

## PLANNING & LICENSING COMMITTEE

Tuesday 7 September 2004

### PRESENT:

Councillor BOWKER (Chairman); Councillors BELSEY (as substitute for Taylor), HOWLETT, Mrs MURRAY, Mrs SIMS (as substitute for Mrs Pooley), SKILTON, SLATER (as a substitute for Harris) and STEVENS.

(Apologies for absence were reported from Councillors Harris, Mrs Pooley and Taylor).

**15. MINUTES.** The minutes of the meeting held on 10 August 2004 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### **16. REPORT OF HEAD OF PLANNING ON APPLICATIONS.**

#### **(1) EB/2004/0545 - 80 Wilton Avenue - erection of wall to side and rear boundary - HAMPDEN PARK.**

This was a retrospective application and the work was almost complete. Nine letters of objection were reported from residents of Winkney Road and Attfield Walk on the grounds that the wall was a hazard to users of the service road, (since it is necessary to pull right out to see oncoming vehicles), cyclists and pedestrians; there was no footpath by the rear wall and pedestrians would have to walk into the road to see if traffic was coming; visibility was severely impaired; if the wall is to remain, double yellow lines should be provided; the wall it was too high and was unsightly; the wall was out of keeping with existing walls and fences in the area; and the construction of the wall was not sound. The Development Control Manager advised that East Sussex County Council were disputing that the applicant owned the land on which the wall was being constructed, and would not permit the building of the wall because of its impact on visibility and the resulting hazard to vehicular and pedestrian safety.

The Development Control Manager reported that since the Committee report had been published a further letter of objection had been received from a resident of Attfield Walk regarding the effect on visibility and visual impact. The applicant had also submitted a letter and supporting information.

**RESOLVED: Permission refused** on the grounds that (1) The wall would be out of character with the surrounding properties and would be detrimental to the visual amenities of the area by reason of its size, siting and construction, and would therefore not comply with Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011; and (2) The wall by reason of its height and siting would result in a severely impaired visibility splay at the junction with the service road at the rear of the site, which would represent an unacceptable hazard to pedestrians and vehicular traffic.

**(2) EB/2004/0454 - Langney Shopping Centre, Kingfisher Drive - extension to Shopping Centre, over the service yard, to provide 40,000 square feet of retail and leisure space (on two levels) together with a Pavilion Building adjacent to the eastern entrance of the centre to provide access to the upper leisure use level - LANGNEY.** Two letters of objection were reported, relating to loss of privacy, heavy traffic, increased noise, and questioning the need for the gym and more shops. One letter of representation from the Sunbury Farm Residents Association was reported supporting the proposal and suggesting control measures. Southern Water had no objections. The Environment Agency had no objections, in principle, but recommended conditions to prevent increased risk of flooding and to prevent pollution of the water environment.

The Local Plan Officer had advised that there was no objection to the shopping element of the proposed development from a planning point of view, but had concern over the leisure element of the proposal, suggesting that the applicant should demonstrate that there were no other suitable alternative sites available. The Council's Contaminated Land Officer had commented that the proposed extension lay on the site of a former brick pit and it was not known what the pit was filled with. It also lay within 250 metres of a closed former landfill site.

