4th March 2015

Dear Mr Osborne

Ref: Planning Application F/14/74763

Single storey detached building to house boarding kennels with associated parking to house up to 30 dogs, Newdeeps Farm, Winchester Road, Southampton SO32 1HH.

Having reviewed all the additional information supplied by the applicants and the noise mitigation measures suggested by EBC's Chief Scientific Officer, Neil Scott, we, the undersigned, would like to state in the strongest terms our continuing objection to this planning application. We provide an overview of our main reasons for objecting below and this should be read in conjunction with the individual letters of objection that we have previously submitted, as well as the technical assessments of likely noise levels by Mr Colin English, past President of the Institute of Acoustics and past Vice President of the European Acoustics Association.

Policy Issues

This planning application is contrary to both the Eastleigh Borough Local Plan Review (EBLPR) and the National Planning Policy Framework 2012 (NPPF).

Eastleigh Borough Council's (EBC) own Planning Policy Officer, Kevin Thurlow, reviewed the planning application against the EBLPR and NPPF. In his Consultee Response of 18th September 2014 he concluded "It does not comply with criteria i)-iii) of 1.CO, which means that it needs to be considered against the criteria of other relevant policies in the EBLPR (criterion iv)"

He then went on to consider it against Policy 5.CO which supports farm diversification. "In the context of policy 5.CO it is important to show that the new kennels would have a direct relationship to an existing agricultural enterprise. There are no other countryside policies in the EBLPR that could support this application"

Newdeeps Farm is not and has never been a farm and there is no existing agricultural enterprise. The applicants moved to Newdeeps with the express intention of setting up a new commercial kennels business in their garden, not developing an existing agricultural enterprise.

Moreover, Paragraph 123 of The National Planning Policy Framework 2012 (NPPF) states that planning policies should aim to "identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"

We currently live in a peaceful location whose tranquillity is valued by its residents. Indeed, the recent survey commissioned by Upham Parish Council "Our Village Our Voice" revealed that 79% of respondents valued tranquillity as Uphams's greatest asset. Newdeeps is in Upham and we all live in Upham. We are also at the gateway to one of the most peaceful areas of South Downs National Park.

We note that EBC emailed the applicants (email has since been removed from the website) for further information:
"Could you let me know what other sites you considered before buying Newdeeps Farm and why you did or didn't consider them suitable for your proposed business. I need to try and demonstrate that this wasn't the first place you came across and that you have taken various factors into consideration." As a result of this they produced a document "potential areas for boarding kennels" outlining their search criteria etc, and this went on the planning portal 30th December 2014. Using the applicants' own criteria, we were able to find a number of existing kennels and sites suitable for development that would have been viable options for them and which would not have impacted any residents. (See our document Objectors' Comments on the Applicants' Site Search Document sent to you 20th January 2015). In this document we also show that the area is already well served for dog kennels and dog sitters and offer to provide further information, if required.

We maintain that this planning application should be rejected on grounds of planning policy. The garden of a residential property in the countryside and so close to neighbouring homes is simply not an appropriate location for this type of development - the plans provide no justification for a departure from the local plan. Should the Council recommend approval, we request that clear and transparent reasons are provided to help us understand this decision, including the nett benefits that it will bring to our local and wider community when weighed against any detrimental impacts that EBC, Upham and Fair Oak Parish Councils and other objectors have identified.

Deficiencies in the specification of the application

Even leaving aside the fact that this application fails to comply with planning policy, there are deficiencies in the design plans that have been submitted by the applicant which mean it should not in any case be approved. For example, the plans do not include an isolation kennel which EBC has confirmed is a requirement for dog boarding kennels. Without information as to where this would be sited (it must be at least 10m from other kennels) the design cannot be approved and the potential noise impact cannot be assessed. A bund has now been proposed. Other than its height, no other details have been provided. In the absence of such information, no meaningful evaluation of its noise attenuation properties, nor any assessment of the potential for surface pooling or flood risk can be made.

Noise

The applicant has submitted incomplete, inaccurate and misleading information about potential noise levels. The original Noise Report which the applicants commissioned from Sound Advice Acoustics contained various errors, omissions and inconsistencies which we brought to the attention of EBC and which then led Senior Scientific Officer Neil Scott to conclude in his email to you that the report had indeed "underestimated the amount of noise likely to be generated and overestimated the amount of noise reduction from the building".

