OFFICER REPORT

Case No: 25/00061/S73 Removal/Variation of Conditions

Proposal: Variation of Conditions 2 (Plans), 3 (Materials), 5 (Removal of Container), 11 (No Plant Shop Extension) and 12 (Waste - Details) on 21/02736/FUL to improve forecourt safety by altering the position of the exterior plant and painting of the exterior

Location: 66 - 76 Cambridge Street St Neots PE19 1PJ

Applicant: Mr Tom Highland

Grid Ref: 518940 260285

DESCRIPTION OF SITE AND APPLICATION

The permitted development is for the extension to the garage shop and alterations to car wash to facilitate change of use to hot food takeaway (Class E). The site is located on the south side of (B1428) Cambridge Street, St Neots, to the east of the town centre. St Neots is a large settlement in Huntingdonshire with wide range of services, including retail, employment, education and medical, together with various community, sports and entertainment facilities. The site measures approximately 0.144ha with a frontage to Cambridge Street of approximately 39.6m and a depth of 36.3m and comprises an existing petrol filling station, a shop and a former automatic car wash building. There is also an existing prefabricated structure and a steel container situated on the south of the site. The whole area around the petrol pumps and buildings is hard surfaced. The ground level rises gently from the north to the south of the site.

The site is within the designated St Neots Conservation Area however, there are no listed buildings in the immediate vicinity and no trees on the site. The site lies within Flood Zone 1, which have a low risk of flooding as identified in the Environment Agency Flood Risk Maps albeit a small section of the site on the north lies in Flood Risk Zone 2.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

The original application (21/02736/FUL) was for the extension to the garage shop and alterations to car wash to facilitate change of use to hot food takeaway (Class E).

This application is for the Variation of Conditions 2 (Plans), 3 (Materials), 5 (Removal of Container), 11 (No Plant Shop Extension) and 12 (Waste - Details) on 21/02736/FUL to improve forecourt safety by altering the position of the exterior plant and painting of the exterior. It is noted that a new owner has taken over the site mid-development and wishes to alter the proposed scheme to improve forecourt safety (Condition 2). This includes the positioning of the exterior plant (condensing units for chillers) (Condition 11), waste management (Condition 12) and painting of the exterior (Condition 3). The drawings also incorporate the removal of the container (Condition 5).

The applicant has provided evidence that work commenced prior to 8th August 2025. Google images show that ground works had commenced in May 2023 and invoices dated February and March 2025 have been provided to show the hire of equipment at this time for the progression of works. It is therefore accepted that the original permission remains extant.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):
* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

The National Design Guide (2021)
* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities
* M3 Well considered parking, servicing and utilities infrastructure for all users
* N3 Support rich and varied biodiversity

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
LP2: Strategy for Development
LP5: Flood Risk
LP6: Wastewater Management
LP7: Spatial Planning Areas
LP8: Key Service Centres
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Management
LP21: Town Centre Vitality and Viability
LP34: Heritage Assets and their Settings

Neighbourhood Plans:

St Neots Neighbourhood Plan (2016)
* Policy A3 – Design
* Policy SS1 – Town Centre
* Policy PT3 – Traffic and Car Parking
* Policy P4 – Flooding

St Neots Conservation Area Character Assessment (October 2006)

Supplementary Planning Documents/ Guidance

*Huntingdonshire Design Guide (SPD) 2017
*Developer Contributions SPD 2011
*Developer Contributions: Updated Costs 2023/24
*Huntingdonshire Landscape and Townscape SPD (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2024)
*Cambridgeshire Flood and Water SPD 2017
*Annual Monitoring Review regarding housing land supply (2024)
*Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local policies are viewable at https://www.huntingdonshire.gov.uk

