

**DEVELOPMENT MANAGEMENT
COMMITTEE
20th JANUARY 2025**

Case No: 24/01980/S73

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

Location: The Rowley Arts Centre, Huntingdon Street, St Neots

Applicant: Mr Alex Lowndes, Gainz Fitness & Strength

Grid Ref: 519632 260387

Date of Registration: 1st November 2024

Parish: ST NEOTS

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as the Officer recommendation of approval is contrary to that of the Town Council.

1. DESCRIPTION OF SITE AND APPLICATION

1.1 The application site comprises two vacant former restaurant units in the Rowley Arts Centre, a leisure development which includes a cinema, gym and restaurant units.

1.2 Planning permission 1101319FUL was granted for the scheme in January 2012, redeveloping a former fire station site as a 6 screen cinema along with four restaurant buildings, three flats, car parking, a public plaza and associated facilities.

1.3 Condition 21 of that planning permission states:

“The opening hours for the restaurants hereby approved shall be limited to 0900 – 0000 (midnight).

Reason: In the interests of residential amenity.”

1.4 The applicant currently operates the gym at Unit 4 of the centre, but wishes to relocate and expand the facility to the larger former restaurant premises at Units 2 and 3. The applicant’s current facility at Unit 4 is open 24 hours and as part of the proposed

relocation, the applicant seeks to vary/remove condition 21 to allow similar 24-hour opening in the new unit.

- 1.5 For the avoidance of doubt, changes to the Use Classes Order in 2020 moved both restaurants and gyms into the same Use Class (Class E).
- 1.6 Officers have scrutinised the submitted details and have familiarised themselves with the site and surrounding area.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (NPPF December 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 that “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).”
- 2.2 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, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant and a material consideration, given the site's location within a Conservation Area.
- 2.4 The Government's Planning Practice Guidance is also relevant and a material consideration, particularly with regard to guidance on determining an application to vary or remove a planning condition under section 73 of the Town and Country Planning Act, which is contained in Paragraph 013 (Reference ID: 17a-013-20230726).

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
 - LP1: Amount of Development
 - LP2: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP7: Spatial Planning Areas
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity

- LP16: Sustainable Travel
- LP22: Local Services and Community Facilities
- LP34: Heritage Assets and their Settings

3.2 St Neots Neighbourhood Plan (Made 24th February 2016)

- A3: Design quality
- PT1: Sustainable travel
- PT2: Residential parking
- P4: Sustainable drainage
- RD1: Economic development

3.3 Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide Supplementary Planning Document (2017)
- Developer Contributions SPD (2011)
- St Neots Conservation Area Character Assessment (2006)

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

4. RELEVANT PLANNING HISTORY

- 4.1. 1101319FUL - Provision of 6 screen cinema, four restaurant buildings with external seating area (A3) and 3 flats, together with car park, public plaza, and thoroughfare, cycle parking and refuse collection facilities. - Approved 4th January 2012.
- 4.2 1301093ADV (Unit 2) - Installation of 2 no internal illuminated fascia signs, 3 no shopfront awnings with branding, 2 no internally illuminated menu cases and 3 no branded terrace parasols. (adjacent to cinema under construction) - Approved 10th September 2013.
- 4.3 24/01981/ADV (Unit 2) - External illuminated signage above main entrance. – Approved 19th December 2024.
- 4.4 1400113ADV (Unit 3) - Display of 3 sets of internally illuminated fascia text - Approved 20th June 2014
- 4.5 17/01580/FUL (Unit 4) - Change of use to Entertainment and Leisure (D2 class) for 24 hour health and fitness club and erection of 3 signs above main entrance and on rear of building - Approved 18th October 2017.

5. CONSULTATIONS

- 5.1 St Neots Town Council – Objection:
 - Considers the hours to be excessive
 - Noise and disturbance resulting from the use
- 5.2 HDC Environmental Health Officer – No objection

5.3 Local Highway Authority – No objection

6. REPRESENTATIONS

6.1 A site notice was posted and consultation letters sent to 161 nearby addresses. One letter has been received in response, raising no objections, however requesting that any entrance door “beep” is silenced overnight.

