

Decision maker: Planning Committee

Subject: Appeal against non-determination 16/02047/PAMOD- Request to modify legal agreement attached to planning permission 10/01247/FUL and 08/01941/FUL land adjacent to Queens Hotel Clarence Parade and Osborne Road Southsea - appeal against non-determination

Report by: Assistant Director City Development

Ward affected: St Jude

Key decision (over £250k): No

1. Purpose of report

A non-determination appeal has been received in relation to 16/02047/PAMOD- a request to modify legal agreement attached to planning permission 10/01247/FUL and 08/01941/FUL land adjacent to Queens Hotel Clarence Parade and Osborne Road Southsea. 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 brief the Planning Committee to enable it to establish its 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 report as the application was originally due to be considered by the Planning Committee at its meeting on the 10th January 2018. The application was not considered at that meeting as the agent for the application advised the local planning authority that they had lodged an appeal against non- determination.

The local planning authority has now received confirmation from the Planning Inspectorate that the appeal has been accepted and confirmed a start date for the appeal.

The Development Appraisal submitted in support of the application was assessed by the District Valuer as set out in the attached report. A second

assessment is now being carried out by a consultant, Dixon Searle, and the conclusion will be verbally confirmed at the meeting. The Committee is recommended to provide an explanation of how it would have decided this application with reference to the above officer's report, the District Valuer's report and the Dixon Searles report.

3. Background

An application was included on the agenda for the Planning Committee meeting held on 10 January. However, as the agent confirmed before the meeting that an appeal had been lodged the application could not be determined at the meeting.

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 still empowered to determine the application.

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.

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Signed by:

Assistant Director of City Development.

Appendices:

Appendix 1 - copy of the Planning Committee and appendices of 10 January 2018
Plus one exempt appendix

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
Officer's report for planning application 16/02047/PAMOD	Planning Services