CONDITIONS AND REASONS:

(1) The development hereby permitted shall be implemented in accordance with the following plans numbered: 1314-131-01 Rev.A, 1314-131-02 Rev.B, 1314-131-03 Rev.B &, 1314-131-04 Rev.B. Reason: For the avoidance of doubt and in the interests of proper planning.

(2) The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(3) No development shall start until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

(4) The development hereby approved shall not be brought into use until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall set out measures and management procedures for limiting noise associated with the approved boarding kennels use and is to include the following details:
a) the arrival and departure of dogs
b) how dogs will be settled into their kennel
c) feeding time
d) the cleaning of the kennels
e) exercising dogs both internally and externally
f) dealing with a distressed dog
The agreed plan shall then be implemented in accordance with the approved details at all times and reviewed after an agreed period of time to assess its effectiveness and amended if necessary. Reason: To protect the amenities of the occupiers of nearby properties.

(5) No development shall start until details of the noise mitigation screens and earth bund set out in the submitted noise report have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until these agreed measures have been implemented in full and shall be retained thereafter. Reason: To protect the amenities of the occupiers of nearby properties.

(6) No development shall start until details of mechanical ventilation and air conditioning systems have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until these agreed measures have been implemented in full and shall be retained thereafter. Reason: To protect the amenities of the occupiers of nearby properties.

(7) No development shall start until details of the required isolation kennel and its location have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until these agreed details have been implemented in full and shall be retained thereafter. Reason: In the interests of visual amenity and to protect the amenities of the occupiers of nearby properties.

(8) No development shall start until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until these agreed details have been implemented in full and shall be retained thereafter. Reason: In the interests of visual amenity and to protect the amenities of the occupiers of nearby properties.

(9) No development shall start until details for the sustainable disposal of surface water and disposal of foul sewerage/effluent from the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until these these agreed details have been implemented in full. Reason: To ensure satisfactory provision of foul and surface water drainage and for the protection of the environment.

(10) No development shall start until details for the on site provision of bin/solid waste storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the this storage has been provided in accordance with the approved details and thereafter retained and kept available. Reason: To ensure the adequate provision of on site facilities.

(11) The development hereby permitted shall not be brought into use until a plan showing improvements to the site access, including visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until these agreed measures have been implemented in full and maintained thereafter. Nothing over 0.6m in height above the level of the carriageway shall be placed or permitted to remain within the approved visibility splay. Reason: In the interests of highway safety.

Note to Applicant: the permission does not authorise the undertaking of any works involving excavations in the carriageway, footway or verge. A road opening permit must be obtained from Hampshire Highways, HCC call centre number 0845 6035633.

(12) No development shall start until details for the treatment of the site boundaries, including landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the boundary treatment has been provided in accordance with the approved details and retained thereafter. Reason: In the interests of the visual amenity of the locality.

(13) For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme. Reason: In the interests of the visual amenities of the locality.

(14) The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans and thereafter permanently retained. Reason: To make provision for off street parking for the purpose of highway safety.

(15) No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process. Reason: To protect the amenities of the occupiers of nearby properties.

(16) No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.

(17) The development hereby permitted shall not be open to customers except between the hours of 0800 hours to 1800 hours Monday to Saturday and 1000 hours to 1600 hours on Sundays and public holidays. Reason: To protect the amenity of the occupiers of nearby properties.

Note to Applicant: It is considered that, subject to compliance with the conditions and any obligations attached to this permission, the proposed development is acceptable because it will not materially harm the character of the area, the amenity of neighbours or highway safety and it is in accordance with the policies and proposals of the development plan, comprising the Eastleigh Borough Local Plan Review 2001-2011, and after due regard to all other relevant material considerations including the National Planning Policy Framework and the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014 the Submitted Local Plan comprising: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014', the local planning authority is of the opinion that permission should be granted.

The following development plan saved policies and emerging draft local plan policies are relevant to this decision and the conditions attached to it:

Eastleigh Borough Local Plan Review [2001-2011], saved Policies 1.CO, 5.CO, 10.CO, 11.CO, 15.CO, 29.ES, 36.ES, 59.BE, 101.T & 104.T

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, the Submitted Local Plan, Policies S9, DM1, DM16, DM17, DM23, DM24 & DM37

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Under the Town and Country Planning England Regulations 2012, a fee is required for Discharge of Condition Applications. N.B. Conditions not fully discharged, invalidate the planning permission.