7. ASSESSMENT

7.1 The Planning Practice Guidance (PPG) advises that the Section 73 application process can be used to vary a condition on a planning permission which, if approved, will result in a completely new standalone planning permission:

"Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. A decision notice describing the new permission should clearly express that it is made under Section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect."

7.2 This application in effect seeks to delete condition 21 in relation to Units 2 and 3, thereby allowing 24-hour opening from these two units. Of the other two restaurants units originally approved, Unit 1 (Pizza Express) is excluded from this application and Unit 4 (the applicant's current premises) were lawfully changed from restaurant to 24-hour gym use when planning permission 17/01580/FUL was implemented.

7.3 The Town Council has raised concerns in respect of potential noise and disturbance, however these concerns are not shared by the Environmental Health Officer, who raises no objections. The closest residential properties are Numbers 5 to 12 Cambridge Court to the south of the Units 2 and 3. These properties are currently in closer proximity to the existing premises at Unit 4 which currently operates for 24 hours (approximately 8 metres at the closest point) whereas Unit 2 and 3, that are proposed to be used for 24 hours, are over 18 metres. There are further residential properties to the north, 6 – 18 East Street, however these properties are separated from the rear of Units 2 and 3 by the access road and their rear gardens. No objections have been received from adjacent occupiers and given the existing 24-hour gym on site would simply be locating into adjacent vacant units, it is not considered that there would not be significant detrimental

impact on surrounding neighbouring amenity. The proposal therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036.

- 7.4 It is recommended that all conditions imposed on the 1101319FUL permission should be repeated or re-worded where required. Condition 21's wording relating to the opening times of the "restaurant units" would be reworded to refer to "the restaurant at Unit 1" to reflect the 24-hour use sought at Units 2 & 3 and that Unit 4 is no longer in lawful use as a restaurant.

CONCLUSION

- 7.5 The proposed development is compliant with the relevant national and local policy as it:

- * Would not have a harmful impact upon residential amenity.
- * There are no other material planning considerations which have a significant bearing on the determination of this application.

- 7.6 The proposed amendment to vary condition 21 is considered relatively minor to the overall scheme and will not fundamentally change the character of the development as approved.

- 7.8 It is therefore recommended that planning permission be granted and the wording of condition 21 varied as set out above. All other conditions imposed under 1101319FUL will be repeated or reworded, where relevant, as per advice in the PPG.

8. RECOMMENDATION - APPROVAL subject to conditions to include the following:

- The wording of condition 21 varied to read as follows: 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.
- All other conditions imposed under 1101319FUL will be repeated or reworded to ensure compliance with the previously approved details.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Lucy Pateman (Senior Development Management Officer)** – lucy.pateman@huntingdonshire.gov.uk

