



Application Number	
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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 a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning 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

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

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

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Jamie

Surname

Lyne

Company Name

BigBox Leisure Club Ltd

Address

Address line 1

C/O Agent

Address line 2

Pegasus Group

Address line 3

Queens House, Queen Street

Town/City

Manchester

County

Country

United Kingdom

Postcode

M2 5HT

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

Yes

No

Does the proposal consist of, or include, a change of use of the land or building(s)?

Yes

No

Has the proposal been started?

Yes

No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

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.

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.

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.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

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)

Select the use class that relates to the existing or last use.

E(d) - Indoor sport, recreation, or fitness - Excluding motorised vehicles, firearms, swimming, and skating

Information about the proposed use(s)

Select the use class that relates to the proposed use.

E(d) - Indoor sport, recreation, or fitness - Excluding motorised vehicles, firearms, swimming, and skating

Is the proposed operation or use

- Permanent
 Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

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.

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

Date (must be pre-application submission)

04/07/2024

Details of the pre-application advice received

Mr Lawson stated via email on 4 July 2024 that:

"I've had a search through both files and with regards to application 98/93106, I was unable to find any mention to opening times and it does not mention times on the Decision Notice.

As for application 2000/92183, this relates to the opening of a day nursery within the complex and again opening times aren't mentioned or detailed within the decision notice, but the application form does mention that the opening times are between 8am and 6pm."

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Proposed use 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

Rebecca Dennis

Date

19/07/2024