

## Key to Appeals Reporting

**Method of decision**  
**Appeal method**

All are delegated decisions unless otherwise specified  
All are through written representations unless otherwise specified

**Allowed** A  
**Dismissed** D

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
180892	EBC	Land between the garage (facing Kinfauns Avenue) of 70 Churchdale Road and rear of 68 Churchdale Road	Proposed demolition of detached garage and store and erection of a 1bed detached dwelling with associated facilities on Land between the garage (facing Kinfauns Avenue) of 70 Churchdale Road and rear of 68 Churchdale Road.	<b>D</b> 03 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The appeal site is within an established residential area characterised by semi-detached two-storey dwellings of a consistent form, with bay windows and pitched roofs, and construction materials of brick, render, tile-hanging and tiles. The dwellings are set back from the road with reasonably generous front gardens and side pedestrian accesses to their rear gardens giving a consistent pattern of development. Although there are small differences between the dwellings reflecting the preferences of their owners, overall there is uniformity in form, massing, scale, design and materials.</li> <li>The appeal site is currently occupied by the middle one of three separate single garages between the rear boundary of 68 Churchdale Road and 37 Kinfauns Avenue. The form and size and, with the exception of the garage to the north-east of the appeal site which has a tiled roof, the roofing materials of these garages are not consistent with those of the dwellings around them. The appeal property therefore does not contribute positively to the character and appearance of the area in its form, materials or appearance. However, it is set back from the road and it is not prominent in views along Kinfauns Avenue. Consequently, it does not detract to any significant degree from that overall character or appearance of the area.</li> <li>The proposed development would occupy the full width and length of the site at ground-floor level, which would not reflect the characteristic form of development in the area. Although the box-shaped form of the proposed dwelling would reflect the basic form of the garage to the south-west and, less so, that to the north-east, it would clearly be of a different scale in both length and height. Moreover, these garages do not reflect the prevailing character of the area and are therefore inappropriate as models for the form of new dwellings.</li> <li>The proposed dwelling would be prominent in views along Kinfauns Avenue as it would project forward of the established pattern of development on</li> </ul>				

the north-west side of the street at both ground and first floor levels, notwithstanding the lowering of the ground floor below street level. In these views the rectilinear form would be obvious and would jar with the distinctive pitched roof forms of the other dwellings in the locality.

- Whilst walls or fences could be erected under permitted development rights along the side boundaries of the appeal site which would have essentially the same visual effect as the proposed ground floor, these would serve little or no practical purpose. I therefore consider that this is not a likely fall-back position and give it little weight.
- The proposed dwelling would therefore be harmful to the established character and appearance of the area, contrary to saved Policies HO6 and UHT1 of the Eastbourne Borough Plan 2001-2011 (EBLP) and Policy D10A of the Eastbourne Core Strategy Local Plan 2013 (ECSLP). Collectively, these require new developments to be well designed and respect local character, local distinctiveness and sense of place.
- The rear of the proposed dwelling would be very close to the boundary with 70 Churchdale Road. The proposed large rear window of the dwelling could afford direct views of a significant proportion of the private rear garden of that property. To avoid this, the proposed development includes a timber privacy screen across the lower two-thirds of the window. This would negate the main purposes of a window to provide light and outlook. Even if physically preventing casual overlooking, the occupants of No.70 would still feel that their garden was overlooked with a consequent loss of privacy.
- The appellant has suggested that the internal layout of the first floor could be reversed so that the bedroom and large window are to the front of the property, with the room to the rear lit only by a window in the roof. However, this is not the scheme which was available for public consultation nor the scheme on which the Council based its decision, and it is not before me for determination.
- Because of its height and proximity to the garden of 70 Churchdale Road the proposed dwelling would also result in a significant loss of outlook for the occupiers of that property. The proposed dwelling would extend across the full width of the garden of 68 Churchdale Road. The outlook from the rear garden and ground floor rear window of No.68 is currently compromised by the existing pitch-roofed garage between the property and the appeal site. However, the proposed dwelling would be of significantly greater bulk than that garage and would substantially intrude into the current outlook from the rear of No.68.
- I therefore consider that the appeal proposal would harm the living conditions of the occupiers of 68 Churchdale Road through loss of outlook and of the occupiers of 70 Churchdale Road through loss of privacy and outlook. The proposed development would therefore be contrary to saved Policy HO20 of the EBLP, which requires new development proposals to respect residential amenity, including privacy and outlook.
- The appeal development makes no provision for off-street parking. Saved Policy HO6 of the EBLP requires new infill development to provide adequate car parking and refers to saved Policy TR11 of the same document, which requires compliance with approved maximum car parking standards. With the removal of the need for vehicular access onto the site, an on-street parking space would become available.