The Development Control Manager reported that since the report had been published the Economic Development Officer had fully supported the proposal and considered that the increase in retail development would be beneficial for local employment; also a further letter had been received from the Sunbury Farm Residents Association asking for their comments to be drawn to the Committee's attention.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within 5 years; (2) A2 Submission of samples of facing materials; (3) A15 No equipment on roof or walls; (4) The extension hereby approved shall only be used for Class A1 (Shops) on the lower level and either retail or Class D2 (Leisure) on the upper level and for no other purpose; (5) C5.3 Hours of site clearance and building operations; (6) C9.2 Provision of sound insulation; (7) C10.1 Provision of ventilation system; (8) That the leisure use hereby authorised shall only take place between the hours of 8:00 am and 11:00 pm; (9) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed; (10) Floor levels must be set at least 600 mm above the 1 in 100 flood level of 2.3 metres above Ordnance Datum; (11) Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor; (12) CL1 – Site investigation for any land contamination; (13) CL2 – Development in accordance with the Method Statement; (14) CLC3 – Unsuspected contamination of the site; (15) CLC4 – Post Remediation Monitoring of the site; (16) That the existing hedge immediately to the south of the pavilion-style foyer shall be retained permanently at a height of at least 3 metres. Any plants within the hedge which within five years of the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation; (17) Outline consent EB/2000/0511(OL), granted in November 2001, shall not be implemented if the extension to the rear of the shopping centre, hereby approved, is commenced; (18) That no goods, articles or equipment shall, without the written consent of the Local Planning Authority, be stored or kept within any open part of the site which is not to be built upon; and (19) Before the commencement of the development, hereby approved, details of both long-term and short-term cycle parking, for staff and visitors, respectively, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided before the first use of the development and thereafter maintained.

**(3) EB/2004/0537 (CONS AREA) - The Ship Inn, 35 Meads Street - external decking and servery in rear garden and alterations to ground floor levels (retrospective application) - MEADS.** It was reported that eight letters of objection had been received relating to increased noise disturbance, cooking smells, and increased car parking. One letter of support had been received. The comments and objections were summarised in the report.

The Development Control Manager reported that since the report had been published the Conservation Area Advisory Group at its meeting on 31 August 2004 had commented that they had no objections; a letter of support had been received from the Meads Community Association; and a letter had been received from a resident of Derwent Road (at the rear of the application site) supporting the proposal.

**RESOLVED: Permission granted** subject to conditions (1) Details of the ventilation (including ducting and flues) for the barbecue/servery area shall be submitted to and approved by the local planning authority. Details shall be submitted within one month of the date of this planning permission and the ventilation shall be installed within one month of approval by the local planning authority; and (2) Patrons of the premises shall not use the decking and garden area to the rear of the premises after 10.00pm Sundays to Thursdays and 10.30pm on Fridays and Saturdays.

**(NOTE:** Councillors Skilton and Mrs Murray declared a prejudicial interest in this matter and withdrew from the meeting during consideration thereof).

**(4) EB/2004/0569 - Land at rear of 12 Hardwick Road - pair of two-storey semi-detached houses with integral garages and alterations to existing vehicular access – MEADS.** Two letters of objections were reported relating to overcrowding, loss of privacy, increased noise and disturbance, reduction of light, access problems, overloading of sewage system, and the proposal being out of keeping for the area. The Highway Authority had no objections. Southern Water had not wished to comment on the application. The Environment Agency had asked for a condition requesting a foul water drainage system and timetable to be submitted. The

comments of the Arboricultural Officer were summarised in the report.

The Development Control Manager reported that since the report had been published three further letters of objection had been received, (two from Hardwick Road and one from the Management Committee of Park Lodge), raising similar objections to those summarised in the report.

**RESOLVED: Permission refused** on the grounds that (1) The proposed dwellings by reason of their height and proximity to the rear of the properties in Hardwick Road will have an unacceptable impact to the residential amenities of the properties at 12 Hardwick Road with respect to loss of outlook and overshadowing which would be contrary to Policy HO20 of the Eastbourne Borough Plan (2001-2011); (2) That the proposed dwellings by reason of their width, depth and height are inappropriate for the application site and would result in an over-development of the site creating a detrimental impact to the character of the area and would contravene Policy UHT1 and UHT2 of the Eastbourne Borough Plan (2001-2011).

**(5)/(6) EB/2004/0213 AND EB/2004/0214(CA) (CONS AREA) - Land within the curtilage of 22 Milnthorpe Road (a) demolition of existing garages and erection of single private dwelling with garage and parking space (revised application) (b) demolition of existing garages - MEADS.** Three letters of objection had been received on the original application, and it was reported that a further five letters of objection had been received on the revised submission. These related to over-development, unacceptable location for a dwelling, loss of garaging, additional congestion, loss of privacy and outlook, loss of trees, adverse impact on the character of the area, not in keeping with the surrounding area, loss of light and space, possible future cutting back of trees, and lack of conformity with the intentions of the Eastbourne Borough Plan 2001-11.