PLANNING HISTORY

7400032ADV - Three advertisements – refused 01.04.1975
7600267FUL - Extension to car display area – permission granted 07.06.1976
7600030ADV - Three Illuminated signs – consent granted 28.06.1976
8701841FUL - Installation of underground petrol storage tank – permission granted 09.11.1987
88/00792/FUL - Raise existing forecourt canopy – permission granted 25.05.1988
88/01488/ADV - Illuminated canopy fascia signs – consent granted 04.08.1988
89/00581/FUL - Redevelopment of existing filling station – permission granted 21.12.1989
90/00157/ADV - Internal illuminated signs for petrol filling station – consent granted 31.08.1990
94/00524/ADV - Display advertisements – consent granted 26.09.1994
1400198FUL - Installation of 2 LPG storage tanks with palisade fence enclosure, dispenser on pump island and replacement timber boarding on boundary wall to compound – permission granted 01.05.2014
17/01945/FUL - Installation of two containers and one canopy (retrospective) – permission granted 09.05.2018
21/02736/FUL - Proposed extension to garage shop and alterations to car wash to facilitate change of use to hot food takeaway (Class E) – permission granted 08.08.2022

CONSULTATIONS

St Neots Town Council recommends approval. The proposal is considered satisfactory in terms of scale and pattern of development.

HDC Urban Design – No objections. The location of the external plant/condensing units and refuse storage to the south (rear) of the retail unit is acceptable in design terms and would be screened and secured by the proposed fence. The amendments to the wording of Condition 11 and 12 is considered acceptable.

The principle of painting the facing brickwork of the existing retail unit and extension RAL 7016 Anthracite grey is acceptable. Notwithstanding this condition 3 is a general materials condition and refers to all proposed external materials, as such details of the window and door colour, facia colour and treatment of the roof should be confirmed and annotated on revised dwg 24:142-004. Subject to this change, the amendments to the wording of condition 3 would be considered acceptable.

The revised dwg 24:142-003 confirms the removal of the container and the revised wording of Condition 5 is considered acceptable.

HDC Environmental Health – re variation of condition 11 (No Plant Shop Extension) it is noted that the new proposal adds condensing units to the rear of the extension. The proposed units are approximately 4 metres away from the nearest residential garden and about 15 metres from a house. There is a 1.9m high brick wall dividing the sites, however, the effectiveness of this as a noise barrier is reduced by the proposed height of the condensor units, which is about 1.5m high. It is recommended that a noise assessment be undertaken, and any noise mitigation measures be implemented, to ensure there is no detrimental impact on the amenity of neighbours.

Officer comment – A noise assessment report was provided by the applicant and following further consultation with the Environmental Health Officer and following additional information supplied in relation to the condensers, air conditioning units and acoustic fence, the Environmental Health Officer confirmed their acceptance of the condensing units to the rear of the extension.

CCC Highways Department – no objections. It is noted that no changes have been made to the entrance/exit or parking arrangement for the takeaway. Therefore, no significant adverse effect upon the Public Highway should result from this proposal.

REPRESENTATIONS

None received at time of determination.

SUMMARY OF ISSUES

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.

It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged". As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Whilst there is a presumption in favour of sustainable development, the National Planning Policy Framework defines sustainability as having three strands - social, economic and environmental. One of the NPPF's core principles is to achieve well-designed places and it is noted that "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The principle of the conversion of the building to a mixed commercial use and residential use for 3 apartments has been approved through the grant of permission of application 24/00084/FUL for the Conversion of a commercial unit (Class E) to a mixed 2 commercial (Class E) and 3 residential units (Class C3). The main issues to consider in the determination of this application therefore are whether the amended scheme in acceptable in terms of:

- Design, Visual Amenity and Impact on Heritage Assets
- Residential amenity

*Design, Visual Amenity and Impact on Heritage Assets

Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

Policy LP34 states that a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting as set out in character statements or other applicable documents.

The Council will consider the significance of a designated heritage asset and where there is less than substantial harm, this will be weighed against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

The proposal falls within the St Neots Conservation Area.

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Para. 212 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification…'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

The proposal is for the variation of Conditions 2 (Plans), 3 (Materials), 5 (Removal of Container), 11 (No Plant Shop Extension) and 12 (Waste - Details) on 21/02736/FUL in order to improve forecourt safety by altering the position of the exterior plant and painting of the exterior. This includes the positioning of the exterior plant (condensing units for chillers) (Condition 11), waste management (Condition 12) and painting of the exterior (Condition 3). The drawings also incorporate the removal of the container (Condition 5).

A revised site plan and a revised shop front plan have been submitted in support of the application. HDC Urban Design Team has been consulted on the proposals and have no objections to the revisions.

The location of the external plant/condensing units and refuse storage to the south (rear) of the retail unit is acceptable in design terms and would be screened and secured by the proposed fence.