- This would be able to meet the minimum dimensions for parking spaces in the East Sussex County Council Guidance for Parking at New Residential Development. It would therefore meet the demand for one parking space that the development would generate and so I consider that this provision would be adequate to satisfy saved Policies HO6 and TR11.
- The appellant submits that the Council is not able to demonstrate a 5-year supply of deliverable housing sites, which is not disputed by the Council. Although the shortfall in housing supply renders the relevant policies which are most important for determining this appeal out-of-date, this does not mean that they carry no weight. Notwithstanding, the provision of an additional dwelling would only make a very modest contribution to the supply of housing.
- It is recognised that the appeal site is 'brownfield' land, that its redevelopment is acceptable in principle and that it has good access to services and facilities of the Roselands and Bridgemere Neighbourhood. The proposed dwelling would incorporate measures to reduce carbon emissions, principally in the form of photovoltaic panels, and to enhance biodiversity with a living wall and sedum roof. The appellant has not provided any evidence on the specific energy saving or benefit to biodiversity from these proposed measures. However, these measures conform with the Framework's approach to planning for climate change and conserving and enhancing the natural environment.
- The appellant has submitted photographs and brief details of five small dwellings that have been permitted elsewhere. These demonstrate that it is possible to have an acceptable small dwelling on a site that previously contained garages. However, the relevant issues in this appeal as I have identified above are specific to this proposed development and site. Moreover, full details of those other schemes have not been provided but in any event, I have to consider this appeal on its individual merits.
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, in reaching my decision I have had regard to the policies of the development plan and other considerations. These include the Council's inability to demonstrate a 5-year supply of housing sites and consequently the application of the 'tilted balance' in accordance with paragraph 11 of the Framework. I have also considered the contribution of the proposed development to the Council's housing supply, that the site is currently developed and the good access to services and facilities, all of which weigh in favour of granting permission.
- However, weighing against these benefits is the harm to the character and appearance of the area and the harm to the living conditions of the occupiers of 68 and 70 Churchdale Road that I have identified above. This harm renders the proposed development in conflict with the policies of the development plan and the policies of the Framework relating to design. I consider that this harm significantly and demonstrably outweighs the benefit of one additional dwelling.
- Accordingly, the appeal is dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
181069	EBC	Land adjacent to 84 St Philips Avenue and 21 Roselands.	Outline application to demolish existing garage and construct 1no. 1 bedroom dwellinghouse and parking area adjacent to 84 St Philips Avenue and 21 Roselands.	<b>D</b> 03 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The application was submitted as an outline application with all matters reserved for future approval. The main parties have confirmed that the proposed location plan and block plan shown on drawing ref DD/stphillips/02 and proposed site layout plan, ground floor plan, first floor plan and elevations shown on drawing ref DD/stphillips/01 were submitted with the application for indicative purposes only. The application was determined, and I have determined this appeal, on that basis.</li> <li>The Council's decision notice refers to Policy D10 (Design) of the Eastbourne Core Strategy Local Plan 2013 (ECSLP). However, Policy D10 relates to the historic environment; the policy on design is Policy D10A. It is clear from the Council's Delegated Officer Report that design rather than heritage is the Council's main concern. I have therefore determined this appeal with regard to Policy D10A rather than Policy D10. Policy D10A has been submitted with the appeal documentation so neither party is prejudiced by my consideration of it.</li> <li>The main issue is the effect of the proposed development on the character and appearance of the area.</li> <li>The appeal site is located within a mature residential area, characterised by predominantly two storey semi-detached dwellings set back from the road in narrow but deep plots. To one side of the appeal site is Sussex Court, a three-storey complex of flats set in spacious grounds and to the other side there is a row of terraced dwellings which benefit from sizeable gardens. Planting in these grounds and gardens and on some frontages adds to the character and appearance of the area.</li> <li>The appeal site is substantially smaller than the prevailing plot sizes in the locality and is particularly narrow at the back. The restricted size of the plot would result in any dwelling being tight to at least three of the site boundaries, a substantially greater ratio of building to plot size than elsewhere in the area and little opportunity for soft landscaping. I consider that this would result in a cramped and unsatisfactory form of development that would be incongruous and detract from the prevailing character of the area. The indicative plans do not demonstrate that a sympathetically designed dwelling could be accommodated, particularly with regard to layout.</li> <li>The indicative plans do not persuade me that it would be possible to develop a dwelling on this site that would harmonise with the character and appearance of the locality in terms of its layout, siting and setting or positively contribute to local distinctiveness and sense of place. The proposed development would therefore be contrary to saved Policies UHT1 and HO6 of the Eastbourne Borough Plan (2001-2011) and</li> </ul>				

