

P24-1544

19 July 2024

Kirklees Metropolitan Council
Planning Services
PO Box 1720
HUDDERSFIELD
HD1 9EL

Via Planning Portal only

Dear Sir / Madam

Section 192 of the Town and Country Planning Act 1990 (as amended)
Application to certify that the proposed use of the premises for 24 hour operation is lawful
BigBox Leisure Club, Tandem Industrial Estate, Wakefield Road, Tandem, Huddersfield, HD5
OAL

Introduction

We write on behalf of our client, BigBox Leisure Club Ltd to apply for a Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended), to certify that the proposed operation of BigBox Leisure Club at Tandem Industrial Estate is lawful 24 hours a day.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the application comprises the following:

- This Covering Letter
- Application Form
- Site Location Plan – BigBox Leisure Club (drawing ref: 23.025.008)

The following additional documentation is also provided:

- Decision Notice (application ref: 98/93106)
- Site Location Plan – Former Total Fitness (drawing ref: W 369/02)
- Decision Notice (application ref: 2000/92183)
- Floor Plan – Former Les Enfants Day Nursery (drawing ref: LE01B)

The application has been submitted and the requisite application fee (£289) paid electronically via the Planning Portal (ref: PP-13231676).

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The Application Site

The Application Site is BigBox Leisure Club, Tandem Industrial Estate, Wakefield Rd, Tandem, Huddersfield, HD5 0AL (the Site). The location and boundary of the Site is illustrated on the Site Location Plan – BigBox Leisure Club (drawing ref: 23.025.008).

Relevant Planning History

On 5 January 1999, planning permission was granted for the erection a two-storey exercise centre and rehabilitation clinic with car parking facilities (application ref: 98/93106 – the Original Permission). The site and unit are shown on Site Location Plan – Former Total Fitness (drawing ref: W 369/02). The Original Permission was implemented, and the unit operated as Total Fitness. The Original Permission was granted pursuant to 18 Planning Conditions. None of these Planning Conditions impose controls on the hours of operation of the fitness centre.

On 11 September 2000, planning permission was granted for the change of use of part of the fitness centre to a children’s nursery and creche (application ref: 2000/92183) – the Additional Permission). The part of the unit is shown on Floor Plan – Former Les Enfants Day Nursery (drawing ref: LE01B). The Additional Permission was implemented, and the part of the unit operated as Les Enfants Day Nursery. The Additional Permission was granted pursuant to 2 Planning Conditions. Neither of these Planning Conditions impose controls on the hours of operation of the nursery.

On the 31 August 2020 the lawful use of the premises was as Use Class D2 and Use Class D1. Statutory Instrument 2020 No. 757 became effective on 1 September 2020 and introduced a series of changes to the Use Class Order (UCO) which simplified the classification of commercial uses. The effect of the legislation was to revoke Use Class D1 and Use Class D2 and replace those classes with Use Class E(d) and Use Class E(f). It follows that the primary use of the unit is Use Class E of the UDO. Movement from one primary use to another within the same Use Class is not development and does not require planning permission.

A couple of years ago BigBox Leisure Club took occupation of the unit operating within Use Class E(d) of the UCO. The leisure club is currently in operation 5am–11pm (Monday to Friday) and 7am–10pm (Saturday and Sunday).

Summary and Conclusions

This application seeks to certify that the proposed operation of BigBox Leisure Club 24 hours a day is lawful. As there are no Planning Conditions attached to the Original and Additional Permissions which control the hours of operation of the unit, it follows that it can operate lawfully 24 hours a day without limitation.

In light of the above, we request that the Council approves this application and issues a Certificate, under Section 192 of the Town and Country Planning Act 1990 (as amended), to confirm that the unit can operate lawfully 24 hours a day.



If you have any queries regarding the above or require any further information in order to be able to issue the Certificate, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink that reads 'R. Dennis'.

Rebecca Dennis

Associate Planner
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