The Consultant Historic Buildings Adviser had raised no objection in principle, but was concerned about the design of the dwelling. The Senior Highways Engineer had no objections to the proposal. The comments of the Arboriculturist were summarised in the report.

The Development Control Manager reported that since the Committee report had been published the Conservation Area Advisory Group at its meeting on 31 August 2004 had commented that they had no objection to the demolition of the garages, and no objection in principle to the development but asked for negotiations to take place to produce a proposal which would be more in keeping with the conservation area. Also, two more letters had been received expressing concerns about the proposed height of the development, overshadowing, loss of light, loss of garages, appearance and out of keeping with the conservation area. Also, a memorandum had been received from the Principal Highway Engineer stating that a minimum of three additional parking spaces would be needed to meet the loss of garages and that if this could not be achieved, he recommended refusal of the application. A letter had been received from the Architect of the proposed scheme requesting that discussions about the detail of the design continue at officer level. The Development Control Manager advised that, whilst a development on this site would not be harmful to the conservation area if carried out sensitively, this application was generally out of keeping with the surrounding Meads style of development, and that a re-design and re-consultation was recommended.

**RESOLVED: (1) Permission refused in respect of application EB/2004/0213** on the grounds that the design of the proposed dwelling would be out of keeping with the surrounding properties, and would adversely affect the character and appearance of the Meads conservation area; the proposal would therefore conflict with Policies UHT1 and UHT15 of the Eastbourne Borough Plan 2001-2011.

**(2) Conservation Area Consent granted in respect of application EB/2004/0214(CA)** subject to condition D1.2 Commencement of development within five years.

**(7) EB/2004/0541 (CONS AREA) - The Moorings, 25 St John's Road - installation of three telecommunications antennas concealed in painted GRP shrouds on north and south elevations, together with two pole mounted dishes and ancillary equipment cabinets on roof - MEADS.** Four letters of objection were reported from local residents, and one from Nigel Waterson MP, relating to possible health hazards, unsightly building, and visual intrusion of equipment.

The Development Control Manager reported that government advice in PPG8 maintained that if the proposal met ICNIRP guidelines, the local planning authority should not consider further the health aspects from such

installations. The proposal would make use of an existing site and met the criteria set out in the borough plan policies. The proposed equipment would not appear as an unduly prominent feature on the building and would therefore have no impact on the character or appearance of the conservation area.

The Development Control Manager reported that since the report had been published three further letters of objection had been received relating to the possible health effects, visual intrusiveness, and devaluation of surrounding property. The Conservation Area Advisory Group at its meeting on 31 August 2004 and the Council's Historic Buildings Adviser had raised no objections.

**RESOLVED: (By 4 votes to 3) Permission granted** subject to conditions (1) D1.1 Commencement of development within five years; (2) The development hereby permitted shall not be brought into use until details of the external finishes of the antennas/shrouds and the equipment cabinets have been submitted to and approved in writing by the local planning authority. Each item shall be permanently retained in the approved finish; and (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order subsequently revoking or amending that Order, the development hereby approved shall not be replaced or altered in any way without prior written approval of the local planning authority.

**(8) EB/2004/0450 - Former Ocklynge Laundry Site, 82A Green Street - erection of 15 houses and 18 apartments inclusive of parking and bin store/cycle store with central amenity area - OLD TOWN.** It was reported that an application for 38 two-bedroom flats had been refused in April 2004 and was now the subject of an appeal. The application had subsequently been revised to 33 residential units, and whilst a meeting with the applicant had been held to further reduce the number of units, the applicant had not submitted any amendments to the scheme now under consideration. Mr Marsh addressed the Committee outlining his concern that the proposed development would result in over-development of the site, additional traffic, reduced parking availability, and the inappropriate access to the site. Councillor Lucas addressed the Committee advising of residents' concerns regarding access, height of the development, traffic, over development and out of keeping with its surroundings. Mr Norton, representing the Applicant (Westbury Homes), addressed the Committee, pointing out that PPG3 supported high density development where there was a good public transport system; this brownfield site would be expensive to develop and therefore it was appropriate to provide affordable housing by way of shared equity housing and that the Council should not seek to influence the tenure of the housing provided. The objections regarding increase in traffic could not be upheld given the previous use of the site. The site was previously derelict and unsightly and the proposed scheme would enhance the site and the scheme had been designed to minimise overlooking.

