

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

Further information

Variation to condition 4 of the extant permission (2007/62/93346/W) to facilitate opening of the premises between 09:00 to 23:00 Monday to Sunday.

Class Use:

It is recognised that the current premises formerly operated under Class E use (ice cream parlour, however the transition to E(b) Sale of food and drink for consumption (mostly) on the premises does not require a formal change of use under these terms.

Variation of Condition 4:

We are an established Asian restaurant that has been operating for the past 3 years, from number 5 station road Marsden as an outdoor street food restaurant and are familiar with the requirements of the Conservation Area. As our business has grown, we have taken the next step into an indoor premise and have signed a lease for 15 years.

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 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 (notably planning reference 2013/9056) for a 12 month trial period, though this was never applied:

4. (b) Notwithstanding the requirements of 4(a), for a twelve month trial period commencing upon the date of this permission, the premises shall be permitted to be open between the hours of: 0830 to 1800 Monday to Wednesday, 0830 to 2200 Thursday to Saturday and 1200 to 1700 Sunday. At the end of the twelve month trial period, the opening hours in 4(b) shall be discontinued, this condition 4(b) shall expire and condition 4(a) shall thereafter apply in its entirety.

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 surrounding area has seen many businesses collapse over the last year, the current conditions restricted the last two previous businesses at 9 peel street, Marsden and caused them to liquidate. We are investing everything that we have into the renovation of 9 Peel Street, over £50,000 of our capital has already gone into the building. Assets we gained from trading at the Manchester Christmas markets for the past two years, money that we are redistributing to provide growth and investment that revitalises the local Huddersfield economy, as per the Kirklees economic strategy. We want to support the daytime and evening economy of the Marsden district.

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 where necessary.

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 current census information as of 2021 places 80.5% of the Marsden population in the age range of 0-64. We aim to provide a family focused food first restaurant with alcohol. 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.

The Kirklees plan also places emphasis on the need to support the growth aspirations of the district's indigenous businesses. As previously stated we have been operating in Marsden for the past three years, and the variations we are wanting to change are set to only help us grow and flourish. We feel that we are an asset to Marsden and so do many others in our community. As well as our local customers, we bring 'foodie' families who come to Marsden to enjoy our menu. During the summer of last year, we entered the British Street Food awards, and won the northern title, being crowned 'champions of the north', we then went down to London and won the 'Spice Award' sponsored by Cobra. Our awards have enticed people to make a trip over to Marsden, we sell the village on our socials as a day out, we give recommendations on walking areas as we are situated in the conservation belt. We layout places to visit during their trip, promoting other businesses.