Policy D10A of the ECSLP, which in combination seek to protect the character and appearance of the area.

- In its decision notice, the Council has referred to Policy D5 of the ECSLP, however as this relates to affordable housing it is not relevant to the reason for refusal.
- For the reasons given above, the appeal is dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
180352	EBC Committee	Savoy Court Hotel, 11-15 Cavendish Place	Planning permission for conversion of existing hotel into 15 residential self-contained flats (Listed Building Consent sought underapplication 180353)	<div>A</div> <div>08 July 2019</div>

### Inspector's Reasoning

- I allow the appeal and grant planning permission for conversion of existing hotel into 15 residential self-contained flats at Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY in accordance with the terms of the application Ref PC/180352, dated 10 April 2018 and subject to conditions 1) to 8) on the attached schedule.
- I allow the appeal and grant listed building consent for conversion of existing hotel into 15 residential self-contained flats at Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY in accordance with the terms of the application Ref PC/180353, dated 10 April 2018 and the drawings submitted with it, namely 2995/3/01A, /02A, /03A, /04A, /05A, /07A, /09A, /10A, /11, /12 and /13, and subject to conditions 1) to 8) on the attached schedule.
- The hotel is within the Secondary Tourist Accommodation Zone and the loss of such accommodation complies with the Tourist Accommodation Supplementary Planning Document. The site is within a sustainable location close to town centre amenities, transport and shops, and is for that reason, suitable for residential use. The lack of car parking and there being no proposal for affordable housing or Community Infrastructure Levy payments are explained in the Officer's Report and the proposal is acceptable in those respects. It appears that numbers 3, 5 and 7 along with 20 to 24 Cavendish Place are now in residential use as flats.
- The premises consist of 3 mid terraced properties that were built as tall, narrow-fronted town-houses, but had previously been amalgamated into a single hotel use by the formation of openings through what would originally have been the party walls between houses. Further alterations have included the removal of one of the original 3 staircases from the upper floors of the middle house, the formation of a through cross-corridor between and within each of the houses at the upper floor levels, and major changes at lower-ground and upper-ground floors to provide the open spaces of bars and restaurant. Within the rooms, works have previously been carried out to provide *en-suite* facilities with partition walls which, in some cases, sub-divide principle front rooms and break-up the full

width of the bay windows.