The Environment Agency had no objections in principle subject to conditions to prevent water pollution and protect the quality of drinking water supplies. The Crime Prevention Design Adviser (on behalf of Sussex Police), was concerned about the insecure space provided for cycle parking, and had also suggested that private space be created around the apartments to prevent direct approach to ground floor bedroom windows. The Housing Strategy and Development Manager had recommended that the affordable housing contribution should be achieved on-site rather than a commuted sum. The Council's Contaminated Land Officer had advised that this was a brown field re-development and there may be contaminated land, and had recommended a condition to ensure no significant risks to human health. The Principal Highway Engineer had raised some highway related issues which were summarised in the report. The Highway Authority had raised objections in respect of access and parking arrangements.

Twenty letters of objection were reported which were summarised in the report, and related to over-development and poor design, noise, loss of privacy, insufficient parking, traffic congestion, increased noise and disturbance.

The Development Control Manager advised that the principle of residential development on the site was acceptable but that certain elements of the scheme such as the number of units proposed and the design and height of the buildings were unacceptable, and therefore refusal of the application was recommended.

The Chairman reported that he had received a letter from the Applicant asking for consideration to be deferred.

**RESOLVED: Permission refused** on the grounds that the proposal constitutes an undesirable form of residential development which, by reason of its scale, massing, design and layout would result in

over-development, over-shadowing, over-looking, loss of privacy and increased general disturbance to the detriment of surrounding residential properties. In addition, the proposed development does not make adequate provision for affordable housing in the community. As such, the proposed development is considered to be contrary to Policies UHT1, UHT2, UHT7, TR6, TR9, TR11, HO13, and HO20 of the adopted Eastbourne Borough Plan 2001-2011.

**(9)/(10) EB/2004/0462 AND EB/2004/0463 - 5 Wessex Place (a) erection of single storey and first floor extensions to increase office accommodation (b) erection of single storey storage building - OLD TOWN.**

One letter of objection was reported relating to loss of privacy, view and light and unacceptable expansion of business in an unsuitable area. The Senior Highways Engineer had no objections. The Development Control Manager was concerned about the current use of the site in relation to its existing planning permission, and was concerned that the provision of the storage building would further increase the activities on the site, particularly the movements of builders' vans. The result of both applications would intensify the use of the site which appeared to be operating as a builders yard which was considered to be unsuitable in a residential area, and taken together, would be detrimental to residential amenities. However, the provision of additional office accommodation would have a minimal impact on residential amenity and highway safety and would comply with the relevant borough plan policies.

**RESOLVED: (1) Permission granted in respect of application EB/2004/0462** subject to conditions (1) D1.1 Commencement of development within five years; and (2) That the existing and proposed windows in the first floor elevations shall be glazed in semi obscure glass and shall subsequently be maintained as such.

**(2) Permission refused in respect of application EB/2004/0463** on the grounds that the proposed development would result in an undesirable intensification of an ancillary use, which would not be compatible with the surrounding residential properties, to the detriment of the amenities of the residents by reason of noise, disturbance and congestion; the proposal would therefore conflict with Policies BI6 and HO20 of the Eastbourne Borough Plan 2001-2011.

**(11) EB/2004/0548 - Land within the curtilage of 10 Spring Lodge Close - erection of detached three bedroom house with creation of 7 no. car parking spaces off Spring Lodge Close – ST. anthony's.** Five letters of objection were reported and one letter signed on behalf of several residents, relating to overshadowing, safety, drainage capacity, parking problems, reduction in green area, storage of construction materials and plant, unacceptable access, and disturbance. Mrs Barrett addressed the Committee and outlined the concerns of local residents, in particular the proposed height of the development and the loss of amenity green space; she also pointed out that a previous application for an extension to no. 10 Spring Lodge Close had been refused and questioned why it was now recommended that a dwelling could be built here. Mr Blackwell also addressed the Committee and reiterated points made by Mrs Barrett, and expressed concerns about the access and egress to the site, and about the loss of some play area.

