
APPLICATION NO.	22/01151/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	27.04.2022
APPLICANT	Mr Sean Knowlson
SITE	Cobra Lodge , Upton Lane, Nursling, SO16 0YB, NURSLING AND ROWNHAMS
PROPOSAL	Construction of kennels with an associated store room and an accessible toilet
AMENDMENTS	None
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

1.1 The application has been called to Southern Area Planning Committee at the request of a Local Ward Member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is an established dog training and boarding business. 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 fairly flat other than the sharp rising embankment of the adjacent motorway (M27). 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 Upon visiting the site in April 2022 it was noted that work had begun in March 2022.

3.0 PROPOSAL

3.1 Construction of kennels with an associated store room and an accessible toilet. Previous planning permissions have limited the total number of dogs allowed on site at any one time to 12. The application does not seek to increase this maximum number.

4.0 HISTORY

4.1 22/00360/FULLS - Erection of kennels / runs and consulting room –
Permission subject to conditions and notes – 09.06.2022

4.2 20/00899/FULLS - Use for overnight boarding for up to six dogs – Allowed at
appeal – 17.03.2021

- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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).
- 4.9 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 Environmental Health – No Objection (In consultation with the Animal Welfare Officer)

6.0 **REPRESENTATIONS** Expired 27.05.2022

- 6.1 Nursling and Rownhams Parish Council – Objection
- Out of character of the area
 - Over-development
 - Contrary to planning policy E2
 - The Appeal decision dated 8th December 2011 for planning application 11/00386/FULLS

- There is no 'natural screen of trees and hedgerow' to screen the buildings being seen from the motorway.
 - No information about the proposed drainage structure. The proposed building includes a toilet.
 - Construction has already started on the building proposed
- Given the proximity of a stream along the boundary of the site, drainage from the proposed buildings is an important consideration.

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
- Drainage

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 immediately adjacent the existing building on site 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 with cedar cement cladding, corrugated roof panels in anthracite and galvanised kennel fronts/doors. Due to its location on site within the established dog training area, views of the building will be limited, with the principal public vantage points being from the site entrance and the M27 motorway. Any views of the proposal would be seen in the context of the existing principal building and in this respect the proposal would not adversely affect 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 approx. 39m from this boundary. Given the distances involved, the existing screening, and the intervening building it is not considered that the development would have any significant impacts at this residential unit in respect of overlooking, loss of light or overshadowing.

- 8.10 With regard to noise impact the Environmental Health Officer (EHO) has been consulted on the application and has confirmed a comment of no objection. The Council Animal Welfare Officer (AWO) also has no concerns.
- 8.11 Application 19/00781/VARS (See para 4.4) permits a maximum of 12 dogs to be bought onto the site at any one time to use the training facilities. Given this proposal is for the 3rd building on the site which includes the provision of kennels it is considered reasonable to ensure the condition for the number of dogs on site to use the training facility is added to this recommendation for clarity. This is to protect the amenities of adjoining properties and for the avoidance of doubt. It is also considered reasonable to add conditions ensuring the kennels are used for the previously agreed hours and for day care dogs only. Subject to the conditions mentioned 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 5 kennels are provided in this building and multiple parking spaces are provided on hard core at the front of the application site with space for turning and further parking.
- 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 **Drainage**

The proposed building also includes a toilet and comments have been received in respect of drainage within the site. A plan has been submitted showing the location of a cess pit on site which the building is proposed to connect to. The applicant has confirmed that this is the intention and there is no reason to question this intention. As such foul water disposal is provided and will not result in harm to the surrounding area.

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, store and toilet highlights the need for additional dog accommodation to support the business needs of Hampshire Dog Club. 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
block plan existing
block plan proposed
drainage layout**

North and West elevation

South and East Elevation

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 day care of 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. A maximum of 5 dogs shall use the five kennels 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

- 7. No more than a maximum of 12 dogs shall be brought onto the site at any one time to use the training facilities hereby approved.**

Reason: In the interest of local amenity and to ensure no detrimental impact on the landscape character in compliance with Test Valley Borough Revised Local Plan policies LHW4 and E2.

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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