

Address: 30 Cleveland Road Huddersfield HD1 4PW

About the application

Application number: 2022/93158	
What is the application for?:	Variation condition 5 (opening hours) on previous permission 2013/92338 for change
Address of the site or building:	Former Homecare DIY, Westbourne Road, Huddersfield, HD1 4LF
Postcode:	

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	No
2022/70/93158/W OBJECTION	
<p>It is noted that the proposal is for variation of condition, therefore the red-edge of the Site Location Plan cannot be changed from the original permission, which does not include land subject of undetermined planning application no. 2022/62/92839/W 'Change of use of land to form outdoor seating and play area with siting of portable building for the storage of equipment; siting of shipping container; erection of boundary fencing and external lighting'.</p> <p>OBJECTION - Application no. 2022/70/93158/W 'Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit'</p> <p>Current Lawful Use</p> <p>Current Hours of Opening are 0900hrs to 2100hrs Monday to Sunday.</p> <p>Proposed hours of opening are:</p> <p>Sunday to Thursday 0900hrs to 2315hrs Friday 0900hrs to 0030hrs Saturday 0900hrs to 0030hrs</p> <p>Planning History and relevant appeal</p> <p>2012/91978 Change of use from retail unit (DIY store) to restaurant, and alterations</p> <p>The above application was refused planning permission. An appeal was allowed through the Planning Inspectorate which included the imposition of the following condition:</p>	

4) The use hereby permitted shall not be open to customers outside the following times: 09:00 to 23:30 Monday to Friday and 09:00 to 00:00 on Saturday's Sundays and Bank Holidays.

The above permission was never implemented and has since expired. Though it is acknowledged that the Inspector's hours of use remain a material planning consideration in terms of the history of the property.

2013/92338 Change of use of retail unit to indoor sport and recreation unit

The above application imposed the following condition, subject of this application:

5) The use hereby permitted shall not be open to customers outside the hours of 09:00 to 21:00 Monday to Sunday.

Any proposed outdoor use should be resisted, for reasons relating to noise and disturbance of nearby properties.

Though it is acknowledged that the Inspector's report includes opening hours similar to the proposed, it should be noted that the use is not the same. The existing roller disco use is likely to be noisier than the previously approved restaurant use, by virtue of the amplified music played. Therefore, the Inspector's report should be given only limited weight.

Conclusion and suggestions

It is appreciated that the owners are trying to diversity to make the business more successful. It appears that there might be some middle ground here:

- We would broadly support the Environmental Health Officer's comments of 31st October 2022. However, as the proposed hours of use are untested, we would suggest a temporary consent for a period of 12 months within which the unit must operate at full opening hours to properly ascertain noise impact, and should be limited to those imposed by the Inspector (09:00 to 23:30 Monday to Friday and 09:00 to 00:00 on Saturday's Sundays and Bank Holidays).
- We would encourage imposition of a condition which ensures that ensures that windows and doors are closed at all times, with the exception of persons accessing and egressing from the property. To avoid increase in noise and disturbance caused by virtue of the extended opening hours.
- A condition restricting the use to inside the building only would also be welcomed.