



Notice of Decision

Town and Country Planning Act 1990

Permission for Development

To: Mr Lee Matthews
45 Deanshanger Road
Old Stratford
MK19 6AX

Application No: S/2019/1694/FUL

Application Date: 30 August 2019

**Date of
Permission:** 28 October 2019

SOUTH NORTHAMPTONSHIRE COUNCIL, in pursuance of powers under the above mentioned Act, hereby PERMIT:

Dog day care centre, including groomers, using wooden log cabin style temporary buildings. Hobby Fish is a retail outlet this would include a change of use for this section of land to be 'Sui Generis'.

at Hobby Fish Farm Hobby Fish Farm Watling Street Old Stratford MK19 6BD

In accordance with the accompanying plans and particulars and subject to the conditions specified hereunder :

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

Reason : To comply with the provisions 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 shall not be carried out otherwise than in complete accordance with the approved plans listed below unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The approved plans are:

- Site Plan Revision 02 received 30th August 2019
- GA201-Plan&EI [Proposed Elevations x 4 documents] received 20th August 2019
- Clubhouse Technical Details [Proposed Cabin] received 20th August 2019
- Omega Technical Details [Proposed Cabin] received 20th August 2019
- Nook Technical Details [Proposed Cabin] received 30th August 2019
- GA202-Landscaping [Proposed Landscaping x 5 pages] received 30th August 2019
- Ecological Appraisal by Griffin Ecology dated 17th June 2019 received 16th August 2019
- Document '04b Screening of Site' received 20th August 2019
- Document '04a Access Road' received 20th August 2019

- Document '10 Artificial turf prices' showing the astro-turf to be used as part of the development received 20th August 2019
- Document '08 Site Fencing' received 20th August 2019
- Document '05 Sequential Assessment' received 20th August 2019
- Document '04 Design and Access Statement' received 20th August 2019

Reason : To clarify the permission and for the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancements set out in section 4 of the Preliminary Ecological Appraisal by Griffin Ecology dated 17th June 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

4. If the development hereby approved does not commence by 3rd June 2021. A revised ecology survey report including badger shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

5. Notwithstanding the details shown in the document '08 Site Fencing', alternative details showing the exact position and types of all boundary treatments (i.e. fences, gates and walls) shall be provided to and approved in writing by the Local Planning Authority prior to the development progressing above slab level, or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The landscaping improvements as set out in document '04b Screening of Site' received 20th August 2019, along with the boundary treatments approved by this condition, shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity, to safeguard the amenity of the nearby neighbouring property, and to accord with Policies G3(D, L) and EV29 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

6. The car parking, turning, loading and unloading spaces and the access track improvements, including the removal of rubbish and waste associated with Hobby Fish Farm, as detailed and shown within document '04a Access Road' shall be laid out and constructed prior to the site being brought into use, and retained for these parking, turning, loading and unloading of vehicles at all times thereafter.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking, turning, loading, unloading and to comply with Policy G3(B) of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

7. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason : To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

8. The premises hereby permitted shall be open to customers at the following times:

Monday – Saturday: 08:00am to 06:30pm
Sundays and Bank Holidays: No time

Reason : To protect the amenities of nearby residents on days when the background noise is likely to be significantly less, and to comply with Policy G3(D&E) of the South Northamptonshire Local Plan.

INFORMATIVES:-

1. The applicant is advised that this planning permission does not override the need to obtain a licence as referred to by the comments made by the Council's Environmental Protection Team (copied below):

'The Health and Environmental Protection team have no objections to this application; however, wish to remind the applicant that due to the nature of the processes planned an application would need to be submitted to the licensing team of this Council to obtain a licence issued under "The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Our licensing team do offer a pre-application service, which can be viewed here:

<https://www.southnorthants.gov.uk/info/15/licensing/343/pre-licensing-application-service/2>

As part of the above legislation a number of guidance notes have been written for different sectors; for this activity the relevant document is "Guidance notes for conditions for providing day care for dogs". I would strongly urge the applicant to familiarise themselves with these, and specifically the design criteria and space requirements for day care centres as inadequate internal space will greatly limit the number of dogs permitted.'

Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraph 38 of the National Planning Policy Framework (July 2018)

In accordance with the above, South Northamptonshire Council has worked with the applicant in a positive and creative way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved within applications in accordance with its adopted protocol on 'Negotiating Submitted Applications'. Where the applicant chooses to engage in pre-application discussions, the outcome of these will be referred to in the application report. In responding to pre-application enquires and determining formal applications, South Northamptonshire Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

CONDITIONS

The applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

Material Samples

Please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.



Jim Newton - Assistant Director - Planning and Economy

Checked by:	DCA
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NOTES TO APPLICANTS :**APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months (12 weeks in the case of householder or minor commercial development) of the date of this notice *(see exceptions below)

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

****If this decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.****

****If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.****

PURCHASE NOTICE

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

BUILDING REGULATIONS

Any permission granted by this document relates solely to planning permission. Approval under the building regulations and other legislation may be required before works commence.

Development Monitoring

To inform us of your intention to start development please call, e-mail, or return the tear off slip, at least 14 days prior to the commencement of work on site. This will assist the Council with its policy of monitoring development within the district. Please ensure that you have complied with any pre-commencement conditions, e.g. supplied materials for approval. We will also monitor the development against the approved plans, and compliance with any Conditions imposed on the permission.

Thank you in advance for your assistance in this matter.

Yours faithfully

Paul Seckington
Development Services Manager

Please complete the tear off slip (in block capitals) and return to the address below before commencing work

Development Monitoring
South Northamptonshire Council
The Forum
Moat Lane
Towcester
Northants NN12 6AD

From (Name and Address):

Name

Address

Phone:

Please be advised that the following development is due to commence:

Planning Permission Ref:S/2019/1694/FUL

**Site Address: Hobby Fish Farm Hobby Fish Farm Watling Street Old Stratford
MK19 6BD**

Commencement Date: _____