
APPLICATION NO.	22/00360/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	14.02.2022
APPLICANT	Mr Sean Knowlson
SITE	Cobra Lodge, Upton Lane, Nursling, SO16 0YB, NURSLING AND ROWNHAMS
PROPOSAL	Erection of kennels / runs and consulting room
AMENDMENTS	Landscape information received 15 th April 2022
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

- 1.1 The application is referred to Southern Area Planning Committee at the request of local ward members as the application raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is currently being used by the applicant for dog training and day boarding. A group Tree Preservation Order (TPO) runs along the western boundary of the site and covers trees/land to the west and north of the site. The site is also fairly flat, other than the sharp rising embankment of the adjacent motorway. A group of Grade II listed buildings and the Grade I listed building at Grove Place are located approximately 270 metres away, to the north of the site. A small stream also runs parallel to the Upton Lane highway verge.
- 2.2 Notwithstanding the proximity of the site to the M27 and its slip road, Upton Lane has the characteristics of a rural fringe with highway boundaries primarily demarcated with planting and pockets of development, both residential and commercial, along its length.

3.0 PROPOSAL

- 3.1 Erection of kennels, runs and consulting room

4.0 HISTORY

- 4.1 20/00899/FULLS - Use for overnight boarding for up to six dogs – Allowed at appeal – 17.03.2021
- 4.2 19/01901/FULLS Erection of a canopy to provide cover in which to train during inclement weather conditions. Permission subject to conditions and notes 28.10.2019.

- 4.3 19/00781/VARS Vary conditions 3, 4 and 15 of 16/00957/VARS ((Change of use from agricultural land to a Security Dog Training Facility with associated ancillary rooms) to extend the opening hours of the facility from condition 4 and to remove the word "security" from condition 15) Condition 3 to allow a maximum of 12 dogs, Condition 4 to extend hours to 17.00 on Saturdays and Condition 15 to include day boarding. Permission subject to conditions and notes.
- 4.4 17/01707/VARS Vary conditions 3 and 4 of 16/00957/VARS (Change of use from agricultural land to a Dog Training Facility with associated ancillary rooms) to remove Condition 3, which limits number of dogs on site to 6, vary condition 4 and to extend the opening hours of the facility until 17:00 on Saturdays. Refused 03.12.2018.
- 4.5 16/00957/VARS Vary conditions 4 and 15 of 15/02631/VARS (Change of use from agricultural land to a Security Dog Training Facility with associated ancillary rooms) to extend the opening hours of the facility from Condition 4 and to remove the word "security" from Condition 15. Permitted subject to conditions 28.06.2016.
- 4.6 15/02631/VARS - Vary condition 8 of 11/00386/FULLS (Change of use from agricultural land to a Security Dog Training Facility with associated ancillary rooms) to allow 1.8 metre high gates and associated structure to support. Permission. 03.02.2016.
- 4.7 11/00386/FULLS - Change of use from agricultural land to a Security Dog Training Facility with associated ancillary rooms. Refused. Appeal Allowed – 08.12.2011 (Appeal ref: 2157760).
- 4.8 10/01147/FULLS - Change of use from agricultural land to a Security Dog Training Facility with associated ancillary rooms. Refused – 16.08.2010.

5.0 **CONSULTATIONS**

- 5.1 Conservation – No Objection
- 5.2 Environment Agency – No Objection
- 5.3 Highways – No Objection
- 5.4 Natural England – No Comment
- 5.5 Landscape – No Objection subject to further detail
- 5.6 Environmental Protection – Comment (Decision reached following consultation with the Council animal warden).

6.0 **REPRESENTATIONS** Expired 10.03.2022

- 6.1 Nursling and Rownhams PC – Objection (summarised)
- The plans do not reflect the structures visible from Upton Lane and the M27.

