and one out to drop off and the same for collection at the end of the stay.

2184 stays multiplied by 4 vehicle movements is 8736 additional passes in total across a year. This does not take into account any staff operating at the kennels either which would further add to the volume of traffic.

This is 23.93 journeys per day and four times what the applicants are claiming. At capacity – which is surely the intention of any successful business, this grows to 3640 stays, meaning 14560 additional vehicle movements equating to almost 40 daily movements and seven times the estimate of the applicants.

The above figures are based on 7 day stays. If the stays are shorter with the same capacity based on kennel bays, the numbers are far higher and this also doesn't take into account the inspection visit for first-time customers. The trips would likely be concentrated in the holidays and around weekends when an increased number of horses and families in the public areas and roads, adding to the danger. At an average of 4 day stays, the number of journeys is at 70 per day!

With unfamiliar visitors, as is the case in many remote areas, it is often the case in Bagpath that people drive too fast in the lanes. Many, if not all residents have at some point, met a delivery driver or visitor who are unaware of the blind corners and the need for caution. Visitors to the area also sometimes use the passing spaces as parking spaces. This is only going to increase and likely lead to accidents in which case, when they occur, and they do, the roads are blocked until they can be cleared, rendering access for the residents impossible and restricting emergency access if needed.

If you have any further questions, please do not hesitate to contact me.

Yours faithfully

Fiona Thornton

Mrs Fiona Thornton
Clerk



		Highways Development Management Shire Hall Gloucester <u>GL1 2TH</u>	
Claire Baker Cotswold District Council Trinity Road Cirencester Gloucestershire GL7 1PX		Email: jose.nunesdossantos@gloucestershire.gov.uk	
Our Ref: C/2019/044174		Your Ref: 19/04052/FUL	
Date: 30 June 2020			
Proposal:	Change of use and alterations to existing agricultural buildings to dog kennels Scrubbets Farm Scrubetts Lane Bagpath Kingscote Tetbury Gloucestershire GL8 8YG	Received date:	2 December 2019
Recommendation:	No objection	x	No objection (Subject to conditions)
	Refusal		Further information
Document(s), drawing(s) and reference(s):	application form, site location plan, existing and proposed site plan and transport note	Planning history ref(s):	
Details of recommendation:	<p>This response has been produced in the context of Gloucestershire County Council as the Statutory Consultee operating in its duty as Highways Authority. The following comments are made as a result of a request for additional information following the Highway Authority's initial response dated 13th December 2019.</p> <p>The proposal (ref 19/04052/FUL) seeks the change of use and alterations of four existing agricultural buildings to dog kennels, reception and store at Scrubbets Farm, Bagpath.</p> <p>Scrubbets Farm is located within the hamlet of Bagpath south of the A4135 which connects Tetbury to Dursley and Wotton-under-Edge via B4058. The roads serving the development site, whilst prevailingly substandard in width and footway provision, are typical of those set in a rural location.</p> <p>It must be reminded that the roads serving the site are public highway,</p>		

and that in accordance with the National Planning Policy Framework “development should only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Having considered the details submitted part of the application, there is at this point no reasonable evidence that would to suggest that the proposed development could arise an unacceptable impact on the safety and operation of the local network in what is a rural setting. The Highway Authority has considered some form of mitigation trough the inclusion of passing bays along some of the preferred main routes, but decided that any condition for this would not only be unnecessary to make the development acceptable in planning terms, but also not be fairly and reasonably related in scale and kind to the development.

It is however recognised that subsequent development could be such that would arise an unacceptable impact on the safety and operation of the local highway network, therefore GCC respectfully requests to form part of the consulted parties for any future planning application within Bagpath.

The highway authority therefore recommends no highway objection to be raised.

Required consultation:	ITU		Highways Records	
	Rd Safety		Fire Service	
	PROW		Structures	
	LHM		Police	

Yours sincerely,

Jose Nunes dos Santos

From: ERS Pollution
Sent: 19 March 2020 15:23
To: Claire Baker
Cc: Philip Measures
Subject: Dog kennels request for comments to third parties. 19/04052/FUL Scrubbets Farm. Dog kennels

Claire

You requested and provided some third party comments for additional attention by ERS. Following a review of the noise report/s and a phone conversation with the noise consultant, I have the following comments to make (in red) in response to third parties objections. My colleagues Richard Downham (Environmental Health Officer – noise expert) and Alison Gardner (Licensing officer kennels) were also called upon to comment and their contributions are as shown (*red italics*)

Third Party Comments on Noise Report

9 Bagpath

Moreover, the presence of up to 70 dogs will, I am sure, be associated with a significant increase in noise. I note that the noise report bases judgement on the basis of "several dogs barking". 70 dogs must surely be considered more than "several" and will therefore contribute more noise.

The applicants noise assessment (Jan 2020) considered a scenario of four dogs barking in complete *unison* producing a maximum noise level of 105 dB (L_{Amax}) (para 4.2.3) based on the highest maximum noise level (99 dB L_{Amax}) measured from two medium sized, barking dogs, of cocker spaniel x poodle breed. These levels are not unreasonable to base modelling and predictions on. The design of the proposed kennels is based on a block design, the purpose of which is to limit the potential for the number of dogs barking at any one time.

Seaton House Bagpath

Paragraph 1.1.7 states my house, Seaton House is 500m to the south west. The property is in fact to the north west. My land is not 500m away but closer to 150m away where horses are kept. Other houses are closer than Seaton House, notably Journeys end in Bagpath. The report has excluded these considerations and so cannot be considered comprehensive.

In version six of the noise assessment report the correction is made to the location viz Seaton House. The assessment for planning purposes is concerned with the impacts on human health and residential amenity but not equine health.