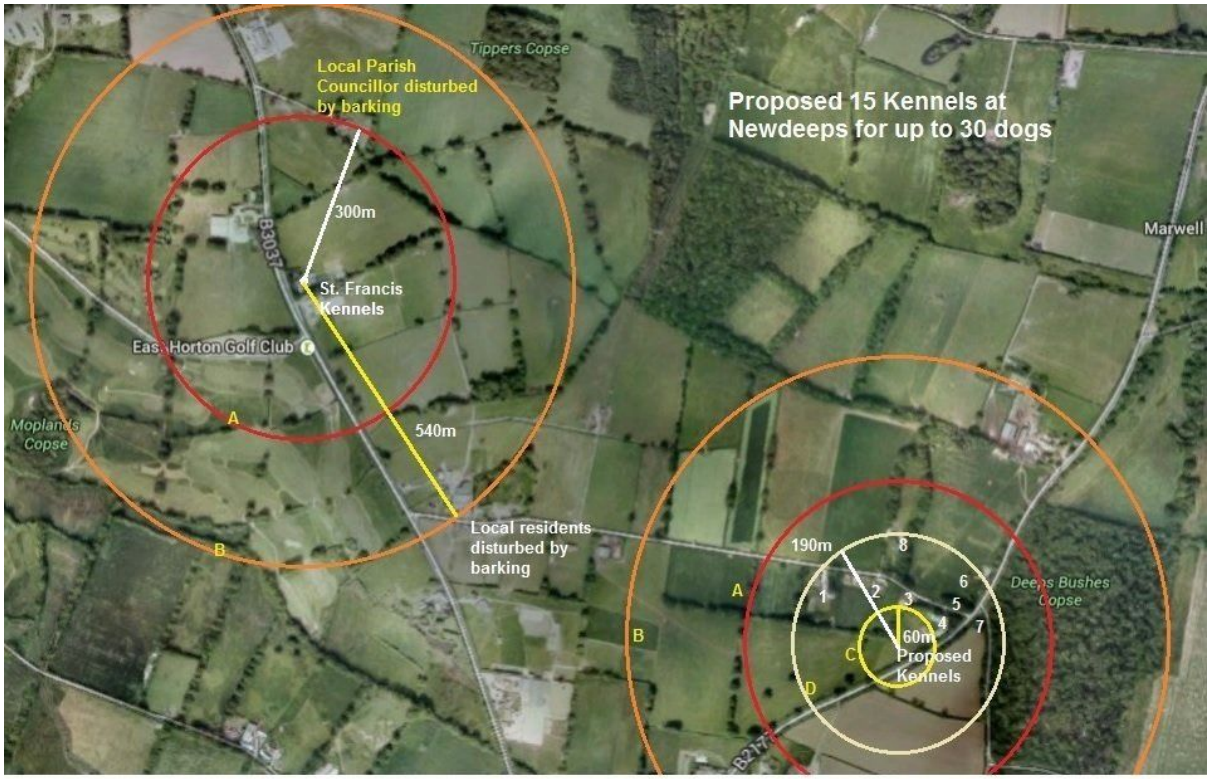
Unfortunately, Sound Advice Acoustics' Technical Note of 13th February, which was supposed to address these issues, singularly fails to do so. Nuala Rochfort (19th February) and Nicola Davis (25th February) have highlighted some of the many issues which require clarification in their emails to you. For example, noise leakage from the proposed ventilation fans is not considered, noise levels at gardens are not adequately assessed and noise levels are only assessed for 15 dogs, whereas the planning application is for kennels for up to 30 dogs. Without these issues being properly taken into account it is impossible to assess the full extent of the noise nuisance that will be caused.

More detailed information can be found regarding some of the shortcomings of both the initial Noise Report (19th May 2014) and subsequent Technical Note in Colin English's reports of 2nd December 2014 and 3rd March 2015. As a past President of the Institute of Acoustics and past Vice President of the European Acoustics Association, you will appreciate that he is very well qualified to make these judgements. Even based on the incomplete and flawed data supplied by the applicant, Mr English concludes that " **the additional information only adds to the evidence that the noise of dog barking from the proposed kennels will be significantly higher than the existing background noise at the neighbouring houses and would be a cause of significant annoyance to residents. If permitted, I would expect the noise from the kennels to constitute a statutory nose nuisance.**