Report:

This application has been referred to Committee due to the amount of neighbour interest.

Description of Application

1. This application seeks approval for the construction of a single storey building and other ancillary works, including new landscaping to be used as a dog boarding kennels or 'dog hotel'. It is the applicant's intention to provide a much more specialised and upmarket kennel service to customers. The following is taken directly from their submitted supporting statement.

2. "The gap in the market is for higher quality boarding facilities combined with superior animal care. The kennels will cater for fewer dogs and so cost clients more, but they will receive a high-class service.

3. Our aim is to become the highest regarded dog hotel in the country. Utilising research on dog behaviour & welfare from highly qualified, professional dog behaviourists & kennel design experts we have designed a dog hotel built to the highest standards. Our business focuses on the behavioural management of the dogs. Each dog would be given a customised programme of care based on its normal daily routine."

4. The building would consist of fifteen kennels together with indoor exercise area and ancillary facilities and reception area. Externally an outdoor exercise area and parking would be provided.

Site Characteristics

5. Newdeeps Farm is a large residential plot situated on the south side of the main Winchester/Portsmouth Road between Colden Common and Bishops Waltham, close to the junction with Stroudwood Lane. The site is generally flat and open with no significant trees other than those which form parts of the site boundaries.

6. There is a single storey detached dwelling and a number of dilapidated outbuildings mainly in the north-western corner of the site, with access from the main road through a thick hedge, which forms the north-eastern site boundary and frontage. The remainder of the site is a large open grassed area. The southern boundary is open onto fields at one end, with a simple fence and a thick hedge where the site adjoins the neighbouring property, 'The Oaks'. This dense boundary planting continues along the western boundary with 'Homeleigh', which is accessed from Stroudwood Lane.

Character of Locality

7. The site sits outside the urban edge within designated countryside and close to the Borough boundary with Winchester City Council. It is mainly surrounded by agricultural land and grazing paddocks, although there are a number of domestic properties within relatively close proximity mainly along Stroudwood Lane, with a couple along the main road.

Relevant Planning History

8. There has been some debate as to whether this site is a former farm. In reviewing the planning history for the site, in 1985 planning records indicate the site formed part of the Deeps Farm, which includes what is now known as The Oaks and Homeleigh. This record indicates the site was brought as small-holding and a letter from Ministry of Agricultural, Fisheries and Food refers to the property as a farm. The subsequent 1987 application for retention of a mobile home appears to show the part of the site relevant to this application as strawberry and vegetable growing with greenhouse and poly-tunnel and a piggery and pig breeding unit. The adjoining field was used for cattle grazing. Both of these applications restricted the use of the mobile home to agricultural workers.

9. In 1997, an application was made for the erection of an agricultural workers dwelling adjacent to the dwelling constructed on the location of the property known as The Oaks. The officer's report in relation to this identified the site as a small agricultural holding which was in decline due to the owner's ill health. Permission for unrestricted residential use was granted via a Certificate of Lawful Use in 2002 and later that year permission was given for a replacement dwelling.

10. At some point between 1997 and 2001, the site was subdivided and in February 2001, permission for residential use of the site was granted via a Certificate of Lawful Use (Ref: Z/36891/000/00) which was subsequently followed by permission for the present dwelling in Jan 2002 (Ref: Z/36891/001/00) and a detached double garage in October 2002 (Ref: Z/36891/003/00). The extent of the residential curtilage did not encompass the entirety of the site and a number of agricultural

buildings were shown as retained on the approved plan related to the Certificate of Lawful Use and subsequent applications.