Schedule of Planning Applications –19th November 2024

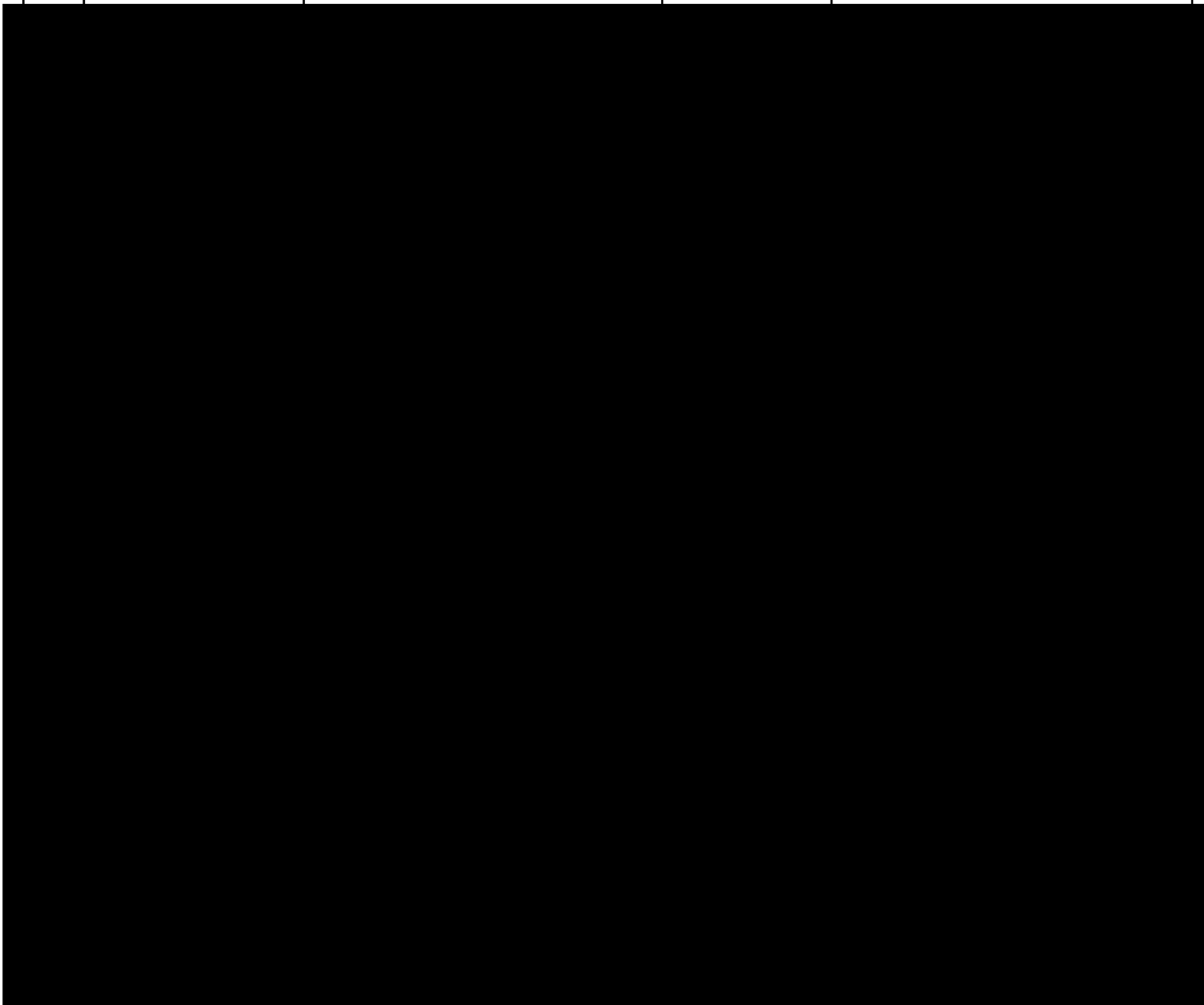
| No. | Reference | Development | SNTC Decision | Notes |
|-----|-----------|-------------|---------------|-------|
|-----|-----------|-------------|---------------|-------|

The following application/s are for listed building consent



The following application/s are in a conservation area

| | | | | |
|-----------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| S2 | 24/01980/S73 | Mr Alex Lowndes Unit 2 The Rowley Arts Centre Huntingdon Street Variation of condition 21 (Opening Hours) of 1101319FUL to allow 24 hour use of units 2 and 3 as a gym | OBJECT | Members considered the proposed 24-hour use and felt these hours were excessive. Noise and disturbance resulting from use. |
|-----------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|



