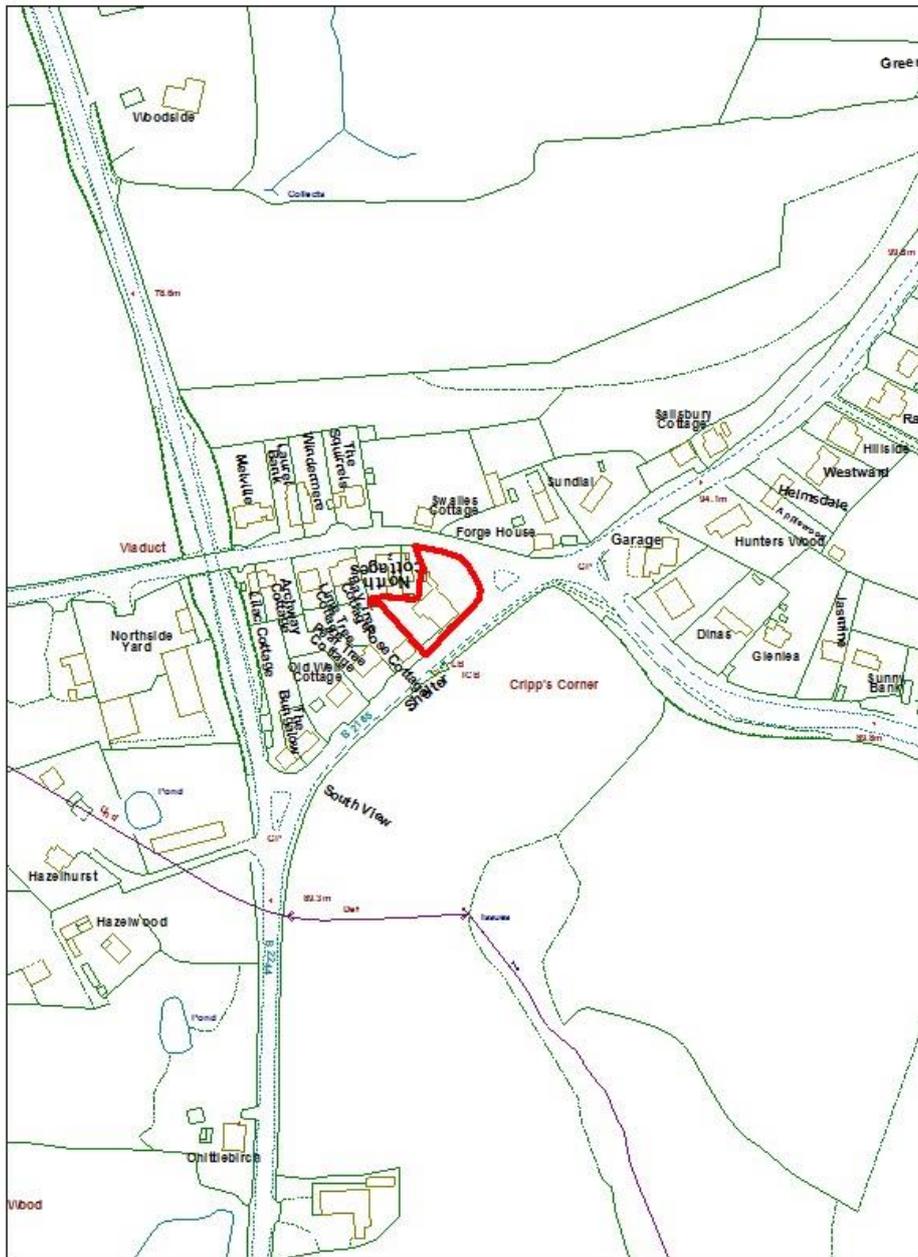


SITE PLAN

EWHURST

RR/2018/3131/P

White Hart Public House, Cripps Corner Road.



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Not To Scale

Rother District Council

Report to	-	Planning Committee
Date	-	30 May 2019
Report of the	-	Executive Director
Subject	-	Application RR/2018/3131/P
Address	-	White Hart Public House, Cripps Corner Road, Staplecross, EWHURST
Proposal		Demolition of the existing building and redevelopment of the site to provide 4 No. new dwellings and 1 No. small B1 unit and associated parking and landscaping.

