

## **DRAFT**

### **BELCHAMP WALTER PARISH COUNCIL**

An Extraordinary Parish Council meeting was held on 20<sup>th</sup> June 2023 at 7:00 at the village hall.

#### **Present:**

Parish Council: Cllr J Walker (Chair), Cllr C Krelle, Cllr E Poels, Cllr P. Scott, Cllr R Teverson, Cllr M Winter Ms J Munro (Parish Clerk)

#### **Apologies**

Cllr A Hogsbjerg

#### **1. Chair's Opening Remarks**

The Chair opened the meeting and welcomed approximately 35 village residents to the meeting. She explained that the purpose of this meeting was to discuss planning application no 23/01274/FUL – a change of use from agricultural land to dog training facilities, erection of kennel buildings, and office/vet/grooming building at Clarks Farm.

She outlined the format of the meeting:

- Any parishioner who wished would be invited to make a statement,
- After hearing the statements, the Council members who had not recused themselves would discuss the matter and determine whether it wished to submit a comment letter and, if so the matters to be addressed,
- As with all parish council meetings, the meeting is open to the public and parishioners are welcome to stay and listen to the council deliberations.

She provided some background on planning applications and the role of the parish council:

- The parish council is a statutory consultee in the planning process and is informed of all planning applications and any amendments
- The parish council has no powers to approve or reject a planning application – it can only comment or not on an application in the same way as any member of the public
- The parish council has a Planning Advisory Committee (comprising four councillors). The PAC reviews every planning application and makes a recommendation to the Council whether a particular application should be discussed by the council.
- Any councillor with an interest in an application, or with a conflict of interest, will recuse themselves from the council deliberations. In this case two councillors, Cllr Poels and Cllr Hogsbjerg recused themselves
- The PAC recommended the application at Clark's Farm be discussed by the Council
- Anyone who is on the electoral roll can comment on a planning application. If people have strong views they are encouraged to comment directly to Braintree District Council– this can be done on the BDC website.
- She noted that there are valid reasons for commenting on an application and irrelevant reasons for an objection. In response to a question of what these reasons were, she read out the list of matters which do not amount to 'material planning considerations' under current legislation and guidance namely:
  - Speculation over future use
  - The identity of the applicant or occupant
  - Unfair competition
  - Boundary disputes
  - Breach of covenants and personal property rights, including personal (not Public) rights of way

- o Loss of a private view
- o Devaluation of property
- o Other financial matters
- o Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- o Religious or moral issues - such as betting shops and amusement arcades
- o The fact that the applicant does not own the land to which the application relates
- o The fact that an objector is a tenant of land where the development is proposed
- o The fact that the development has already been carried out and the applicant is seeking to regularise the situation.
- o The developer's motives, record or reputation

She asked whether there were any questions and there were none.

## **2. Declaration of interest in agenda items**

Cllr Poels and Cllr Hogsjberg (absent) recused themselves from the council discussion.

## **3. Parishioner Statements**

Cllr Walker invited parishioners to make their statements.

Nigel Horne stated that he lives approximately 800 meters from the site of the proposed development. He can already hear dogs barking from the existing activities on the site. He expressed concern that if the application was to be approved and there were 36 kennels with 36 resident dogs the noise level would be intolerable. Sound travels, especially at night. This would be particularly problematic in summer when people have their windows open at night.

Martin Frazer said that his cottage backs onto the field that is the site of the proposed development. There is a public footpath that runs by the side of the site and users of that footpath will disturb the dogs. This will cause more noise from the dogs.

Ed Morse stated that there are multiple breaches of the conditions of the previously approved planning application (No 22/02097/FUL). The existing operations are not restricted to individuals exercising their dogs. It appears that security dogs are being trained and he has witnessed 4-5 people in protective clothing goading the dogs as part of their training. He knows that other villagers have felt intimidated by the dogs. If the proposed application is approved and there are 36 additional dogs on site it will exacerbate the issue. He has already been disturbed by the number of dogs that are being walked. He is against the application as what is proposed is completely not in keeping with a quiet village such as Belchamp Walter. In addition, if a dog escaped it could be very dangerous.

Colin Doman said that the traffic on North Road is an issue already. The increase in traffic that would be created if the application was to be approved would be dangerous.

Nigel Horne agreed with the problem with additional traffic. The proposal calls for 36 kennels which would could result in at least 36 additional cars going through the quiet village.

Julie Ferdinand stated that she echoes the comments she had heard. She noted that she had already experienced a significant increase in the noise level. 36 additional residential kennels would make the noise even worse.

Robbie Gladwell raised the issue of security. He wondered how the dogs would be monitored, even with fences dogs can escape. If a dog escaped this could be very dangerous.

Julie Gladwell noted that there was already a problem with the number of lorries going through the village.

Ed Morse stated the existing noise level is already problematic and will be made far worse if the application were to be approved. He agreed with those who had expressed concern about the increase in traffic noting that the lanes approaching the site of the proposed application were very narrow. He also noted that safety was a significant issue and if dogs are being walked everyday across the footpaths it could be dangerous.