Representations Received

11. A significant number of representations have been received from a total of ten different households, of which only one has been in support of the application. These representations raised the following issues, concerns and objections to the originally submitted application:

- Noise and disturbance
- Amenity and health
- Contrary to countryside policies
- Increased traffic and highway safety
- Concern for livestock using the neighbouring field
- Odours
- Impact on neighbouring businesses

12. The applicants subsequently submitted further supporting information and amended plans which neighbours were consulted on to which five additional representations were received, raising the following matters in addition to the earlier representations:

- Fails to meet requirements of local plan and is contrary to planning policy;
- Increased road hazards at existing dangerous junction;
- Source of unacceptable noise pollution;
- Lack of site suitability;
- Concerns regarding content of noise assessment;
- Loss of amenity;
- Damage to existing local businesses.

13. On 13th February an updated noise report was submitted for review. Neighbours were again notified and at the time of writing one letter has been received.

Consultation Responses

14. **Head of Regeneration & Planning Policy** – It remains unclear whether the existing use is commercial or agricultural. The National Planning Policy Framework (NPPF) expresses support for the sustainable growth and expansion of all types of business in rural areas (para. 28), but this document must be read as a whole (e.g. a good standard of amenity for all existing and future occupants of land and buildings must be secured). It is important to recognise the intrinsic character and beauty of the countryside (para.17, NPPF), which is the principle that saved Policies 1.CO and 5.CO seek to enforce by safeguarding the countryside from development.

15. Due to the lack of clarity, the application need to be considered principally in terms of Policy 1.CO, then in terms of Policies 5.CO, 10.CO. 11.CO and 15.CO recognising that none of the other policies aside from 1.CO are a precise fit. Overall, there is doubt that the proposal satisfies any of 5.CO-15.CO, therefore the determination would be that the proposal is in conflict with 1.CO and hence the development plan. Consideration will need to be given to other material considerations, such as the NPPF, which it is considered the Eastleigh Borough Local Plan Review is largely aligned with in this case.

16. **Head of Transport and Engineering** – No objection to amended scheme subject to a condition regarding details of visibility splays and the securing of the relevant transport contributions. An informative should be included regarding highway works.

17. **Head of Environmental Health** – Comments on original submission.

18. "The Sound Advice report supporting the application appears to have underestimated the amount of noise likely to be generated and overestimated the amount of noise reduction from the building. It does not appear to have assessed noise from the indoor play area, or the service corridor, nor has it assessed noise from the ventilation fans to be used. Whilst the author may have intended it to do as much, from the drafting of the report it is not possible to tell. For dogs exercising outside, the assessment approach of averaging noise is not appropriate. On this basis it is difficult to assess the degree of impact from the development.

19. I would suggest that the noise assessment is revisited and clarification sought, this should cover the following:

    - How noise levels from the dogs barking has been arrived at (the example noise levels quoted by the consultants on both sides differ widely in terms of the type of measurement and noise levels reported, it would be sensible to find some consensus on this).
    - Noise from dog barking has been assessed as an hourly average (this isn't really appropriate as dog barking is likely to be sporadic – if it was constant we would not be looking favourably at this proposal, nor is this how the applicants intend to operate).
    - Speaking to our animal welfare officer the most effective way to control the potential for noise from dogs barking whilst in the 'outside dog recreation area' would be to only allow them to be exercised singly – this would need to be required through planning condition. If dogs begin to bark they would need to be returned to the kennels.
    - With respect to noise emanating from dogs barking within the buildings – kennels, corridor or indoor play area, this could well be controlled by the use of appropriate construction materials and management procedures. At this time however it has not been possible for me to establish that the Sound Advice report is based

on the current state of knowledge of the construction and operation of the site – I would advise that it is updated or amended in this regard.
    - The report has not considered noise impacts form the operation of ventilation fans and associated air inlet vents."

20. **Head of Environmental Health** – Comments on updated information including revised noise report.

21. "I've now had an opportunity to look at the amended noise information provided by the applicant, including their suggested restrictions, I have also spoken to our animal welfare officer. On the basis of that information we do not object to the application, but recognising the potential for complaints to arise from the dog barking we would recommend that the application is conditioned in this regard.

22. A concern has been raised by an objector regarding the provision of an isolation kennels required by animal licensing legislation, this would necessitate an additional kennel to be sited some 10 metres from the others, I have spoken to our animal welfare officer, AWO, who has confirmed that this is indeed the case, at this time there appears to be no such provision on the plans provided.