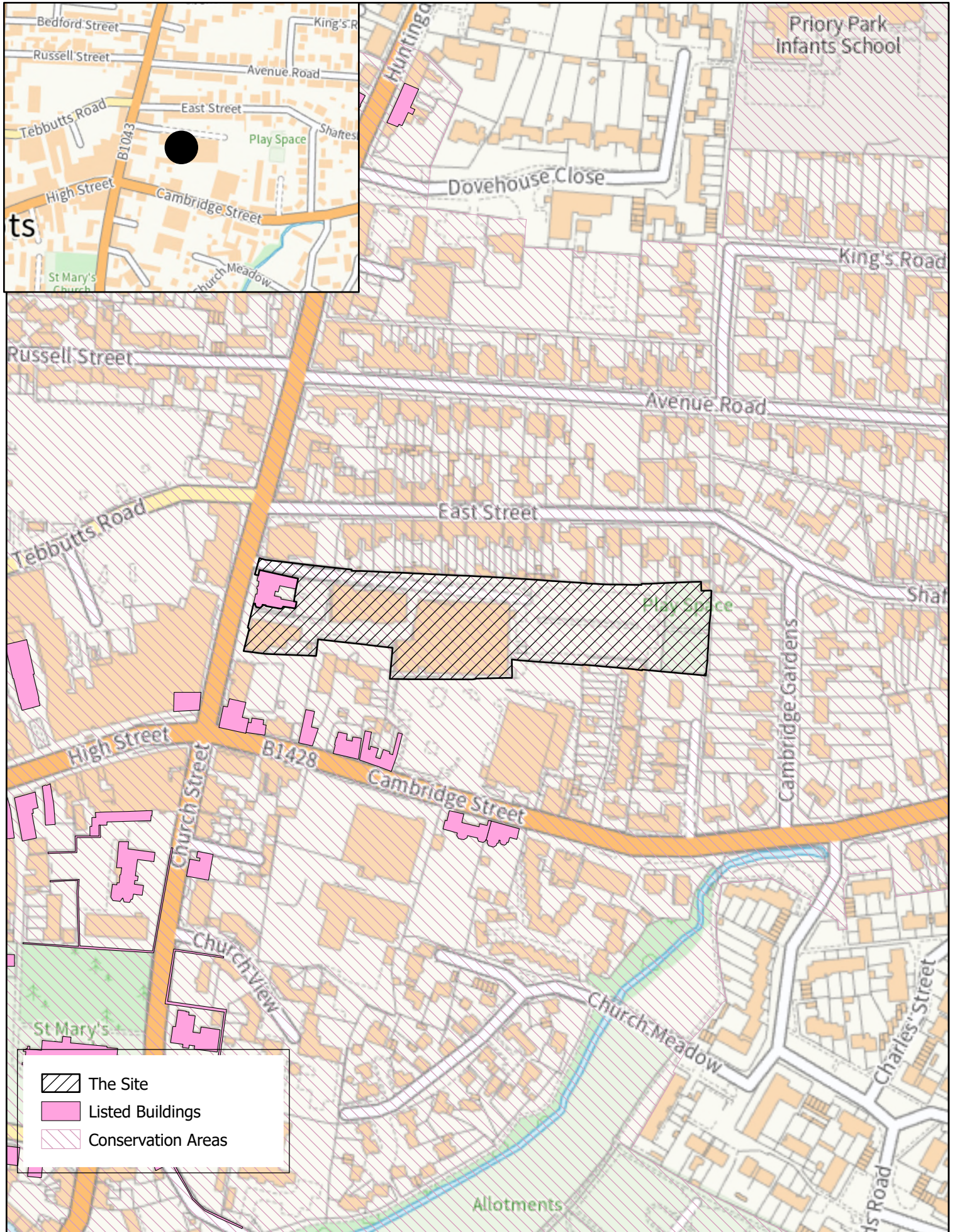
Development Management Committee

Application Ref: 24/01980/S73



Scale = 1:2,500

Date Created: 08/01/2025





JWA Architects Limited
Robert Tresham House,
Clipston, Market Harborough,
Leicestershire LE16 9RZ

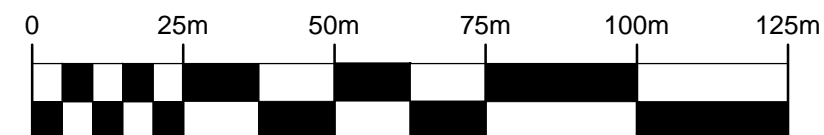
T +44 (0) 1858 525343
F +44 (0) 1858 525527
E office@jwa-architects.co.uk
W www.jwa-architects.co.uk

