

Agenda item:

Decision maker: Planning Committee

Subject: Appeal against non-determination at 8 Pitcroft Road North End
Portsmouth PO2 8BD

Report by: Claire Upton-Brown
Assistant Director of Culture & City Development

Ward affected: Nelson

Key decision (over £250k): No

1. Purpose of report

A non-determination appeal has been received in relation to a planning application for the change of use from Class C4 (house in multiple occupation) to Sui Generis (house in multiple occupation) for seven unrelated persons (ref 17/01413/FUL). It is necessary for Portsmouth City Council to be able to advise the Planning Inspector as to how the application would have been determined if the Local Planning Authority had issued the decision.

The purpose of this report is to establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

2. Recommendation

A copy of the officer's full assessment report is appended to this main agenda item recommending refusal for the following reasons:

1) The proposed use of the building as sui generis House in Multiple Occupation for 7 or more persons sharing would, as a result of the cramped and restricted size of the communal amenity space (living room and kitchen areas, without separate dining room provision) and bedrooms at roof level, fail to provide the necessary space for an adequate standard of living accommodation for future occupiers and would represent an overintensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policies PCS20 and PCS23 of the Portsmouth Plan, including the supporting Houses in Multiple Occupation Supplementary Planning Document (Nov 2017).

2) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

3. Background

A planning application was submitted on 9 August 2017. It was included on the agenda for the Planning Committee meeting to be held on 15 November. However, on 3 November an appeal was lodged against non-determination and at the meeting it was resolved that the application would not be determined because of the appeal.

The effect of an appeal against non-determination is that the Local Planning Authority can no longer make a formal decision on the application. However, in order to inform the Inspector appointed to determine the appeal, the application is being reported back to committee for members to confirm how the matter would be determined if Portsmouth City Council were the consent authority.

4. Reason for recommendation

To establish the Planning Committee's position in relation to the recommendation of the application, so that a record can be provided as part of the planning appeal.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

No comments required.

7. Head of finance's comments

No comments required.

.....
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 |
|---|-------------------|
| Officers report for planning application 17/01413/FUL | Planning Services |
| 'Houses in multiple occupation' Supplementary Planning Document - revised November 2017 | Planning Services |