EBC has accepted that dog barks have some similar characteristics to gunshots and so it's appropriate to assess the application against Chartered Institute of Environmental Health (CIEH) publication "Clay Target Shooting – Guidance on the Control of Noise" which recommends hours of operation are restricted to 3 hours per day at weekends and 4 hours on weekdays. However, the proposed kennels would operate 24 hours a day, 7 days a week, 365 days a year and unfortunately it is not possible to "switch off" barking dog(s). We believe that the noise mitigation measures proposed by Mr Scott (for example not allowing windows or doors to be opened and exercising each of the dogs singly) would, in practice, be insufficient and totally unworkable. Assuming that they could be adhered to and we were still disturbed by the noise, what other noise reduction measures could the applicants take which would not render their business totally unviable? Surely the need for such prescriptive measures before a single brick has been laid is strongly indicative of a flawed and unsuitable proposal.

We know that homes are disturbed by noise from St Francis Animal Welfare Centre from a distance of 540m. A local councillor who lives 300m away has testified that the noise at the back of her home and in her garden can be unbearable due to the dogs barking. We are aware of other cases where councils have had to take enforcement action on kennels where noise levels are lower than those predicted at Newdeeps. In 2014 Wealden District Council successfully prosecuted the owner of "Tall Pines", one of its licensed commercial kennels, as a result of complaints from residents living between 140 and just under 500 metres away. Noise levels at these homes were measured by the council at 40-50dB and were found to constitute a statutory noise nuisance as it would adversely affect an average person's reasonable enjoyment of their property. The proposed kennels at Newdeeps would be just 40m from the garden of The Oaks and 60m from the house itself.

The circles on the left of the map below shows the extent of known noise nuisance, as detailed above, from St Francis kennels. On the right of the map these circles have been transposed to centre on the Newdeeps kennels. Additionally, two further inner circles have been drawn to show the close proximity of immediate neighbours.



Visual Impact

The kennels would be substantial, stark and clearly visible in its full extent from Winchester Road when travelling towards Colden Common. Commercial boarding kennels are out of keeping with this countryside setting and this building is in no way sympathetic to local surroundings.

Loss of amenity

The proposed kennels would destroy the peace of the local environs both day and night. Residents would be unable to enjoy their homes and gardens in peace in accordance with their human rights; they would be unable to open their doors or windows or sit out on their balconies. The homes in Stroudwood Lane have been specifically designed with large expanses of glass in order to take advantage of their gardens, and living and sleeping accommodation is also located to the rear. This means that they would be particularly impacted by noise from the kennels. Residents include retirees, young children and people who work from home, in other words, people who will be affected by the noise all day and all night.

Impact on local businesses

The kennels would generate up to two full time jobs (which are for the applicants themselves) but would harm other local businesses. In particular, the image consultancy run out of The Oaks (located just 60m from the kennels) will be severely impacted and may well not survive as clients expect a professional, calm environment, and dog barking is clearly not compatible with this. This is Nicola Davis' sole source of income. Home workers at Willows, Hatchley House and Robin's Rest would also be expected to have their work disrupted by the noise of dogs barking.

Road hazard

The entrance to Newdeeps is difficult to see and is on a particularly hazardous stretch of the B2177; indeed there was a fatal car accident there about 18 months ago. We fear that stressed dog owners unfamiliar with the road will overshoot the turning, slam on their brakes and/or use the entrance to Stroudwood Lane as a turning point. Given that the lane is popular with vulnerable users such as ramblers, cyclists and horse riders, we believe there is a real safety issue. We also question how the applicants could safely walk up to thirty dogs in the area when there are no footpaths and multiple culverts to navigate when exiting the property.

Sustainability/viability

The applicants state "Our aim is to become the highest regarded dog hotel in the country". However, the dog boarding facilities they would be competing with, such as the Canine Country Club in Bude, are located in remote countryside locations where the dogs can roam and play without disturbing anyone, and are farther from houses and roads. This comparatively small site located adjacent to a busy road and close to residential properties clearly does not lend itself to that. Indeed, in its latest advice the MOD requires "Dog sections should be sited so as to provide as little disturbance as possible to the dogs from road traffic…. Compounds should not be sited near domestic or working areas where the dogs may cause a disturbance to personnel." Installing a bund in an attempt to reduce noise levels serves only to further reduce the size of the toilet/exercise area. Mr Scott's recommendations for a "noise management scheme" whereby dogs must be exercised singly and no doors or windows are opened will make this an even less attractive option for dog owners seeking a premium boarding establishment. We therefore envisage that, if approved, once the kennels were built, the applicants would struggle to get business and inevitably ask for these restrictions to be lifted. If the business fails (as many new ventures do) we will be left with an eye-sore that cannot easily be re-purposed.

