

Committee Report

Body:	PLANNING COMMITTEE
Date:	21 MAY 2013
Subject:	EDGMOND EVANGELICAL CHURCH SITE - APPEAL DECISION
Report Of:	SENIOR SPECIALIST ADVISOR
Ward(s)	UPPERTON
Purpose	Member's Information
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1.0 **Introduction**

- 1.1 The applications for planning and conservation area consent (EB/2012/0472 /3) for the development of the Edgmond Church site at 39-41 Church Street were refused at the meeting of the Planning Committee on 2nd October 2012 contrary to the officer's recommendation.
- 1.2 The scheme comprised the change of use of the site from a church to accommodation for 24 people with learning disabilities, with community/activity centre, tearoom and retail shop, involving the demolition of the rear hall extension and the construction of a part two and part three storey extension.

2.0 **The Appeal**

- 2.1 The appeals against the refusal of both applications were dealt with at a Hearing on 13th March 2013. The decision was issued on 26th April. The Inspector allowed both appeals, granted planning permission and conservation area consent and also granted the appellant's application for a full award of costs against the Council.
- 2.2 The main issues under appeal, as confirmed by the Inspector were firstly, whether the scheme made adequate provision for vehicle parking and servicing and secondly the effect of the scheme on the character and appearance of the Old Town Conservation Area.
- 2.3 On the parking issue the Inspector concluded that the scheme would make adequate provision for parking, would accord with all relevant planning

policies relating to parking and would be unlikely to have a material impact on parking conditions in the locality.

2.4 As regards the Conservation Area he considered that the scheme would be well-related to its surroundings, that the character and appearance of the area would be preserved and that there would be no material harm to the living conditions of neighbouring residents. He also considered that the scheme would help to meet an important social need.

3.0 Costs Decision

3.1 In the separate decision on the appellant's application for costs the Inspector concluded that the Council had acted unreasonably in refusing the applications. The principal reasons given were:-

- An unrealistic assessment by the Council of the parking requirement of the tearoom element of the scheme
- Reliance on a consultation response from the Highway Authority on parking which was subsequently superseded
- Over reliance on the extent of local opposition on the parking and amenity issues

4.0 Conclusion

4.1 The case highlights two important connected issues relating to the award of costs in planning proceedings.

Firstly, where the Committee refuses an application contrary to the officer's advice and recommendation, the Authority will be vulnerable to an award of costs on appeal unless it can support the decision with substantial evidence based on valid planning considerations.

Secondly, the extent of local opposition to a proposed scheme is not, in itself, a reasonable ground for resisting development. To carry any significant weight opposition must be founded on valid planning reasons which are supported by substantial evidence.

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