Client: Turnstone Estates

Project: Huntingdon Street,
St. Neots

Drawing: Location Plan

Purpose: Planning Date: 03.03.11
Scale: 1:1250 @ A3 Drawn: BJK
Dwg. No: H7405 - 101 Revision: A



| | | | |
|---|----------|----------------------------------------|-----|
| A | 13.08.11 | SCHEME AMENDMENTS | BJK |
| B | 20.06.11 | SCHEME AMENDMENTS | BJK |
| C | 08.07.11 | UNIT 1 POSITION REVISED, | BJK |
| D | 11.07.11 | GENERAL AMENDMENTS | BJK |
| E | 16.07.11 | UNIT 3 BINS ADDED | DAC |
| F | 29.07.11 | PLANNING NOTES ADDED | DAC |
| G | 02.08.11 | PLANNING AMENDMENTS | BJK |
| H | 12.08.11 | PLANNING AMENDMENTS | DAC |
| J | 22.09.11 | FLOOD ZONE STAIRS ADDED TO RESIDENTIAL | BJK |
| K | 23.09.11 | LEVELS ADDED TO UNIT 1 | BJK |
| L | 02.11.11 | PLANNING COMMENTS ADDED | DAC |
| M | 04.11.11 | PLANNING COMMENTS ADDED | DAC |

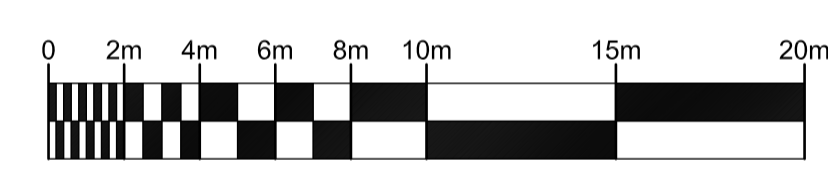
HUNTINGDON STREET



600x600mm GREY FLAG PAVING WITH LIMESTONE AGGREGATE TEXTURE

CHARCOAL BLOCK PAVING SET

- All advertisements to separate application
- For landscaping details see H7405 - 113-115



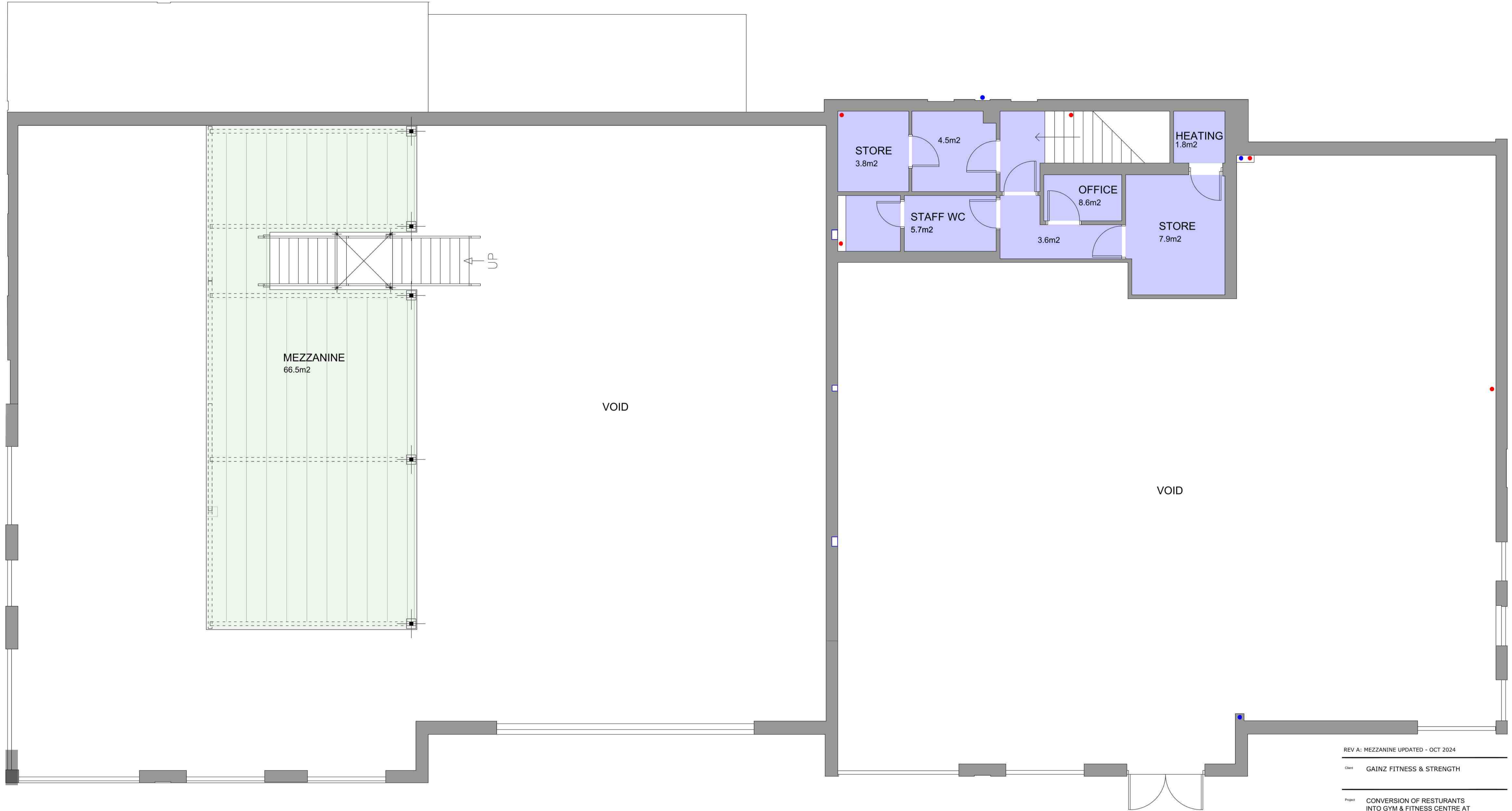
JWA Architects Limited
Robert Tresham House,
Clipston, Market Harborough,
Leicestershire LE16 9RZ
T +44 (0) 1858 525343
F +44 (0) 1858 52527
E office@jwa-architects.co.uk
W www.jwa-architects.co.uk