8 Bagpath

After reading the full noise impact assessment; I believe there are wild inaccuracies and assumptions made deeming this assessment are not credible and are inaccurate. An L_{max} noise reading of 99.4db stated within 3.1.16 of the assessment is NOT the maximum reading of two dogs barking. Also the decision to base their calculations on an average of 8 dogs barking at one time (3.1.17) is completely unrealistic when the kennel's plan is to house up to 70 dogs. Therefore the assessment is null and void in my opinion and the reality is that the noise will be drastically higher (I have calculated this if you want to discuss this in more detail) resulting in a major noise issue which not only will affect ALL residents in a 2mile radius but nearby animals (included and especially the dogs in the kennel's).

According to the noise consultant the reading was 99.4 dB L_{Amax} for the two dogs barking as measured. Please see ERS licensing officer comments below regarding dog behaviour, barking. And the welfare of dogs.

Brockhill House Bagpath

The noise assessment submitted by the applicant could be considered to be incorrect as what should have been considered is the average level (L_{Aeq}) of a higher number of dogs barking externally against both the baseline L_{Aeq} and WHO guidelines and not the maximum noise levels as they have stated. They have also not considered any external barking. I also continue to challenge the noise assessment for basing its finding on only 8 dogs barking at one time. This is unrealistic – in a kennel situation, one dog barking usually sets off the majority of dogs. I request the opportunity of conducting a 2nd noise assessment that allows for more reasonable assumptions

The application is accompanied by a Noise Impact Assessment which says my property is approx. 400m north west of the application site where as it is approx. 350m south and a similar error is made with Seaton House. The noise report is based on an average of 8 dogs barking at any one time with background noise levels measured at the farm. I would like to challenge the assumption of 8 dogs parking at any one time in a kennel of up to 70 dogs. It then calculates the noise level predicted at my property without mitigation measures and states that access doors and windows into the building should be kept closed to minimise noise breakout, and that an alternative means of ventilation, which will not compromise acoustic performance of the building envelope should be provided. I consider the report should have specified what the background noise levels were at the nearest properties rather than just predicting what they might be without mitigation and it appears that there would be an increase in the region of 10db which represents a doubling of noise. The reliance on acoustic insulation, keeping doors/windows closed with alternative ventilation based on only 8 dogs barking means it would not be an appropriate location for such a use. If conditions are attached to any permission, how will they be monitored and enforced against?

The parametric noise indice adopted (L_{Amax}) is the better fit over L_{Aeq} or average energy noise levels. The dogs wont be external. Kennels are to be enclosed.

The background sound levels adopted in the assessment appear to be consistent with rural areas. Errors by the noise consultant with nearest residential neighbour locations have been corrected.

Conditions would be enforced by LPA Planning Enforcement Officers, Licensing Officer and ERS

Email from Acoustic Consultant - Blake Lucas BEng. (Hons), MIOA 8 Jan 2020

As discussed although the submitted report and local authority EHO response to the reports considers the noise breakout from within the Kennels, as far as we have seen there is no assessment of external areas. In our opinion the external area assessments would be more appropriate for a development of this type.

It should be noted that in in a dog rescue home or dog holiday sites dogs are likely to be in an unfamiliar environment, and in a state of stress, and thus bark. This barking normally occurs during visitors, pick up, drop off and feeding times. During these times there is the potential for the dogs to be located externally either in dog walking areas or the external caged areas of the kennels.

We would advise the local authority requests the applicant submits a noise impact assessment of this external use.

I trust this is of assistance. Please call if you wish to discuss.

Table 5 of the January 2020 noise report provides predicted façade levels with enclosed kennels at or below background levels. Kennels are now to be enclosed.

The dog Kennel licensing officer, below, has commented on the assertion that dogs are likely to be in a 'state of stress'.

15 Bagpath 17 Jan 2020

Firstly, it is important to consider that within the proposal, the assessments for noise and traffic are calculated based on 60% of capacity and based on just 8 dogs barking at any one time. Although the capacity calculation may be a reasonable assumption when writing a business case, it is unacceptable to use this figure when calculating the impact this enterprise will have on the community. The applicant will certainly aim to operate at 100% capacity at all times and it is more than likely that with a capacity of up to 70 dogs, there will be more than 8 (or 11.43%) of dogs barking regularly as one dog barking often sets off a chain-reaction. These figures sugarcoat the potential impacts the development may have on the community and so are misleading. Secondly, it is worth noting that the noise impact assessment was undertaken "by instruction from Kennell Build Limited". It would be reasonable to question whether the assessment was undertaken with a vested interest (Kennell Build Limited is contracted to plan and complete the work at Scrubbet's Farm). In addition, within the assessment (undertaken 24 September 2019) it is stated that the National Planning Policy Framework was updated in July 2018 (Page 3). It is important to consider that this framework was last updated 19 June 2019 and last version February 2019 (GOV.UK). It is therefore reasonable to assume that the Assessment was undertaken after the NPPF was updated using out-of-date policy and as "planning law requires that applications for planning permission be determined in accordance with the development plan...and the NPPF must be taken into account in preparing the development plan" (NPPF 1.2), the use of an outdated NPPF raises further questions about the information within the report. Deeper scrutiny will continue in the 'noise' section of this letter, but from this analysis it would be reasonable to question the validity of the assessment presented. From this, I would argue that a revised report should be undertaken by an independent authority; chosen by Cotswold District Council and based on 100% capacity to give a genuine picture of the potential impacts of this proposal. May I note that under policy DS1-3; EN1 in Cotswold District Council Local Plan, it must be ensured that planning decisions are based on sound evidence relating to the natural and historic environment (p252).

As stated in the application, the "Site is situated in the countryside and surrounded by open fields, which have a fairly regular pattern and are enclosed by low drystone walls or hedgerows to the roadside boundaries, occasionally fragmented by natural or plantation woodlands". Due to the lack of obstacles, the noise created by the potential 70 dogs will travel further and therefore affect a wider span of properties throughout the valley. Barking may be audible over extended distances, giving rise to nuisance at up to 500 m (EPA Victoria, 2008). On occasions, a number of dogs may contribute to "an extended barking frenzy, giving rise to potentially severe noise nuisance at neighbouring dwellings" (An Bord Pleanála, 2001; Manley v New Forest DC, 2007).