23. From the information provided I note that there now appears to be a bund located in the exercise area, however I am not aware of any details having been provided for the shape and design and location of this. Previous comments from this unit referred to an acoustic fence, which would be in addition to this bund, which is also proposed on site and which we recommend is installed as described in the application documents. We would recommend that a condition is imposed requiring details of the noise mitigation screens and or bunds to be approved with the LPA prior to construction.

24. The information provided indicates that when the dogs are inside the kennels and are barking, with doors and windows closed that noise should not cause an issue to neighbouring properties. Concerns have been raised regarding the potential for noise from ventilation systems that are proposed, the impact of noise from the proposed ventilation system has been considered and determined to be unlikely to be an issue. We would recommend that a condition is imposed requiring details of the ventilation or air conditioning to be approved with the LPA prior to use.

25. Should dogs bark either in the exercise area or if doors and windows are left open there is a potential for the noise from dog barking to give rise to complaints. To this end the applicants have made proposals for how they would manage this and which are included in a document outlining suggested restrictions. How this issue is addressed is important with regard to the management of noise from the site. We would refer to such a protocol as a noise management scheme.

Considering the suggestions put forward by the applicant we would recommend some amendments:

- That it is for operational matters related to noise control only.
- We would strike bullet point three regarding the exercising of 8 dogs simultaneously, this is on the advice of the animal welfare officer, AWO, and the likelihood of exercising dogs not known to each other leading to barking and potentially unacceptable noise impacts. (*There are also animal hygiene reasons for not mixing the dogs*).
- Dogs are to be exercised singly, unless they are members of a family group.
- Appointments – the advice of the AWO so as to lessen the potential for disturbance to other dogs, is that the appointment times should be reduced from those proposed (say to 2 hours in the morning and in the afternoon), and should the meet and greet be held outside of these hours then it should be held away from the main kennels.
- Doors and windows should be closed so as to ensure dog barking does not give rise to unacceptable noise impacts at nearby properties (the mechanical ventilation provided should be sufficient to deal with summer months when residents nearby would wish to sleep with windows open).

26. We recognise that the list is not exhaustive and that as the operations onsite bed in there may be need to revisit the scheme, so more work needs to be done to ensure all relevant matters are addressed by the scheme and that there should be a review mechanism to allow changes to be made if necessary. On this basis we would recommend that a condition is imposed requiring a noise management scheme to be drawn up and approved with the LPA prior to the operation of the new use."

27. **Biodiversity Officer** – Holding objection pending further information with regards to drainage and disposal of effluent from the site, as well as recreational pressures on the nearby ancient woodland.

28. **Tree Services Manager** – No objection. There are no arboricultural concerns.

29. **Fair Oak Parish Council** – Object on the grounds of noise.

30. **Winchester City Council** – No comments received.

31. **Upham Parish Council** – Object on the grounds of noise and disturbance, traffic and visual intrusion into the countryside.

Policy Context: designation applicable to site

- Outside Built-Up Area Boundary

Development Plan Saved Policies and Emerging Local Plan Policies

- Eastleigh Borough Local Plan Review 2001-2011 saved Policies: 1.CO, 5.CO, 10.CO, 11.CO, 15.CO, 29.ES, 36.ES, 59.BE, 101.T & 104.T

- Submitted Eastleigh Borough Local Plan 2011-2029, July 2014 Policies: S9, DM1, DM16, DM17, DM23, DM24 & DM37

32. The Submitted Local Plan comprises: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014.

Supplementary Planning Documents

- Supplementary Planning Document: Quality Places
- Supplementary Planning Document: Planning Obligations

National Planning Policy

33. The National Planning Policy Framework (NPPF) supports and encourages sustainable development which is considered to have three roles, economic, social and environmental. Paragraph 8 of the NPPF states that, “These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

34. It goes onto state in paragraph 19 that “The Government is committed to ensuring that the planning system does everything it can to support economic sustainable growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system” and in paragraph 28 that planning policies should “support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.”

Policy Commentary

35. The above policies combine to form the criteria on which this application will be assessed with particular regard to the planning policy background and principle of that proposed, its layout and design, noise and impact upon the residential amenity of neighbouring properties,

traffic and highway safety, as well as its impact upon the street scene and character of the surrounding area and biodiversity.

