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5 January 2015

## **S U M M O N S**

**MEETING:** Regulatory Board  
**DATE:** 13 January 2015  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Vicki Stone

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

The Mayor (Councillor Gill) (ex-officio)  
Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio)

Councillor Mrs Hook (Chairman)  
Councillor Jessop (Vice Chairman)

Councillor Allen	Councillor Farr
Councillor Bateman	Councillor Hicks
Councillor Carter CR	Councillor Hazel
Councillor Dickson	Councillor Langdon
Councillor Ms Diffey	Councillor Wright

### **INFORMATION FOR MEMBERS OF THE PUBLIC**

(To be read by the Chairman if members of the public are present)

**In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**Please note that mobile phones should be switched off or on silent for the duration of the meeting.**

**This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**AGENDA**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

All Members present are reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 2 DECEMBER 2014
4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 9 January 2015. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 9 January 2015).*

6. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE  
*Schedule of planning applications with recommendations.  
(grey sheets – pages 1-5)*

PART II  
Contact Officer:  
Linda Edwards  
Ext: 5401

7. ANY OTHER ITEMS  
*Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

## **GOSPORT BOROUGH COUNCIL – REGULATORY BOARD**

**13th January 2015**

### **ITEMS WITH RECOMMENDATIONS**

1. Copies of drawings and accompanying planning applications referred to in this schedule will be made available for inspection by Members from 5.00 pm immediately prior to the meeting. Unless otherwise advised, these plans will be displayed in the room in which the Regulatory Board is to be held.
2. The number of objections and representations indicated in the schedule are correct at the time the recommendations were formulated. Should any representations be made after this date, these will be notified to the Regulatory Board during the officer presentation.
3. Copies of all representations received from the public will be made available for inspection by Members in the same way as drawings will be made available, referred to in Note 1 above.
4. An index of planning applications within this schedule can be found overleaf, together with a summary of each recommendation.

**INDEX**

<b><u>Item</u></b>	<b><u>Page No</u></b>	<b><u>Appl. No.</u></b>	<b><u>Address</u></b>	<b><u>Recommendation</u></b>
01.	3-5	14/00530/FULL	15 Mumby Road Gosport Hampshire PO12 1AA	Refuse

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 14/00530/FULL**  
**APPLICANT: Mrs J M Tombs**  
**DATE REGISTERED: 20.10.2014**

**CHANGE OF USE FROM RETAIL (CLASS A1) TO OFFICE (CLASS B1)  
(CONSERVATION AREA)  
15 Mumby Road Gosport Hampshire PO12 1AA**

***The Site and the proposal***

1. The application site is located on Mumby Road within an area defined as Gosport Town Centre and as a Principal Shopping Centre under the Gosport Borough Local Plan Review 2006 and as both a Principal Centre and Primary Shopping Frontage by the emerging Gosport Borough Local Plan 2011-2029. The site is within the High Street Conservation Area and Flood Zone 2.
2. The proposal relates to a ground floor retail unit approved in 2004 as part of a larger mixed use development comprising 3no. A2 (financial and professional services) units on the ground floor and residential flats above. Whilst originally consented as an A2 use, the unit operated until 2012 as an A1 (shop) use, having changed to A1 through its permitted development rights. The unit has been vacant since 2012. The unit comprises internally of an open retail space with separate toilet and kitchen facilities to the rear. The external appearance is of a shop frontage in uniformity with the ground floor of the wider development.
3. The application seeks to change the use of the unit to a B1 (office) use. No changes are proposed to the appearance of the unit. The supporting information indicates that the change is sought to accommodate the offices of a bricklaying contractor with five full employees and 120 part time contractors. The hours of opening are proposed to be 8:00-18:00 (Mon-Fri) and 8:00-12:00 (Sat).

***Relevant Planning History***

04/00134/FULL - erection of 4 storey block comprising 3 ground floor office units (Class A2 - financial and professional) and 12 residential flats - permitted 13/04/2004

***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/S3  
Principal & District Shopping Centres
- R/S5  
Non 'Class A' Uses in Shopping Centres at Ground Floor

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

- LP28  
Uses in Centres

***Consultations***

The Gosport Society

Object. It is contrary to Policy R/S3; A1 uses

are protected under this policy and the proposed change of use to B1 commercial would mean the loss of an A1 use and an increase in the 33% of other uses allowed under this policy.