- From all of this, together with the plans supplied and from what was seen at the site inspection when rooms were visited on each floor and in each of the former houses, it is concluded that serious harm has occurred to the architectural and historic significance of the listed building by removing features and fabric, by adding inappropriate partitions and by amalgamating the 3 former houses.
- The reversion to residential use is acceptable as previously stated but use as a single-family home of 5 storeys in this location would be an unlikely proposition, and in any event flats here would be acceptable. The reinstatement of the missing staircase to the top floors and of the integrity of the party wall are substantial improvements to the significance of the listed building. The layout of living rooms and kitchens on the front of the building allows the removal of the inappropriate and often angled partitions and would allow the full appreciation of the bay windows, removing also the external manifestation of those partition either from being visible or more likely, after dark when the width of the window would be lit from more than one light source, risking being seen as an unlit part and a lit part.
- There would remain some degree of partitioning of the rear rooms, but the reinstatement of the stair in the middle house would allow a more orderly arrangement where there is currently 2 rooms within the width which would revert to a single room, and in the other 2 houses the new partition locations, particularly with the removal of the lift in number 11, would be more efficient of space and be closer to the original room plan form.
- The closet wings would be used for bedrooms on the lower-ground floor, store rooms for each flat on the upper-ground floor and be incorporated within the flats on the first floor, the wings not reaching higher than that. This would remove the traditional relationship of these wings with the half-landings at mezzanine level at the first floor, but by incorporating this space into the flats, a larger rear bedroom results.
- To conclude on this issue, whilst the proposal does not set-out to fully reinstate all missing features and room proportions, the works would be highly beneficial to the architectural and historic significance of the listed building and its setting within the conservation area, so that any limited harm that would be caused would be considerably outweighed by the public benefits.
- The proposals would accord with Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the preservation of listed buildings, and the character or appearance of the conservation area. The same requirements set out in Policy D10 of the Core Strategy Local Plan 2013, and saved Policy UHT17 of the Borough Plan 2007 would be accorded with as would the statement in paragraph 193 of the 2019 National Planning Policy Framework that great weight should be given to the conservation of designated heritage assets.
- The layout of the proposed flats is constrained by the size and layout of the floor plan, and the desirability of the proposals to reinstate the party wall between the original houses and to reinstate the original proportions of the front rooms without the harmful cross corridor.

The need to arrange sanitary accommodation within a rear room in all but the 3 first floor flats also reduces the original size and proportions of those rooms. In addition, on the upper ground floor there is a need to retain or reinstate the hallway corridor from the front door to the stair of each house, which reduces the size of the living-room/kitchen in the 3 flats on that floor.

- It is material to note that whilst not all units comply with the National Space Standards, the sizes are stated in the Report to be comparable with those approved at numbers 3, 5, 7 and 20 to 24 Cavendish Place. The proposed improvements to the access to the full width of the windows in the front rooms and the retention of access to light and air to the rear rooms would result in the opportunity for cross-ventilation that does not exist at present and the listed nature of the building along with the benefits accruing from the conversion outweigh the failure with regard to the Space Standards.
- The total numbers of people resident would be a function of bedroom occupancy, and the numbers of bed-spaces do not appear excessive, with reasonable-sized living and kitchen rooms accounting for much of each flat's floor area. As a result the proposal would not be an over-development of the site and would not result in harm to the living conditions of either prospective occupiers or neighbouring ones, such that Policy B2 of the Core Strategy Local Plan on creating sustainable neighbourhoods would be met.
- It is noted that whilst 5 conditions have been suggested in the Council's Appeal Statements for both the planning appeal and the listed building consent appeal, there is some unnecessary overlap between the lists. With regard to condition 2), the provisions for greater flexibility in planning permissions do not apply to applications and appeals under the Planning (Listed Buildings and Conservation Areas) Act 1990 and it is sufficient to list the drawings in the formal listed building consent. Condition 3) concerns both appeals as the doors and windows affect the external appearance, but conditions 4) and 5) concern works under the listed building consent only.
- However, the abbreviated list of conditions put forward in the Officer's Report goes beyond those in the Statement and conditions should be attached covering cycle and refuse storage, hard and soft landscaping, the production of a Construction Method Statement, details of new stairways and balustrade, external boundary treatment and decorations, rainwater goods and ventilation ducts and grilles. These are required in order to ensure the quality of the scheme and the preservation of the listed building and its setting.
- Since it is essential that some of these conditions are submitted and approved prior to commencement, agreement has been obtained from the appellant under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and in accordance with section 100ZA of the Town and Country Planning Act 1990.
- The proposals would reinstate the original division into 3 houses, albeit as flats, and would reinstate much of the original room plans, including to the front of the building where bay windows are a significant feature. The removal of inappropriate sub-divisions and the reinstatement of a missing stair to the top of the building would be major benefits. The layout and size of the resulting rooms would be acceptable and would take account of the listed nature of the building and the constraints of the floor plan.

