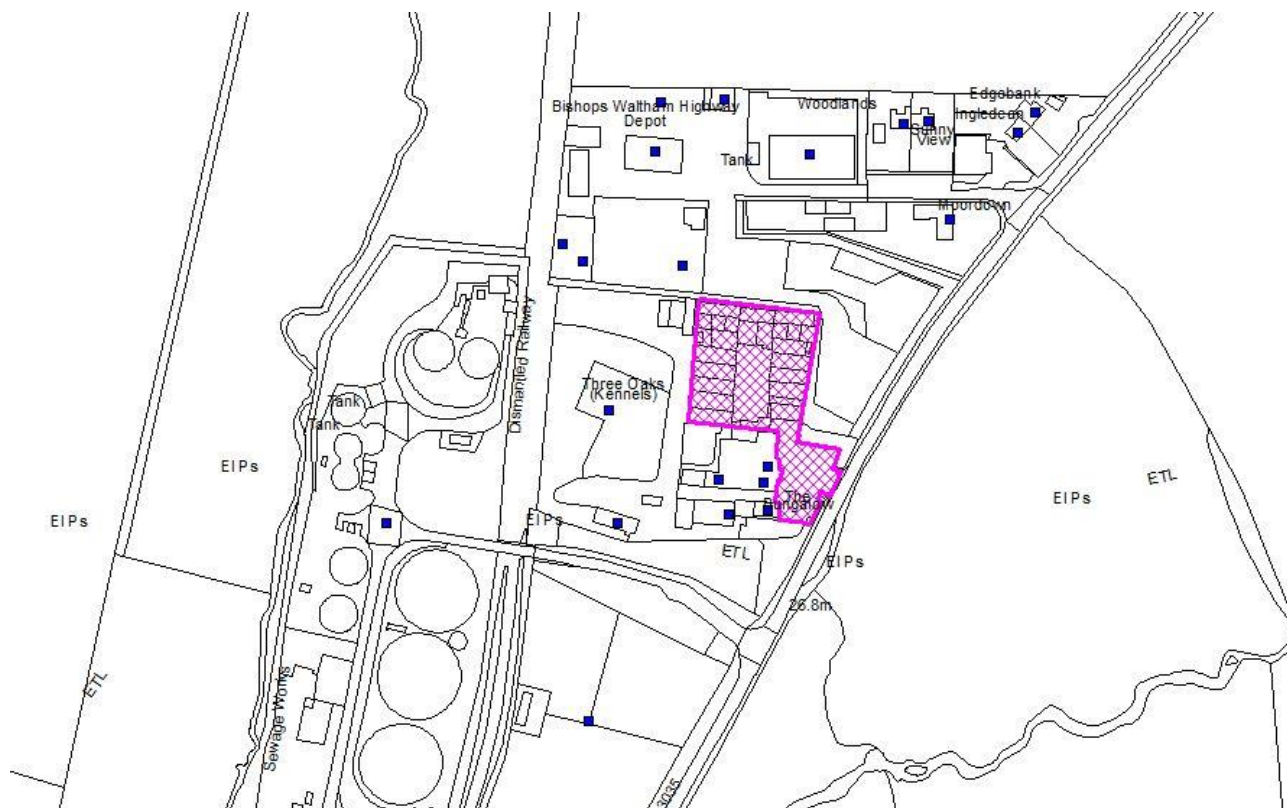


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Case No: 24/00526/FUL
Proposal Description: Proposed 3 new kennel blocks & 2 replacement isolation units with associated paddocks at Three Oaks Kennels.
Address: Three Oaks Kennels, Botley Road, Bishops Waltham, Southampton, Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham Parish Council
Applicants Name: Mr Colin Stoneman
Case Officer: Cameron Taylor
Date Valid: 5 March 2024
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 24/00526/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that the proposal would allow the expansion of an existing business and would not have a significant impact on character and appearance of the area in accordance with Policies DM15 and DM 16 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

The application is reported to Committee due to the number of objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

Amended plans have been received showing a change to the height of the block walls around the site following a noise impact assessment. Given the nature and scale of the amendments, along with the relevant amendments not being visible from neighbouring properties, the amendments were not a material change which required further publicity. that warranted readvertisement.

Site Description

The site is situated to the west of Botley Road and consists of a residential dwelling and a dog kennel business with a car park located along the eastern boundary adjoining Botley Road. The site has an established dog kennel business on site which has 70 kennels currently and a licence to hold 121 dogs maximum. The business has been in use for more than 20 years.

The site has mature planting along the east and northern boundaries to the dog kennels area along with planting along the western boundary. The immediate area itself is industrial and commercial in nature with a large depot to the north of the site along with an approved commercial unit along the western boundary of the kennels and a water treatment site located further to the west, with a number of residential properties located to the north near the highways depot. The wider area is agricultural in nature with a number of paddocks used for agriculture. There is a public right of way located to the west of the site on the opposite side of the water treatment plant and the River Hamble.

