Application Number: 24/01980/S73

TOWN & COUNTRY PLANNING ACT 1990

Section 73 amendment to planning permission

Mr Alex Lowndes
Gainz Fitness & Strength
Unit 4, The Rowley Arts Centre
Huntingdon Street
St Neots
PE19 1BY

Huntingdonshire District Council in pursuance of powers under the above Act, hereby **GRANT PERMISSION** for:

Proposal: Variation of condition 21 (Opening Hours) of 1101319FUL to allow 24 hour use of units 2 and 3 as a gym

Site address: The Rowley Arts Centre Huntingdon Street St Neots

in accordance with your application received on 25th October 2024 and plans (listed below) which form part of the application

Plan Type	Reference	Version	Date Received
Floor Plan/s	3428-04	B	01.11.2024
Floor Plan/s	3428-05	A	01.11.2024
Site Layout	H7405-107	E	09.08.2011
Tree Constraints Plan			09.08.2011
Block Plan	H7405-103	B	09.08.2011
Tree Protection Plan	SHT 3 OF 3		09.08.2011
Location Plan	H7405-101	A	09.08.2011
Tree Protection Plan	SHT 2 OF 3		09.08.2011
Tree Protection Plan	SHT 1 OF 3		09.08.2011
Site Plan	H7405-102		09.08.2011
signage	H7405-120	B	07.11.2011
Roof Plan	H7405-108	G	07.11.2011
Details	H7405-104	M	07.11.2011
Elevations	H7405-109	G	07.11.2011

C. Kerr

Clara Kerr
Chief Planning Officer

Date 3rd February 2025

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Details	H7405- 106	G	07.11.2011
Details	H7405- 105	H	07.11.2011
drainage details	MMD-285491-C-SK-005	P2	07.11.2011
Details	H7405- 122		21.09.2011
Elevations	H7405- 111	E	06.09.2011
Elevations	H7405- 110	G	07.11.2011

Subject to the following condition/s.

1. Condition.
   The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.

   Reason: For the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. Condition.
   The external materials and architectural detailing for the development hereby permitted shall be as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

   Reason: In the interests of visual amenity and to promote a high quality development in accordance with Policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036.

3. Condition.
   The external lighting for the development hereby permitted shall be as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

   Reason: In the interests of residential amenity, site security, minimising light pollution, and to have regard to potential bat roosting sites, commuting routes and foraging grounds in accordance with Policies LP12, LP14 and LP30 of the Huntingdonshire Local Plan to 2036.

4. Condition.
   The CCTV system details for the development hereby permitted shall be as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

   Reason: In the interests of site security and the minimisation of crime in accordance with Policy LP12 of the Huntingdonshire Local Plan to 2036.

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5. Condition.
Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy LP17 of Huntingdonshire's Local Plan to 2036.

6. Condition.
The access, on-site parking, servicing, loading, unloading, turning and waiting areas for the development hereby permitted shall be as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: In the interests of highway safety in accordance with Policy LP17 of Huntingdonshire's Local Plan to 2036.

7. Condition.
Visibility splays of 2m x 2m shall be maintained free from obstruction exceeding 0.6m above the level of the footway to the south of the vehicular access measured from and along the back of the footway.

Reason: In the interests of highway safety in accordance with Policy LP17 of the Huntingdonshire Local Plan to 2036.

8. Condition.
The flood resilience measures for Unit 1 hereby permitted shall be retained as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: To reduce material damage to the property in extreme flooding circumstances in accordance with Policy LP5 of the Huntingdonshire Local Plan to 2036.

9. Condition.
The landscaping of land within the eastern part of the site and the parking area for the development hereby permitted shall be maintained as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: To prevent the increased risk of flooding elsewhere by the raising of ground levels in the floodplain in accordance with Policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036.

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10. Condition.
The surface water drainage and foul water drainage schemes for the development hereby permitted shall be maintained as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the system in accordance with Policies LP5 and LP15 of the Huntingdonshire Local Plan to 2036.

11. Condition.
The opening hours of the cinema hereby approved shall be limited to 0900 - 0030 everyday but in the case of 2 screens 0900 - 0230 on a Friday and Saturday evening and Sunday/Bank holiday evening, this 0230 closing time being limited to 8 days only in any one year unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036.

