NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:
Mr J Burrowes
11 Trevor Road
Hitchin
SG4 9TA

Applicant:
Mr J Burrowes

PARTICULARS OF DEVELOPMENT

Application: 18/01211/S73

Proposal: Section 73 Application : Variation to condition 12 (opening hours) of Planning permission ref. 15/02119/1 for the continued use of land as dog park with associated landscaping features and access road. Retention of former reception Portacabin and pole shelter. Erection of single storey detached building for training and day-care of dogs, erection of reception building, siting of temporary portable building to provide reception facilities. Formation of kennel runs attached to existing kennel block. Detached single storey store building and detached shelter. Enlargement of existing car park to provide 16 spaces and ancillary works (as amended by plan CSa/2650/100D received 6.11.15) granted 17/11/2015

Location: Country Boarding Kennels, Slip End, Baldock, SG7 6SF

Plan Nos: 1:1250 Site Location Plan Training Hall South East and North East Elevations Training Hall Floor Plan Training Hall North West and South West Elevations Ground Maintenance and Equipment Store Floor Plan and Elevations Free Standing Shelter Floor Plan and Elevations Portacabin Elevations 1505.01 Rev E 1505.02 Rev A 1505.04 Proposed Site Plan CSa/2650/100 Rev D Kennel Runs Proposed Elevations 1505.03 Rev A

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by

you in your application received with sufficient particulars on 2 May 2018, subject to the following condition(s):

1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

2. Vehicle to vehicle inter visibility splays of 2.4 metres by 120 metres in both directions, as approved in details supplied under application referenced 16/00496/1DOC, shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.4 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

   Reason: To provide adequate visibility for drivers entering and leaving the site.

3. The development hereby permitted shall not commence until the proposed access has been re-constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

   Reason: In the interests of highway safety and amenity.

4. The access shall be a maximum of 5.0 metres wide.

   Reason: In the interests of highway safety and amenity.

5. Prior to the first use of the proposal a properly consolidated and surfaced turning area shall be provided in order that vehicles can turn around and egress the site in forward gear. The turning area shall therefore be permanently retained as provided thereafter.

   Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

6. The gradient of the access shall not be steeper than 1 in 20 for at least the first 10 metres from the edge of the carriageway.

   Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

7. The access shall be constructed in a hard surfacing material for the first 10 metres from the edge of the carriageway.

   Reason: To prevent loose material from passing onto the adjacent highway which may be detrimental to highway safety.

8. Prior to use the access shall include a surface water cut off drain at the back edge of the highway boundary.

   Reason: To prevent excess water run off entering the highway system

9. Any gates provided shall be set back a minimum of 10 metres from the edge of the carriageway and shall open inwards to the site.

   Reason: To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened and closed.

10. The area adjacent to the property Chesara must not be used for any operational purposes (dog walking / exercising / training etc). This area is defined on the approved plan as anywhere north of the new roadway.

    Reason: To safeguard the reasonable living conditions of the adjacent residential property.

11. The use of the dog park shall be restricted to between the hours of 8am - 8pm Monday to Saturday and 8am - 6pm Sunday and Bank Holidays (excluding Christmas Day).

    The new reception building shall not operate outside of the hours of 8am - 8pm Monday to Saturday and 8am to 6pm Sundays and Bank Holidays (excluding Christmas Day).

    The new training building shall not operate outside of the hours of 8am - 8pm Monday to Saturday and 8am to 2pm Sundays and Bank Holidays (excluding Christmas Day).

    Reason: To safeguard the reasonable living conditions of adjacent residential properties.

12. Full details of all fencing, lighting and landscape management regimes as approved by the Authority under application referenced 16/00528/1DOC must not be operated outside of the times specified by condition 11 of this decision notice.

    Reason: To ensure that the completed development has an acceptable appearance in the rural area, enhances biodiversity and does not impact adversely on the reasonable living conditions of adjacent residential properties.

13. All customers to the kennels /cattery and dog park shall use the Sandon Road access only.

    Reason: In the interests of highway safety and the residential living conditions of adjacent properties.

14. There shall be no animal training furniture (jumps / obstacles etc) placed in the park without the prior written approval of the Authority.

    Reason: To safeguard the appearance of the rural area.

15. There shall be no uses or events carried out on the land other than those approved by this permission and accommodated by the 16 car parking spaces provided.

Reason: In the interests of highway safety, the appearance of the rural area and the reasonable living conditions of adjacent residential properties

16. All dog waste shall be removed from the site on a daily basis and disposed of responsibly.

Reason: To safeguard human health and prevent contamination of the aquifer.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Development & Conservation Manager
Date: 10 September 2018

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

The Council's Privacy Notice is available on our website: https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr

NOTES

1 **Failure to satisfy conditions may invalidate this permission and/or result in enforcement action. Particular attention should be paid to the requirements of any condition in bold.**

2 Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development

Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission.

3 The fee is £116 per request or £34 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse. No fee is required for applications resulting from a condition removing "permitted development rights".

The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website:
www.north-herts.gov.uk/home/planning/planning-applications/submit-planning-application

4 If the development hereby permitted is one that will require a new postal address/es then please contact the Council's **street naming and numbering service** on 01462 474431 or email SNN@north-herts.gov.uk who will advise you on how to apply for the new address/es.

Any proposed sales and/or marketing name to be adopted by the developer should be forwarded to the **street naming and numbering service,** prior to any publication of the site details and sales information.

5 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 of the date of this notice.

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 he 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 him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development

order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

6 **Purchase Notices**

If either the local planning authority or the Secretary of State refuses 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 (District Council, London Borough Council or Common Council of the City of London) 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.

7 The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are, therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

THIS PLANNING PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYE-LAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.

Consent for these works may be required from the Letchworth Garden City Heritage Foundation (www.letchworth.com/heritage-foundation) under the Scheme of Management or leasehold covenants. If you do not already have their approval, you are advised to contact the Heritage Foundation on

home@letchworth.com or 01462 476017 to confirm whether you also need to submit an application to them.