The site to the west of Three Oaks Kennels has permission for a 995sqm building and associated works which is proposed to be used for Class B8 (storage & distribution).

Proposal

The proposal seeks 3 new kennel blocks and 2 replacement isolation units with associated paddocks. The proposed kennel blocks are to be located within the existing confines of the site in close proximity to the existing kennel buildings. The existing isolation units are located along the west and eastern boundary of the site's red line, the relocation of these will bring them to a more central location closer towards the existing large central kennel building.

Relevant Planning History

- 21/01497/FUL-Single storey office building- Permitted 10.08.2021

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- 14/02630/FUL-(RESUBMISSION) Demolition of 8 existing kennels and erection of 25 dog kennels and 2 separate individual isolation kennels- Permitted 29.01.2015
- 14/01446/FUL- Erection of 25 dog kennels and 2 separate individual isolation kennels, following demolition of the existing 8 kennels.- Refused 09.09.2014
- 13/01532/FUL-(AMENDED DESCRIPTION) Variation of condition no.6 of planning permission 08/00059/FUL (The development hereby permitted shall be used only for the boarding of cats and for no other purpose) to allow use as dog day centre and cattery- Permitted 11.12.2013
- 08/00059/FUL-Replacement cattery- Permitted 06.03.2008
- 05/02939/FUL-Building to provide waiting and staff room, grooming parlour, office and store- Permitted 03.03.2006
- 02/02230/FUL-(AMENDED DESCRIPTION) Provision of chalet style building for dog care, vet and administrative offices and revised vehicle access- Refused 23.10.2002
- 01/00267/FUL- Relocation of kennels/hardstanding and quarantine enclosure (RETROSPECTIVE)- Permitted 09.05.2001
- 95/00114/OLD- Change of use from greyhound stabling to cattery- Permitted 14.08.1995
- 95/00113/OLD- Change of use from greyhound stabling to dog boarding kennels- Permitted 10.07.1995

Consultations

Service Lead – Public Protection (Environmental Health) –

- No objection subject to conditions

Representations:

Bishops Waltham Parish Council-

“The doubling in the amount of dogs at the site is a concern, with the additional impact of barking noise during all times of the day/night. An adequate noise survey needs to be professionally conducted, with associated screening/acoustic barriers planned to be in place.

We also feel that there will be a significant impact on neighbours and would argue against point 5.14: 'Given the distance that exists between the application site and any neighbouring residential properties, there will be no adverse impact on the residential amenity of the area.' Neighbours are already commenting on the adverse noise levels in the area without this additional increase in dogs being requested.

The application would need to be mindful of and inline with paragraphs 180 (e) and 191 (a) of the NPPF and policy DM20 (Development and Noise) of the Winchester Local Plan.

We would also request that the overall site needs to be monitored and reviewed as a whole, not just as individual small additions.

Along with this review, the area is already well served for such services (two other dog facilities on the same road) which needs to be taken into account.”

8 Objecting Representations received from different addresses citing the following material planning reasons:

- Residential Amenity

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- Increased noise impacts
 - Increased light pollution from the site
- Highways
 - Increase traffic using the site
- Increased waste production
- Ecology
 - Increased use could disrupt surrounding ecology

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2024)

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 16 Conserving and enhancing the historic environment

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Planning Obligations

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

Policy DS1- Development Strategy and Principles

Policy MTRA4- Development in the Countryside

Policy CP6- Local Services and Facilities

Policy CP13 – High Quality Design

Policy CP16 – Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM20 – Development and Noise

DM23 – Development in the Countryside

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

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Planning Considerations

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Regulation 19 Local Plan, as now agreed by Full Council, can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption as set out in paragraph 49 of the NPPF

The application site is located outside of a defined settlement boundary and as such is on land designated as countryside, therefore relevant countryside policies apply.

Policy MTRA4 allows development which meets an operational need for a countryside location, provided the development is proportionate to the nature and scale of the site, its setting and countryside location.

Policy MTRA4 also supports the expansion or redevelopment of existing buildings to facilitate the expansion of an established business.

It should also be recognised that paragraph 88 of the NPPF states that planning decisions should support the sustainable growth and expansion of all types of business in rural areas (including through the introduction of well-designed new buildings). This includes sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.

The development is considered to be proportionate to the nature and scale of the site, its setting and countryside location and this is assessed in further detail throughout the report.

