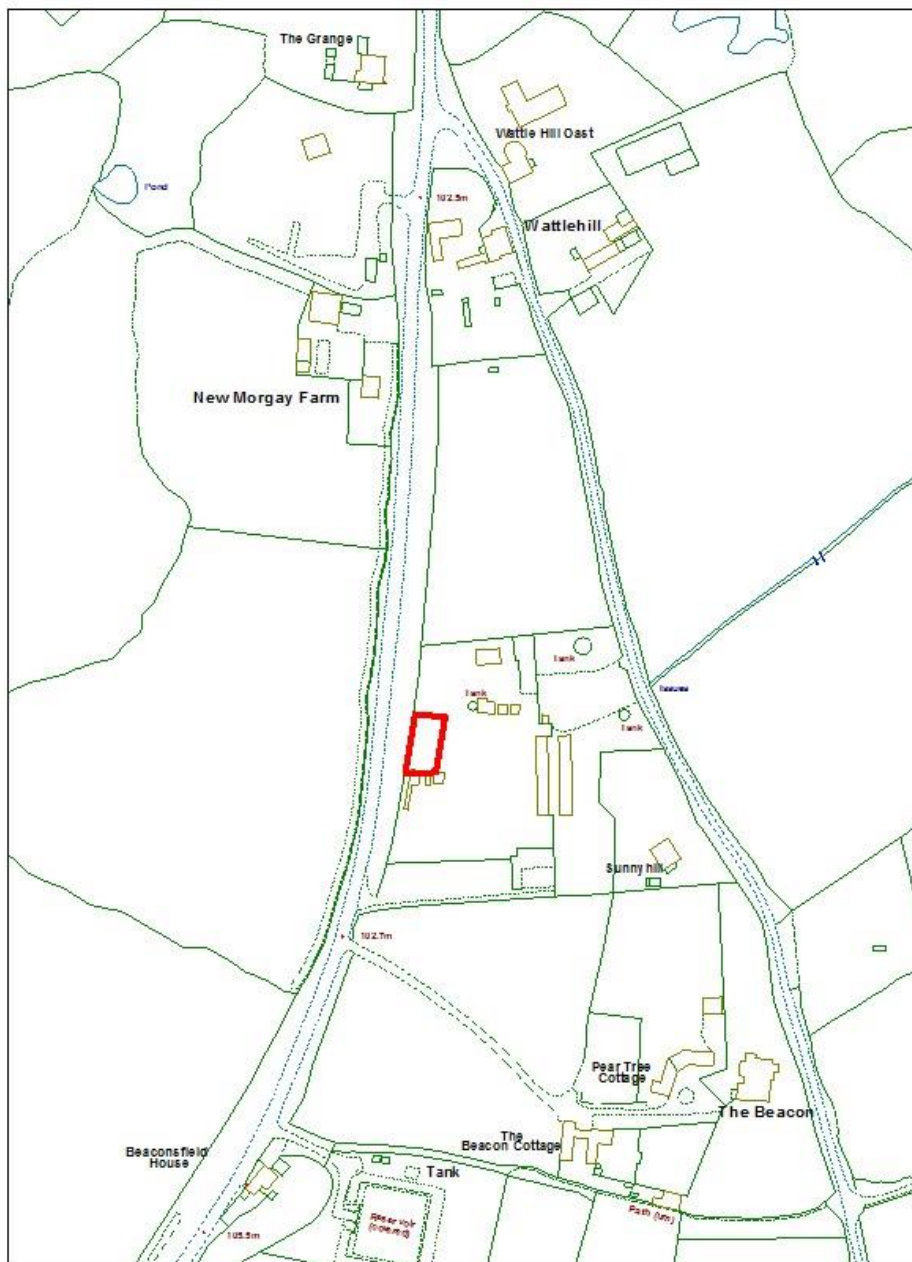


SITE PLAN	Ewhurst
RR/2018/3108/P	Staplecross Shrub Centre, Cripps Corner Road.



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Not To Scale

RR/2018/3108/P**EWHURST Staplecross Shrub Centre, Cripps Corner Road, Staplecross****Variation of Condition 3 imposed on allowed appeal, ref: APP/U1430/W/17/3183755, to extend opening hours of café from 09.00-18.00 to 08.00-18.00**

Applicant: Mrs Molly Goodridge
Agent: N/A
Case Officer: Mr K. Deeprise
(Email: kevin.deeprise@rother.gov.uk)
Parish: EWHURST
Ward Member: Councillor A.E. Ganly

Reason for Committee consideration: Member referral: Councillor A.E. Ganly – Concerns of nearby residents

Statutory 8 week date: 6 February 2019
Extension of time agreed to: 24 April 2019

This application is included in the Committee site inspection list.

1.0 POLICIES

- 1.1 The following policy of the Rother Local Plan Core Strategy (2014) is relevant to the proposal:
- EC3: Existing Employment Sites
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - EN1: Landscape Stewardship
 - OSS4: General Development Considerations
- 1.2 The following policy of the emerging Development and Site Allocations Local Plan (Proposed Submission – October 2018) is relevant to the proposal:
- DEC3: Existing Employment Sites and Premises
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
 - DEN7: Environmental Pollution
- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also relevant considerations.
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2.0 SITE

- 2.1 The site is a garden centre which is situated on land between Beacon Lane and Cripps Corner Road and is accessed from Cripps Corner Road. It lies within a rural setting falling within the High Weald AONB, just north of Cripps Corner.
- 2.2 The established enterprise comprises several areas of buildings, plant storage and surfacing. There are also a number of polytunnels and areas for plant sales. Along the western boundary towards the northern part of the site and facing the road there is a railway carriage which is used as a café. This railway carriage is the subject of this planning application.
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3.0 HISTORY

