

# **ROGER LEE PLANNING LTD**

**Chartered Town Planner – BA(Hons) MRTPI**

**Residential and Commercial Planning : Planning Applications, Appeals and Enforcement**

## **PLANNING APPEAL STATEMENT OF CASE**

Company Registration Number  
07717424

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1. Planning permission was granted on 15 June 2018 for:

“Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD”

2. The approval was subject to 38 conditions. Condition 22 stipulated the following:

The café and shop hereby approved shall not be open to customers outside the hours of:

- 1000 to 1600 Monday to Friday (with no deliveries/dispatches before 0900 or after 1700) and;
- 0930 to 1630 Saturday (with no deliveries/dispatches before 0830 or after 1730 on Saturdays and no deliveries/dispatches on Sundays).

3. The intention of the LPA in agreement with the appellant had been to include Sunday hours of 09:30 to 16:30 (the same as on Saturdays) however this was omitted in error from the decision notice.
4. The intention to include Sunday hours as set out in 3 above is clear from the LPA's report to the Strategic Planning Committee on 8 March 2018. This is attached at Appendix 1 and on page 17 clearly sets out the acceptance of opening hours of 9:30 to 16:30 on Sundays. This followed on from consultation with the Council's

Pollution Control and Noise section which actually suggested a longer operational period starting at 9:00 on Sundays, having regard to protection of the amenity of residents.

5. There is no dispute over this matter, the LPA accepts the omission of Sunday hours was an error (see attached email at Appendix 3).
6. The appellant requests that the condition is amended to include the Sunday opening hours as originally agreed and as set out in the report to the Strategic Planning Committee.