

VIA THE PLANNING PORTAL: PP-14863633

North Hertfordshire Council
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

Project Number: DAP-C26-10
28 April 2026

Dear Sir/Madam,

**APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990
TO VARY CONDITION 3 OF PLANNING PERMISSION 1/1900/87 ON LAND TO THE REAR OF
KIRGLOVES, BURYMEAD ROAD, HITCHIN, HERTFORDSHIRE, SG5 1RP (NOW HUB FITNESS,
UNITS 1-4 GLOVERS COURT, 23-25 BURY MEAD ROAD)**

Dames Architecture + Planning has been instructed to act on behalf of Mr F Hancock, the owner of HUB Fitness, in relation to the above site.

We write to submit an application under Section 73 of the Town and Country Planning Act 1990 seeking to vary Condition 3 attached to planning permission ref. 1/1900/87.

The original permission granted planning permission for the erection of six workshop units and parking spaces, subject to a condition restricting use of the units to former Use Classes B1 (Business) and B8 (Storage Distribution). The purpose of that condition, as stated on the decision notice, was to safeguard the amenities of nearby residential occupiers.

The Applicant now seeks to vary that condition to permit occupation of the premises by HUB Fitness for use as a gym/fitness facility falling within Class E(d) of the Town and Country Planning (Use Classes) Order (as amended).

This application has been prepared following correspondence with the Council's Planning Compliance Team in relation to the current occupation of the premises.

W: www.dames-ap.com E: enquiries@dames-ap.com

Dames Architecture + Planning is a trading name of KDTD Ltd
Registered in England & Wales Company Number: 16663107
Registered Office: Astral House, Granville Way, Bicester, England, OX26 4JT

Following review of the matter, the Applicant sought confirmation from the Council regarding the appropriate mechanism for regularisation, and the Council confirmed by email dated 14 April 2026 that submission of a Section 73 application would be acceptable.

The Applicant has proceeded by way of Section 73, rather than a standalone retrospective planning application, because the proposal does not seek to alter the approved physical development or to revisit the principle of the workshop scheme as a whole. Instead, the application seeks solely to amend the wording of the operative use restriction attached to the extant permission to regularise the current use of part of the approved development (i.e., we chose this route because the issue is the condition, not the development itself, and the Council agreed).

The application seeks solely to amend the operative use restriction and does not propose:

- any alteration to the approved built form;
- any change to the parking or servicing arrangements;
- any amendment to the approved access arrangements; or
- any other physical alteration to the development.

The submission comprises:

1. Completed application forms and ownership certificates;
2. Covering letter prepared by Dames A+P dated 28 April 2026;
3. Planning Supporting Statement prepared by Dames A+P dated 28 April 2026;
4. Approved Site Location Plan;
5. Approved Existing Floor Plan/Site Layout Plan; and
6. A Plan Identifying Units 1 to 4 subject to Proposed Variation of Condition 3

For completeness, the Applicant notes that planning permission ref. 1/1900/87 originally granted consent for six workshop units under a single planning permission. Whilst the current operational gym use relates only to Units 1 to 4, this Section 73 application has been framed having regard to the wider permitted scheme to ensure the varied condition appropriately addresses the relationship between the affected units and the remainder of the original permissioned scheme.



The proposed varied condition has therefore been drafted to permit Class E(d) use in respect of Units 1 to 4 only, whilst retaining the existing use restrictions applicable to the remaining units, unless otherwise agreed by the Local Planning Authority.

For ease of reference, the varied wording sought is:

Proposed Revised Condition 3:

"Units 1–4 of the workshop development hereby permitted shall be used only for purposes falling within Class E(d) (Indoor sport, recreation or fitness) and Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order.

Units 5 and 6 of the workshop development hereby permitted shall be used only for purposes falling within Class E(g) and Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of nearby residential occupiers."

It is respectfully submitted that the proposed variation represents a proportionate and appropriate amendment to the historic planning permission, enabling the lawful regularisation of an active commercial use that remains compatible with the character and function of the wider site.

Moreover, having regard to the original reason for the condition, it is respectfully relevant to note that the proposed Class E(d) fitness use will not give rise to any greater impact upon neighbouring residential amenity than the existing lawful B1 (Business) and B8 (Storage and Distribution) uses presently permitted at the site and may, in operational terms, provide a more controlled and less intensive form of occupation than those already authorised by the extant permission.

Should the Authority be minded to grant permission pursuant to Section 73, the Applicant respectfully requests that any conditions previously discharged under the extant permission, insofar as they remain relevant to the varied permission, be treated as satisfied for the purposes of the new consent unless the Authority advises otherwise.

We trust the enclosed documentation is sufficient to validate the application.



Should any further information be required at this stage, I would be grateful if you could advise at the earliest opportunity via email at kerry@dames-ap.com or by phone on 07921 211386.

Kind regards

Yours faithfully,



KERRY DAMES

Director

For and on behalf of Dames A+P

Cc: Simon.curling@north-herts.gov.uk