[View application/correspondence](#)

Recommendation: It be **RESOLVED: THAT THE PLANNING INSPECTORATE BE ADVISED THAT IN THE EVENT THE COUNCIL WAS ABLE TO DETERMINE THE APPLICATION IT WOULD HAVE RESOLVED TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.**

Head of Service: Tim Hickling

Applicant:	Mr Beaumont (BPD Ltd)
Agent:	Mr Wayne Glaze (Material Architects)
Case Officer:	Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish:	EWHURST
Ward Members:	Councillors A.E. Ganly and M. Mooney

Reason for Committee consideration: Member referral: Referred by Councillor A.E. Ganly for reason of the application having considerable local interest.

Extension of time agreed to: 29 March 2019

1.0 INTRODUCTORY COMMENTS

- 1.1 An appeal has been lodged with the Planning Inspectorate on the grounds of the non-determination of this application by the Local Planning Authority within the statutory time frame.
- 1.2 Whilst the Local Planning Authority cannot now determine the application this report and the subsequent resolution is required to inform the Planning Inspectorate of the likely decision that would have been made on the application. The application has been brought to this meeting as an additional agenda item because the deadline set by the Planning Inspectorate for the submission of the Council's written statement of case is 5 June 2019.

- 1.3 In tandem with the appeal, the applicants have submitted a fresh planning application (RR/2019/1015/P). This appears to be identical to the appeal application. The Local Planning Authority is able to make a decision on that application; however, this cannot be until the expiry of the statutory consultation/publicity period, which is 29 May 2019.
 - 1.4 A separate appeal for costs has been made against the Council against the non-determination of application RR/2018/3131/P within the statutory time frame.
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2.0 SITE

- 2.1 The application relates to the White Hart public house, a large two-storey, detached building, which stands on a corner plot (approximately 0.1 hectares) fronting the B2089 (Whatlington Road) and the B2165 Cripps Corner Road). The existing building was constructed in the 1920's as a public house, in a mock 'Tudor-style', with black and white timbers and a clay tile roof. The frontage is open and set out as the customer parking area. The premises has been closed for a number of years.
 - 2.2 It is located within the small settlement of Cripps Corner. There are existing two-storey cottages to the sides and rear. Other residential properties fronting the northern side of the road face onto the site.
 - 2.3 Cripps Corner is a small settlement. In terms of development plan policies (as contained within the Core Strategy and Development and Site Allocations (DaSA) Local Plan) it is not a village with a 'Development Boundary'; nor is it a village with residential site allocations. Countryside planning policies therefore apply in respect of development proposals.
 - 2.4 The settlement lies within the High Weald area of Outstanding Natural Beauty (AONB).
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3.0 PROPOSAL

Residential:

- 3.1 The proposal is the demolition of the public house building and the re-development of the site. The new residential development would comprise 4 No. semi-detached houses.

Dwellings Nos.1-3 are 3 bedroom dwellings.
Dwelling No. 4 is a 4 bedroom dwelling.

They are shown to be two storeys in height with additional accommodation provided in the roof space (utilising dormers and in the case of unit 4, roof gables).

The external materials are described as, brick, timber cladding, clay roof tiles, and powder coated aluminium windows and doors.

Business unit:

- 3.2 It is also proposed to provide a small (25sqm) building to form a new detached business unit within the northern corner of the application site. This is shown to be a single storey building with timber-clad walls and a clay tile roof. An adjacent parking area would be provided. The commercial use would be for purposes within Use Class B1 (light industrial and/or office).
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4.0 HISTORY (RELEVANT)

- 4.1 There is an enforcement notice relating to the site dated 4 December 1997. This is for a breach of planning control in respect of, without planning permission provision of a 75mm pipe and valve running in a south easterly direction from two recently installed cesspools adjacent to the boundary of the site with Rose Cottage.
- 4.2 A subsequent planning application:
- RR/98/1534/P 75mm high density polythene continuous unjointed foul water connection/pipe for extracting foul water from storage (temporary) pending main drainage, surface laid not fixed with 75mm gate valve for connection - approved conditional.
- 4.3 Comments relating to foul drainage have been raised in relation to the planning notice.
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5.0 POLICIES

- 5.1 The following 'saved' policy of the adopted Rother District Local Plan 2006 is relevant to the proposal:
- DS3: Use of development boundaries
- 5.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General development considerations
 - RA1: Villages
 - RA3: Development in the countryside
 - LHN1: Achieving mixed and balanced communities
 - CO1: Community facilities and services
 - EC3: Existing employment sites
 - EN1: Landscape stewardship
 - EN3: Design
 - TR3: Access
 - TR4: Car parking
- 5.3 The following policies of the DaSA Local Plan proposed submission – (October 2018) are relevant and carry weight:
- DCO1: Retention of sites of social or economic value
 - DHG3: Residential internal space standards
 - DHG7: External residential areas
 - DEC3: Existing employment sites and premises

- DEN1: Maintaining landscape character
- DEN2: The High Weald AONB
- DIM2: Development boundaries

5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, especially paragraphs 8, 11, 83, 127 and 172 of the National Planning Policy Framework.