The noise calculated is derived from data within the assessor's own library (p.9) which calculated two dogs barking to be L_{Amax} 99.4db. It would be useful for the 'data' to be referenced so the community can see whether this is reasonable and unbiased. However, for these purposes I will base my arguments on this information being correct and compare 99.4 decibels to give an understanding of the noise impact the proposed kennels will have. Castle Combe Racing circuit sound limit for racing cars is 100db at 0.5m. This is half the distance calculated in the Noise Impact Assessment report for the nearly the same level of sound, and so it would be reasonable to say that from this the noise from a dog barking is louder than the loudest racing car allowed on track at Castle Combe. Typically, you will not see more than 20 cars on track at any one time and events tend to be up to 4 days per week, and so with a capacity for over 70 dogs daily it would be reasonable to suggest that the noise pollution from the proposed kennels is significantly higher than that of a car racing track. This of course does not include the proposed insulation within the kennels, but the community will still be

subject to noise disturbance 24/7 and the community would be subject to the full noise capacity of up to 70 dogs barking in the open with no insulation (as confirmed in the Noise Impact Assessment section 1.1.4) during their exercise two to three times per day; whether this is all dogs for approximately 30 minutes or exercise spread out throughout the day. The excitement of multiple dogs exercising together will no doubt result in antisocial levels of noise pollution during these exercise hours on a daily basis. I would like to question the calculations leading to 8 dogs barking at any one time. I will repeat that with a capacity for 70 dogs there is no doubt likely to be more than a maximum of 11.43% of the dogs within the kennels barking; especially during barking frenzies that are likely to occur when new dogs enter. I believe it would be reasonable to assume that planning permission for a car racing track in Bagpath would be declined without question due to the disturbance to an Area of Outstanding Natural Beauty and from my analysis it would be reasonable to state that the proposed kennels will generate a comparative levels of noise disturbance. Another noise impact assessment for a proposal for kennels housing up to 12 dogs (significantly less than the proposed capacity for 70 dogs at Scrubbet's Farm) stated "Occurrences of the noise were found during right through the day and night from 7:00 am up 00:15 am. Noise levels recorded were unexpectedly high and far exceeded acceptable levels for neighbour amenity" (acoustic directions, 2016). It is also worth noting that residents at Bagpath pay a premium of over double the price of houses in nearby towns (average of £885,147 in comparative to £367,528 in Wotton-Under-Edge (Zoopla, 2020) with the sole intention of living in the tranquil and rural countryside; whereby they can relax and enjoy peaceful living conditions. The noise pollution and interruption resulting from the proposed kennels will no doubt affect the peace within the village and this in turn undermines the basic concept of living in the countryside. It is stated that "Planning policies and decisions should ensure that new development is appropriate for its location...in doing so they should identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason" (NPPF, Paragraph 180). This area has remained relatively undisturbed by noise and is prized for this; being a designated Area of Outstanding Natural Beauty (Kingscoteonline.co.uk). By their duty to identify and protect tranquil areas as stated by government, Cotswold District Council should reject this application.

It is the decision and it would be an unusual one, for the Planning case officer (Clare Baker) whether CDC feel they need to have the applicant's noise report peer reviewed by an external noise consultant expert appointed by the Council.

ERS Dog kennels licensing officer comments:

'I would not have a view on the comments that have been raised as each case would need to be assessed on its own individual merits and therefore it would be unprofessional to assume that the percentages that have been given would apply to this premises. (Alison Gardiner ERS Licensing Officer for dog kennels)

Dog barking can occur as a chain reaction and a barking frenzy could occur if the dogs are spooked or aggravated for any reason but how often and for what duration this would be is not a question I am able to provide an answer for and again it would be unprofessional to assume that this would be the case for this premises. (Alison Gardiner ERS Licensing Officer for dog kennels)

I have attended premises where barking does occur but it is quickly and effectively managed by the staff so I do not believe that we should enter into using statistics when assessing these matters as each premises must be assessed on its own individual merits (Alison Gardiner ERS Licensing Officer for dog kennels)'

The kennels will be robustly insulated and fully enclosed affording them the sound insulation reduction that is required by the assessment.

When questioned about the 'library of data' (par 4.2.2) the noise consultant stated that the two dogs that were barking which they measured, were of a medium and a smaller sized dog of the cocker spaniel x poodle type breed. The typical L_{Amax} noise level for a single dog barking is 99 dBA L_{Amax}. While numerous dogs may bark at any one time the measured L_{Amax} noise level is *unlikely* to increase unless a number of dogs bark in total unison. The consultant therefore allowed for up to four dogs in unison and adopted an L_{Amax} noise level of 105 dB within the proposed dog kennels for the acoustic environment.

We can't see anything in the 2019 updated NPPF that relates to noise so the comment that we should be using the latest guidance seems a bit irrelevant (Richard Downham ERS Environmental Health Officer)

With regard to his comparison with Castle Coombe and that we wouldn't allow a motor circuit on the site, there are many other factors to consider for planning purposes with a motor circuit other than the noise from vehicles that would probably mean it would be refused. (Richard Downham ERS EHO)

Also in respect of his Castle Coombe comment, the noise from cars may be as loud as the barking dogs, but it the noise is from 1 car and multiple dogs. Noise from cars would be more constant and louder depending on how many cars are on the circuit at one time. Most races have 20+ vehicles on the circuit at one time. They don't seem to grasp that the kennels is not going to be full to capacity for most of the year and that they are separated from each other and the kennels and runs are to be enclosed (Richard Downham ERS EHO)

With regard to sound propagation, the lack of obstacles will have been taken into account in the calculation for the distance as will the type of ground and elevation changes- or at least it should have been with a good modelling program (Richard Downham ERS EHO)

Brook House Bagpath

Are the kennels proposing to have air-conditioning? Are there really going to be no windows open for fresh air for these dogs. With the essential 40 mins outside per dog per day, how is there not going to be a noisy impact in the area. 62 dogs could certainly all bark at once.

