

## About the application

Application number: 2024/91684	
What is the application for?:	Variation of condition 4 (opening hours) on previous permission 2007/93346 for c
Address of the site or building:	Marios Diner, 9, Peel Street, Marsden, Huddersfield, HD7 6BR
Postcode:	HD7 6BJ

## User comments

Type of comment: A supporting comment	
Do you wish your comments to be published on the website anonymously?	Yes
Writing in regards to below:  Consultation Response from: KC Environmental Health (Pollution & Noise Control) 2024/91684 - Marios Diner, 9 Peel Street, Marsden, Huddersfield, HD7 6BR Responding Date: Responding Officer: Responding Ref: 15 July 2024 Mohammed Nasim WK202420568 Variation of condition 4 (opening hours) on previous permission 2007/93346 for change of use from A1 to A3 (within a Conservation Area)  For the attention of the Environmental Health department, We have received no communication nor a visit from Environmental Health in regards to our application for variation of opening hours and are incredibly confused by the response that has been uploaded to the public portal.  It doesn't seem that this response is a true reflection of our Cafe and we are confused by some statements made in the corresponding letter such as the reference to 'plant machinery.' What is the plant machinery that is being referred to? The only piece of 'machinery' we have onsite is our coffee machine - which has been operating at 9 Peel Street since it was converted from a hardware shop to a cafe many years ago. We had a phone call with environmental health on the 23/07/24, who advised us to write this email as a coffee machine is not considered 'plant machinery.'  As stated in our supporting letter, we have already been operating in Marsden for the past three years. As our business grew, we decided to move location from 5 Station Road, Marsden HD7 6BS to 9 Peel Street Marsden HD7 6BR. We were previously an outdoor restaurant and faced difficulties with opening during the winter months. We have now moved indoors and have spent over £50,000 renovating the cafe. We serve award winning travel inspired food. We have currently been open for four days as of today 23/07/24 and are operating within the restricted times of 10-6pm. At our previous location we were operating under the hours of 12-9pm. Our menu has always been suited to lunch and evening dining and so our customers expect to be able to enjoy our menu during the normal peak restaurant hours of 6pm-9pm. Over our opening weekend, we have reluctantly had to turn many customers away due to our	

weekend, we have reluctantly had to turn many customers away due to our restrictions. This is a significant loss to our revenue and disappointing for our customers. The local people of this village cannot understand how these restrictions could be considered reasonable since we are occupying one of a limited number of commercial properties in the village.

We struggle to understand how authorities can condone limiting our business due to the vexatious nature of one neighbour. The neighbour in question, our sole 'objector', repeatedly refers to 'common sense' in relation to our choices. I question where is the common sense in making the choice to live on the main street of a busy district centre and expect progress to be stunted to placate their personal desires. I cannot stress enough the senselessness of the fact that this objector has made the choice to live above her own commercial property in a district centre and yet seeks to impose restrictions to suit 'residential' needs. Peel Street, Marsden, is not a residential area. It is the epicentre of Marsden village life and therefore the progress and vibrancy should be encouraged and protected, not limited due to one individual.

As per Kirklees vibrancy policy, Section 9 'Retailing and Town Centres', 9.1 and 9.2. "This section provides a positive strategy for all town, district and local centres across Kirklees, and seeks to protect them and facilitate new growth. The policies seek to focus new main town centre uses and appropriate other uses within existing centres in sustainable locations, allowing for the diversification and expansion of centres, and where necessary to aid regeneration, investment, and the creation of new job opportunities."

The baseless restrictions imposed on our commercial property do not align with the 'positive strategy' outlined in the plan. We, as a business, have used our own capital to invest in and aid the regeneration of Marsden town centre thus creating new job opportunities for the locals of Marsden. We fail to see how Kirklees are seeking to 'protect' us and 'facilitate new growth' by denying our request to remove the conditions on our property. Evidence suggests that it is more important to placate frivolous and vexatious individuals.

Section 9.2, "Town centres are continually changing, and evolve depending on market supply and demand at any particular time. The habits and requirements of consumers, businesses, and visitors are also a contributory factor. Centres provide an important cultural destination for communities, and provide goods and services which are essential for people to live and work and for businesses to prosper and be successful."

Kirklees acknowledges the need for continual change and evolution depending on the market supply and demand. It is evident from the wealth of support that our business received from locals during the same objector's attempt to stop us obtaining an alcohol license - over 25 people came in support of us because they want more places to eat and drink in their village. We are part of the provision of 'goods and services which are essential for people to live and work.'

The letter uploaded says there will be 'no loss of amenity', we are not sure that the officer has read our supporting evidence where we reference how this restriction will limit us as a business and cause a great loss of amenity. I will reattach our supporting evidence that was uploaded with the original application and that is visible on the

portal.

We would just like to reiterate that we have had no visit or contact from this officer. We are awaiting a visit from planning but have been unable to get into contact with someone to confirm their visit.