6.0 CONSULTATIONS

6.1 Highway Authority (ESCC) – **NO OBJECTION** subject to the imposition of conditions:

6.2 Planning Notice

6.2.1 16 objections have been received (summarised):

Principle:

- I object to the demolition of this building as I feel the loss of such a beautiful and characterful structure would be a great loss to the community.
- I feel the building would be perfect for development as it exists and could form 1 and 2 bedroom apartments.
- I owned and operated the freehold of this public house for in excess of seven years prior to the last licensee, during which time the public house returned very good financial returns mainly through the restaurant/food sales, drawing a customer base from a very wide area, not just locals, The building was an original purpose built "courage" pub erected in 1926 and while in now appears in poor external shape it remains a very sound and solid structure with very good private accommodation. This public house was a good and viable business and with the right owners could continue as such.
- Some of the information provided about the internal state of the property, and the viability of the business, is misleading. In 2007/2008 the previous owners undertook a refurbishment of the public areas (closing for six weeks), then the living accommodation and various other upgrades. In 2014 one of the owners ceased to be involved in its management. The other owner kept the pub open until some point in 2016. She continued to live there until April 2018 when management of the building was taken over by Humphrey and Grey and it was boarded up. During that period we had three separate callers making enquiries about the pub. The White Hart was placed on the market with Fleurets in May/ June 2018 and sold to the applicant during the early autumn of 2018.

Character:

- This is an area of outstanding beauty (AONB).
- The proposal constitutes overdevelopment of the site and as such will materially change the appearance and character of what is currently an attractive rural hamlet.
- The proposed four dwellings will dominate the village and their 3-storey townhouse style is not in keeping with the primarily detached, lower

elevation, smaller-scale and more spaced out properties that surround the land in question.

- The proposed properties have 3-4 bedrooms yet minimal outdoor space.
- I am not entirely opposed to residential development at the site, but it should be proportionate and in keeping with surrounding properties.
- The height and pitch of the roofs of the residential buildings would have a dominating and incongruous appearance in relation to the weatherboard cottages that surround them.

Amenity:

- The vertical and bulk imprint of the four buildings and their proximity to Rose Cottage (neighbouring dwelling) will have significant negative impact on natural light levels including that of our residential outbuilding.
- No's 1 and 2 will overlook the only outdoor private space at Rose Cottage.
- Loss of views.
- What will be the purpose of the commercial unit and why is it necessary to include it within a residential housing plan?
- We acquired Swailes Cottage two years ago and one of the key aspects which influenced the purchase was the uninhibited southerly views; the proposal would block those views and potentially devalue our property.

Highways:

- The development will cause more traffic.
- The size of the proposed properties also present a serious road safety issue as they will reduce visibility at a busy and hazardous junction, and the lack of adequate parking for the properties will encourage on-road parking, causing obstruction to road users.
- The crossroads at Cripps Corner is already very busy and is the site of many accidents.
- The siting of the B1 commercial unit is inappropriate and the two horizontal car parking spaces immediately adjacent to the road are visually at odds with arrangements of surrounding properties.
- Cripps Corner does not have safe pedestrian access to the primary school, playgroup, shop, recreation ground, and village hall in Staplecross.
- The proposed 1m wide pathway is an unsafe alternative. Access by foot to and from the B2089 will be dangerous due to the tendency of vehicles passing on the slip road between the B2089 and the B2165 to go off road.
- There is no safe waiting area for passengers joining the service bus to Hawkhurst.

Drainage:

- There is no mains drainage at Cripps Corner. Previous development has highlighted the importance of paying attention to this issue. There is no indication as to how the septic tanks and the cesspit will be accessed, and where the tankers can be parked, when it comes to their maintenance and emptying. Of particular concern is who owns the land on which the cesspit is located.
- The cesspit that serves the White Hart is immediately behind our garden. With the proposed new buildings there will be effectively a total of three cesspits within yards of our boundary (Baytree Cottage). In the past we

have experienced unhealthy smells from the existing cesspit. How will this be rectified and the emptying of the cesspits which will be necessary every two months or so. This is unreasonable and we ourselves had our own treatment plant installed some 10 years ago to offset this problem.

Other:

- As the previous owners of a business at Cripps Corner who were twice refused planning permission to demolish the garage and build dwellings, we feel very strongly that there cannot be one rule for some and a different rule for another.
- We query whether the B1 unit would have potential under current Permitted Development legislation for change to C3 residential use, thereby further increasing the quantum of residential units.