The Development Control Manager reported that since the Committee report had been published, 41 further letters of objection had been received reiterating earlier concerns. The Highways Manager had also commented that he had no wish to restrict consent subject to a condition that work shall not commence until a design for the parking area had been agreed with him. Southern Water had raised no objections regarding foul and surface water sewage subject to an appropriate condition being applied.

The Council's Arboricultural Officer had suggested that the foundation design should take account of existing and future planting, and soil conditions, and considered that it was essential to retain the mature Whitebeam on adjacent Council owned land.

The Council's Contaminated Land Officer had confirmed that the site was within a residential area and had recommended a condition restricting the hours of construction. Also, as the site was close to a former landfill site, he had recommended that any grant of planning permission should be subject to site investigations being carried out.

The Development Control Manager confirmed that the application site included part of the private amenity garden of no. 10 Spring Lodge Close, and part of the Council-owned green space. He also confirmed that there was an existing sewer alongside no. 10 and it had not previously been considered acceptable to build at the end of this terrace; however, the proposed detached dwelling was 3.5 metres away from the sewer.

The Committee considered that the proposed development would be out of keeping with the existing terrace of houses, and that it would represent an over development of the site. The Committee was also concerned at the loss of amenity space that would result from the proposed development.

**RESOLVED: Permission refused** on the grounds that the proposed erection of a dwelling on the application site would result in a cramped form of development out of keeping with the surrounding area and therefore detrimental to the character and appearance of the locality. Furthermore, the proposed parking arrangement and associated loss of open space will be detrimental to the amenities of occupiers of surrounding residential properties. As such the proposed development is considered to be contrary to Policies UHT1, UHT4 and HO20 of the Eastbourne Borough Plan 2001-2011.

**(12) EB/2004/0428 - Land between 49 and 61 Bridgemere Road - erection of a terrace of three houses and a pair of semi-detached houses, with car parking at front (amended scheme) - ST. ANTHONY'S.** Two letters of representation were received relating to over-development, no garages, drainage concerns, out of keeping and difficulties for children going to school. No responses were received relating to the amended scheme. The Environment Agency had raised no objections. The Council's Contaminated Land Officer had advised that the site was close to a historic landfill site and had recommended conditions to ensure no adverse impact on the proposed dwellings and occupants. The Principal Highway Engineer did not wish to restrict grant of permission subject to conditions.

**RESOLVED: Permission granted** subject to the prior conclusion of a legal agreement to secure a financial contribution towards the Eastbourne Park Scheme drainage proposals, together with the following conditions: (1) D1.1 Commencement of development within 5 years; (2) A9.3 Submission and approval of landscaping scheme; (3) C5.3 Hours of building operations; (4) A2 Submission of samples of facing materials; (5) D9 Restriction of permitted development; (6) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed; (7) Floor levels should be set at least 600 mm above the 1 in 100 flood level of 2.3 metres above Ordnance Datum; (8) No development shall commence until the applicant has demonstrated to the satisfaction of the Local Planning Authority that either landfill gas is not present on the land being developed or that the development will proceed in such a way as to minimise the possibility of landfill gas entering any enclosed structures on the site; (9) No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

**(13) EB/2004/0483 - 408 Seaside - conservatory at side - ST. ANTHONY'S.** No representations had been received arising from the site notice. The Development Control Manager advised the Committee that upon further consideration of this application, he could recommend approval. The proposed conservatory would be in line with the existing bay of the property and would not result in a harmful effect on the visual amenity of the area. Furthermore, the Committee was advised that any loss of on site parking space would have a minimal effect.

