do-not-
reply@ambervalley.gov.uk

From:do-not-reply@ambervalley.gov.uk
Sent:11 Oct 2022 19:23:32 +0100
To:Development
Subject:Online submission - comment on a planning application

Submitted via www.ambervalley.gov.uk/planning/development-management/view-a-planning-application/comment-form

Application details:AVA/2022/0194

Proposed dog day care centre including new buildings, solar panels and parking - this is a departure to the adopted local plan.**Are you a councillor?**No**Do you want the comment you are about to submit to be shown on our website?**

[redacted]

address:clerk@kirklangleyparishcouncil.gov.uk**Name of organisation (if applicable):**Kirk Langley Parish Council**Do you wish to object?**Yes**Grounds for objection:**AVA/2022/0194
Further comment by Kirk Langley Parish Council in response to Noise Impact Assessment
The Parish Council welcomes the fact that an expert report has been obtained to consider noise impacts; a major concern for residents. The acoustic report refers to the absence of standards by which to assess barking noise. However, in the absence of appropriate standards, we would urge that the planning authority applies common sense to this situation. Universally, the sound of barking dogs is regarded as annoying or irritating to listeners. That is the reason why Defra published the advice cited in the report. With due respect to the author of the report, he has assessed acoustic levels and is not an expert on day care centres for dogs. The author concedes in his report: “there is little dog care centre can do about poorly trained dogs barking” and “dogs bark in response to unusual external stimuli including other dogs or people”. People who own or hear dogs know this and also know that even the best run dog day care centre will produce noise. It will be intrusive, it may not be incessant, but it will adversely affect our residents and their quality of life.
We would urge the planning authority to give particular weight to the observations made in our previous submission:
• Residents are already in a “noise hotspot” generated by traffic on the A52
• The tranquillity of the area to the North, which offers some respite to residents, will be destroyed not only by dog barking, but also by increased traffic so that they will now be surrounded by noise.

The consequences for all residents affected will be dire.
If the noise becomes intolerable and leads to complaints, the regulatory system is not capable of curing the problem. This is clear from the acoustic expert report. A small-scale business such as this, cannot be expected to introduce expensive counter-measures to reduce noise and will be able to avail itself of the "best-practical means" defence. This means that the planning process is the only way of controlling this situation. Once this development is in place, nothing further can be done. It should be sited further away from residences.
Original Submission:
Planning Proposal:
Submission by Kirk Langley Parish Council

The Parish Council objects to the proposed development on the basis that it is contrary to the Amber Valley Local Plan, the NPPF and Kirk Langley Neighbourhood Plan (KLNP). The objections relate to the following matters:

1) Heritage: The proposal will impact the Conservation Area and local heritage assets. It also falls within the setting of Kedleston Hall.

2) Environment: the proposal neither recognises nor enhances the historic landscape and local character

3) Preserve Agricultural Land: the applicant has not demonstrated how the public benefit outweighs the need to preserve agricultural land

4) Business development: The proposed development will have an adverse impact on the tranquillity of the local area and will harm residential amenity, due to noise and a substantial increase in traffic.

1. HERITAGE
The conservation area (CA) runs along the west side of Flagshaw Lane (the main approach road to the development) to a point just beyond Flagshaw Brook. The boundary reappears at the north west side of Lodge Lane, where it extends to Crow Wood and Lodge Farm on Lodge Lane. Lodge Farmhouse is a Grade 11 listed building. The proposal site is encompassed on three sides by the CA and lies firmly within its setting and the setting of Lodge Farmhouse. This area is undeveloped and designated as open countryside within the KLNP. It is described within Annex 3 of the KLNP and is clearly important in relation to the story of Kirk Langley. This development does not follow existing patterns of development and will sit, incongruously, in a prominent position, sharing none of the characteristics of existing patterns of historic development.

Policy HER2 in the KLNP states:
"a) To be supported development proposals must demonstrate regard for the significance of the Conservation Area, and any heritage asset identified in Appendix 4 and Appendix 6 (as updated throughout the plan period) where they, or their setting may be affected by

the proposal. Development will be required to be designed appropriately, taking account of local styles, materials and detail. Account must be taken of the distinctive character areas, as described in Appendix 7"

It does not take account of local styles, materials and detail. The proposal is entirely practical in nature and makes no attempt to fit in with the vernacular.

From the outskirts of the village of Kirk Langley to the entrance of Kedleston Hall, no similar development can be found. This area has been left untouched by modern development and provides an attractive approach to Kedleston Hall. It falls within its setting.

2. ENVIRONMENT
This objection relates to the impact on the natural landscape. The environmental policies within the KLNP are designed to protect views from public places.
POLICY: ENV2
To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural "feel" and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1.
The development will be seen from several public areas. These include the new housing development to the North of the A52, Lodge Lane and the footpath which runs diagonally across the field where the development is intended to be sited. The protection of views from open green spaces, roads and footpaths is key to conserving the landscape for now and future generations. The proposal does not recognise, protect and enhance the historic landscape and local character.

3 USE OF AGRICULTURAL LAND.
Land quality in Kirk Langley has been assessed generally but not closely studied. It is believed to be either grade 2 or grade 3a according to the Natural England strategic assessment. Arable land in the parish is used for sheep, dairy and mixed arable use. This particular field has been used to graze cattle in the recent past. The KLNP states:
POLICY: ENV 4
To be supported proposals for the development of best and most versatile agricultural land must
demonstrate the public benefit outweighs the economic and other benefits of the existing use.
This should also take into account government policy in relation to food production in the UK as set out in the Feb 2020 policy and progress report, which sets out the need for food security.**General comments:**AVA/2022/0194
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This should also take into account government policy in relation to food production in the UK as set out in the Feb 2020 policy and progress report, which sets out the need for food security.**GDPRTick this box to confirm that you have read and understood the above:**True