6.2.2 Two letters of support (summarised):

- It will be good to see the area tidy, the development has a smaller footprint, the roof line is lower; it should enhance the corner.
- If this premises was to re-open as a pub the impact (music and customer parking etc.) could have a more serious impact on residential amenity than the proposed residential development.

6.2.3 Four General comments (summarised):

- The proposed design and style of the buildings does not fit well with neighbouring dwellings.
- The scheme is over ambitious for the site.
- Highway safety concerns.
- It is a pity that something of a more imaginative scheme has not been submitted in order to keep the White Hart's Tudor style building.
- In 2005, RDC's Planning Committee issued an enforcement order regarding the use of a cesspit and particularly the impact on neighbouring residential amenity (Rose Cottage); the proposed use of cesspits has transitioned to the application now under consideration; we would like to be reassured that the whole scenario is not about to be repeated.

6.3 Town/Parish Council – **OBJECTION**

- 6.3.1 *“Overdevelopment; insufficient off-street parking (displaced parking, on to Battle Road in particular, would create a hazard).”*
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7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £103,549.09.
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £26,736.00 over four years.

8.0 APPRAISAL

Issues for consideration:

8.1 The main issues for consideration are:

- Loss of public house
- Principle of residential accommodation in this locality
- Design and scale of dwellings and site layout
- Impact upon neighbours
- Highway implications
- Drainage

Loss of public house use:

8.2 Policy EC3 of the Rother Local Plan Core Strategy sets out measures to secure the effective use of employment land and premises. These include the requirement at (i) that land and premises currently (or last) in employment, including tourism, use will be retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities. Policy DEC3 of the DaSA is also relevant and carries weight.

8.3 Policy RA1 of the Rother Local Plan Core Strategy states the needs of rural villages will be addressed by (iii) ensuring thriving and viable rural communities, by retention of, and support for, local shops, services and public houses in villages. Policy CO1 goes on to state that the availability of community facilities to meet local needs will be achieved by: (iii) not permitting development proposals that result in the loss of sites or premises currently or last used for community purposes.

“In accordance with the presumption set out in the Rother Local Plan Core Strategy, proposals that involve the loss of diminution of sites of social or economic value (this includes public houses), including those last in such use, must demonstrate that there is no reasonable prospect of a continued use, backed by:

- evidence of a comprehensive and sustained marketing campaign, which clearly indicates a lack of demand for the existing use (or as an alternative commercial or community facility, where appropriate), based on marketing, normally at least 18 months, that offers the land or unit/s for sale, or rental, at a realistic valuation of the site/premises for that use; and*
- evidence that clearly demonstrates that the unit is not or is not capable of being financially viable, including alternative commercial or community facilities, where appropriate.*

Proposals should not result in the loss of facilities or features which may undermine the viability of its use, including, but not limited to, car parking, gardens and function rooms.

8.4 Paragraph 83 of the National Planning Policy Framework states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses; and
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 8.5 Community facilities, such as public houses, play an important social and economic role within the district, making a positive contribution and developing sustainable communities. Therefore without clear justification that the public house use is no longer viable then its loss should be resisted.
- 8.6 The Planning Statement accompanying the application states that the public house ceased trading in March 2015 and has been closed since the last accounts were submitted in September 2015. Supporting information has been submitted with the application which seeks to demonstrate that the premises is financially unviable and of no interest to prospective purchasers wishing to resume a commercial use. To illustrate this, a copy of a letter from a local contractor (SB10 Construction) has been provided setting out their estimate of nearly £406,000 + VAT for the refurbishment of the property to reinstate it as a public house. This includes the installation of a new commercial kitchen to replace that which has been removed. Additionally, an email from Watsons Chartered accountants has been provided indicating that the public house operated at a loss for a number of years prior to it ceasing trading. It is stated that the premises has been marketed for a total of 16 months (eight months in 2013, four months in 2017, and four months in 2018). The marketing report submitted by Fleurets (Leisure Property Specialists) indicates that the majority of those parties expressing interest in the property were seeking alternative residential uses. It states that some potential commercial buyers cited concerns about the substantial investment required to bring the premises back into public house use, competition from other existing public house premises in the locality, and the lack of customer goodwill resulting from the fact that the premises has been closed for nearly four years. A CAMERA 'Public House Viability Test' has also been submitted. Whilst this does not have the status of policy or adopted supplementary planning guidance it does give useful criteria for assessing proposals for the closure of public houses. It indicates that the premises is located in a hamlet located between two larger villages (Staplecross and Sedlescombe), both of which contain larger resident populations, a greater range of services and facilities, including established public house premises. Staplecross, just under a mile away, has the Cross Inn and a licensed club premises; Sedlescombe, has the Queens Head public house premises. The information also, points out that Cripps Corner is not on the 1066 tourist trail, which otherwise may contribute to attracting holiday trade.
- 8.7 Policy DCO1: 'Retention of sites of social or economic value' of the emerging DaSA Local Plan requires that to test whether there is a reasonable prospect of continued commercial use, marketing will normally be required and this should be in the form of a comprehensive, sustained campaign, which has run for a period of at least 18 months before the planning application. In this

