

## **FORMER WEBBS FACTORY SITE, BRIDGE ROAD, LYMINGTON - SUPPLEMENTARY ESTIMATE FOR AN AWARD OF COSTS IN AN APPEAL DECISION – URGENT DECISION BY CHIEF EXECUTIVE**

### **1. INTRODUCTION**

- 1.1 To note, in accordance with Financial Regulation 2.4 an urgent decision taken by the Chief Executive to enable an award of costs to be made in an appeal decision relating to the former Webbs Factory Site, Bridge Road, Lyminster.
- 1.2 When the redevelopment of this site was first approved the scheme included a 100 bed-roomed hotel in the centre of the development. An application to replace the hotel with a residential institution use (C2) was submitted on 8 February 2006 (Reference 87244).
- 1.3 The application was reported to the Planning Development Control Committee on 14 June 2006. An officer's report recommended permission because a care home was likely to generate as much as, or more, employment than a hotel. There was no specific objection to the loss of the hotel.
- 1.4 The officer's recommendation was not accepted and planning permission was refused because a C2 care home use was not specifically permitted in the Supplementary Planning Guidance for the site. The decision was appealed and was heard at a one-day public inquiry held on 17 April 2007.

### **2. THE COSTS AWARD**

- 2.1 The Inspector allowed the appeal and heard an application for an award of costs against the Council. He concluded:-  
  
"In my opinion the single reason for refusal is vague and imprecise. No compelling evidence to substantiate it by reference to the SPG or policies of the development plan, or any other material considerations was forthcoming at the inquiry. I consider that this represents unreasonable behaviour and a full award of costs is justified".
- 2.2 The appellants submitted an initial claim for £37,500 but this has now been negotiated down to £30,246.86. The Head of Legal and Democratic Services is of the opinion that this is reasonable amount to settle the claim.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The Planning Development Control Committee does not have a budget from which to settle claims of this type. Given its size the only way it can be funded is from a supplementary estimate. Having been negotiated as far as possible the claim needed to be settled promptly and hence the need for an urgent decision.

#### **4. ENVIRONMENTAL AND CRIME AND DISORDER IMPLICATIONS**

4.1 None.

#### **5. CONSULTATIONS/PORTFOLIO HOLDER COMMENTS**

5.1 In accordance with Financial Regulation 2.4 the following consultation has taken place:

- Cabinet/Portfolio Holder - 5 December 2007
- Chairman of Planning and Transportation Review Panel - 5 December 2007

The matter will be reported to Council on 25 February 2008 as part of the Cabinet report.

#### **6. RECOMMENDATION**

6.1 To note that in accordance with Financial Regulation 2.4 the Chief Executive has agreed a supplementary estimate in the sum of £30,246.86 to cover costs awarded against the Council in an Appeal Decision relating to the former Webbs Factory Site, Bridge Road, Lymington.

#### **For Further Information Please Contact:**

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#### **Background Papers:**

Inspectors Costs Award  
dated 2 May 2007