

DELEGATED OFFICER REPORT

Site Address: Unit 7, Wellington Retail Park, Hambleton Road, PO7 7UL
Proposal: Application Under Section 192 of the Town and Country Planning Act 1990 (as amended) to certify the proposed 24-hour opening of Unit 7 as a Gym Lawful.
Application Type: Certificate of Proposed Lawful Development
Application No: APP/26/00043 **Expiry Date:** 20 March 2026
Applicant: C/o Agent
Agent: Mr Cooney **Case Officer:** Denise Sheath
Ward: Waterloo

Recommendation: **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT**

1 Site Description

Unit 7, Wellington Retail Park, Hambleton Road, PO7 7UL

2 Planning History

06/71203/000 - Display of 2 internally illuminated static totem signs 23.664m in height.
WD - 28/03/2006

07/71203/002 - Display of internally illuminated Totem sign (height 15 metres) within the south west boundary of site and display of internally illuminated estate sign (height 3.750 metres) within the northern boundary of the site. REF - 19/06/2007

07/71203/003 - Display of internally and externally illuminated totem sign (height 10 metres) within the northern boundary of site and display of internally illuminated estate sign (height 3.750 metres) within the south-west boundary of the site. PERM 17/09/2007

02/55618/005 - Variation of conditions 10 and 11 attached to outline permission 20534/11 conditions 11 and 12 attached to reserved matters permission 20534/12 and condition 3 attached to planning permission 91/55618 to broaden the range of products that can be sold from the premises. PERM - 16/04/2002

APP/12/00289 - Display of 1No. illuminated flex fascia sign and 1No. non-illuminated replacement aluminium panel sign., PERM,01/05/2012 APP/13/00767 - Erection of a building for uses within Classes A1 and/or A3, related public realm including outdoor seating, alterations to car park including upgrading footpath connections and landscaping. PERM - 26/09/2013

APP/14/00353 - Discharge of Condition No. 2 of Planning Permission APP/13/00767. PERM - 28/04/2014 APP/14/00365 - Application for the removal of Condition 1 of Planning Permission 02/55618/005 and Condition 1 of Planning Permission 07/51117/011 relating to restriction on sale of type of goods. PERM - 19/06/2014

APP/14/01199 - Application for non-material amendment to Planning Permission APP/13/00767 relating to changes to approved plans. PERM - 19/12/2014

APP/16/00037 - Replacement of existing fascia signage and logos with 8No. internally illuminated fascia signs and logos. PERM - 10/03/2016

APP/16/00326 - Installation of 16No. air conditioning units, a gas bottle storage unit, roller shutter and fire exit door. PERM - 02/06/2016

APP/17/01173 - New shopfront and replacement doors to the rear. PERM 15/12/2017

APP/21/00896 - Display of 2No. internally illuminated flexface signs; 1No. non-illuminated wall sign and 1No. non-illuminated welcome board sign. PERM 23/09/2021

APP/21/01246 - Variation of condition No.1 of Planning Permission APP/12/00330 relating to the sale of food. Request to discharge condition 1 (01/04/2022). PERM 31/03/2022

APP/21/01390 - The construction of a flow forge plant cage/compound and the installation of air conditioning/refrigeration plant; a flow forge bin store and 5 no. openings in external wall/cladding associated with AC pipework/ducting. PERM 02/03/2022

APP/21/01412 - Blocking up of existing double fire exit door and the forming of 2No. new openings for single fire exit door and roller shutter. PERM - 02/03/2022

APP/22/00173 - Display of 2No. high level internally illuminated signs to front & rear elevations; 1No. non-illuminated loading bay sign to rear elevation; replacement of internally illuminated panels to existing 3 sided totem pole; manifestation and vinyls to internal face of windows/doors. PERM - 14/04/2022

APP/23/00145 - Application for a Lawful Development Certificate for a Proposed Use as a Gym or Cafe within Use Class E - Commercial, Business and Service of the Town and Country Planning (Use Classes) Order 1987 (as amended). PERM 06/07/2023

APP/23/00661 - External alterations comprising new shop entrances, widened walkway, new bollards, new signage features and support columns, and widening of one parking bay. PERM - 28/11/2023

APP/24/00554 - External alterations to Unit 8 comprising the removal of existing entrance and replacement with two new entrances, additional changes to fenestration and doors, and associated works. Permit 18/09/2024

3 Proposal

Application Under Section 192 of the Town and Country Planning Act 1990 (as amended) to certify the proposed 24-hour opening of Unit 7 as a Gym Lawful.

4 Policy Considerations

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Whether the development would require planning permission.

The application seeks a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990 (as amended) to confirm that the proposed 24-hour operation of Unit 7 as a gym would be lawful.

An assessment of the site's planning history has identified no extant planning conditions that limit the hours of operation of Unit 7. The proposed use falls within Use Class E, which has already been established as lawful at the site.

As there are no planning controls restricting operating hours, the proposed 24-hour opening would not constitute development requiring planning permission.

8 Conclusion

- 8.1 The planning history identifies no conditions restricting the hours of operation for Unit 7, Wellington Retail Park, Hambleton Road. On this basis, it is concluded that the proposed 24-hour operation of the gym would be lawful, and the local planning authority is satisfied that the requirements of Section 192 of the Town and Country Planning Act 1990 (as amended) have been met.

9 RECOMMENDATION:

That the Interim Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/26/00043

Havant Borough Council, as Local Planning Authority, certifies that on 22 January 2026 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

There are no planning controls restricting the hours of operation for Unit 7, Wellington Retail Park, Hambleton Road. Therefore, the requirements of Section 192 of the Town and Country Planning Act 1990 (as amended) have been met.

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to a proposed 24-hour opening of Unit 7 as a gym. As described in the written particulars, plans and other documents submitted with your application received on 22 January 2026

SECOND SCHEDULE:

This certificate relates to land at Unit 7, Wellington Retail Park, Hambleton Road, PO7 7UL as shown edged red on the submitted Location Plan received 22 January 2026.

OTHER IMPORTANT INFORMATION:

1. This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
2. It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
3. The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
4. The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.
5. Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.