particular case, it has to be pointed out that the campaign has not been sustained but has been intermittent; moreover, the total period of this adds up to around 16 months. Whilst the campaign falls somewhat short of the policy requirement, a material degree of marketing of the premises has been carried out and moreover, additional viability information has been submitted with the application. Also of relevance is the fact that the premises has not provided employment for a number of years. The representations received from the Parish Council and those received in response to the planning notice are also significant material considerations and in this regard, whilst a number of objections have been received, it is the case that very few of these actually raise objection to the loss of a public house use operating from the site. Whilst the loss of a public house premises operating from this site is regrettable, in the light of the viability information available it is considered that on balance there is little likelihood of a public house use or other form of commercial use resuming on the site and in this case it is not considered that an objection to the loss of the public house use could reasonably be sustained in this case.

Loss of the existing building:

- 8.8 The existing building, which dates back to the 1920's, is a mock Tudor style building with exposed black and white timbers. It is quite a distinctive building that occupies a prominent corner location. The fore-court is open and dominated by an extensive area of hardstanding that comprised the customer parking area. This detracts somewhat from the building's setting. Despite the relatively pleasing proportions and elevations of the building itself, it is not considered that it constitutes a non-designated heritage asset. In the circumstances, an objection in principle to the demolition of the building could not be reasonably sustained.

Principle of residential accommodation on this site:

- 8.9 Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.
- 8.10 Policy DIM2 of the DaSA states that "... New development shall be focused within defined settlement boundaries, principally on already committed and allocated sites, together with other sites where proposals accord with relevant Local Plan policies. In the countryside (that is, outside of defined settlement development boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary."
- 8.11 Paragraph 78 of the National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: there is an essential need for a rural worker; it would represent the optimal viable use of a heritage asset; it would re-use redundant or disused buildings and enhance its immediate setting; the development would involve the subdivision of an existing residential dwelling; or the design is of exceptional quality. With regard to paragraph 79 of the National Planning

Policy Framework the proposed dwellings would not be considered 'isolated' development.

- 8.12 The settlement of Cripps Corner does not have a defined development boundary and as such would be considered a 'countryside village'.
- 8.13 The Council has a shortfall in its 5-year supply of deliverable housing sites and as such relevant policies for the supply of housing, including development boundaries, cannot be considered up-to-date. The housing supply is 3.9 years (as at October 2018). Paragraph 11 d) of the National Planning Policy Framework states that in such circumstances planning permission should be granted unless the application of policies within it that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. However, the footnote 6 of paragraph 11 of the National Planning Policy Framework exempts designated sites such as AONBs from what has been called the 'tilted balance' in determining planning applications. Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs.
- 8.14 In terms of the character and appearance: the site would be considered previously developed (or brownfield) land; it is not within open countryside or at the edge of a group of buildings but forms part of a cluster of existing development. The proposed re-development of the site would not expand the settlement into countryside or create a fragmented pattern of development. As such, whilst the site is not within any defined development boundary, the principle of the re-development of the site in this location would not conflict with national and development plan policies designed to protect the character and appearance of the AONB countryside.
- 8.15 The sustainability of the location is also a material consideration in determining the suitability of the site for residential use in terms of accessibility of services and facilities. The settlement of Cripps Corner contains very little facilities and services. The nearest centre containing a limited number of services would be Staplecross, which is about one mile away. The frequency of the rural bus services is limited. It would be extremely unlikely that future residents would walk such a distance to gain access to a shop etc. particularly in view of the lack of footways and street lighting. The probability of cycling may be marginally more likely but given the distance, which would be considerable for a return trip, journeys would realistically be by car. In this regard, the site is not well placed, relative to services and facilities, to accommodate new dwellings because the future occupants would be predisposed to travel by private motorised transport contrary to national and local planning policies which seek to minimise car travel and secure a low carbon future. However, as a material consideration it is relevant that the public house contains a customer car park, and as an operating business concern, would in itself be a generator of private car journeys. The removal of these journeys would to a degree off-set potential future journeys by the occupiers of the new properties.