It is understood that mechanical and ventilation and heat recovery is to be installed in all kennel units. Exhaust and inlet vents to be baffled to provide a noise reduction of 40 dB.

Brockhill House Bagpath

The noise assessment submitted on 1st November makes an assumption of 8 dogs barking at the same time. This is later reduced to 4 dogs in an updated assessment submitted on 24th January. For a commercial kennel housing up to 70 dogs this also seems to be grossly underestimated. In addition, why hasn't an assessment of the EXTERNAL noise been conducted?

See above. Dogs runs to be fully enclosed

15 Bagpath

I would like to question the reasoning leading to the conclusion "no objection" following a site walk-over visit and meeting with the applicant. This credulous conclusion is surprising; considering it has already been made clear that both the applicant and Noise Air have on multiple occasions attempted to deceive the community by mispresenting figures so that the impact seems far less than it will be. The ERS Pollution Officer states that "A suitable noise assessment report accompanies the application". This report has already been undeniably demonstrated to be incorrect on a number of

levels and so I find it impossible that the ERS Pollution Officer can come to any educated conclusion with the use of false and misleading information. I will repeat once more that under policy DS1-3; EN1 in Cotswold District Council Local Plan, it must be ensured that planning decisions are based on sound evidence relating to the natural and historic environment (p252). If the ERS officer is basing their decision on false and unsubstantiated evidence then they are not undertaking due diligence in their role. It would be reasonable to also conclude from their comments with regards to this, as well as the "drop-off and pick-up time regime" that they have not read the objection letters clearly demonstrating this information to be false and unrealistic; and so furthers my questioning of what they are basing their judgement from. I also dispute the comment "I wouldn't normally recommend a noise limit level at the nearest residential premises for this type of application". within the 2011 to 2031 Cotswold District Local Plan, Cotswold District Council Natural and Historic Environment Objectives include that all policies should "Ensure that the natural and historic environment continues to contribute to the special character, identity and quality of life of the District" (p251) with the design code stating "it is important to ensure that development not only respects local character, but also develops a sense of place in its own right" (p203) and stating that "these considerations are of particular importance where there is an existing high quality built and natural environment" (p202). As this area has been clearly demonstrated to be an area of tranquillity, I fail to understand how the ERS Pollution Officer can come to this conclusion if they are undertaking due diligence in their role. I request that the ERS Pollution Officer reconsiders this conclusion so that their decision does not contradict the Cotswold District Council Local Plan; with preference that they also read the objection comments prior to their further communication.

Finally, I would like to question the ERS Pollution Officer's final comment "Hi, I have made my additional comment known to the case officer". Under the Freedom of Information Act 2000 I request this information to be made known. This comment is extremely unprofessional and I question why they have not submitted this comment publicly.

The following comment were confirmed in a telephone conversation on Tuesday 27 March 2020 with the applicants noise report:

- There is no definitive guidance against which to assess dog barking. British Standard 4142 (2014) +A1:2019 'Methods for rating and assessing industrial and commercial sound' is not deemed appropriate. BS 4142 specifically states it should not be used to assess the noise from domestic dogs.
- The LAmax descriptor (instantaneous, 1 second, highest, *Maximum* sound pressure level) was deemed the more appropriate noise descriptor index to characterise the impact of dog barking. The adoption of the LAmax noise descriptor is considered a conservative approach to assessing the impact. The LAeq noise descriptor is not considered the best descriptor for this type of assessment.
- The building design is such that it provides for sections and dogs to be segregated in a way that affords the best possible noise control and containment. A finite number of dogs in any given block.
- Dog barking may not be totally inaudible at all times. But may be slightly audible should a set of unfavourable atmospheric circumstances come together e.g temperature inversion, wind direction and speed in a particular direction and if for any reason a door or window is left in error, unclosed /open. If local weather climatic conditions, a breach in the buildings sound insulation envelope i.e a door or window left open, happens at a time when dogs may be more excitable e.g perhaps during feeding times, then **some barking noise may be audible** even at the separating distances afforded to the nearest residential premises.
- It is proposed that with a stringent 'Noise Management Plan' coupled with the acoustic design that the effects of barking events as described above, could be kept to an absolute minimum.

- The noise consultant agrees that dog barking noise is very specific in nature and is likely to give rise to higher potential for complaints/adverse impact when compared with generic ambient road noise. The design and modelling ensures that the dog barking noise experienced at the closest noise sensitive receptors is reduced to not exceed background (LA90) sound levels. Which are predicted to be 17dB (LA90 1hr) at night.

This completes our comments.

Kind regards,

Neil

Mr Neil T. Shellard MSc MCIEH PG Dip. Acou.
Senior Officer*

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Please note the above is the opinion of an officer and as such should not be held as binding on the council.

From: PRINCE, Matthew <Matthew.Prince@gloucestershire.gov.uk>

Sent: 11 September 2020 14:25

To: Hugo

Cc: Claire Baker <Claire.Baker@publicagroup.uk>;
Richard Morgan <richard.morgan@cotswold.gov.uk>

Subject: RE: 19/04052/FUL Scrubbets Farm

Dear Mr Douglas-Pennant

Following your emails and representations I have asked my managers to review the application and I have undertaken a site visit. I am not prepared to meet on site as this matter is now in the process of committee decisions and as such we feel it is not appropriate. The planning committee have already discussed the application and have deferred to visit the site. It is now in their remit to discuss this matter further at committee and for them to ask me any questions regarding highways, should they be necessary.

I visited the site on 3rd September 2020. I spent some time there and checked out the highways in the approach. Based on my site inspection, I do not believe the application will impact these roads and pose a significant risk to highway safety nor do I believe there to be a highway capacity issue.

The application and all its documentation, including representations from your highways consultant, were assessed by Mr Nunes dos Santos and his comments were consistent with the scale and location of this application. Following objections and representations, his comments were reviewed without prejudice by myself prior to committee as is standard practice and I unequivocally supported those comments.

