



Application Number	
Date Logged	
Receipt No	Fee Received
Card	Other
KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: planning.portal@kirklees.gov.uk Tel: 01484 414746

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text" value="9"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="Marios Diner"/>
Address Line 1	<input type="text" value="Peel Street"/>
Address Line 2	<input type="text" value="Marsden"/>
Address Line 3	<input type="text" value="Kirklees"/>
Town/city	<input type="text" value="Huddersfield"/>
Postcode	<input type="text" value="HD7 6BR"/>

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
<input type="text" value="404921"/>	<input type="text" value="411653"/>

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

CHANGE OF USE FROM (HARDWARE SHOP) A1 TO (COFFEE SHOP & ICE CREAM PARLOUR) A3 (WITHIN A CONSERVATION AREA)
2007/62/93346/W1 (extant permission)

Reference number

2007/62/93346/W1 (extant permission)
2013/90561 (consent to vary condition 4 of extant permission, notably decision to extend operating hours)

Date of decision (date must be pre-application submission)

25/09/2007

Please state the condition number(s) to which this application relates

Condition number(s)

The use hereby permitted shall not be open to customers outside the hours of 0830 to 1800 Monday to Saturday and 1200 to 1700 Sundays.

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

26/09/2007

Has the development been completed?

Yes

No

If Yes, please state when the development was completed (date must be pre-application submission)

27/09/2007

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

We are requesting an amendment to condition 4 to change our opening hours to meet the needs of our already existing customer base. We are looking to operate into the evening with last orders for food being taken at 21:30PM and closing at 23:00. Our current premise resides in the town centre of Marsden on the main high street. We are surrounded by other commercial businesses that open till 00.00.

Though the building we are currently leasing has a restriction on opening past 18:00, it is understood that previous approvals for the extension of operating hours were granted in 2013 (planning reference 2013/9056) for a 12 month trial period. (further information can be attached)

It's crucial that we have these times extended in order to survive as a business in order to accommodate our patrons (ie. evening meals) and the working patterns of a more modern / post-covid community. The town centre, and more notably Peel Street on which we are located, presently has options available for food ('Mozzarellas', 'Bao Bros' and 'Peel Street Social'), all of whom operate till 21.00 on a Saturday and Sunday. This is supplemented by 'takeaway' establishments, including our former premises, that cater for customers up to 23:00 on a weekly basis.

The local plan spatial strategy seeks to develop a strong and thriving economy, combining great quality of life and a strong sustainable economy leading to thriving communities, and growing businesses. The variation of conditions will enable us to be consistent in what we do, it will provide more custom for us as a business and in turn create more jobs for local people. We are currently set out to hire 8 staff members, of whom are all local residents. We fear that not extending our opening hours will turn away custom and draw from our profit margins. With these setbacks, we might have to rethink our staffing and cut back.

The planning strategy set out by Kirklees also places emphasis on food and drink uses and the evening economy – a strategy to support food and drink uses within centres in the district, in sustainable locations, and ensuring the protection of surrounding uses.

Marsden has a high population of young families that serve the main base of our clientele. The vast majority of our clientele finishing work at 5PM, the current restrictions on the building will prohibit us from capitalising on the 6-9PM dinner rush. We will have structures in place that will obtain noise levels to a minimum. Glass bottles will be emptied in the morning. Smoking areas will be across the road, where a bin is located for smoking and disposing of cigarettes. Signage will be in place to ask our customers to respect our neighbours and leave quietly. All our disposable products will remain eco friendly as they have done for the past three years. We aim to focus and promote emphasis on bringing in reusable cups for coffee ensuring protection of the surrounding areas along with our policies on noise and keeping it to a minimum.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Current operating hours:

0830 to 1800 Monday to Saturday and 1200 to 1700 Sundays

Proposed changes:

open between the hours of: 08:30 to 23:00 Monday to Sunday

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes

No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Planning dm

Date (must be pre-application submission)

28/02/2024

Details of the pre-application advice received

Good afternoon, Ms Davies,

Unfortunately Kirklees Council is not able to provide detailed advice at present. There is potential for a Class E use (ice cream parlour: E(b) Sale of food and drink for consumption (mostly) on the premises, to have a change of use with the same use class restaurant: E(b) Sale of food and drink for consumption (mostly) on the premises. The site is within Marsden Conservation Area, and as such advertisements are controlled with no internal illumination allowed without planning permission and a new shopfront may require planning permission to be sought.

The below link can be searched to review the previous planning history including the hours of operation permitted which would be transferrable however it appears that the condition concerning the ventilation/flue system was not discharged by Kirklees Council Environmental Health:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/default.aspx>

If you believe planning permission is not required but you want the Council to make a formal determination, which is legally binding, you can apply for an official determination under Section 192 of the Town and Country Planning Act 1990 for a Lawful Development Certificate. If you wish to apply for a Lawful Development Certificate you will need to submit an application form along with all relevant scaled plans and supporting documents and a planning fee. Guidance on how to apply can be found online by visiting the Planning Portal at www.planningportal.co.uk/

If you would like more site specific advice and a more in depth response prior to formal submission, a formal pre-application process is available with various levels from Householder advice to major proposals. Details of the fees for this service and how to apply can be found on the Kirklees Website.

<http://www.kirklees.gov.uk/beta/planning-applications/get-pre-application-planning-advice.aspx>

If the proposed development requires planning permission you will need to submit an application form along with all relevant scaled plans and supporting documents and a planning fee. Guidance on how to apply can be found online by visiting the Planning Portal at: www.planningportal.co.uk/

Regards,

Kirklees Council

Planning and Development Service – West Team

PO Box 1720,

Huddersfield,

HD1 9EL

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
 No

Is any of the land to which the application relates part of an Agricultural Holding?

- Yes
 No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- The Applicant
 The Agent

Title

Miss

First Name

Maisie

Surname

Davies

Declaration Date

13/06/2024

Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Maisie Davies

Date

13/06/2024