The proposed dwellings:

Housing mix:

- 8.16 Policy LHN1 of the Rother Local Plan Core Strategy states that in order to support mixed, balanced and sustainable communities, housing developments should be of a size, type and mix which reflects both current and projected housing needs within the district and locally, and in rural areas, provide a mix of housing sizes and types, with at least 30% one and two bedroom dwellings (mostly being 2 bed). The proposed development would provide three No. 3 bed units and one No. 4 bed units. Whilst this is not large development (6+ units) that LHN1 (iv) would require to provide for a range of household types, the failure to provide 2 bed units as part of the scheme means that the development is not policy compliant in this regard.

Design:

- 8.17 Policy EN3 of the Rother Local Plan Core Strategy states new development will be required to be of high design quality by contributing positively to the character of the site, and demonstrating robust design solutions tested against a series of 'Key Design Principles', tailored to a thorough and empathetic understanding of the particular site and context.
- 8.18 Section 12 of the National Planning Policy Framework, 'Achieving well-designed places' is also relevant, especially paragraph 127 which states, that planning policies and decisions should ensure that developments: function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment; establish a strong sense of place; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 8.19 The layout comprises three blocks of built development – two of which are semi-detached houses and a third which is a single storey business unit. The houses are shown slightly set back to give a staggered building line. The larger 4 bed unit stands at the corner and is turned through 90° to offer a principal elevation facing the corner location. The areas in front of the proposed dwellings are largely given over to permeable hard surfacing and would form the on-site parking and turning areas for the residential units. The areas to the rear of units 1-3 (the 3 bed units) are irregular in shape and are indicated as being private gardens. Semi-detached unit 4, being turned through 90° is not shown to have a rear garden; the garden area is at the side and also follows the curve of the road in front of this unit. Policy DHG7 of the emerging DaSA states that for dwellings, private rear garden space of at least 10m in length will normally be required. In this case the irregular shape of the rear gardens to units 1-3 would mean that the length of effective (usable) rear garden would vary between 4.5 and 10m in length. The front and side garden of unit 4 would amount to some 150sqm. Overall, the amount of garden amenity area provided with the dwellings is not generous; however, in the overall planning balance it is unlikely to prove so restrictive as to provide an unacceptably inadequate level of external amenity area.

- 8.19 Policy DHG3 of the DaSA sets out the requirement for new residential development to meet residential internal space standards; the internal layout of the dwellings would conform to the requirements.
- 8.20 The scale of the proposed built development is also a material consideration. In this regard the proposed development has to be considered in the context of the existing public house building which in itself has a substantial singular scale and mass, occupying a significant footprint. The 3 bedroom dwellings are two storeys with pitched (gabled) roofs, incorporating front roof dormers. The 4 bedroom corner dwelling is also two storey but with additional third floor bedroom accommodation incorporated within the gabled roof, reflecting a relatively greater scale and mass. The proposed new units are shown to have a greater depth than the adjacent dwellings. In general terms the scale of the new development would appear greater than adjacent dwellings; however, it would not appear overly dominant – particularly when viewed in the context of the scale and mass of the existing White Hart building.
- 8.21 In terms of external appearance, a number of objections received state that the proposed new dwellings reflect the character of ‘town houses’ and as such, are out of keeping with the rural area. In this regard, the proposed buildings do not seek to replicate the character and appearance of adjacent dwellings, which are in the main 2-storey, cottages, with walls clad in white painted, horizontal featheredged boarding, slate covered roofs, and casement windows. The design of the new development picks-up on the pitched roof design of adjacent dwellings but proposes the use of plain clay roof tiles as opposed to slate. The development also proposes the use of timber cladding on some of the areas of walling, although not to replicate the featheredged boarding in the locality; the application is not specific on this but illustrations and commentary implies the proposed use of a more contemporary form of natural wood cladding. Overall, the design of the dwellings seeks to achieve a more contemporary design approach, including the use of metal sheeting to the roof dormers and uninterrupted window apertures – devoid of any glazing bars or mullions etc. The palette of materials would also incorporate brickwork, indicated as being handmade and incorporating a Flemish bond to create visual interest and give reference to the surrounding period properties. The overall, design concept is not traditional, but the approach taken is explained in some detail in the Design and Access Statement. Contemporary design has been supported by the Council elsewhere, including on rural sites within the AONB. Whilst concerns/objections have been raised in respect of the design approach adopted in the development it is considered that a refusal of planning permission would be difficult to sustain on these grounds.

