

Agenda item: **Decision maker:** Planning Committee**Subject:** Planning appeal decision relating to Kingsway House, 130 - 136 Elm Grove, Southsea**Report by:** Claire Upton-Brown, City Development Manager**Ward affected:** St Jude**Key decision (over £250k):****1. Purpose of report**

To advise the Committee of the outcome of the appeal, which was allowed.

2. Recommendations

That the report is noted.

3. Background

A planning application was considered by the Planning Committee at its meeting on 8th January 2014. The application, for the conversion of the former offices and health drop-in centre to form a halls of residence within Class C1 comprising 53 study bedrooms arranged as 13 cluster flats with associated alterations, was recommended by Officers for conditional permission. This recommendation was overturned and planning permission was refused with the reason for refusal relating to the over-intensive nature of the conversion giving rise to an unacceptable level of noise and disturbance harmful to the residential amenities of the occupiers of neighbouring residential properties.

The Inspector took the view that "the activity, noise and disturbance that would be a consequence of the proposed student residential accommodation, would be unlikely to exceed the combined activity, noise and disturbance generated by the previous permitted use". In coming to this view the Inspector noted that "the impact of any noise and disturbance would be significantly reduced by ambient noise levels in the locality, which is a busy shopping street within a District Centre, with a mix of retail uses and a public house next door" and that "traffic noise from Elm Grove is audible".

The Inspector concluded "that the appeal proposal would not materially affect the living conditions of nearby residents with regard to noise and disturbance".

The appeal was allowed and planning permission granted.

An associated application for an award of cost against the Council on the grounds of failure to provide evidence to support the reasons for refusal was dismissed.

4. Reasons for recommendations

For information to the Planning Committee

5. Equality impact assessment (EIA)

None.

6. Legal Services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

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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
Planning application file 13/01179/FUL	Planning Services
Inspector's decision notice APP/Z1775/A/14/2212334	Planning Services