Assessment of Proposal: Development Plan and / or legislative background

36. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

37. In this case policy issues for consideration include:

Planning Policy

38. The development site falls within designated countryside, where local planning policies and guidance aim to restrict development to that which needs to take place in the countryside or is appropriate for a rural area, (Eastleigh Borough Local Plan Review 2001-2011, saved Policy 1.CO).

39. There has been some debate as to whether this site is a former farm. In reviewing the planning history for the site above, it is apparent that the site was originally part of a small holding, which later became subdivided into two plots, over time incorporating unrestricted residential use. No formal application was made for change of use of the land outside of the identified residential curtilage; therefore it could be argued this land retained an agricultural use, on which the proposed boarding kennels are sited.

40. Saved Policy 5.CO refers to proposals for farm diversification, which states that diversification will be permitted, provided the scheme is appropriate to the locality; respects the quality of the built and natural environment; is of suitable scale, type and form; includes appropriate measures for the management of the site; are directly linked to an existing agricultural enterprise; are not significant generators of traffic; and assists in maintaining the long term viability of the enterprise.

41. Saved Policy 10.CO relates to the replacement of non-residential buildings in the countryside and provides a list of criteria which would need to be met for planning permission to be granted. While the proposed kennels would be sited in place of an old glasshouse, it is not considered to be a replacement building given the completely different use proposed and the fact that the glasshouse had not been used for many years and was in a very poor and dangerous state of repair.

42. Policy 29.ES states that commercial development that would result in any noise-sensitive premises being subject to a loss of amenity by means of an excessive increase in noise would not be permitted. This

is discussed further below.

43. Policy 59.BE requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, to have a satisfactory means of access and layout for vehicles, cyclists and pedestrians, to make provision for refuse and cycle storage and to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

44. Policies 101.T and 104.T relate to transport matters and require contributions to be secured to mitigate the impact of the development and for adequate off-street parking to be provided.

Principle

45. While the application site has previously been used for some form of agricultural use in the past, that is no longer the case and it is not the intension of the applicants to set up any form of agricultural or horticultural business on the site. That being the case, saved Policy 5.CO is not relevant in this instance, which means we must revert back to Policy 1.CO of the adopted Local Plan to establish if the kennels proposal is acceptable in planning policy terms.

46. As has been set out above, saved Policy 1.CO outlines the types of development considered appropriate for sites outside the urban edge, which include development necessary for agricultural, forestry or horticultural purposes, outdoor recreational uses, public utility services, extensions to education or health facilities and that any development meets the other criteria of the plan. The proposed kennel business would not appear to fall into any of these ‘appropriate’ countryside uses. An argument could be put forward that it is an outdoor recreational use but this is a slightly tenuous link given that the policy was really intended to relate to recreational activities such as horse riding.

47. In pure planning principle terms therefore, the proposed kennels would be contrary to policy. However, the question does need to be asked, if it is not appropriate to locate boarding kennels in the countryside, then where would be suitable?

Layout & Design

48. The scheme proposes the construction of a purpose-built single storey building to provide 15 kennels for up to 30 dogs, although in reality the average number of dogs at any one time would be much less as two dogs could only share a kennel if they usually live together. The building would also include an indoor exercise/play area and other ancillary facilities related to caring for the dogs, as well as a reception

and staff area and an outdoor exercise area which would be provided to the east of the building.

49. The building would be orientated north to south and consist of a long run of fifteen kennels, all facing east onto the external exercise area. The northern end of the building widens to accommodate the ancillary facilities, reception area and indoor exercise area. In total the building is approximately 45 metres long by 6 metres wide, widening to 13 metres at its northern end. It would be a single storey structure the majority of which would be 3.9 metres high, with the northern end rising to 4.8 metres and predominantly clad in timber on a brick plinth with a tiled roof. These proposed facing materials would also help blend the building into its surrounding rural context.

50. In addition to the new building the existing parking area would be formalised to provide four customer parking bays and residential parking to meet the Council's 'Residential Parking Standards' SPD. A small ancillary area for waste storage and a small sewerage management plant would be located adjacent to the parking area. New boundary fencing and planting/landscaping would also be provided where necessary to separate the business use of the site from the residential use, as well as provide visual and acoustic screening where required.

