

# Robert Halstead

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Planning      Development

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## Planning Statement

**Holmfirth Tech, Huddersfield Road, Holmfirth, HD9 3AR**

**LPA Ref: 2024/70/91458/W**

### Introduction

Planning permission is being applied for the variation of condition 4a (opening hours) and the removal of condition 4b (opening hours) in respect of planning application 2024/70/91458/W for:

“Variation of conditions 2 (car park management plan), 4 (opening hours) and 6 (sustainable travel statement) and removal of condition 7 (car park re-surfacing) on previous permission 2023/93106 for change of use of adult education centre (Class F1 (a)) to a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b) and F2(b) (part retrospective) (listed building within a conservation area).”

### **Condition 4a**

This states:

*Except for the circumstances referred to in condition 4b, the use hereby permitted shall not open to customers outside the hours of:*

*Monday to Saturday: 8:30 - 21:00*

*Sunday and Bank Holidays: 09:00 – 17:00*

**Reason:** *In the interests of preventing loss of amenity to adjacent residential properties arising from noise and nuisance disturbance and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

### New wording of condition 4a

The proposals are to vary the wording as follows:

*The use hereby permitted shall not open to customers outside of the hours:*

*Monday to Thursday: 0830 – 2100*  
*Fridays and Saturdays: 0830 – 2300*  
*Sundays and Bank Holidays: 0900 – 1700*

#### Rationale for varying condition 4a

The hours quoted above have been trialed over the past 12 months in accordance with condition 4b which states:

*Notwithstanding the requirements of condition 4a, for a twelve-month trial period from the date of this decision, the use hereby permitted shall not be open to customers outside of the following hours:*

*Monday to Thursday: 08:30 – 21:00*  
*Fridays and Saturdays: 08:30 – 23:00*  
*Sundays and Bank Holidays: 09:00 – 17:00*

**Reason:** *To allow the impacts of the variation in hours to be assessed during this period in the interests of preventing the loss of amenity to adjacent residential properties arising from noise and disturbance and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

During the past 12 months, Holmfirth Tech have not been made aware of any noise related complaints from neighbouring residents (or anyone else). As was stated in the applicant's Planning Statement that accompanied the previous S73 application, the Tech require the extended opening hours on Fridays and Saturdays to provide a greater level of flexibility to accommodate special events such as the Holmfirth Film and Folk Festivals. They would not be open late every Friday and Saturday and it was previously stated that up to 12 occasions a year would be needed.

Environmental Health were consulted as part of the previous S73 application and stated, "We cannot accept the argument that the opening times will only be extended occasionally because it cannot be conditioned or controlled, thus nearby receptors may have the building in use every Friday and Saturday up to 23:00 with users leaving the site from this time, causing loss of amenity by way of noise and disturbance."

However, despite Environmental Health's concerns, during the last 12 months, the Tech have only held a handful of evening events (fewer than six) on Fridays and Saturdays that ran past 21:00 hrs. The Tech's intention has never been to hold regular late-night events.

The revised and permanent openings hours on Fridays and Saturdays would allow the Tech to continue opening later for special and occasional events.

#### Rationale for removing condition 4b

The reason condition 4b was attached to the previous planning approval was to allow the impacts of the variation in hours to be assessed during the trial 12-month period to ensure there was no loss to residential amenity for adjacent properties by way of noise and disturbance.

As stated above, the Tech are not aware of any noise related complaints made to the Council by adjacent residents in the last 12 months. It is therefore considered that the extended opening hours are not causing undue harm to adjacent residents by way of noise and disturbance.

Also as stated previously, we are not aware of any restriction on hours when the Tech was operated in the past (by the Council, charity and latterly the college). Indeed, as far back as 1894, the opening hours (for the reading room at least) were 8 am to 10 pm seven days a week. As we have said on a number of occasions, it is important that the LPA do not abrogate existing lawful use rights – e.g. operating hours that have previously been lawfully allowed and exercised.

The Tech previously offered a compromise and accept up to 12 occasions a year going up until 11 PM on Fridays or Saturdays.

In reality, the number of activities that are booked to go beyond 9 pm are few and far between (six in the past year as highlighted above), however as stated previously the building needs to generate income in order for it to survive. The point of the building is that that is multi-purpose (in accordance with its core objectives in relation to Arts, Learning, Wellbeing and Enterprise) and therefore needs a degree of flexibility in order to achieve its core aims and objectives.

Moreover, it's also crucial to be able to continue hosting important community and social events (which require the additional hours on occasions throughout the year) – such as the Festival of Folk, Film Festival, Arts Festival, AGM's, or occasional special events (such as a fund-raising event for the Tech).

Examples of events and demand were previously put forward as follows, however please bear in mind that some events are dependent on varying positions of bank holidays and other festivals, as detailed below.

- Easter moves each year in accordance with the moon cycle.
- May Day is the first Monday in May.
- The Festival of Folk is usually the first week end of May.
- The Spring Bank Holiday is the last Monday in May.
- The Arts Festival runs across the Summer.
- The Tech's AGM and associated open days are usually in July. However, the date can vary.
- Art Week is the first week in July.
- Late Summer Holiday is the last Monday in August.
- The Film Festival runs during the Autumn.
- One Community has a grant giving event maybe in December or January.
- Other groups, such as the Labour Party Branch or EcoHolmes, have their AGMs at the Tech.

Over 500 people are using the building each week currently and the Tech feel it is important to balance their interests with the amenities of the nearest neighbouring properties.

Whilst appreciating Environmental Services have previously said occasional extended opening hours cannot be conditioned or controlled, this obviously needs to be looked at from a planning law/control perspective and a decision made by the LPA on the issue of enforceability. Our view was and is that a variation to the condition to allow the proposed flexibility as outlined above would fulfil the tests for imposing conditions, and would in fact be enforceable, particularly as the Tech keep records of events and bookings that could (if requested) be produced in the event of a complaint.

It is therefore considered only fair and reasonable that this condition is removed to allow the Tech to continue operating under the extended opening hours on a permanent basis.

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**November 2025**