Summary

EBC's own Planning Policy Officer has concluded that this planning application does not comply with planning policy. An eminent acoustics expert has also advised that the application should also be rejected purely on noise grounds as it is expected to cause a statutory noise nuisance.

The kennels will be visually intrusive when viewed from Winchester Road and out of keeping with their environs. There will be increased road hazard and loss of amenity to local residents who will be unable to enjoy their homes and gardens in peace in an area of the countryside currently prized for its tranquillity. In view of the limitations of the site and restrictions that would need to be imposed, the viability of the business model is highly questionable.

Our objection to this planning application is based on knowledge and information gathered through hundreds of hours of research and considerable expense acquiring expert acoustic, legal and policy advice. We have not found one single piece of evidence that could justify commercial kennels being built in the garden of a residential property some 40 metres from the nearest neighbour. The kennels are expected to constitute a statutory nuisance and, given the proximity to our homes and the nature of the site, there would be no scope to rectify the situation.

We understand that EBC wants to support local enterprise and therefore find a way to approve this planning application. However, the fact remains that it is quite simply the wrong development in the wrong place. Given the wealth of evidence we have provided regarding the harm this development would cause (of which this letter is just a summary), we ask you to refuse this planning application. Its cost to the local community is simply too high and no benefits have been identified apart from facilitating a change of lifestyle for the applicants. We fail to see how EBC could justify knowingly allowing a noise-generating development into a tranquil area thereby denying residents reasonable enjoyment of their property, in accordance with their human rights.

We urge you and Neil Scott to take up our repeated offers to visit our homes so that you are in a better position to judge the likely impact. We also urge you both to meet with Mr English so that he can fully explain to you exactly why he expects the noise from the proposed kennels to constitute a statutory nuisance. We are happy to facilitate this meeting. In any event, we very much hope that common sense will prevail and this planning application will be refused.

Yours sincerely

(Please see separate sheet for signatures)

Steve Cockshott, Willows, Stroudwood Lane, Upham, Southampton SO32 1HG

Nuala Rochfort, Willows, Stroudwood Lane, Upham, Southampton SO32 1HG

Nick Davis, The Oaks, Stroudwood Lane, Upham, Southampton SO32 1HG

Nicola Davis, The Oaks, Stroudwood Lane, Upham, Southampton SO32 1HG

Chris Davis, The Oaks, Stroudwood Lane, Upham, Southampton SO32 1HG

Mariella Davis, The Oaks, Stroudwood Lane, Upham, Southampton SO32 1HG

Sean Sims, Robins Rest, Stroudwood Lane, Upham, Southampton SO32 1HG

Jo Sims, Robins Rest, Stroudwood Lane, Upham, Southampton SO32 1HG

John Harris, The Annexe, Hatchley House, Winchester Road Upham Southampton S032 1HH

Liz Harris, The Annexe, Hatchley House, Winchester Road, Upham, Southampton, S032 1HH

Michael Petty, Homestead, Stroudwood Lane, Upham, Southampton, SO32 1HG

Freda Petty, Homestead, Stroudwood Lane, Upham, Southampton, SO32 1HG

Keith Hammond, The Cottage, Stroudwood Lane, Upham, Southampton, SO32 1HG

Angela Hammond, The Cottage, Stroudwood Lane, Upham, Southampton, SO32 1HG

Andy Courtney, Deeps Cottage, Portsmouth Road, Lower Upham, Hants, SO32 1HH

Norman Emery, Brambles ,Stroudwood Farm, Winchester Road, Lower Upham, SO32 1HH

Sally Emery, Brambles, Stroudwood Farm, Winchester Road, Lower Upham, SO32 1HH

Edward Emery, Thistle Ridge Farm, Portsmouth Road, Eastleigh, SO50 7HF

Joy Broomfield, Hatchley House, Portsmouth Road, Lower Upham, Hants, SO32 1HH

Brett Harris, Hatchley House, Portsmouth Road, Lower Upham, Hants, SO32 1HH

Richard Butler, Lea Cottage, Stroudwood Lane, Upham, Southampton, SO32 1HG

Signature Page for Residents' Letter of Objection to Kennels at Newdeeps Property

dated 4th March 2015

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Signature Page for Residents' Letter of Objection to Kennels at Newdeeps Property (continued)

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