- Whilst not required in the balance in order to conclude that the appeals should be allowed, the fact that the Council is unable to demonstrate a 5 year supply of housing land adds further weight in favour of the grant of permission and consent, which would further the aims stated in paragraph 59 of the Framework to boost significantly the supply of homes. For the reasons stated above it is concluded that both appeals should be allowed.

#### Schedule of Conditions Appeal A, Planning Permission

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved details, 2995/3/01A, /02A, /03A, /04A, /05A, /07A, /09A, /10A, /11, /12 and /13
- 3) Notwithstanding any indication to these matters on the approved plans, all replacement windows and doors shall be timber and large-scale elevation and cross-section drawings at a scale no smaller than 1:10 showing their arrangement, section sizes, profiles and arrangement within the existing reveals of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.
- 4) No part of the residential accommodation hereby approved shall be occupied until the cycle and refuse storage facilities shown on drawing 2995/3/11 have been provided and the facilities shall be retained available for the use of residents thereafter.
- 5) No development shall commence until a hard and soft landscaping scheme including measures for the protection of existing trees and proposals for boundary treatments, together with a programme for its implementation have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme.
- 6) No development shall take place until a Construction Method Statement detailing arrangements for the delivery and storage of materials and removal of waste, temporary works to safeguard the building, and measures to protect adjoining residents and the public from dust and noise, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the demolition and construction phase of the development.
- 7) No work shall be carried out to the front or rear elevations before full details of the proposed decorative scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the details approved.
- 8) No development shall take place until full details of the proposed ventilation, soil pipe and rainwater systems to be installed in or on the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the details approved.

#### Schedule of Conditions Appeal A, Planning Permission

- 1) The works hereby approved shall be commenced before the expiration of three years from the date of this consent.
- 2) Notwithstanding any indication to these matters on the approved plans, all replacement windows and doors shall be timber and large-scale elevation and cross-section drawings at a scale no smaller than 1:10



showing their arrangement, section sizes, profiles and arrangement within the existing reveals of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.

3) No works shall take place until detailed information and drawings regarding the protection of historic features and how they will be incorporated into the proposed new wall, ceiling and floor finishes, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

4) No works shall take place until details and drawings of all new or replacement internal joinery, including doors, door linings, architraves, beading and skirting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

5) No works shall take place until a Construction Method Statement detailing arrangements for the delivery and storage of materials and removal of waste, temporary works to safeguard the building, and measures to protect adjoining residents and the public from dust and noise, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the demolition and construction phase of the works.

6) Prior to the manufacture and installation of the new staircase to number 13, full details of the method of construction and finish including all handrails and balustrades, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

7) No work shall be carried out to the front or rear elevations before full details of the proposed decorative scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.

8) No works shall take place until full details of the proposed ventilation, soil pipe and rainwater systems to be installed in or on the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be undertaken strictly in accordance with the details approved.

