

Decision maker: The Planning Committee - 17 August 2016

Subject: Reliance on Council's Geographical Information System

Report by: Assistant Director of Culture & City Development

Wards affected: All

1. Purpose of report

The Planning Committee deferred Planning Application 16/00649/FUL that is for the change of use of part ground, first and second floors from a dwelling house (Class C3) to a 10 bedroom house in multiple occupation (sui generis). Refer to Appendix A for the Planning Officers Assessment Report and recommendation.

The application was deferred to enable the planning officer to undertake land survey necessary to clarify the precise distance from the subject property to the flats at No.179-183 Fratton Road. The agent for the application has demonstrated that the proposed development is within 50 metres of No.179-183 Fratton Road, refer to Appendix B.

This report seeks to clarify the information presented by the Applicant and provide the options open to the Planning Committee in determining this item.

The Planning Application 16/00649/FUL is in Appendix A for members to determine having regard for the information contained in this report.

2. Recommendations

It is recommended that the Planning Committee determine the Planning Application 16/00649/FUL having regard to the following information.

3. Background

The Council's Geographical Information System (GIS) uses as its base the Ordnance Survey (OS) Plan for Portsmouth. The information layers in the GIS are updated as part of revisions provided by the OS. In terms of the OS Base Map it was last updated 15th July 2016. The electronic data which is being relied upon is up to date.

Officers use the OS map when calculating the 50 metre radius from a property so as to ascertain whether the area would become imbalanced through the provision of more than 10% of properties being used as houses of multiple occupation.

In this case the applicant has demonstrated that a more accurate measurement achieved by way of undertaking a land survey reveals that a discrepancy in the order of 1.5 metres arises with the measurement in this location, changing the address points to be included when undertaking the calculation, and the potential outcome for the applicant.

It is not unusual for there to be a discrepancy between a survey undertaken and a download of the OS map. However it is rare for there to be as fine a discrepancy as has arisen with this matter.

The various sections at Portsmouth City Council that undertake land surveys confirm that such a level of discrepancy can arise, and therefore the action of going out and taking a measurement is likely to lead to the same conclusion as that which the applicant has presented.

Contact has been made with the applicant's surveyor and discussion was had to confirm how the centre of the property was established, and whether there were any areas in the field that could have led to this discrepancy. Officers accept that the survey was undertaken correctly and that the equipment used was properly calibrated.

When planning officers undertake an assessment of a planning application they accept the information on the face of the plan, unless there are clear and obvious discrepancies. In this instance however the Planning Officer relied on Council's own GIS system which is the basis for assessing HMO applications. It is not open to the case officer to challenge the Council's GIS data or the OS Base Map and change how this work is undertaken, rather they accept the GIS data at face value when undertaking these binary assessments.

The planning officers do not undertake measurements in the field as they are not land surveyors, and those sections of the Council that regularly survey land would defer to the applicant's expert source.

As such the following facts are compiled for the Members to consider when taking a decision on Planning Application 16/00649/FUL.

Applicants Case

The applicants submitted survey plan dated 10th June 2016 is an accurate survey measuring two distances, confirming that 3 Sheffield Road is within 50 metres of the site, and establishes that 179-183 Fratton Road is also within 50 metres of the site.

By including Flats 1 to 11 which are located at 179-183 Fratton Road the total number of properties increases, with a beneficial outcome for the applicant.

The inclusion of the properties results in the proposal being the seventh (7th) HMO with a total of 80 properties, being 8.75%. The proposal would be policy compliant. This would be the last possible policy compliant HMO for this assessment location.

Council's Case

The Council's GIS system can be relied on; however the level of the discrepancy is acknowledged and cannot be refuted. The planning officer's report sets out the position which has been taken, for Members to consider when determining this matter.

4. Reasons for recommendations

The Council's Geographical Information System cannot, in this instance, be relied upon in taking this decision as the level of the discrepancy is so fine as to have cast doubt on the Council's mapping information. The planning officer's report has undertaken an assessment consistent with Council's procedures. The applicant's case is set out above, and as it provides a more detailed and accurate survey plan for consideration, Members can form a view to support the applicant's position when taking a decision on the planning application.

5. Equality impact assessment (EIA)

The advice within this report relates to a planning application, not giving rise to the requirement for an equality impact assessment.

6. Head of legal services' comments

It is open to the Planning Committee to determine the planning application.

7. Head of finance's comments

None.

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 Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Appendix A - Planning Application 16/00649/FUL assessment report.	
Appendix B - Survey plan prepared by McAndrew Martin dated 10th June 2016.	