The principle of painting the facing brickwork of the existing retail unit and extension RAL 7016 Anthracite grey is acceptable. Notwithstanding this, Condition 3 is a general materials condition and refers to all proposed external materials. It is noted that the original application confirmed matching materials for all exterior finishes and therefore this will be reflected in the revised condition.

The revised site plan ref: 24:142-003 Rev C, confirms the removal of the container and therefore the revised wording of Condition 5 updating the plan reference is considered acceptable.

Therefore, overall, it is considered that the scale, bulk and design of the development compliment the host building. Officers have given special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is considered that harm will not be caused to this designated heritage asset because the development would have a neutral effect. The proposal, therefore, accords with LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 (2019) in this regard.

* Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

The proposals involve the addition of condensing units to the rear of the extension and waste storage and recycling provisions to the east of the fast food takeaway building and to the southern boundary of the application site.

Condition 11 states:
No external plant shall be installed on the shop extension hereby approved, other than in accordance with a scheme submitted to and approved by the Local Planning Authority in writing. Development to be carried out in accordance with the approved details.
Reason: In the interests of neighbour amenity to ensure no detrimental impact on the amenity of neighbours, by way of noise or cooking odours, in accordance with LP14 of Huntingdonshire's Local Plan to 2036.

Proposed wording states: "External plant to be as stated on approved drawings unless agreed in writing by Local Planning Authority" or similar.

HDC Environmental Health has been consulted on the proposal and noted that the proposed units are approximately 4 metres away from the nearest residential garden and about 15 metres from a house. There is a 1.9m high brick wall dividing the sites, however, the effectiveness of this as a noise barrier is reduced by the proposed height of the condensor units, which is about 1.5m high. A subsequent noise assessment report was submitted by the applicant and following further consultation with the Environmental Health Officer and additional information supplied in relation to the condensers, air conditioning units and acoustic fence, the Environmental Health Officer confirmed their acceptance of the condensing units to the rear of the extension. It is therefore considered that appropriate measures have been put in place to reduce the impact of the units on the residential amenity of the neighbouring properties to the west.

Condition 12 states:
Prior to the first use of the development hereby approved details of a scheme for the storage and collection of waste including any waste food products associated with the takeaway, shall be submitted to and approved in writing by the LPA and retained as such thereafter. Development to be carried out in accordance with the approved details.
Reason: In the interest of visual and neighbour amenity in accordance with LP14 of Huntingdonshire's Local Plan to 2036.

Proposed wording states: "Areas assigned for storage and collection of waste to be as stated on approved drawings unless agreed in writing by Local Planning Authority" or similar.

It is noted that the revised site plan places the waste storage and recycling provision to the east elevation of the fast food takeaway building and a further provision to the southern boundary, which is adjacent to private rear gardens. The current use of the wider site has been taken into

consideration in the assessment of the impact of the waste storage and recycling provision upon the amenity of neighbours. It is considered that the provision is located within appropriate positions, with a close boarded fence and separation distance of the rear gardens of the residential dwellings to the south of the application site, mitigating the noise impact of refuse and recycling disposal. The provision to the east elevation of the take away building is set in within the site and provides access to the refuse vehicles and as such is considered to be in an appropriate position.

Therefore, appropriate amendments to the wording of Condition 11 and 12 are considered acceptable.

Therefore, overall, it is considered that the development will provide occupiers and neighbouring properties with an appropriate amenity standard and accords with all the relevant criteria within LP14. Therefore, the development is considered acceptable and in accordance with LP14 of Huntingdonshire's Local Plan to 2036 (2019) in this regard.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it:
* Is of an appropriate scale and design;
* Would not have a harmful impact upon the character and appearance of the area;
* Would not have a significantly detrimental impact upon the amenity of neighbours.

There are no other material planning considerations which have a significant bearing on the determination of this application.

The proposed amendments to vary conditions 2, 3, 5, 11 and 12 are considered to be relatively minor in relation to the wider site and will not fundamentally change the character of the development as approved.

It is therefore recommended that planning permission be granted. All conditions imposed under the previously approved application reference 21/02736/FUL will be repeated, where relevant and amended to compliance conditions where the conditions have been discharged, as per advice in the PPG.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
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