The principle of development is therefore acceptable subject to compliance with the Development Plan as a whole and material planning considerations.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The area is rural in nature with a cluster of commercial and industrial premises within the immediate area, these include Three Oak Kennels, the Hampshire County Council Bishops Waltham Depot and a waste water treatment plant. There is a number of residential properties within the area dispersed to the north of the site. The kennels have access directly off Botley Road which leads directly to the site's parking area. The kennels are located within the northeast corner of the site and there is a large central kennel building located centrally with external outdoor paddocks for the exercise of the dogs. The HCC depot has its access located approximately 45 metres to the north along Botley

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Road. The access to the depot is surrounded by the nearby residential properties. The depot extends to surround the northern and eastern boundaries of the kennels with parking for a large number of vehicles, separating the site and the nearby residential properties in the area. The waste water treatment plant has its access over 70 metres to the south of the kennels with a longer access track leading to the facility that is located to the west of Three Oak Kennels. There is an established precedent for the use of the site as kennels given it being an established business on the site.

The proposed kennel blocks are to be sited on land which as existing are the outdoor paddocks for the existing kennels. The proposed kennels will run along the site's red line boundary along the western and southern boundary, with a smaller block along the eastern boundary. This will include the reduction in size of the external paddocks and subdivision creating 15 smaller paddocks that separate the existing kennels from the proposed. The additional 57 kennels would allow for a maximum of an additional 114 dogs, in the interests of noise management the kennels are conditioned to only be occupied by a single dog. The site currently accommodates 121 dogs. The proposed kennels would require the relocation of the 2 isolation units and paddocks, towards the existing central kennels block.

The proposed kennel blocks will have the same scale and appearance and will use a low level, shallow mono-pitch roof structure, with metal gates and fences to the walls which face into the site. The rear walls of the proposed kennels are 2.7 metre brick acoustic walls and there will be an increase to the existing blockwork wall along the north and continued along the eastern boundary, increasing the height of the blockwork wall to 2.7 metres in height.

The two proposed isolation blocks retain a scale and appearance similar to those as existing, remaining subservient to the existing and proposed kennel. The relocation of the kennels is to allow for the creation of the new kennels. The proposed kennels and isolation blocks are not readily visible from the public realm as they are located within the existing confines of the site. It is therefore considered to remain in-keeping to the scale of the site and not cause an adverse impact upon the character and appearance of the site and surrounding area.

Overall, it is concluded that the scale and appearance of the kennel blocks and isolation blocks are in-keeping to the character and use of the existing site and will not have a significant adverse impact upon the character of the area. Therefore, the development complies with policies DM15, DM16 and DM23 of the LPP2. The proposal preserves the local distinctiveness, minimises the visual impact, by means of location, scale, appearance and design, avoids harmful cumulative impacts and does not detract from the enjoyment of the countryside from the public realm.

Development affecting the South Downs National Park

The application site is located 1.5km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 189 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural

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heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

Historic Environment

The site does not have any listed building or heritage assets within close proximity of the site and the site is not located within or close to a conservation area or area of archaeological potential. Therefore, given that there are no heritage assets near to the site and development, the proposal does not have an impact upon any heritage assets. The proposal therefore complies with policies DM27 and DM29 of the WDLPP2.

Neighbouring amenity

The nearest residential property is Moordown which is situated over 35 metres to the north. Between the site and the property of Moordown is an area of parking and outside storage for the HCC depot that surrounds the kennels north and eastern boundary. Along with the depot siting between the site and the neighbouring property, the site has mature planting along the north and eastern boundary with Moordown's southern boundary also having mature planting. This creates additional screening on-top of the depot separating the site and Moordown. Therefore given the nature of the development and intervening distances the proposal will not have an adverse overlooking, overbearing or overshadowing impact upon neighbouring properties.

There are further residential properties to the north of Moordown. Due to the intervening distance no impact on overlooking, overbearing or overshadowing is demonstrated.

The proposal therefore complies with policy DM17 of the LPP2.

Comments have been made in regard to potential noise impacts the proposed development would have upon surrounding residential properties. This is addressed in the section below.

Noise Impact

A number of objections have been raised in regard to the noise impacts as a result of the current use and the proposed expansion of the kennels, which would result in a maximum additional 57 dogs as limited through condition 7.

A noise impact assessment has been submitted. It concludes that there would be some increase in noise from the proposed development, but this would be barely perceptible, with the acoustic character of the local area not changing as a result of the proposal.

To conform with the recommendations made by the noise assessment, amended plans have been submitted. This includes an increase in the existing wall along the north and eastern boundary to approximately 2.7m which is the closest boundary to the nearby residential property of Moordown. In addition to the increase in the blockwork height to the north and eastern boundary wall, the kennel blocks have been updated to incorporate a 2.7m acoustic wall along their rear elevations.

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The noise assessments have concluded that when taking account of the existing noise levels in the area, the increase in dog noise levels during the daytime and night-time period is within a range that would barely be perceptible.

In addition, acoustic screening measures have been proposed and are secured by condition 6.