Nigel Horne noted that application stated there would be a two metre high fence. He noted that certain dogs, especially those used as security dogs, can get over a fence of that height.

Brian Sullivan stated that he gets up early each day and can already hear dogs barking at 6:30am. He noted that under the existing operations, the dogs are being trained in the road which is dangerous.

Becky Poynter stated that she is not against the need for farm diversification but is concerned about the noise that would be created by 36 kennels. She noted that one should not underestimate the detrimental effect of the sound of constant dog barking on one's well being. She also noted that the dogs are currently being walked on the road and this is problematic.

Michael Aves stated that he agreed with the points that had been raised. He noted that the application would require a substantial capital investment for the proposed building, kennels and fencing. To make an adequate return on that investment, the operations would need to be fairly intensive. He noted that application states training would be done during daylight hours with no requirement for lighting other than within the buildings themselves. He questioned how this would work in winter when the daylight hours are so reduced. He noted application refers to new fencing but no mention is made of the established beech hedge that is on part of the perimeter. In closing he noted that the current advertising displayed on the fence is probably not legal as permission has not been sought.

Roger Filtness noted that part of the rationale in the application is that there has been an increase in dog ownership due to changes in lifestyle due to COVID. If a large number of dogs were to be housed and trained this should take place in an area with excellent security and access that is well away from houses. The application is for a commercial enterprise on a serious scale and would need a very high throughput to support the investment. He noted such a commercial enterprise was not in keeping with a quiet village such as Belchamp Walter. He noted that the future use of land is not relevant but the potential use is relevant. This is a commercial enterprise with a plot of over five acres. Even with secure fencing there is no guarantee that a dog will not escape. The site is too close to the village and people are already concerned about walking past the existing dog walking enterprise.

Tilly Poynter said that she was concerned about how the facilities will look. She noted that the kennels would need to be of a size to accommodate the largest of dogs. She felt this would be detrimental to the look of the village.

Evie Poels stated that she lives next door to the site of the proposed application. She stated that she is disturbed by the existing barking from the site which can be from 8am-8pm, even on bank holidays. She stated that the dogs that are being trained now are

dangerous. On one occasion she was extremely concerned about the noise and approached one of the trainers to ask what was happening. The trainer told her not to get any closer as the dog might bite. The dog then jumped up and just missed her face.

Mick Shepherd said that he has two grandchildren who will try to approach any dog. He will no longer take his grandchildren down North Road past the dog walking facility because there are dogs being trained off the lead. He is very concerned that the dogs are not under control.

Evie Poels stated that the applicant is in breach of the conditions of the application that was granted and there is no guarantee the applicant will not breach the conditions of the proposed application should it be granted.

Nigel Horne noted that a condition of the application that had been passed was that there would be a maximum of one customer vehicle and four dogs. He has seen more than this on several occasions. He further noted that the applicants had confirmed there will be no commercial training classes of agility classes on the site – this has also been breached.

Ed Morse noted that people can report a breach of a planning permission to Braintree District Council. It was noted that while Braintree cannot investigate anonymous, it would not disclose your personal details to anyone involved with the investigation.

(Subsequent to the meeting the clerk confirmed this but noted that according to the BDC website “If there is an enforcement appeal, we may give your name and address to: the Planning Inspectorate and the appellant.”)

Tilly Poynter noted that dogs, by their nature, will try to escape and even if there is fencing they might try to dig under the fencing.

Colin Doman questioned what the process would be as he did not want to leave the meeting with no action taken. Cllr Walker responded that after all parishioners who wished to speak had done so, the council will vote on whether to make comment. Mr Doman responded that perhaps people should arrange a public protest.

Emma Morse questioned whether something should be communicated to the Environmental Agency.

Michael Aves noted that everyone has the opportunity and right to submit a comment letter to Braintree District Council. He noted that to be effective it was important that people did not merely cut and paste comments.

Benjie Fairbanks Weston expressed concern with the proximity to the village centre. He noted there were a lot of dogs in the village already that bark. He noted that the scale of the proposal was very large. If it had been limited to, for example, the training of three gun dogs he would feel differently. In his opinion residential kennels for 36 dogs was too much.

Cllr Walker thanked all those who commented. She asked if anyone had any further remarks they wished to make. No one had any further comments.

#### **4. Parish Council Consideration of Application**

Cllr Walker asked the council members whether they had heard and understood all the comments and whether there were any matters in the application that needed to be discussed before voting on whether the council would submit a comment. Council members indicated they were ready to vote.

All five council members agreed that a comment letter should be submitted. Cllr Walker asked council members to state which matters should be raised in the comment letter. The following matters were raised:

- Noise created by additional dogs in close proximity to the centre of the village
- Safety issues – both in terms of a large number of dogs, many of which may not be domestic, and increased traffic on small lanes
- Appropriateness for a small village
- Loss of arable land – the land is currently growing wheat
- Smell

All council members agreed that these matters should be raised.

Cllr Walker asked the clerk to prepare the letter and circulate it to the Council for approval.

There being no further business Cllr Walker thanked Council members for their time and parishioners for their interest and attendance and closed the meeting.