Application Number: 24/02078/S73

TOWN & COUNTRY PLANNING ACT 1990

Section 73 amendment to planning permission

Mr Colan Bartram
PDG Architects Ltd
1 Eaglesthorpe Barns
Eaglethorpe
Warmington
Peterborough
PE8 6TJ

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

Proposal: Variation of conditions 2 (plans listed in table) and 6 (vehicle parking) of 21/02807/FUL

Site address: 152 Main Street Yaxley Peterborough PE7 3LB

Applicant: Mr Ricciardi

in accordance with your application received on 8th November 2024 and plans (listed below) which form part of the application

Plan Type	Reference	Version	Date Received
Location Plan	21036/PL01		14.12.2021
Site Plan	21036/PL02B		12.02.2025
Plans	21036/PL05D		12.02.2025

Subject to the following condition/s.

1. Condition.
   The development hereby permitted shall be begun before the 09.12.2025

   Reason.
   To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

C. Kerr

Clara Kerr
Chief Planning Officer

Date 13th March 2025

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2. 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 to ensure that the development is carried out in accordance with the approved plans.

3. Condition.
The external materials to be used in the construction of the works hereby permitted shall be as detailed in the submitted application form received by the Local Planning Authority on 14th December 2021 and as shown on the approved plans listed in the table above.

Reason.
In the interests of visual amenity in accordance with Policies LP11 and LP 12 of Huntingdonshire's Local Plan to 2036.

4. Condition.
The use of the ground floor of No.152 Main Street, Yaxley hereby approved shall be limited to the use hereby approved as a wine bar and for no other purposes unless otherwise agreed in writing with the Local Planning Authority.

Reason.
To ensure that the use remains compatible with the surrounding area in accordance with LP11 and LP12 of the Huntingdonshire Local Plan to 2036.

5. Condition.
The use of the wine bar hereby permitted shall be limited to Monday - Sunday 10:00 - 23:30. The external patron area shall not be used after 23:00 hours on any day.

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

6. Condition.
The car parking spaces shown on the submitted plan 21036/PL02B shall be laid out, constructed to top course level, marked out and made available for use within 6 months from the date of this decision and thereafter used for no other purpose in perpetuity.

Reason.
In the interests of highway safety.

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7. Condition.
The development hereby approved shall be carried out strictly in accordance with the mitigation measures and recommendations detailed in the Acoustic Assessment of a Mixed-Use Residential and Commercial Development Site Address: 152 Main Street, Yaxley, Peterborough, PE7 3LB dated 25/04/2022 by Nova Acoustics. No dwelling shall be occupied until the mitigation measures associated with that dwelling and those associated with the commercial use (Wine Bar), as identified in the aforementioned Acoustic Assessment, have been installed or implemented. The noise mitigation measures shall thereafter be retained in perpetuity.

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

8. Condition.
No amplified or other music shall be played in the premises outside the following times 10:00 to 23:00 on any day.

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

9. Condition.
A replacement tree of Select Standard nursery stock of 10-12 cm stem circumference and 3.0 to 3.5 metres height, and Horse Chestnut species shall be planted to replace the tree to felled under the terms of this permission. Replacement planting to be undertaken in accordance with BS 8545:2014 by the end of the next available planting season (Planting season is 1st November to 31st March).

If within a period of two years from the date of planting, the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent.

Reason.
To ensure the successful establishment of new trees in accordance with Policy LP31 of the Huntingdonshire Local Plan to 2036.

10. Condition.
Notwithstanding the details shown on the plans hereby approved, within 6 months from the date of this decision details of the provision of bin store and air conditioning unit screening for use in

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connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, siting, means of enclosure, appearance and materials where appropriate. The facilities shall be provided in accordance with the approved details within 9 months from the date of this decision and shall be retained thereafter and only used as such.

Reason. To ensure appropriate provision for the secure storage of bins in accordance with Policy LP12 the Huntingdonshire Local Plan to 2036 and the Huntingdonshire Design Guide SPD 2017. In the interests of visual amenity in accordance with Policy LP12 of the Huntingdonshire Local Plan to 2036.

11. 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 2021.

12. 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.

General Notes

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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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