

# Appendix 1

## ENVIRONMENTAL HEALTH DEPARTMENT

### MEMORANDUM

TO: Planning – Debra Bell  
S/2529/13/FL

FROM: Environmental Health – Business Team  
EH/SBB/

21/05/2014

#### **Portelet, High Street, Croydon, Royston Cambridgeshire SG8 0DR**

#### **Retrospective application for part change of use of dwelling to part dwelling and part breeding of dogs, retention of use of three buildings for dog breeding and the proposed erection of a new building for dog breeding**

I wish to confirm that I have received a copy of the above application and have carefully considered the implications of the proposals.

#### **Background**

##### 1) Dog Breeding Licence

The Environmental Health and Licensing Service at South Cambridgeshire DC currently issue an annual dog breeding licence to Anne Wood for the Portelet site.

Mrs Wood first approached the Council in May 2012 to request information on how to apply for a dog breeding licence.

Mrs Wood sent in a completed application form on 27<sup>th</sup> June 2012 and a joint inspection visit was carried out by myself and a qualified practising vet, Anthony Taylor, on 11<sup>th</sup> July 2012.

The maximum number of 40 breeding bitches permitted on the licence was set from information supplied in the inspection report of Mr Taylor from The Cromwell Veterinary Group.

Mrs Wood applied for a licence renewal in November 2012 and I carried out an unannounced site inspection on 16<sup>th</sup> November 2012. I noted that outstanding structural works to the existing buildings had been completed, a small portacabin has been moved on site as an isolation facility and a new written recording scheme had been set up. Mrs Wood requested that the permitted number of breeding bitches be increased to 50 at the time of the visit to give her more flexibility with the number of young breeding bitches to be bred from and retired bitches present on site at any one time.

I contacted Mr Taylor about the matter and he visited the site again on 3<sup>rd</sup> December 2012 to look at the completed structural works and to assess the site in relation to a request for an increase in the number of breeding bitches permitted on the licence.

Mr Taylor confirmed in writing that he was happy for the number to be increased by 10 to a maximum of 50 breeding bitches permitted on the new licence for 2013.

At the time of the request, I spoke to my colleague, Russell Watkins about the matter and as he was responsible for dealing with noise complaints for Croydon at the time.

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Russell Watkins confirmed in writing that he had received no noise complaints relating to the site to date and also confirmed that there had been no noise complaints recorded on the computer system against Portelet.

Mrs Wood was granted a dog breeding licence for 2013 with a maximum of 50 breeding bitches permitted.

Due to noise complaints made by Mrs Wood's close neighbours in April 2014, Mrs Wood decided to relocate the dogs housed in the existing stable block nearest to the house to the new stable block that was located furthest away from the neighbours. The new stable block had been used to store straw and hay, so Mrs Wood used the old stable block as a hay/straw store to ensure that the dogs were as far from the neighbours as possible.

I can confirm that Mrs Wood had some external building works carried during the summer of 2013 which included laying insulated concrete pads for the stable blocks used to house dogs. Mrs Wood informed me of this work as she was worried that there would be a possibility of noise from the dogs at the time of the work due to noise and disturbance by the contractor carry out the works on site.

A renewal application was made on 22<sup>nd</sup> November 2013 and an unannounced licence renewal visit was made myself on 6<sup>th</sup> December 2013. At the time of my visit, I confirmed that on site there were 33 breeding bitches, 8 stud males, 5 female pups kept for future breeding and 9 puppies for sale.

A dog breeding licence was granted on 1<sup>st</sup> January 2014 for the current year.

I can confirm that Mrs Wood to date has fully cooperated with the Council in relation to the requirements and conditions of her dog breeding licence and has been seen to be very proactive in dealing with issues concerning her licence.

### 2) Noise complaint investigations

The Environmental Health and Licensing Service received a complaint from a near neighbour of Mrs Wood on 19<sup>th</sup> April 2013. The complaint was about the allegation of excessive regular barking from Portelet, particularly at feeding times in the morning and afternoon. One of my colleagues spoke to the complainant and asked him to complete a noise. The complainant did not want any formal action taking at the time, but wanted to bring the matter to the Council's attention.

My colleague, Mr Johnston visited Portelet on a number of occasions in April and May 2013 to discuss the issue with Mrs Wood. Mrs Wood was concerned about the complaint and told Mr Johnston that she was going to move the dogs further away from her neighbours and use the new stable block which is located over 145 metres away from the complainants at Penny farthing House. Mr Johnston confirmed that he did not witness excessive barking from Portelet on any of his unannounced site visits.