The proposal is therefore not considered to lead to a significant adverse noise impact upon the nearby residential properties and surrounding area greater than the existing situation in the area. The proposal is therefore considered to comply with policy DM17 and DM20 of the LPP2.

Sustainable Transport

The site has existing parking just off the access to Botley Road along the eastern boundary of the site. The development does not seek the erection of offices or other uses which would require additional parking. The parking on the site currently has 24 available spaces that serve the kennels, existing office and dwelling. The proposal does not include the intensification of the use nor create any buildings or uses that require additional parking to be provided. The parking and hardstanding allow vehicles to enter and leave the site in a forward gear, with good visibility provided to the north and south of Botley Road. The proposal is therefore not considered to lead to a material change in traffic generation or an impact upon highway safety. The proposal therefore complies with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposed development is on previously developed land and currently maintained for the purposes of the existing business. The site is not in close proximity to a protected site. The proposed kennels and isolation blocks will result in the loss of urban habitats and 2 buildings, however given the nature of the buildings they lack potential roost features for bats or nesting for birds. Proposed enhancement measures are proposed which include a bat and bird box, along with planting of pollinator friendly species as referenced in section 4 of the submitted preliminary ecological appraisal and is secured under condition 4. Therefore, the proposal complies with policy CP16 of the LPP1.

This application was submitted prior to the adoption of biodiversity net gain and therefore this is not applicable under this application.

Appropriate Assessment.

The proposed development would not involve any additional overnight accommodation and would therefore not increase nutrient load at the Solent water environment. The development also does not lie within or close to any European Nature Conservation Sites and would not materially increase recreational pressure upon these designations. Therefore, the development would not cause a significant effect upon the Solent European Sites protected as Special Protection Area and Special Area of Conservation under European law and it is not necessary to undertake an Appropriate Assessment in this instance.

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Sustainable Drainage

In terms of surface water, the site is located within a Flood Zone 1 area which has a low risk of flooding. The development is within an area of existing hard standing and will use existing drainage infrastructure.

The development does not require foul drainage provision.

The proposal therefore complies with policy DM17 of the LPP2.

Trees

The site has established trees along its east, north and western boundaries which adjoin the existing developed land. The trees are surrounded by existing hard standing and built development along with a blockwork wall which provides a protective boundary to the proposal. Therefore, given the nature and scale of the proposal along with the existing relationship between the site and surrounding trees, the proposal is not considered to cause an adverse impact on the trees.

The proposal will therefore comply with policy DM24.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The principle of development within the countryside in this instance is acceptable. The development supports an existing business and would not have a significant adverse impact upon the character and appearance of the site and wider area. The proposed increase in the number of kennels will not lead to an adverse impact upon the surrounding trees, highway safety, nor will it lead to an adverse impact upon the amenity of the nearby properties.

In conclusion and based on the upon the above assessment, the proposal is acceptable and will not have an adverse impact upon the site and surrounding area. The development therefore complies with policies DS1, MTRA4, CP16 of the LPP1, DM1, DM15, DM16, DM17, DM18 and DM23 of the LPP2.

Recommendation

Permit subject to the following conditions:

Conditions

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

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Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be constructed in accordance with the following plans:

- Block Plan- Dwg No. 02 Rev B- Received 17.10.2024
- Site Layout- Dwg No. 03 Rev B- Received 17.10.2024
- Plans & Elevations- Dwg No. 04 Rev C- Received 17.10.2024

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section materials of the associated application forms.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

4. The development shall be carried out in accordance with the measures, conclusions and recommendations and to the timeframe for implementation as set out within Preliminary Ecological Appraisal and Preliminary Roost Assessment as written by Arbtech. Thereafter, the measures shall be maintained and retained in accordance with the approved details.

Reason: To ensure that the ecological value of the site is not adversely impacted upon by the development and to improve biodiversity.

5. The recommendations as noted within the Clarke and Saunders report AS13555.250516. R1 Rev A, shall be followed during operation of the site.

Reason: To protect the amenities of the occupiers of nearby properties.

6. The kennels hereby approved shall not be brought into use until the blockwork wall on the northern and eastern boundaries have been increased in height to 2.7m in accordance with the recommendations within report AS13555.250516. R1 Rev A, and the rear kennel acoustic walls have been installed as noted on plan Dwg No. 04 Rev C.

Reason: To protect the amenities of the occupiers of nearby properties and to ensure the recommendations of the submitted noise assessments are implemented in an appropriate timeframe.

7. The additional kennels hereby approved shall be occupied by individual dogs only and at no time shall 2 or more dogs occupy a single kennel.

Reason: To protect the amenities of the occupiers of nearby properties.

Informatives:

1. In accordance with paragraph 39 of the NPPF 2024 , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,

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- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA4

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM20, DM23

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)