**RESOLVED: Permission granted** subject to conditions D1.1 Commencement of development within 5 years.

**(14) EB/2004/0324 (RM) - Henley Park, Phase 4 Sovereign - erection of 16 three-storey town houses set in two crescent shaped blocks with garages for each of the dwellings and a total of 20 surface parking bays, set within parking courtyards (amended scheme) - SOVEREIGN.** Six representations were reported relating to obstruction from parked cars and potential danger to pedestrians, insufficient visitor parking, access road too narrow for increased traffic, garages would create a nuisance and loss of privacy, contravention of principles for Henley Park, and proposed houses looked nice and were in keeping. Two responses had been received relating to the amended scheme commenting that they represented an improvement and had overcome some of the objections. The Principal Highway Engineer had indicated that the issue of car parking accessed off new access roads needed to be resolved. The Crime Prevention Design Adviser (Sussex Police) had advised that garages rather than car ports would reduce car crime, and that details of the perimeter treatment for the gardens would be important in not creating any crime risks.

Mr Davidson-Bowman addressed the Committee and expressed concerns about the proposed access to the garages and the dangers that this may cause, particularly in view of the number of children living in the vicinity. Southern Water had no comment to make on the amended scheme. The Principal Highway Engineer was satisfied with the amended scheme subject to conditions.

**RESOLVED: Permission granted** subject to conditions (1) D1.1 Commencement of development within 5 years; (2) B8.2 Proper construction of car parking spaces; (3) The conditions attached to the reserved matters permission reference EB/2002/0009(RM), granted on 13 June 2002, are reiterated and, unless otherwise discharged to the satisfaction of the Local Planning Authority, should be complied with; and (4) A safety audit be carried out on the access arrangements at the turning heads.

**(15) EB/2004/0562 - Mushroom Cottage, 6A Arundel Road - second floor extension to existing building - UPPERTON.** Eight letters of objection were reported relating to concerns about traffic generation and provision for additional parking, blocking of natural sunlight, inappropriate size of building, setting a precedent, over development of the site, overshadowing and overlooking, building out of keeping, roof out of character and proportion to existing building.

The Development Control Manager reported that since the report had been published two further letters of objection had been received relating to unsatisfactory parking, over-development of the site, overlooking, loss of privacy, poor access and out of keeping.

**RESOLVED: Permission refused** on the grounds that (1) By reason of its height and design the extension will result in a roof which is disproportionate and inappropriate for the existing building and its location and would create an incongruous feature in the street creating a detrimental impact to the visual amenity of the area. The proposal is therefore contrary to Policies UHT1 and UHT2 of the Eastbourne Borough Plan (2001-2011); and (2) The extension to the roof will result in an adverse impact to the outlook from 1 The Croft and is thereby in conflict with Policy HO20 of the Eastbourne Borough Plan (2001-2011).

## **17. PLANNING APPEAL DECISION.**

**EB/2003/0012 - Lynwood Hotel, 31-39 Jevington Gardens - The appeal against the decision of the Council to refuse permission for the conversion of hotel into 24 self-contained flats was allowed by the Inspector for the following reasons:**

Amended plans had been submitted at the appeal, showing a revised layout for vehicle parking and turning area, a reduction from 14 parking spaces to 12 spaces, a larger lay-by area and amendments to the vehicle ramp. The amended plan sought to address some of the Council's concerns and the Inspector agreed to take the amended plans into account in considering the appeal.

A number of matters had been agreed at the hearing. The Council had confirmed that the proposed design was acceptable. The parties had agreed that there was no potential for conversion of the hotel to other tourist uses. The conversion of the hotel to holiday flats would not be viable, as costs could not be recovered by holiday lettings.

The Inspector had considered that the main issue was whether it had been demonstrated that the continued tourist use of the hotel was not appropriate having regard to its location and financial viability of its continued operation.

The parties had agreed with the Inspector that Policy TO2 of the Eastbourne Borough Plan 2001-2011 was the most pertinent to consider. Policy TO2 sought to protect accommodation stock where there was evidence of market demand, and to maintain Eastbourne's position as a major holiday resort, the Council would only permit the loss of tourist accommodation in exceptional cases when such use was no longer viable; it was for the applicant to demonstrate that the continuing use of land for tourist accommodation was not viable.