- Is the existing site plan inaccurate, has the building proposed already started construction but in a different location?
- Development is out of character with the area and creates overdevelopment, contrary to policy E2.
- Since the appeal decision in 2011 the number of structures built / proposed exceeds the original permission and is therefore out of character of the area and overdeveloping the area.
- This whole area is visible from the M27 motorway. There is no natural screen of trees and hedgerow to screen buildings from the motorway.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

- COM2 Settlement Hierarchy
- E1 High Quality Development in the Borough
- E2 Protect, Conserve and Enhance the Landscape Character of the Borough
- E8 Pollution
- E9 Heritage
- LE17 Employment Sites in the Countryside
- LWH4 Amenity
- T1 Managing Movement
- T2 Parking standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle for development
- Impact on the surrounding area
- Impact on neighbouring properties
- Highway safety and parking provision
- Heritage

8.2 **Principle of development**

The application site is located in the countryside within the Revised Borough Local Plan 2016. Local Plan Policy COM2 establishes a hierarchy of settlements in the Borough and states that development outside the boundaries of settlements will only be permitted if (a) it is appropriate in the countryside as set out in the local plan policies or (b) it is essential for the proposal to be located in the countryside.

8.3 As the site is an established employment site policy LE17, which concerns existing employment sites in the countryside, is considered relevant to the proposal. This policy states:

The redevelopment, extension of buildings or erection of new buildings on existing employment sites for employment use will be permitted provided that:

- a) it is contained within the lawful employment site; and
- b) the proposal is well related to any retained buildings; and
- c) it does not include outside storage where this could be visually intrusive.

8.4 The development is proposed within the lawful employment site red edge, is located approximately 7m from the existing building and does not include any outside storage. The development is considered to be well related to the existing retained buildings and therefore complies with policy LE17.

8.5 The impact on the character of the area.

The character of the area is assessed in Test Valley Borough Revised Local Plan (RLP) policy E2: Protect, conserve and enhance the landscape of the Borough. This policy permits development that has no detrimental impacts on the appearance of the immediate area and landscape character of the Borough.

8.6 The proposed building will sit alongside the existing building and will be built in the same style and character. Due to its location on site, views of the building will be limited- the principal public vantage points would be from the site entrance and the M27 motorway. It is noted that additional landscaping has been proposed to help integrate the building within the site and wider landscape setting. Subject to securing the proposed landscaping by way of planning condition it is considered that the proposal would not result in harm to the character and appearance of the area.

8.7 It is not considered that the proposed building would create any significant intensification in the use of the site which would result in harm to the local landscape. As such it is considered that the character and appearance of the Borough would be protected, conserved and enhanced as a result and would accord with policy E2 of the Revised Borough Local Plan 2016.

8.8 Amenity impact

Amenity is addressed in RLP Policy LHW4 and RLP Policy E8. There is a neighbouring residential unit of accommodation to the west of the application site. This does not benefit from planning permission, but a retrospective planning application has been received for the development (application ref: 18/02116/FULLS). It is therefore necessary to consider the impact of the development on this property as well as other properties in the locality.

8.9 There is a close board fence of approx. 1.8m in height on the boundary with this neighbour together with landscaping. The proposed building would be located adjacent to the boundary closest to the existing parking area on site. The proposed building is formed of three kennels with associated run and a behavioural consulting room. The consulting room would be accessed from the east, closest the existing building, with the kennels adjacent to the parking area and the run facing the training field to the rear. In respect of impacts from overlooking, loss of light or overshadowing it is not considered that the proposed development would result in any adverse impacts on this neighbouring property. The proposed building is single storey and the boundary treatment would provide screening from it.