51. In design and layout terms therefore the proposals are considered to be acceptable and appropriate for the application site.

Noise & Residential Amenity

52. Understandably, noise disturbance has been cited as the main concern of objectors living close to the application site, and much effort has been put in by both sides to argue their case, including the objectors employing their own noise consultant. Given the differing opinions, the Council's Senior Scientific Officer set out exactly what information he wanted to review and what assessment method should be used in order to ensure that the information submitted by the applicant's consultant was as accurate and realistic a representation as possible.

53. On 13th February an updated noise report was submitted by the applicant's consultant and has been reviewed by the Council's Senior Scientific Officer on behalf of the Head of Environmental Health. This looked into specific issues and took on board the intended construction of the kennels building, ventilation measures, glazing, acoustic screening, as well as management proposals for running the kennels. As can be seen from his response above, he is satisfied that the proposal is unlikely to result in any adverse or unacceptable disturbance to neighbouring residential properties. The building's construction, which will be to the building regulations standards for a new dwelling, will provide sufficient acoustic insulation. This, together with other physical measures such as its orientation and internal layout,

which places the kennels to the eastern side away from the closest neighbours, and external acoustic screening in the form of an earth bund and acoustic fence to the external exercise area, will provide suitable protection from noise. In addition to these physical measures, which can all be conditioned, a noise management scheme can also be conditioned and approved to ensure that the kennels are managed in such a way so as to help minimise disturbance to neighbours, i.e. the maximum number of dogs allowed out in the external exercise area at any one time, when doors and windows can and can't be left open, etc. Conditions to this affect are recommended and will ensure that the agreed measures are put in place prior to the kennels coming into operation.

54. While the concerns of neighbours are fully understood, it has been demonstrated to the satisfaction of the Head of Environmental Health and the application case officer that the proposed kennels are unlikely to have any detrimental impact in planning terms upon the residential amenity of neighbouring properties. This is not to say that if a dog barks it will not be heard, particularly if it is outside but that as far as saved Policies 29.ES and 59.BE of the adopted Local Plan are concerned, any impact will not be so adverse as to warrant a justifiable reason for refusal.

Traffic & Highway Safety

55. A further significant concern of objectors is on the grounds of increased traffic and highway safety fears. However, with no objection from the Head of Transportation and Engineering it would be hard to substantiate a reason for refusal on these grounds.

56. With regards to increased traffic, it is acknowledged that a business use on the site would likely result in more vehicles movements than if it were to remain in solely residential use. However, the impact of these additional movements on the local road network and amenity of the area needs to be considered in terms of the context of the proposal and the local situation.

57. Businesses such as boarding kennels and catteries are usually run on an appointment only basis, i.e. customers cannot just turn up unannounced but must pre-book a suitable time. This not only helps staff ensure that they can deal with the customer and animal appropriately but also prevents more than one customer being on-site at any one time and limits the number of customers which can be dealt with in any one day. The amount of free space available will also help to limit the number of customers in any one day.

58. It is acknowledged that some days may be busier than others but even as a 'worse-case' scenario, based on a turnaround time of an hour per customer/dog and a working day of eight hours, the maximum number of customers in any one day would be no more than eight. This would

result in 16 additional vehicle movements (8 in and 8 out) to and from the site in any one day. If this were a quiet cul-de-sac location then this may well be considered excessive but the site access is onto a busy main road which deals with thousands of cars a day. It could not therefore be argued that the very small additional vehicle movements associated with the proposed business would have any noticeable impact on the local road network.

59. Highway safety concerns regarding the site access have also been raised by objectors who question the suitability of the current site access and highlight problems of trying to exit Stroudwood Lane onto the main road. It is acknowledged that the site access is not in the best of locations, being on the inside of a long bend of a fast road and cannot meet the recommended sight line distances when exiting. However, it is no worse than the junction for Stroudwood Lane and can be improved with the removal/cutting back of some of the current boundary planting.

60. Concerns have also been raised that the current access is hard to see when travelling along the main road, and again problems of people suddenly braking to turn into Stroudwood Lane at the last minute have been cited as an example. The applicants propose to address this issue by making the access more visible through cutting back of planting and provision of clear signage. These measures are considered acceptable by the Head of Transportation and Engineering.