Following the deferral by the planning committee, and continued representations by objectors, I visited the site as discussed above. As part of due diligence, I asked my manager and his manager to review the application and have all agreed with the original comments by Mr Nunes dos Santos. This application has now been assessed by four transport professionals all with significant experience who have independently agreed with the primary observation made.

The National Planning Policy Framework (NPPF) February 2019 gives very clear guidance on considering development proposals, it says '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*' (Paragraph 109, NPPF, Feb 2019). We are bound by the NPPF in our comments regarding planning applications and we can find nothing in this application that would justify a refusal recommendation being made by Gloucestershire County Council.

I appreciate this is not the response you would like to hear, however we have spent considerable resource on this relatively minor application and the County Council officers have thoroughly checked every aspect and cannot find any justifiable objection to this application. With this in mind, we will no longer be responding directly to interested individuals, and would suggest that any further comments you have are made to the Local

Planning Authority. Should the Planning Authority require further clarification of our views then we will continue to assist them so it is made available to all committee members. It is not our intention to make further representation at this time.

Regards

Matthew Prince
HDM Consultant
Gloucestershire County Council

From: Hugo
Sent: 18 September 2020 17:27
To: Claire Baker
Cc: Richard Morgan
Subject: FW: 19/04052/FUL Scrubbets Farm

Dear Claire,

Further to the recent response from Mr Prince at GCC I would appreciate it if you could let me know if you will be pressing him for a detailed response that the committee and I have requested.

I was dismayed by his response and the lack of engagement to the numerous issues raised and I do not see how the committee can make any decision without the necessary clarity. The committee made it clear that they wanted discussions to continue so that a proper understanding can be achieved yet Mr Prince has 'no further comments to make'.

We are trying to engage with GCC, as requested by committee, but we are not getting any clarity or explanation to the issues raised. I simply ask that the issues are responded to so that the committee can make an informed decision.

For the avoidance of any doubt, I list these below :

1. Previous planning applications in the vicinity that would have attracted less traffic than the current proposals were recommended for refusal on highway safety grounds by GCC given the sub-standard approach roads – what technical reasons have changed that have led you not to recommend that the current application is refused?
2. The applicant is relying on 18 year old traffic surveys and is underestimating the amount of additional traffic due to the proposed kennels.
3. All of the approach roads are very substandard in terms of restricted width and poor horizontal and vertical alignment.
4. The concept of visitors to the kennels using the signed "preferred" route suggested by the applicant is unenforceable.
5. Satellite navigation makes use of all of the approach roads and in any event all routes lead to the common approach road which is significantly substandard.
6. Visitors will use the most convenient route irrespective of what signing is put in place.
7. Forward visibility along many parts of the approach roads, including the applicant's 'preferred' route is very restricted due to blind bends and crests and compounded by overgrown vegetation.
8. The lack of passing places (which is evident from already damaged highway verges) will lead to vehicles reversing in excess of 120 metres including reversing around blind bends.
9. There are not enough passing bays available to accommodate existing traffic let alone additional kennel traffic.
10. Generally, it is not possible to see the next passing place from the previous passing place.
11. The approach roads lack footways which already causes difficulties for horse riders, cyclists and pedestrians, especially with young children, as there is insufficient space when a vehicle passes.
12. The amount of traffic that could be attracted by the proposed kennels has been significantly underestimated by the applicant. A 70 dog kennel proposal such as this requires 1 member of staff per 15 dogs (The Animal Welfare Regulations 2018 Guidance Note for Conditions for Providing Boarding in Kennels for Dogs), whereas the applicant has confirmed that their daughter will single-handedly manage the operation. Their assumption is that a maximum of only 60% of the kennels will be occupied at any one time.
13. The frequency of conflicting oncoming head to head movements on narrow roads will increase significantly as a result of the kennels.

14. As a result, the impact on the free flow of traffic and highway safety will be significantly adversely affected.
15. Local residents confirm that it is already a common occurrence to meet an oncoming vehicle on more than one occasion while using the approach roads on any given trip.
16. Why you consider highway safety is not adversely affected.

From: Neil Shellard
Sent: 14 October 2020 10:36
To: Claire Baker
Cc: Philip Measures
Subject: 19/04052/FUL

Dear Claire,

19/04052/FUL | Change of use and alterations to existing agricultural buildings to dog kennels | Scrubbets Farm Scrubbets Lane Bagpath Kingscote Tetbury Gloucestershire GL8 8YG

Thank you for the opportunity to consult on this application. I have re-visited this rural proposal site recently, as some 11 months have now passed since I commented on the earlier application in 2019. I have also now seen the latest technical noise impact assessment (*Version 8*) which covers earlier concerns and queries raised by members about external dog noise and potential impact on garden amenity. I have also discussed the application with my Service Leader- Philip Measures.

Technical Pollution Services have No Objection in principle to the change of use, subject to robust conditions.

I agree with the applicant's agent and noise consultant that any impact on the amenity of neighbouring gardens would be offset, minimised and controlled by the applicant adhering to a '*Noise Management Plan*' [NMP] as a condition of planning.

Recommended noise control conditions on any permission granted are:

- (i) 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 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.
- (ii) All external access doors and windows to the boarding kennel facility shall be kept closed, other than for access and egress.
- (iii) The alterations and conversions shall include the installation of an alternative means of air space ventilation which does not compromise the acoustic performance of the building envelope. The details of which will be submitted for the Council's prior approval.
- (iv) 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.
Key provisions of NMP shall include:
 - *Drop-off and pick-up times shall be spread evenly throughout the day. And only occur between 10am-4pm*
 - *Customers are to be allocated specific 'time slots' to collect and drop off dogs (to minimise the number of customers on site)*

- *At hand-over times (booking- in and collection) customers and their dogs must remain in their vehicles and wait for a member of staff to approach their vehicle.
(to facilitate a quiet handover)*
- *Procedures shall be in place to ensure that -only one household of dogs shall arrive or depart at any one time.*
- *Advisory signage in the car park area shall explicitly remind customers what the procedures are for collection and drop-off of dogs.*

This now completes the consultation response.