The business unit:

- 8.22 This is a small single storey unit. As a very minor part of the whole scheme this would compensate very little for the total loss of the site as a former commercial use. However, it would provide some limited commercial benefit. A supporting letter states that a company ‘Swole Panda – ‘bamboo clothing and accessories’ has expressed interest in the proposed new unit. Business uses within Class B1 are defined as those uses that can be carried out in a residential area without resulting in loss of amenity.

Impact upon neighbours:

- 8.23 Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 8.24 In this regard particular amenity considerations would be the need to ensure that the occupiers of Rose Cottage and the dwellings to the rear (1 and 2 North cottages, and Bay Tree Cottage) are not unreasonably harmed by reason of loss of light, overbearing outlook, and overlooking. Amenity considerations are covered in the application within the Design and Access Statement. The existing public house building, as stated, is a large singular structure of some scale and mass. It is also located close to the rear boundary of the site with existing adjacent development. In this regard the existing building already has a closely-knit relationship with adjoining dwellings and gardens – including the presence of first floor windows. The proposals for the re-development of the site provides for a greater distance between the new dwellings and the properties to the rear. With regard to Rose Cottage to the side of the new development, the layout drawing indicates a total separation distance of nearly 5m between the side (flank) elevations of the respective buildings. Being mindful of the existing arrangement of development it is not considered that the proposed development would unreasonable harm the amenities of adjoining properties.
- 8.25 As the proposed business unit would fall within Use Class B1 it is not considered that this development would cause harm to neighbouring residential amenity.
- 8.26 The reference to loss of countryside views raised in comments made under the planning notice carry little weight as a material planning consideration.
- 8.27 The proposed use of septic tanks is also a material consideration; this is explored further below.

Foul drainage:

- 8.28 There is no mains foul drainage at Cripps Corner. The development proposes the use of individual septic tanks located at the rear boundaries of the new dwellings. Some neighbour objections in response to the planning notice have been received on the grounds of foul drainage and moreover, it will be noted from the planning history that issues associated with foul drainage a number of years ago resulted in the Council serving a planning enforcement notice. The submitted details with the current application state that the overflow from these tanks would be treated by a recognised and regulated system so as to be converted into clean water and discharged via a garden water irrigation system (which it is stated has obtained an Environment Agency discharge license and accreditation). The manufacturer of the proposed system specified in the application (Ecoflo Garden Irrigation Ltd) – a local company, has been contacted by the Local Planning Authority to understand its function more clearly. However, it has been indicated that the site may not have the required soakage area to allow this particular system to function effectively. In the circumstances, and subject to discussion with the applicant, an alternative and more suitable means of foul drainage disposal may be required to serve the development and could be secured by condition.

Highway implications:

- 8.29 Policy TR4 states that proposed development shall, (i) meet the residual needs of the development for off-street parking having taken into account localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts on the reliance on parking off-site whether on-street or off-street.
- 8.30 Policy CO6 states a safe physical environment will be facilitated by, (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 8.31 The Highway Authority has been consulted on the application and following the receipt of an amended plan has confirmed that there is no objection to the proposed development subject to the imposition of conditions. Whilst the objections to the application that have been received on highway grounds (particularly concerning access and parking), in view of the comments received from the Highway Authority an objection to the application on these grounds could not be reasonably justified.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 The National Planning Policy Framework identifies the three objectives of sustainable development being: 'economic', 'social', and 'environmental'.
- 9.1.1 With regard to the economic objective, clearly the loss of the public house is a loss to the rural economy; however, it has been closed for a number of years and for the reasons set out above it is accepted that the commercial use of the site and premises is unlikely to resume. The proposed redevelopment of the site would result in some economic benefits during the construction phase although this would be modest and also short-term. The proposed inclusion of a small business unit as part of the development would provide some longer-term economic benefit; however, being mindful of the small size of the unit this would be very modest.
- 9.1.2 Regarding the social objective: again the loss of the public house as a community facility would have some social impact; however, for the reasons set out in this report, the evidence points to the former commercial use of the site being unlikely to resume. The proposed development would provide some benefits in that it would add, to some limited extent, to the district's supply of housing and in this regard it would go some small way towards meeting the social objective of sustainable development. This social benefit may be greater if the housing were to include 2 bed units in accordance with the Rother Local Plan Core Strategy Policy LHN1; however, in terms of the proposed number of bedrooms the units would not be considered so excessive so as to justify a refusal of planning permission for this reason.
- 9.1.3 With regard to the environmental objective: the proposed development would utilise a previously developed 'brownfield' site that is well related to the form of the existing built settlement at Cripps Corner. It would have little impact on the character and appearance of the AONB and it would go some small way towards meeting the district's housing targets without the need to use greenfield land and encroach into countryside. The environmental benefits

would therefore be more significant in the overall planning balance. Whilst it is acknowledged that this benefit would be off-set by the fact that the occupiers of the units would need to travel to access goods and services, this would not be to any such degree so as to affect the overall planning balance.