Planning Application No	Authority	Site	Description of Development	Decision
180931  APP/T1410/W/19/3222644	EBC Committee	Langney Shopping Centre, 64 Kingfisher Drive	Proposed change of use of part of the surface area car park to Langney Shopping Centre and construction of a single storey industrial building for use as a tyre fitting, tyre repair and wheel replacement premises containing 4 no. bays for customer vehicles and associated office, staff area and reception (Amended scheme following refusal of application 180257).	<b>A</b>  27 June 2019
<b>Inspector's Reasoning</b>				

The site forms a small part of the car parking area for the Langney Shopping Centre. It is situated at a lower level than Willingdon Drove where there is an embankment set to grass. The proposal relates to a change of use and the erection of a single storey tyre fitting workshop containing 4 bays for customer vehicles along with associated facilities.

- The character of the area is mixed and varied consisting of the shopping centre and car park with residential properties on its outskirts. The tyre fitting workshop would be situated within the confines of the existing car parking area, albeit in an area located away from the shopping centre itself. The proposed layout would take account of this existing car park context and layout. The building would be sited at a lower level than the road which also reduces the perception of a scale from this vantage point. It would therefore not appear conspicuous within the wider area or be an eyesore.
- I have little evidence to persuade me that the development would look out of place or spoil views from surrounding residential properties. The use of the materials would result in a building of relatively modern design that would make a positive contribution to the overall appearance of the shopping centre site and area.
- The tyre fitting workshop would therefore not be incongruous or discordant with the prevailing pattern of development in the area and would maintain local distinctiveness, given the mixed and varied character of the area, and so would not bring about significant change or inappropriate outside storage.
- The development would therefore not be harmful to the character and appearance of the area and would accord with Policy D10a of the Eastbourne Borough Council Core Strategy Local Plan, February 2013. This policy, amongst other things, requires the design and layout of development to take into account of context and for it to make a positive contribution to the overall appearance of the area.
- Whilst the tyre fitting workshop would not be a retail use, it would be situated at the edge of part of the existing car park. It would result in the loss of approximately 10 existing parking spaces which I am advised the Council equates to less than 2% of the spaces within the car park. A survey has also been undertaken which found that the car park is used at around 70% of its current capacity.
- I have little evidence to indicate that the introduction of the use, namely the activities associated with a tyre fitting workshop, or consequent loss of car parking spaces, would have an unacceptable adverse impact on the viability of the prime retail location, including the holding of weekly markets. Indeed, the introduction of the use may bring additional customers to the site and would benefit the shopping centre.
- I could see from my site visit that the shopping centre is currently being redeveloped, in-part, which indicates investment in the site that is likely intended to safeguard its retail function and long-term viability. The tyre fitting workshop would not be situated in a location that would prejudice any further intentions to comprehensively redevelop the site. I also have little evidence to indicate that current redevelopment would create significant further pressures for car parking or indeed place it at a premium.
- The development would therefore not harm the retail function and long-term viability of the shopping centre and would accord with saved Policies C8 and D4 of the Eastbourne Borough Plan, September 2007. These policies, amongst other things, permit development at Langney Shopping Centre providing it does not prejudice its comprehensive redevelopment and does not have an unacceptable adverse impact on viability.
- I appreciate a similar scheme was previously refused by the Council however I am not bound by this decision and have determined the appeal scheme on the evidence before me. There have been a number of representations objecting to the scheme, including in respect of noise and smell, access and safety and environmental and pollution concerns, however, these matters are not in dispute between the Council and appellant. Furthermore, the site is situated some distance from residential properties, with an intervening road in between. I am therefore not persuaded, on the evidence before me, that a different view should be reached in these regards. Planning conditions, which I shall address next, will also ameliorate impacts of the development.
- The conditions are those suggested by the Council. In addition to the standard time condition I have imposed a condition to ensure the proposal is carried

out in accordance with the approved details in the interests of certainty. A condition is also necessary to restrict opening hours to safeguard the living conditions of neighbouring occupiers and to accord with that specified in the planning application form. Finally, a condition is necessary and reasonable in order to secure appropriate planting, including necessary replacement of that planting within a two year period, in the interests of the character and appearance of the area.

- For these reasons and having regards to all other relevant matters raised, I conclude that the appeal should be allowed.