

Appeal Condition regarding Hours of opening for 92 New North Road HD1 5QP.

We wish the operational hours to be varied to concur with the Environment Health Consultation recommendation, which was as originally applied for.

The EHO Consultation response (submitted with this application by way of reminder) states:

HUC2 Hours of Use for Commercial/Industrial - Condition The hours of operation of this commercial premise, including deliveries to or dispatches from the premises, shall not fall outside the hours of 7:00 and 22:30 Monday to Friday and 8:00 to 19:00 Saturdays, and 9:00 to 17:00 on Sundays and Bank Holidays. Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

There was no planning or other reason for the planning officer to depart from the EHO recommendations for this proposal, which reflects the commercial realities of modern office space. Whilst the planning officer is entitled to depart from its consultees' recommendations, no real evidenced planning or other reason has been provided by the Council for imposing a condition contrary to its EHO's own recommendation.

In the shorter term, in light of Covid-19 and the need for offices to work in a Covid safe way, greater flexibility is required to allow staff to arrive and leave premises in a safe staggered way and work-space to be Covid safe and allow social distancing. Office spaces are generally working at half- capacity and longer opening hours would enable the same number of staff to attend over a longer working day.

Aside from the more immediate and (hopefully) shorter term Covid-19 requirements, it is clear that the development accords with the Statutory Development Plan, being the Kirklees Local Plan 2019. More specifically and as identified by the Council's EHO Consultee colleagues, it accords with policies LP24 and LP52 of the Local Plan, as well as the important and significant material considerations contained within Chapters 12 and 15 of the NPPF.

Moreover, paragraph 11(c) of the NPPF requires that where a proposal accords with an up-to date development plan, it must be approved without delay. As this is by the Council's EHO's own admission compatible with the relevant aspects of the

Further information can be provided if required.