Mrs Wood also agreed with Mr Johnston to take on more experienced staff to manage any noise issues on site, even though no noise nuisance had been witnessed by Council staff.

No further complaints were made to the Council until 2<sup>nd</sup> September 2013 when the closest neighbours to Portelet (Catkins) rang to log their concerns over allegations of excessive barking from Portelet. At the time of the call the complainant did not want formal action to be taken but wanted to log the issue with the Council instead.

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A further call was made to the Council on 13<sup>th</sup> October 2013 by the neighbours at Catkins over allegations of continued regular barking and as a result a DAT device was installed at Catkins from 30<sup>th</sup> October to 18<sup>th</sup> November 2013. The device recorded both sound levels and audio and the results were analysed by myself on 20<sup>th</sup> November 2014.

The recordings made were from 31<sup>st</sup> October to 16<sup>th</sup> November 2013 and I could hear the barking of young dogs on every day of the recordings at between 07:45 and 08:15 and then again at around 16:30 to 17:00. The barking was intermittent, but clearly audible. Other recordings were made during the day, but were only occasional barks from older dogs which sounded quite faint.

I carried out an unannounced site visit to Portelet during the afternoon of 22<sup>nd</sup> November 2013 to discuss the recent noise allegations and I discovered that the sound of the young dogs heard on the DAT recordings was from the whelping room which is 22 metres away from her nearest neighbours. Puppies had been quarantined in the whelping room for over a month (October/November 2013) due to kennel cough and so were much larger and louder than usual.

Mrs Wood discussed her plans to get permission to erect a further building on site at least 125 metres away from the nearest neighbour in order to prevent the need for older puppies to be kept at the house in future.

At the time of my visit the whelping room was occupied by young pups only and no excessive noise was witnessed. I advised at the time of my visit that she should seek advice on suitable noise insulation for the whelping room as this was the closest part of her business to the neighbours. Mrs Woods informed me that she was looking into employing the services of an acoustic consultant to carry out a noise assessment on site and give advice on any suitable noise insulation scheme if appropriate.

I contacted the complainants at the Catkins to advise them of the findings of the DAT recordings and took steps to arrange a site visit to witness the noise myself and also to take noise recordings at the site boundary between Portelet and Catkins.

A site visit was arranged for 31<sup>st</sup> Jan 2014 and I arrived on site at 06:45. I set up the tripod mounted sound level meter in the garden of Catkins and was on site until 12:45. When it started to rain and so was unable to continue with the noise monitoring.

During my visit, I only heard very intermittent dog barking from Portelet which sounded distant and unobtrusive. The maximum number of dogs heard at any one time was no more than 3 dogs and often was only a single dog. The most significant noise on site was bird noise and vehicle movements on the High Street. What noise there was from Portelet was barely audible above the background noise levels at the time of the assessment visit.

At the end of my visit I explained to both complainants at Catkins that I had not witnessed a statutory nuisance, but was prepared to come back and reassess the situation should the noise levels from Portelet change significantly over the course of 2014.

To date, I have not been contacted again directly by Mrs Wood's near neighbours regarding noise from Portelet, but I will be contacting both parties in due course to offer further monitoring should this be necessary.

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## Planning consultation comments/suggested conditions

I can confirm that I have looked at the information supplied by the applicant including the very thorough noise impact assessment report carried out by Jonathan Rigg from ENS.

I am satisfied with the conclusions of the report and welcome the recommendations made by the noise consultant.

I do not have any objections to approval being given to this retrospective planning application subject to the following conditions being attached to any approval given;

- 1) The applicant should replace the existing single glazed windows to the maturing puppies whelping room with enhanced double glazing (10mm glass/6-20mm cavity) or should upgrade the existing single glazed windows to the maturing puppies whelping room with secondary glazing (a separate pane of 6mm glass spaced 100mm from the existing window
- 2) The applicant should increase the sound absorption within the maturing puppies whelping room by the addition of around 6m<sup>2</sup> of Echosorba high performance stick-on acoustic panels for both ceiling and walls.
- 3) The applicant should construct a suitable building (marked building A on the submitted block plan) for quarantining/housing puppies older than 8 weeks.

Please return a copy of the decision notice regarding this application, quoting the Department's reference, when it has been determined.

Regards

**STEPHEN BROADBELT**  
**ENVIRONMENTAL HEALTH OFFICER (BUSINESS TEAM)**