Regards

Mr Neil T. Shellard MSc MCIEH DipIOA
Senior Officer*

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12 October 2020

Seaton House
Bagpath
TETBURY
GL8 8YG

Claire Baker
CDC Planning Officer



Dear Mrs Baker

**CONTINUING OBJECTIONS TO PROPOSED KENNELS AT SCRUBBETTS FARM
BY MR RICHARD HAZELL**

APPLICATION NUMBER 19/04052/FUL

ROAD SAFETY

Following the planning committee meeting where this application was adjourned pending the provision of further information, part of that process was for some committee members to visit the roads to see first hand the poor condition and danger inherent in increasing traffic for a commercial enterprise that would add many cars to the road. These increased traffic journeys would likely coincide with people going to work and doing the school run (firstly outbound and then homebound) both morning and evening.

LINK TO VIDEO RECORDINGS AND PICTURES OR ROAD CONDITIONS

I have attached a link to video recordings of the roads into and out of Scrubbetts Farm. These are taken in both directions. There are four routes in from the surrounding main roads all converging on what is known locally as the triangle or windy corner. From windy corner to Scrubbetts Farm there is a single road which is unsuitable for increased traffic use. Please make this available to all Councillors on the planning committee so they have all seen what the roads are like and are therefore more informed of the dangerous conditions.



From these videos it is obvious that the roads are narrow with poor visibility (particularly on the Windy Corner to Scubbetts Farm section – the only route to the farm).

From these videos one can understand why the local area plan deemed these roads unsuitable for further development.

If for some reason you believe this link cannot be circulated to all committee members please advise me on why, in your view, this cannot be done, and how by not circulating it, it serves open government and the operation of proper due process.

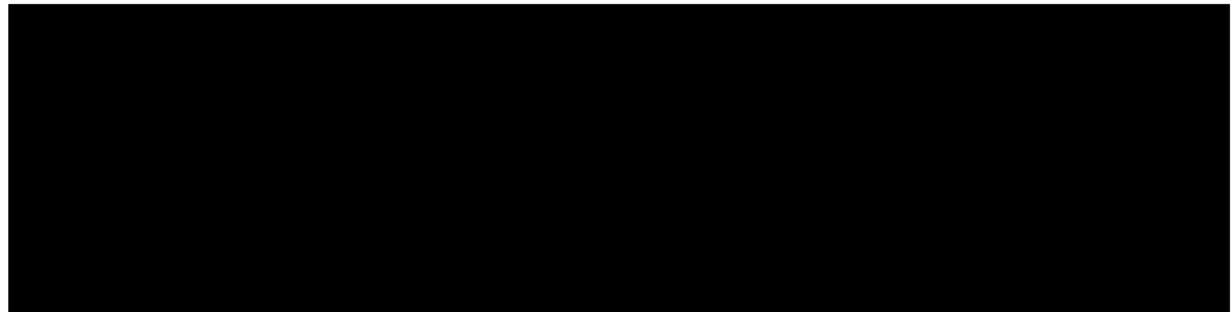
Please confirm that you have circulated it to all committee members.

APPLICANTS PREVIOUS OBJECTIONS

I would like to draw your attention once more to the Hazell's own objections to a previous planning application where they stated the road was unsuitable for increased traffic and their concerns for bio security. The circumstances remain as before so it is difficult to reconcile the changed view arising from this application.

I understand you have stated that the Council would be acting ultra vires if it concluded matters based on bio security and which fall under the auspices of DEFRA. I cannot accept this as a valid argument. If the Council were to try to permit something that is contrary to law (which DEFRA implement and control) then this would be ultra vires. However, the Council are being asked to make decisions based on their authority and not to purportedly overrule DEFRA. Consequently, you cannot claim to "wash your hands" of this responsibility by claiming it is ultra vires. You are quite simply not being asked to do anything or make any decision that are outside the law (ultra vires).

The applicant themselves have claimed bio security is an issue. All you are being asked to do is support their own view and concerns and not permit this application.



FAILURE TO COMPLETE AGRICULTURAL WORKERS HOUSE

The applicant has previously applied for planning for a agricultural workers house. This was granted (without objection from the local community) yet it has not been built.

It raises the question as to whether the applicant is serious about any development but merely to seek multiple approvals that will remain in place like a sword of Damocles. The applicant has failed to supply a business plan to demonstrate the demand and such a plan would give more evidence as to proposed customer numbers and their real belief as to vehicle numbers. The absence of this, and a failure of the Council or committee to require one, means any decision cannot be based on all the information reasonably necessary to reach a conclusion. This would fall into forming part of a judicial review application.

HIGHWAYS FAILURE

The Highways department have concluded the roads are safe. This despite previously concluding that they are not. This is contrary to earlier reports which are now embedded in the local area plan, and approved by Council, that the roads are tortuous and totally unsuitable for further traffic.

Highways have been subject to a freedom of information request yet have not provided any substantive evidence to show how they reached a conclusion that the roads are safe. They have not been able to demonstrate that they have visited the site. In fact if they had it is difficult to see how they can conclude that the roads are safe.

I understand that the Highways reply under the FOI request is subject to review in the belief that not all information has been provided. More worryingly though, if all information has been provided, how they have been able to draw any conclusions based on that scant information.

A reply from Matthew Prince (GCC) stated “this relatively minor application”. The worry from this is that because it is not a huge development that the lives of those living in the community don’t matter. People’s lives are at stake. Accidents happen and it really is only a matter of time before someone is seriously injured. The Council will be held responsible when this happens.

AREA PLAN

The local area plan states that the roads are unsuitable. How and when has this view changed. If it has not formally been changed the application should not be approved.

