

**Planning Services**

Town Hall  
 Bridge Street  
 Peterborough  
 PE1 1HF

DX 12310 Peterborough 1  
 01733 747474

13 February 2015

**Telephone:** 01733 453410  
**Email:** [planningcontrol@peterborough.gov.uk](mailto:planningcontrol@peterborough.gov.uk)  
**Case Officer:** Miss Louise Lovegrove  
**Our Ref:** 14/02238/WCPP  
**Your Ref:**

Mr D Gilbey  
 38 Peterborough Road  
 Eye  
 Peterborough  
 PE6 7YB

Dear Sir/Madam

### **Application for Amendment to an existing Planning Permission**

Proposal: Variation of condition C4 (Hours of operation) of Planning Permission  
 14/01830/FUL (Change of use for dog grooming business - Retrospective)

Site address: 38 Peterborough Road Eye Peterborough PE6 7YB

We are pleased to enclose your formal notice of planning permission for the above development. Please ensure that work is carried out in line with the approved plans referred to on the decision notice. This will avoid the need for any enforcement action.

#### **Complying with the approved plans**

We would like to draw your attention to 'precedent conditions':- these are conditions which require you to either do certain works or submit something for approval prior to starting any work. These conditions must be complied with. Please check your Decision Notice carefully and familiarise yourself with its requirements, allowing plenty of time for the conditions to be complied with before work commences. If these conditions are overlooked you may invalidate your consent, risk enforcement action being taken and may need to submit a further application.

In addition you should be aware that failing to build in accordance with the approved plans or properly discharging conditions often causes problems and delays if selling the property.

#### **Complying with conditions**

Please read the conditions attached to this permission carefully. Some conditions may require you to submit more information to us before you can start work.

If further information is required you will need to submit a separate application together with the required supporting documentation. The relevant application form (PF27) for discharge of conditions can be downloaded from our application One Stop Shop at [www.peterborough.gov.uk/planningoss](http://www.peterborough.gov.uk/planningoss)

Please ensure that the required details are submitted in duplicate and if you are applying to discharge more than one condition that the supporting information is clearly separated and referenced to each individual condition.

There is a fee required with an application to discharge planning conditions, however this is chargeable per application rather than per condition, please ensure that this is enclosed as part of your application. For further information please visit our application One Stop Shop or contact

Planning Services on 01733 453410.

**Appeals against conditions**

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see [www.planningportal.gov.uk/planning/appeals/](http://www.planningportal.gov.uk/planning/appeals/) for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

**Your feedback on our service is welcomed**

We are interested in finding out what you thought of our service and how we might make it better. To give us feedback please go to <http://consult.peterborough.gov.uk/portal/pcss>.

Yours faithfully



Simon Machen  
Director of Growth and Regeneration



**Planning Services**  
 Town Hall  
 Bridge Street  
 Peterborough  
 PE1 1HF

DX 12310 Peterborough 1  
 01733 747474

**NOTICE OF PERMISSION TO DEVELOP  
 LAND WITHOUT COMPLIANCE WITH  
 CONDITIONS PREVIOUSLY ATTACHED  
 TO A GRANT OF PLANNING  
 PERMISSION**

Town and Country Planning Act 1990

Section 73

**GRANTED**

**Reference** 14/02238/WCPP

**Proposal** Variation of condition C4 (Hours of operation) of Planning Permission  
 14/01830/FUL (Change of use for dog grooming business - Retrospective)

**At** 38 Peterborough Road Eye Peterborough PE6 7YB

**Applicant** Mr D Gilbey

**Date valid** 30 December 2014

**Schedule of plans and documents**

Reference	Document/Drawing Title	Date Received
	Site Layout	13.10.2014
	Location Plan	13.10.2014

**Permission is granted subject to the following conditions and reasons:**

- C 1 The use hereby permitted shall be discontinued and the building reverted back to use only for purposes incidental to the enjoyment of the dwellinghouse known as No.38 Peterborough Road, Eye on or before 24 December 2017.

Reason: In order for the Local Planning Authority to ensure that the use does not, over time, give rise to unacceptable disturbance to neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 2 The dog grooming use hereby permitted shall only be carried out within the detached 'Summer House' as shown on the submitted 'Site Layout' drawing and shall only be operated by persons residing within the dwellinghouse known as No.38 Peterborough Road, Eye.

Reason: The use as a dog grooming business is not acceptable as a separate planning unit, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 3 With regard to the dog grooming business use, no more than two dogs shall be present on the site at any one time.

Reason: To prevent unacceptable noise and disturbance to neighbouring occupants and in the interests of highway safety, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 4 The dog grooming use hereby permitted shall not be operated outside the hours of 09.00 to 17.30 Monday to Friday, 09.00 to 15.30 on Saturdays and shall not be operated at any time on Sundays or Public Holidays. In addition, a 15 minute break between customers shall be observed.

Reason: To protect the amenities of neighbouring occupants and to ensure that there is no parking conflict, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 5 All windows and doors to the exterior of the building shall be closed at all times whilst the dog grooming machinery is being operated.

Reason: In order to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 6 The parking spaces shown on the submitted 'Site Layout' drawing shall be retained for no other purpose than the parking of vehicles in connection with the use of the dwelling and dog grooming business until 24 December 2017.

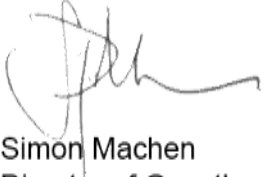
Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

**Statement of compliance**

The proposal as submitted is in accordance with local and national planning policy and has been approved without amendment, in accordance with Paragraphs 186 and 187 of the National Planning Policy Framework (2012).

**Authorisation**

Authorised by:



Simon Machen  
Director of Growth and Regeneration

Date the decision was made: 13 February 2015

## **Informatives**

### **General Notes**

- 1.1 Planning permission does not constitute approval under the Building Regulations or Bye-law approval relating to new streets and buildings.
- 1.2 It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.
- 1.3 The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

### **Appeals to the Secretary of State**

- 2.1 The applicant has a right to appeal to the Secretary of State against any conditions of this planning permission, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:  
  
The Planning Inspectorate,  
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN  
Telephone 0303 444 5000 or visit [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 2.2 If an enforcement notice is or has been 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** of the date of this notice, whichever period expires earlier.
- 2.3 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.
- 2.4 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.

### **Purchase Notices**

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she 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 to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Starting Work too soon**

If you start work on this development before complying with conditions that require to be met before work starts, your action has made this planning permission invalid. A fresh planning application will then be required, with the associated cost and delay.

### **Street Naming and Numbering**

If your proposal requires an address, this includes the sub-division of premises which will provide multiple occupancy for both residential and commercial buildings, please note this is not a function covered by your planning application and must be dealt with as a separate matter.

Please contact the Street Naming and Numbering Custodian, Asset Management Team on 01733 453489 for details of the procedure.

### **Third Party Rights to challenge a planning decision**

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>

This page is intentionally left blank