12. Condition.
The opening hours for the restaurant at Unit 1 hereby approved shall be limited to 0900 - 0000 (midnight).

Reason: In the interests of residential amenity in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036.

13. Condition.
The hard and soft landscaping, boundary treatment and details of play equipment for the development hereby permitted shall be maintained as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: In the interests of visual amenity and to promote a high quality development in accordance with Policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036.

14. Condition.
The rating level of noise emitted by all fixed plant on the site shall not exceed 35 dB L(A)eq 5 minute, between 2300 and 0700 hours or 39 dB L(A)eq 1 hour at any other time, as measured in free field conditions at any noise sensitive premises. The measurement and assessment shall be made according to BS 4142: 1997.

Reason: To protect residential amenity in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036.

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15. Condition.
Before any plant or equipment used in connection with heating, ventilating or cooling of the restaurants, cinema or other ancillary uses is installed, a noise assessment shall be carried out to ensure that the noise limit specified in condition 25 is not exceeded by the addition of the plant in question (when considered in aggregate with all other such plant on site). A report showing details of this assessment must be submitted to and approved in writing by the local planning authority and any noise mitigation works required shall be completed before the plant is operated.

Reason: To protect residential amenity in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036.

16. Condition.
The cycle parking for the development hereby permitted shall be retained as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: In the interests of site security and minimisation of crime and to ensure adequate cycle parking is provided and to promote sustainable systems of transport in accordance with Policies LP12 and LP17 of the Huntingdonshire Local Plan to 2036.

17. Condition.
The development hereby permitted shall be carried out in accordance with the Travel Plan as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: To promote sustainable transport in accordance with Policy LP17 of Huntingdonshire's Local Plan to 2036.

18. Condition.
The acoustic screen for the development hereby permitted shall be retained as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

Reason: To protect residential amenity in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036.

19. Condition.
The development hereby permitted shall be carried out in accordance with the Car Park Management Scheme as approved in the discharge of condition letter from the Local Planning Authority dated 25 March 2014 (reference 1101319FUL).

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Reason: To promote sustainable transport in accordance with Policy LP17 of Huntingdonshire's Local Plan to 2036.

20. Note to applicant.
Statement as to how the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner on seeking solutions:

When an application is received, planning conditions will be used where they can make a development acceptable.

A clear reason for refusal identifies the specific reasons why the development is unacceptable and helps the applicant to determine whether and how the proposal can be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with the National Planning Policy Framework 2024.

21. Note to applicant.
The Local Planning Authority has had regard to the provisions of the Development Plan comprising the East of England Plan – Revisions to the Regional Spatial Strategy 2008, saved policies in the Cambridgeshire and Peterborough Structure Plan 2003 and saved policies in the Huntingdonshire Local Plan 1995 as altered by the Huntingdonshire Local Plan Alteration 2002, the Adopted Huntingdonshire Local Development Framework Core Strategy 2009 and the Huntingdonshire Development Management DPD: Proposed Submission 2010, so far as material to the application and to all other material considerations. Having determined the proposal on the basis of the submitted information the application is hereby approved subject to the conditions specified above

22. Note to applicant.
Huntingdonshire District Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st May 2012. The Council is obliged to collect the levy from liable parties in instances where development received planning permission on or after 1st May 2012. It is important that liable parties (usually developers or landowners) are correctly identified to the Council as early as possible. For more details on CIL, the developments the charges will apply to, how much the charge will be and the process involved, including the developers or landowners legal responsibilities, the CIL pages on the Council's website at www.huntingdonshire.gov.uk should be referred to. It should be noted that all development which creates one or more dwellings will be liable to be charged irrespective of the floor space charge. However, developments which create less than 100 square metres of new floor space and do not involve a dwelling or dwellings, will be exempt from CIL and will not be charged.

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NOTES

Rights of Appeal under the Town and Country Planning Act, 1990 Section 78

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant permission subject to conditions, he/she may appeal to the Secretary of State responsible for planning within;

- **Six months from the date of this decision notice.**

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively all forms can be downloaded from their website www.planning-inspectorate.gov.uk. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Orders and to any directions given under the Orders. He does not, in practice, refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State responsible for planning and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act, 1990.

Claiming Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

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General Notes

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law or regulation other than Section 57 of the Town and Country Planning Act 1990.



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