- 8.10 With regard to noise impact- The Environmental Health Officer (EHO) has been consulted on the application and has confirmed that subject to a condition relating to hours of operation there would be no objection. The Council Animal Welfare Officer (AWO) has no concerns with regards to the behaviour of the owner's dogs. Since the applicant has advised that the building will be used for the wellbeing of staff dogs and a dog's behaviour is in large part reliant on the owner, the EHO recommends any permission be linked to the applicant specifically by condition.
- 8.11 Subject to the conditions described above it is considered that the proposed building can be provided in accordance with policy LHW4 and E8 of the Revised Borough Local Plan 2016 and no harm would arise.
- 8.12 **Highway safety and parking**
Highways issues are addressed in RLP policy T1: Managing Movement, whilst RLP policy T2 addresses parking standards. Annexe G of the RLP has no parking standard specific to a dog training centre, but requires kennels to provide 1 space per 5 animal kennels.
- 8.13 3 kennels are provided in this building and multiple spaces are provided on hard core at the front of the application site with space for turning and further parking. The Highways Officer has no objection to the proposal.
- 8.14 It is considered that the application would not result in additional highway safety impacts in terms of vehicles obstructing the highway or parking. The proposal is therefore considered to be in accordance with Policies T1 and T2 of the Test Valley Borough Revised Local Plan (2016)
- 8.15 **Heritage**
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the setting of listed buildings.
- 8.16 The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting.
- 8.17 The proposed development is located over 200m from the nearest listed building. Having viewed the site from the entrance of these listed buildings and attempted to view the listed structures from within the site itself it is considered that the proposal is unlikely to be visible, if the proposed structure was visible, it would be seen in the context of the existing dog training facility.
- 8.18 For the reasons set out above the proposed development would have a neutral impact on the setting of the closest listed buildings to the site. The development therefore accords with policy E9 of the RLP and the NPPF.

8.19 **Other matters**

Comments received have identified an additional building on site, which does not form part of this application or any previous planning permission. The Case Officer and Enforcement Officer visited the site in late April and noted a replacement building on site to the east. At the time of writing a further application for this building had been requested. However, the building does not form part of this application and is not relevant in the determination of this planning application.

9.0 **CONCLUSION**

9.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

9.2 The principle of the use of the land as a dog training centre was accepted in the 2011 Appeal decision and subsequent permitted variations. These variations developed the initial permitted Security Dog Training Centre, into a Dog Training Centre for dogs in general including domestic dogs. This new full application is under consideration over 10 years after the 2011 appeal decision and regard must be had to the need to support economic growth and productivity, taking into account local business needs.

9.3 Paragraph 81 of the NPPF 2021 states that *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.* The proposal for an additional kennel building and consulting room highlights the need for additional dog accommodation to support the business needs of Hampshire Dog Club whilst the staff are working at the site. It is considered that the development is acceptable and in accordance with the Local Development Plan.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision 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 permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**

Proposed block plan

Elevations and floor plans

Elevations and floor plans

Site location plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. The external materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.**
Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1
- 4. The activities hereby approved shall only take place between the hours of: - 08:00 hours and 18:00 hours Monday to Friday; 08:00 hours and 17:00 hours on Saturday; 08:00 hours and 14:00 on Sundays.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E8 and LHW4.
- 5. The kennels in the building, the subject of this planning permission, shall be used for the care of staff owned dogs only. All dogs using the kennels in this building shall be removed off-site outside of the hours set out in condition 4, and the building shall not be used for overnight boarding kennels.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of local amenity and to protect the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) policies E2 and LHW4.
- 6. Landscape works shall be carried out before the end of the first available planting season following the first use of the building hereby approved in accordance with the approved information titled landscape plan and dated 15th April 2022. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within 5 years of planting, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**
Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.
- 7. A maximum of 6 dogs shall use the three kennels and three kennel runs provided within the new building hereby approved.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of local amenity and to protect the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) policies E2 and LHW4
- 8. Should the applicant no longer operate at Cobra Lodge the permitted use of the building hereby approved for Hampshire Dog Club shall cease.**
Reason: To protect the amenity of the occupants of adjacent properties in accordance with policy LHW4 of the Revised Borough Local Plan 2016.

Note to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
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