Client: Turnstone Estates

Project: Huntingdon Street,
St. Neots

Drawing: Proposed
Site Detail
Plaza

Purpose: Planning Date: 03.06.11
Scale: 1:200 @ A1 Drawn: BJK
Dwg. No: H7405 - 104 Revision: M



PROPOSED FLOOR PLAN -
Scale 1:50
Gross internal area: 66.5m²

PROPOSED FIRST FLOOR PLAN -
Scale 1:50
Gross internal area: FF 35.0m²

REV A: MEZZANINE UPDATED - OCT 2024

Client GAINZ FITNESS & STRENGTH

Project CONVERSION OF RESTURANTS
INTO GYM & FITNESS CENTRE AT
THE ROWLEY ARTS CENTRE,
HUNTINGDON ST, ST NEOTS, ST.
NEOTS PE19 1BG

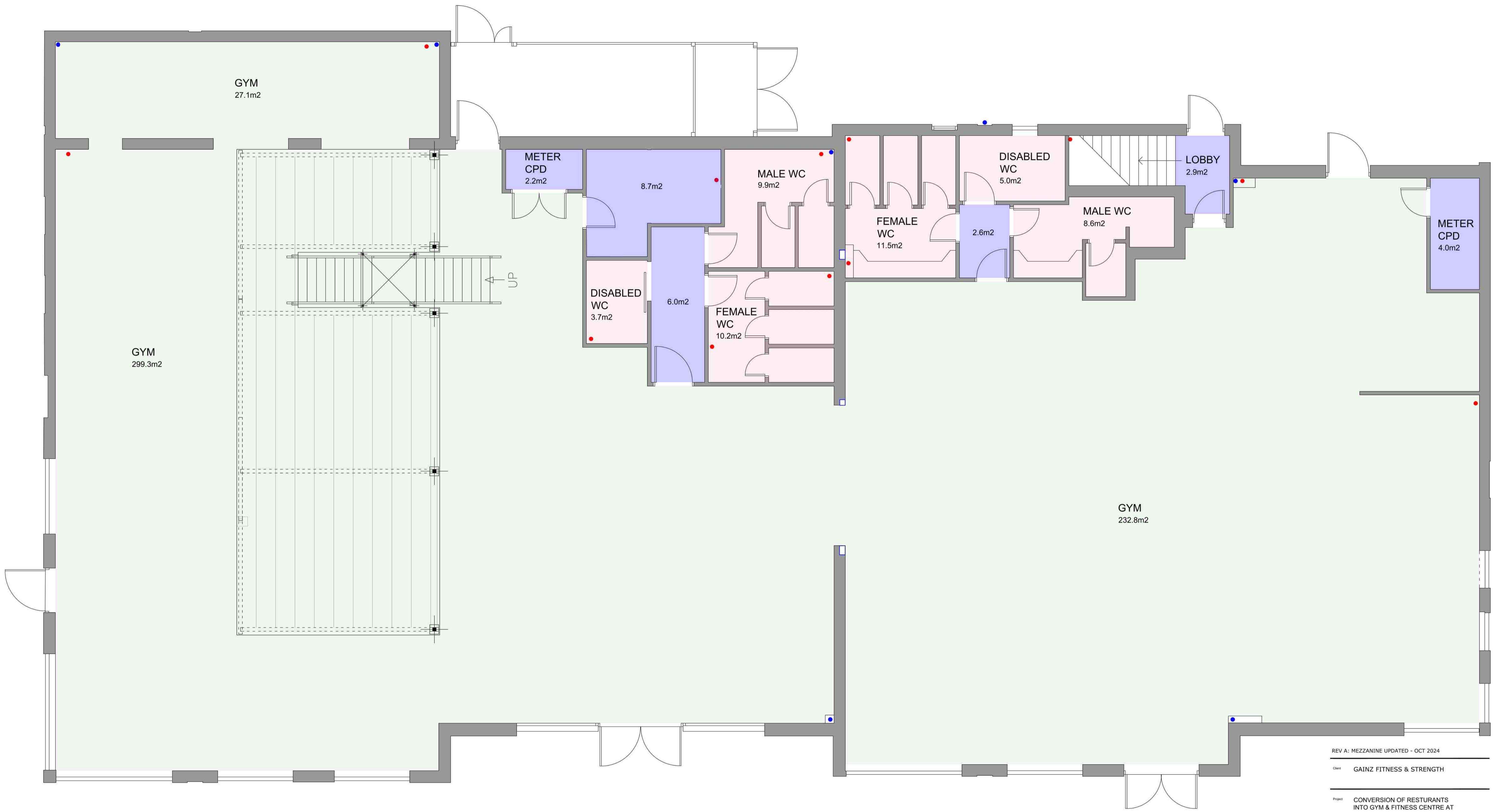
Drawing Title PROPOSED FIRST FLOOR PLANS

| | | | |
|-------|---------------------|-------------|------|
| Scale | 1:50@A1 1:100@A3 | Job No. | 3428 |
| Date | SEPT 2024 | Drawing No. | 05 |
| Drawn | SCC | Revision | A |



Davey House, 31 St. Neots Road, Eaton Ford, St. Neots, Cambs PE19 7BA
Tel: 01480 219019 • Fax 01480 405017
Email: info@sherwoodarchitects.co.uk • Web: sherwoodarchitects.co.uk

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PROPOSED FLOOR PLAN -
Scale 1:50
Gross internal area: 371m²

PROPOSED FLOOR PLAN -
Scale 1:50
Gross internal area: GF 276m²

REV A: MEZZANINE UPDATED - OCT 2024

Client: GAINZ FITNESS & STRENGTH

Project: CONVERSION OF RESTURANTS
INTO GYM & FITNESS CENTRE AT
THE ROWLEY ARTS CENTRE,
HUNTINGDON ST, ST NEOTS, ST.
NEOTS PE19 1BG

Drawing Title: PROPOSED GROUND FLOOR PLANS -
FLOOR AREAS

| | | | |
|--------|---------------------|--------------|------|
| Scale: | 1:50@A1 1:100@A3 | Job No.: | 3428 |
| Date: | SEPT 2024 | Drawing No.: | 04 |
| Drawn: | SCC | Revision: | B |



Davey House, 31 St. Neots Road, Eaton Ford, St. Neots, Cambs PE19 7BA
Tel: 01480 219019 • Fax 01480 405017
Email: info@sherwoodarchitects.co.uk • Web: sherwoodarchitects.co.uk

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