- 3.1 RR/2010/1917/P Change of use of part of garden centre for the siting of a railway carriage for use as a café. Approved.
- 3.2 RR/2015/66/P Revised position for railway carriage café and provision of larger deck with seating for café. (Revision of RR/2010/1917/P). Approved.
- 3.3 RR/2015/2904/P Provision of toilet block attached to existing railway carriage café (Retrospective). Provision of road planings hard standing approximately 780sqm (Retrospective). Provision of road planings hard standing approx. 1570sqm. Approved.
- 3.4 RR/2016/2904/P Variation of Conditions 3 & 6 imposed on planning permission RR/2015/66/P to allow the café to be open between the hours of 09.00 – 23.00 every day and external lighting. Refused. Allowed on Appeal (ref: APP/U1430/W/17/3183755).
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4.0 PROPOSAL

- 4.1 This application seeks to vary Condition 3 imposed on the above-mentioned allowed appeal, reference number APP/U1430/W/17/3183755, to extend the opening hours of the café from 09.00-18.00 (as condition by the Planning Inspectorate) to 08.00-18.00.
- 4.2 As originally submitted this application sought to extend the opening hours of the café from 09.00-18.00 to 07.00-18.00, however after raising concerns with the applicant as to the acceptability of these hours in this location, the application was subsequently amended to that as described above.
-

5.0 CONSULTATIONS

5.1 Parish Council – SUPPORT REFUSAL

- 5.1.1 Comments on the original proposal which sought permission to vary the approved opening times from 09.00-18.00 to 07.00-18.00:

Support refusal commenting as follows:

'The Planning Inspector's Decision under Appeal ref APP/U1430/W/17/3183755 extended the cafe's opening hours to 9am-6pm on any day. The Inspector took the view that opening between these times would not result in harm to the character and appearance of the area - and would not lead to any material increase in noise and disturbance to surrounding residents because this period would be considered to be part of a normal working day. He did not indicate that he would support the opening of the cafe any earlier than 9am.'

- 5.1.2 Comments on the application as revised, proposing the new opening times from 08.00-18.00, as opposed to 07.00-18.00 as originally proposed:

Support refusal – reasons as originally stated (above).

5.2 Planning Notice

- 5.2.1 Two letters of objection have been received raising the same concerns as the Parish Council (see above). Other concerns raised are as follows:

- Light pollution.
- Harm to the character of the area.
- No other similar premises opening for food at the time proposed.
- Inaccuracy of plans.
- Café operating separately to the main business.

6.0 APPRAISAL

- 6.1 The main issues for consideration are:

- The effect of the proposed extended opening hours on the character of the area, having regard to the AONB.
- The effect of the external lighting on the character and appearance of the area, having regard to the AONB.
- The effect of the proposed extended opening hours on whether or not any additional noise and disturbance would result in material harm to the living conditions of the residents of surrounding residential properties.

- 6.2 As revised, this application seeks to extend the opening times for the café by an additional hour in the morning, opening at 8am, instead of 9am as approved by the Planning Inspectorate under the previously allowed appeal.

- 6.3 As concluded by the Inspector in considering the allowed appeal, the opening time of 09.00 for the café was considered acceptable having regards to the character and appearance of the area including the AONB, the impact on neighbouring amenities in respect of levels of noise disturbance, as well as the impacts of external lighting, with the view taken that this time is ordinarily considered to be part of the working day.

- 6.4 Comments have been submitted stating that as part of the appeal decision, the Inspector did not indicate that he would support the opening of the café earlier than 9am. While this is not necessarily contested, the Inspector did

not need to assess the acceptability of any earlier opening times than 9am as the proposal at that time sought to open at 9am.

- 6.5 In respect of the 8am opening time relating to this current application, this time period can also be considered to be part of the working day, with many people either having completed their journeys to work, beginning them, or even taking into account vehicular movements in respect of school traffic. When taking into account this level of activity, these factors are of particular relevance in a countryside location such as this where there is a heavy reliance on the private car.
- 6.6 Given that this time (8am) can reasonably be considered by many to be part of the working day, it is considered the appeal Inspectors' previous reasoning can be applied and as a result, there would be no adverse harm caused to the character and appearance of the area, or neighbouring amenities.

7.0 SUMMARY

- 7.1 It is considered that as a result of the proposed extended opening hours, there would be no adverse harm caused to the character and appearance of the area, or neighbouring amenities.
- 7.2 The application is supported and planning permission should be granted.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development shall not proceed other than in accordance with Conditions 1, 2, 4, 5, and 6 imposed on allowed appeal ref: APP/U1430/W/17/3183755, dated 12 April 2018, which remain in full force and effect.
Reason: This permission is granted pursuant to allowed appeal ref: APP/U1430/W/17/3183755, dated 12 April 2018. Under Section 73 of the Town and Country Planning Act 1990, the Council has considered the conditions subject to which that previous appeal was allowed and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

Condition 3 of allowed Appeal Ref: APP/U1430/W/17/3183755 is amended as follows:

3. The premises shall not be open to customers outside the hours of 08.00 to 18.00 on any day.
Reason: In order to preserve the character and appearance of the locality and neighbouring amenities in accordance with Policies OSS4, RA2, RA3, and EN1 of the Rother Local Plan Core Strategy (2014) and Policies DEN1 and DEN2 of the emerging Development and Site Allocations Local Plan (Proposed Submission – October 2018).

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.