9.2 Summary:

9.2.1 Members cannot now determine this application. The applicant has lodged an appeal on the grounds that the Local Planning Authority has failed to determine the application within the statutory period. The application will now be determined by the Planning Inspectorate. The purpose of this report is to allow the Planning Inspectorate to be advised of the decision the Council would have made had it been allowed to proceed with determining the application.

9.2.2 This report identifies some aspects of the scheme that are not wholly policy compliant; however, in considering the planning balance, the site is brownfield land and is primarily read as part of the built up settlement of Cripps Corner; in this regard the development would not appear unduly intrusive in the wider landscape and the development would not have a significant impact on the character and appearance of the AONB. In considering all relevant considerations the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole (paragraph 11).

RECOMMENDATION: THAT THE PLANNING INSPECTORATE BE ADVISED THAT IN THE EVENT THE COUNCIL WAS ABLE TO DETERMINE THE APPLICATION IT WOULD HAVE RESOLVED TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Location plan: Drawing No. 0001: dated Dec. 2018

Proposed site block plan: Drawing No. 1101B: dated Dec. 2018

Proposed plan ground floor: Drawing No. 1200: dated Dec. 2018

Proposed plan first floor: Drawing No. 1201: dated Dec. 2018

Proposed plan loft level: Drawing No. 1202: dated Dec. 2018

Proposed plan B1 unit: Drawing No. 1203: dated Dec. 2018

Proposed Sections AA, BB, CC, DD: Drawing No. 1301: dated Dec. 2018

Proposed street elevation south east: Drawing No. 1401: dated Dec. 2018

Proposed rear elevation north west: Drawing No. 1402: dated Dec. 2018

Proposed rear elevation north east: Drawing No. 1403: dated Dec. 2018

Proposed side elevation various: Drawing No. 1404: dated Dec. 2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

Pre-commencement

3. The foul water drainage proposals set out in the application and indicated on the proposed indicative drainage layout drawing 1102 are not approved. Prior to the commencement of development revised details of a scheme for foul water drainage proposals to serve the dwellings and business unit shall be submitted for the consideration and approval of the Local Planning Authority. The submitted details shall demonstrate that the proposed means of foul drainage can function effectively within the confines of the site, and shall include: proposed access measures for emptying the tanks (should this be required), details of the location of the tanks/system and its means of operation. Development shall only be undertaken in accordance with the approved details.
Reason: To ensure a suitable means of foul drainage disposal would be provided to serve the development and ensure compliance with Policy OSS4 (i) (ii) of the Rother Local Plan Core Strategy. This needs to be resolved before building work commences and therefore the matter can only be addressed by the imposition of a pre-commencement condition.

Other Conditions

4. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.
5. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before any of the buildings are occupied, and shall be retained thereafter.
Reason: To ensure a high quality public realm and street elevation, taking account of the rural characteristics of the area (Rother Local Plan Core Strategy Policy EN3).
6. No development above ground level shall take place until the hard and soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include:
 - a) planting plans; including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - b) implementation programme for planting; and
 - c) details of the make, type and colour of permeable surfacing materials.

The development shall be carried out only in accordance with the approved details.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

7. Prior to any of the dwellings being occupied the business unit shall have been constructed to completion and made available for occupation by a potential business user.
Reason: To ensure that some business use is retained on the site in accordance with Policy EC3 of the Rother Local Plan Core Strategy.
8. No development shall commence until the vehicular accesses serving the development have been constructed in accordance with the approved drawing (Ref: 1101 B).
Reason: In the interests of road safety and to accord with Policy TR3 of the Rother Local Plan Core Strategy.
9. No part of the development shall be occupied until such time as the existing vehicular accesses have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety and to accord with Policy TR3 of the Rother Local Plan Core Strategy.
10. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plan (Ref: 1101 B). The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To provide car-parking space for the development and to accord with Policy TR4 of the Rother Local Plan Core Strategy.
11. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
12. No part of the development shall be occupied until the vehicle turning spaces have been constructed within the site in accordance with the approved plan (Ref: 1101 B). The spaces shall thereafter be retained at all times for this use.
Reason: In the interests of road safety and to accord with Policy TR3 of the Rother Local Plan Core Strategy.