Local Highway Authority

Update to be provided

### ***Response to Public Advertisement***

Nil

### ***Principal Issues***

1. The Gosport Borough Local Plan Review 2006, through saved policy R/S3, defines Gosport Town Centre as a Principal Shopping Centre in order to facilitate an appropriate mix of uses to secure the long term vitality and viability of the Centre. The policy seeks to ensure that a minimum of 67% of ground floor uses/frontages are A1 or A2 uses with a maximum of 33% allocated for other uses within the A use class. If a non A-class use is proposed then Saved Policy R/S5 applies and sets three criteria for acceptability; whether the use provides a service appropriate to a shopping centre, whether individually or cumulatively the change would lead to a significant reduction in vitality and viability and whether a shop frontage is maintained.
2. Policy LP28 of the emerging Gosport Borough Local Plan 2011-2029 continues the intention of Saved Policies R/S3 and R/S5 and the same tests (albeit also supporting C1 (hotel), D1 (non-residential institution) and D2 (assembly and leisure) uses as part of the permissible 33%) can be found within this emerging policy. The NPPF (para 23, third bullet point) supports this approach.
3. The proposal is not for an A1 or A2 use. Nor is it for an A3, A4 or A5 use (of which 33% overall would be permissible). It is for a non class A use which is therefore only acceptable if it meets the three criteria of Saved Policy R/S5 (as echoed by LP28).
4. The proposal is for a B1 use intended as an office for a bricklaying contractor. The use would not provide a service for those visiting the Principal Shopping Centre and is not a use reasonably expected to be located within a Principal Shopping Centre. Therefore, it is considered that this use would not be appropriate in this location as it would reduce the attractiveness of the Centre by not encouraging footfall and reducing the opportunity for linked trips. For example, as the office would close at noon on Saturday, statistically the busiest day (GBC quarterly footfall survey 2006-14), resulting in an inactive frontage. This would weaken the strong retail core and be harmful to the viability and vitality of the centre contrary to the adopted and emerging development plan.
5. Even if the B1 use proposed was considered an appropriate use in principle it would still be unacceptable as it would result in 35.2% of the principal shopping area (as defined by the Local Plan 2006) and 33.3% of the primary shopping frontage (as defined by the emerging Local Plan 2011-2029) being non A1 or A2 uses which would be harmful to the viability and vitality of the centre.
6. In their supporting statement, the applicant acknowledges that "the application is contrary to policies RS3, RS4 and RS5 of the local plan and also LP28 from the emerging local plan 2011-2029" but contends that as attempts to let/sell the unit since November 2012 have been unsuccessful the proposed use is acceptable. However, as the proposed use is clearly in conflict with the development plan and the proposed use would not provide a service appropriate to the Centre, the current vacancy of the unit is not considered, on balance, an overriding material consideration in this instance.
7. The proposal lies within Flood Zone 2 indicating a risk of flooding between 1:100 and 1:1000 per annum. Given the established A1 use it is not considered that the proposed use would be more vulnerable.

8. No external changes are proposed and there will be no impact upon the character of High Street Conservation Area. The retention of an appropriate shop frontage could be secured via condition if the proposal was considered acceptable in other respects.

**RECOMMENDATION: Refuse**

For the following reason(s):-

1. The proposal would result in an inappropriate use being located within the ground floor of an area designated as the Principal Shopping Centre by the Gosport Borough Local Plan Review 2006 and as Primary Shopping Frontage within the Principal Centre by the emerging Gosport Borough Local Plan 2011-2029 (Publication Version). This would reduce the attractiveness of the Centre by not encouraging footfall and reducing the opportunity for linked trips thus weakening the strong retail core harmful to the viability and vitality of the Centre. This is contrary to Saved Policies R/S3 and R/S5 of the Gosport Borough Local Plan Review 2006, Policy LP28 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version) and the NPPF.