61. The likely number of vehicle movements to and from the site also plays a part in considering related highway safety issues. While examples of problems occurring at Stroudwood Lane have been used as a comparison, it is not considered to be a fair one. Even a relatively quiet country lane such as Stroudwood Lane will deal with a far greater number of vehicle movements a day than the application site access. It would therefore be hard to argue that an average of four additional vehicle movements a day on top of the usual domestic related trips would be sufficient to cause a highway safety concern that warranted refusal of the planning application on these grounds.

Street Scene & Area Character

62. While sizable the proposed kennel building is not dissimilar in scale to agricultural and equestrian buildings which can be found fairly nearby and should not have any adverse or unacceptable visual impact upon the surrounding countryside, particularly given the good natural screening along the main road. Views are available from the main road when heading north due to the southern site boundary at this point being a simple post and wire fence and the low field boundary to the field immediately south of the site. However, any view of the building would only be glimpsed for a very short period by passing traffic given the speed of the road. There is also the ability to provide more natural screening including new trees along this southern site boundary. It is

the applicant's intension to provide new boundary fencing and planting to ensure that the external exercise area is secure and that the dogs are not distracted by livestock using the neighbouring field.

63. With the addition of this new planting it is considered that the proposal could be successfully assimilated into the surrounding context and would have no long term adverse visual impact upon the character of the countryside location. A condition to ensure that this new fencing and landscaping is agreed with the Council and implemented within a reasonable time could be applied to any planning approval.

Biodiversity

64. A holding objection from the Council's Biodiversity Officer has been raised with regards to drainage and waste disposal measures, as well as potential impact on nearby protected woodland through the exercising of dogs. Both drainage and waste disposal can be dealt with via a suitably worded condition to require these details prior to works commencing and that they are implemented in full prior to the kennels coming into use. Waste disposal is also covered by other legislation which will need to be adhered to for the suitable kennel licence to be issued.

65. With regards to the nearby woodland, this is in private ownership and is not open to the public for use. The development proposal includes a large external exercise area, so there should be no need to take the dogs off site and ensuring that any impact to local biodiversity would be minimal and very localised.

Planning Obligations

66. Following the submission of additional information the Head of Transportation and Engineering is satisfied that given the relatively small scale of the proposal and limited number of vehicle movements related to the proposed business, that developer's contributions towards sustainable transport measures to mitigate the impact of the proposed scheme are not required.

Other Material Considerations

67. Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not adopted it carries weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