GRANTING OF LICENCE

If approval were given, the Council are responsible for ensuring adherence to the regulations controlling boarding kennels. This includes waste removal, and staffing levels. It is incumbent on the Council to consider this aspect in relation to how the staff will be provided (a business plan should do this). Additional staff will be needed to provide the required staff to animal ratio which raises two questions, where will they live, and increased traffic movements for them to get to work, neither of which appear to have been satisfactorily explained.

BIAS

The planning officer has prepared a submission to the committee which is bias towards approval.

Little or no weight has been given to the submissions from consultants acting on behalf of those opposed to the development.

It should be noted that there are no submissions in support of the application (other than the applicant and his professional advisors). It appears that the applicant’s numbers for traffic movements have been accepted as accurate without any form of audit as to their reasonableness or validity.

Those opposed have submitted details as to why these numbers are unrealistic, and certainly make the proposed business uneconomical, yet they appear to have been disregarded. The numbers are not just a little bit different, they are significantly different.

It became more evident during the last committee hearing when the planning officer tried to lead the committee to giving approval, and in support of this stance sought to use Google to show that the road was safe. This was totally unprofessional and the images considered were unrepresentative of the whole road. To even consider this option shows a significant lack of judgement, and unprofessional approach particularly in face of evidence provided by the objectors advisors whose views appear to have been disregarded.

This application should be reviewed by a senior planning officer and the case handed to another officer to ensure that the Council are not relying on one person’s view, where it appears an objective is to get the matter concluded and off the desk. In a fair, open, and democratic society this approach cannot and should not be allowed.

So far it is not believed that a rigorous or balanced view has been reached.

I urge the Council to appoint a fresh pair of eyes to review the case. Failure to do so will lead to a complaint to the Council's solicitor and form part of an application for judicial review.

To this end the case should be considered by the senior planning officer and I ask you to confirm in writing that this has been done, and the name of the officer and date of undertaking this request.

RISK

When a risk or hazard exists, it is necessary to mitigate that risk. The HSE are active in this area!

If the highways department have assessed the roads as safe for the proposed increase in traffic, and I assume they have simply accepted the applicants numbers for this consideration (which is nor realistic), it is incumbent on the highways department to have undertaken a full risk assessment. They have not provided one under the FOI request which must mean they have not done one. If they have not done a risk assessment how can they conclude that the roads are safe. They are drawing conclusions without carrying out an adequate assessment.

Matthew Prince (GCC) has stated that he will refuse to correspond with anyone on this matter.

By corollary the CDC will be liable should approval be given and then there is a subsequent accident leading to injury. Relying on reports that are deficient in this respect will make the CDC responsible by having acted negligently.

RESIDENTS PERSONAL EXPERIENCE

The residents of Bagpath are best placed to consider the road and traffic conditions. They see and live with it day in day out. To disregard their views would be to disregard a significant body of evidence. The people living in Bagpath are highly articulate and not prone to outlandish, exaggerated, or unreasoned assertions. In a democratic society their view should be taken into consideration. Should a minority view of just one person (the applicant) outweigh the view of very many when considering the danger (real and perceived), and the encroaching into and despoiling of the countryside in this ANOB

CONDITIONS

Should, contrary to all common sense and democratic considerations, the committee approve the plans, strict conditions should be imposed as to:

The number of animals should be strictly limited

A guarantee of NO noise between 22:00 and 07:00 hours (this is embedded in case law)

At most the total traffic movements be limited to those stated in the application

In accordance with the applicants stated aims, no staff should be housed at the site

CONCLUSION

Rarely in life do we have the opportunity to make a difference for those that follow. There is so much development taking place at the moment that people need the quiet tranquillity of the countryside. We have seen increased numbers of walkers visiting this area since the lock down in March, suggesting people seek out the quiet solitude of the countryside. Please help to preserve this quiet corner of the Cotswolds for the enjoyment of the many who live here and not allow its desecration for profit by one individual.

As the quote goes

"The time is always right to do what is right"? Martin Luther King Jr

I urge you to make this your time

I URGE YOU TO REJECT THE APPLICATION

Yours sincerely

Philip J Kendell

cc Cllr. Richard Morgan, Cllr. Stephen Hirst,

From: Neil Shellard

Sent: 27 October 2020 11:30

To: Claire Baker

Subject: RE: 19/04052/FUL dog kennels | Scrubbets Farm / response to Agents email on NMP

Claire,

Without prejudice to the Committee's final decision, here with some additional clarification (re NMP) and one addition to the conditions (total of 5) I recommended in my email dated 14th October 2020 should permission be granted-

4. 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.

The NMP shall include:

(i) Specifying the time of the first and last Drop-off /Pick-up appointments of the day;

(ii) Procedures to minimise the number of customers on the site at any one time e.g. use of 'Time-slots scheduling';

(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.

(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.

5. Customer Drop-offs/Pick-ups only between 08:00 and 18:00 Mon-Sat, and 09:00- 18:00 on Sundays/Bank Holidays

I trust this is helpful. And it completes the consultation response.

Kind regards

Neil Shellard
Senior Officer

CORINIUM PLANNING SERVICES

F.A.O. Claire Baker
Development Services
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

Our Ref: 2018/21-2

Your Ref: 19/04052/FUL
(File Ref: CT.5929/F)

24th September 2020

Dear Claire,

RE: Scrubbets Farm, Bagpath - Requested Information

Following deferral of the above planning application by Committee on 12th August, we have pleasure in submitting the following additional clarification in response to some of the points raised by objectors and Members.

LOCAL HIGHWAY NETWORK SUITABILITY - The Parish Council and Objectors' presentations to the August Committee incorrectly quoted the County Highways comments, stating:

'...they changed their advice from "object" to "no objection" in the absence of any evidence to support it.' and "Highways accepts roads unsuitable and want a traffic survey'.

when in fact, the requested additional Traffic information was submitted to the Case Officer on 29th April and subsequently made available on their website; and the Highways officer has never recommended an objection to this proposal, but stated:

'I can accept that the roads are narrow and rural in nature but it must be reminded that it is the public highway and so long as it is safe and suitable to do so then the matters relating to there simply being more traffic would not be sufficient grounds for us to recommend refusal.' [email to Case Officer 13th Feb 2020]

On the 11th September the County Highway Department responded directly to the Objector's Representative pointing out that *'four transport professionals all with significant experience who have independently agreed with the primary observation made...'* and that they can find *'nothing in this application that would justify a refusal recommendation being made....'* . We understand that one of their officers is to be present at the next Committee to answer Members' questions at that time; therefore we do not propose to comment further here.