The Inspector recognised that tourism was the backbone of the local economy in Eastbourne and that planning policy sought to retain tourist accommodation in the resort's tourist areas. Also, that larger hotels like the Lynwood were vital to the local economy as they provided all year round employment, catering for coach groups, independent holiday visitors and conference guests. Jevington Gardens was in the tourist accommodation area, but this was largely residential in nature with a small number of hotels and holiday flats in the street. Remaining tourist uses were located toward the eastern end of Jevington Gardens.

The Inspector commented that until the adoption of the replacement local plan, the Lynwood had been situated in the Intermediate Tourist Accommodation Area, and that a significant number of permissions had been

granted for change of use to residential in this area. He further considered that Jevington Gardens beyond Compton Road was not a prime tourist location for larger hotels. This perceived secondary location had consequences for raising tariffs when facing competition from hotels in prime seafront locations.

There was agreement at the hearing that the traditional design of the proposals would sit happily alongside its neighbours, and would not harm the distinctive appearance of the Area of High Townscape Value. Local residents at the hearing had supported the proposal for residential use but were concerned about further short-term lets.

It was agreed at the hearing by both parties that the building required significant works due its poor condition. The Appellant provided estimated costs for the internal refurbishment of the hotel, but the Council contended that a comprehensive programme of continual refurbishment over a period would normally be expected and could be viable. The Inspector concluded that from the figures presented to him there would no realistic hope of obtaining adequate returns to justify the necessary level of expenditure, and that achievable tariffs in this location would not provide sufficient return to obtain the necessary funding. The Inspector also concluded that from the information provided to him the valuation of the Lynwood by the Appellant was accurate. The Inspector considered the direct costs of running the business, and it was his view that it was unlikely that wages as a percentage of turnover would improve and that it was therefore unlikely that direct costs could be recovered.

The Inspector concluded that the Lynwood Hotel was in a secondary location, tucked away from the resort's prime tourist accommodation, where it would not be possible to raise room tariffs sufficient to achieve an acceptable rate of return. The hotel was in need of substantial repair and refurbishment if it was to meet the changing and increasingly demanding requirements of tourists, which would require significant sums to be invested. The Inspector was satisfied that such levels of investment would not be a viable proposition in this location. Overall he concluded that the Appellant had demonstrated that the continued use of the hotel was not appropriate having particular regard to its location and viability of continued operation. The proposed conversion to self-contained flats would thereby accord with the requirements of Policy TO2 of the Eastbourne Borough Plan 2001-11. For these reasons the Inspector allowed the appeal and granted planning permission subject to conditions.

The Inspector also heard an appeal made by Shearings Hotels Ltd for a partial award of costs against the Council. The Inspector concluded that the local planning authority had produced sufficient evidence to substantiate the reason for refusal by reference to the development plan and all other material considerations, and that it had not behaved unreasonably. He therefore concluded that a partial award of costs was not justified and refused the application for an award of costs.

The Committee expressed their disappointment at the Inspector's decision to allow the appeal and to grant conditional planning permission, and that he had not given more weight to the lack of marketing of the hotel. The Committee was advised that the decision could be challenged in the High Court only on a legal point or material consideration, but not the decision of the Inspector per se. The Development Control Manager advised that the Inspector had been thorough at the hearing. Any appeal had to be lodged within six weeks of the date of the Inspector's decision.

**RESOLVED:** (1) That the report be noted.

(2) That urgent advice be sought from the Legal Services Manager on whether or not there are grounds to appeal the decision of the Planning Inspector.

(3) That the decision be delegated to the Planning Manager in consultation with the Chairman of the Planning and Licensing Committee, and upon advice from the Legal Services Manager, whether to lodge an appeal in the High Court.

(4) That Officers be asked to make representations to appropriate national bodies regarding the need to protect the hotel trade and tourism industry in holiday resorts.

The meeting closed at 6.44 p.m.

PJ BOWKER

**Chairman**