Conclusion

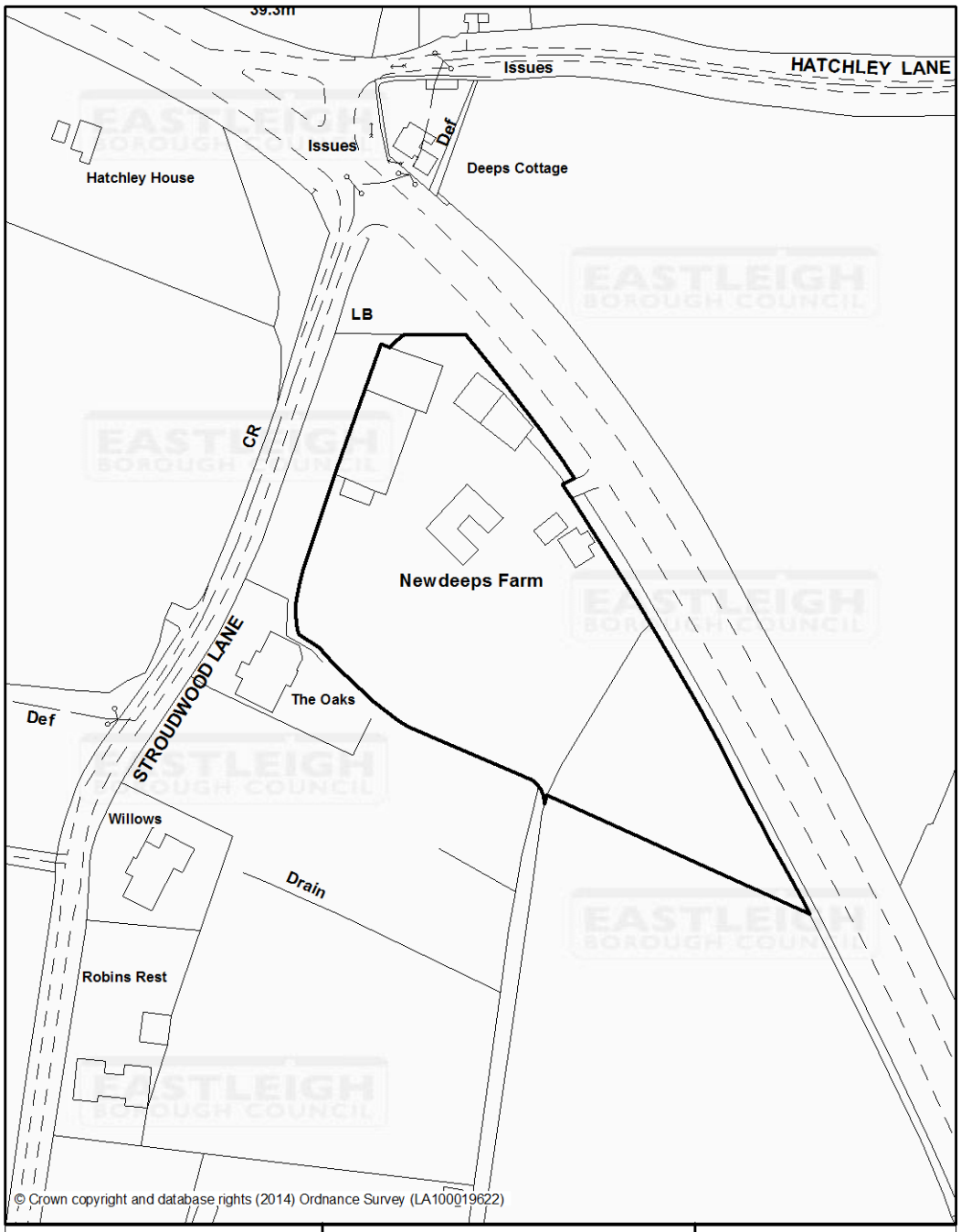
68. While the various concerns raised by objectors are fully understood, and at times emotions have run high, any planning decision must be

based purely on planning issues. The application site lies within designated countryside where only agricultural uses are usually considered acceptable. It is acknowledged that the proposed boarding kennels or ‘dog hotel’ are not an agricultural use or related to an existing agricultural enterprise, which has never been put forward by the applicants as justification for the proposal. In planning policy terms therefore, the application is contrary to saved Policy 1.CO and this could be used as a reason for refusal.

69. However, where else could such a use be located? Kennels would certainly not be acceptable within an urban residential area or a commercial centre. Equally, it would not really be suitable to place such a use within an industrial area, leaving only countryside sites. While it may be preferable from an amenity point of view to site such a use as far away from any domestic property as possible, this would mean that any site would have to be rather remote. This would not only make it more difficult to access but also less sustainable in planning terms and against the guidance set out in the National Planning Policy Framework. In this instance therefore, it is felt that an exception to policy can be justified.

70. In terms of the proposal’s physical and visual impact, as has been set out above, this is considered to be acceptable and can be mitigated through appropriate new landscaping and boundary treatment. It has been demonstrated that in terms of traffic movements and highway safety the proposal will have no noticeable impact and that improvements to the site entrance can be made, resulting in no objection from the Head of Transportation and Engineering. Equally, it has been demonstrated that in planning terms, the proposal will cause no unacceptable or detrimental impact to the amenity of any neighbouring properties and that suitable mitigation and management measures can be implemented to ensure that this remains the case, resulting in no objection from the Head of Environmental Health. Any other remaining issues and details can be covered by suitably worded planning conditions.

71. Overall therefore, it is considered that the proposed dog hotel is acceptable in planning terms and as such is recommended for approval subject to the conditions set out above.



EASTLEIGH BOROUGH COUNCIL

F/14/74763

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Date: 03/11/2014

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