RISK TO BIO-SECURITY OF EXISTING PIG ENTERPRISE - The proposed Dog Kennel enterprise, being situated on the opposite side of the road from where the livestock are held, poses no greater risk than that of members of the public using the lanes (cars, cycles, horses, and walker with, or without dogs, both on and off leads) and PROW network. These have always been a daily threat, against which the applicant has, already in place, strict procedures that the family members and staff have to abide by whenever they enter the land containing the livestock. No Kennel dog will be allowed to cross to the south-west side of Scrubbets Lane. Therefore it is clear that there would be no greater risk to the viability of the existing pig enterprise than already exists. The applicant's vet, Annie Davis BVMS, MRCVS of the George Veterinary Group Pig Team, Malmesbury, who has recently undertaken one of her regular visits to the farm, is fully aware of

this proposal and has confirmed she has no concerns given the existing procedures already in place, and that the registration documents for customers of these kennel will include a declaration in relation to 'whether the dog or owner has had contact with infectious animals or product (meat), or fed the dog on same, or whether clothing, or footwear could be contaminated', in order to safeguard the livestock on the holding.

Furthermore, it is our opinion that, as the Bio-security of this enterprise is already controlled by DEFRA legislation, it would be *ultra-vires* for the Council to regard this issue, on its own, as a material consideration.

BUSINESS PLAN REQUIREMENT - The Objectors and some Members have opined that this proposal is a 'major' application, and in doing so have concluded that Policy EC5 Rural Diversification requires the submission of a Business Plan. However, as demonstrated in the preceding paragraphs, the proposal poses no greater risk to the existing pig enterprise; it re-uses existing buildings and land that are separated from the pig-business; and its scale and design are similar to what already exists on the site; therefore, the proposal meets all three criteria of Policy EC5. Following the submission of the additional information on highway implications, the County Highways officers continue to maintained their original 'No Objections' to this proposal, concluding:

'Having considered the details submitted part of the application, there is at this point no reasonable evidence that would to suggest that the proposed development could arise an unacceptable impact on the safety and operation of the local network in what is a rural setting. The Highway Authority has considered some form of mitigation through the inclusion of passing bays along some of the preferred main routes, but decided that any condition for this would not only be unnecessary to make the development acceptable in planning terms, but also not be fairly and reasonably related in scale and kind to the development.'

It is however recognised that subsequent development could be such that would arise an unacceptable impact on the safety and operation of the local highway network, therefore GCC respectfully requests to form part of the consulted parties for any future planning application within Bagpath.'

In light of the viability evidence and the Highway Authority's assessment that the proposal is a '*relatively minor application*', together with the fact that the application site amounts to only 0.34ha out of an 275.18ha of the applicant's farming land, this proposal cannot, reasonably, constitute 'substantial changes to a farm or agricultural estate' for the purposes of Policy EC5 paragraph 9.5.5; as such, policy does not require a Business Plan to form part of this application.

STAFF - As clearly stated within the application documents, it is proposed that the applicant's daughter, who lives at Scrubbets Farmhouse - Please verify on the Electoral Register - will be the Principal operator (Manageress) of the enterprise. The farmhouse is less than 70m from the site and the number of dogs is likely to be less than 15 at the beginning, therefore, it is within well-accepted Licensing and H&S procedures for the Manageress, aided by video-monitoring of each occupied kennel, to operate this enterprise single-handed at that stage. Should dog numbers exceed 15, then the running of the enterprise will be supported by Mrs Hazell, and even Mr Hazell when free of farm duties. Should the numbers exceed 45, which is forecast to be during the second year of opening at the very earliest, then it may be necessary to employ part-time help.

NOISE - This was a specific issue that the Members sought additional information on given that the Council's ERS officer was unable to satisfactorily answer a late question posed by a Committee Member immediately prior to the last Committee. A comprehensive report (V8) is enclosed that fully replaces that previously submitted. In this respect, and as recognised by yourself, the applicant wishes to point out that, by allowing drop-off and pick-up times to be spread throughout the day, this not only limits potential traffic flow issues, it also helps to ensure that single 'household' of dogs are arriving/departing at any one time and so minimises the risk of dog barking. An example of Management Procedures to minimise the risk of dog barking is set out below:

CORINIUM PLANNING SERVICES

Arrival/Departure times spread through the day:

Drop off and collection times between 10am – 4pm.

Specific time-slots will be given for customers so as to minimise the amount of customers on site at any one time.

Booking-in:

- Customer arrives at allotted time, parks and informs (ring/text) staff of their arrival.
- Only one person per family on site, if possible.
- Customers and pet(s) to remain in vehicles (ventilated), if possible, however, if the weather is too warm then customers will walk their pets to the Reception, but wait outside the door for staff to greet them for hand-over, at which point the pet will then be walked by staff to the kennel building. This external route extends some 15m from the nearest bay to the Reception.

On departure:

- Customer arrives at allotted time, parks and informs (ring/text) staff of their arrival.
- Customer waits in vehicle for hand-over and will immediately leave the premises.

Of course, where there are returning customers, staff will be familiar with any pets that are known to have a tendency to bark and they will be prepared to gain its attention so as to minimise any noise in the external areas.

We trust that you now have all the information required to re-present this application to the next available Planning Committee; however should you have any further questions or need clarification of any points, please do not hesitate to contact me

Yours sincerely



Jaqui Pembroke Town Planning Studies (Dip)
Town and Country Planning Consultant

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