

Application for Lawful Development Certificate

Proposed Change of Use from Retail to Indoor Sport Fitness (Gym)

270 London Road, Waterlooville

V2



Prepared by

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1. INTRODUCTION

1.1 This statement has been produced in support of an application for a Certificate of Lawful Development seeking formal confirmation that a proposed change of use from retail to indoor gym in the ground floor unit at 270 London Road, Waterloo, is authorised under the 'Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and that no further formal planning application is required.

2. BACKGROUND

2.1 The site in question consists of three-storey building within the pedestrianised precinct area of Waterloo town centre. The building currently accommodates a second floor residential flat, a first-floor commercial health club, and a ground floor retail unit (previously occupied by Dorothy Perkins but vacated in late 2020 / early 2021). The first-floor health club has operated for at least 15 years.



Site Location 270 London Road Waterloo

- 2.2 The operator of the first-floor health club wishes to open a separate gym on the ground floor. Even though this would be a separate unit, it would nevertheless complement the existing uses on site.

3. Use Class Order as Amended

- 3.1 The Town and Country Planning Use Classes Order, as amended in 2020, now amalgamates a number of previous use classes under class E within which any changes between identified uses are now permitted.

- 3.2 As from the 1st September 2020, classes A 1,2, and 3 are replaced by Class E, which also bring in other similar town centre uses. The use classes order now states:

Schedule 2

PART A Commercial, Business and Service

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

4. Permitted Change of Use

4.1 The existing ground floor retail unit of 270 London Road Waterloooville falls within Use Class E (a), for the display and retail of goods. The gymnasium use falls within class E (d) for indoor sports, recreation, fitness, as cited in the Town and Country Planning (Use Classes) (amendment) (England) regulations 2020.

4.2 Given that both the retail use and the gymnasium fall within Class E, the correct interpretation of the current Use Class Order (2020) is that the **change of use as proposed is now permitted.**

5. Conclusion

5.1 The evidence presented reveals, beyond doubt, that the proposed change of use of the ground floor unit at 270 London Road, Waterloooville, from retail to indoor leisure and fitness, is permitted. As such, this change can be formally authorised through the issue of a Certificate of Lawful Development.

PS 31 July 2021