

COMMITTEE REPORT

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| APPLICATION NO. | 22/01404/FUL |
| LOCATION | Penn Croft Winery Croft Lane Crondall Farnham Hampshire GU10 5QD |
| PROPOSAL | Erection of detached single storey building for use as cellar door facility to accommodate wine tours and associated wine sales |
| APPLICANT | Mr S Porter |
| CONSULTATIONS EXPIRY | 30 August 2022 |
| APPLICATION EXPIRY | 24 August 2022 |
| WARD | Odiham |
| RECOMMENDATION | Grant subject to conditions |



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BACKGROUND

This planning application is brought to Planning Committee pending the outcome of the Member Referral Process in line with the Council's Constitution.

DESCRIPTION OF THE SITE

The application site is remote from the main Penn Croft Farm (PCF) building group, which is located some 700m to the north-west, on a site which sits about 250m to the west of the edge of Crondall village.

The site was previously occupied by two large agricultural barns positioned alongside each other with a space between the two. These buildings were removed and replaced by modern winery / agricultural buildings which are now complete and operational. The site is

surrounded by agricultural fields most of which are in arable use.

Access to the site is via Croft Lane which is a single-track rural lane with passing places. Immediately to the east of the buildings is a well-established tree belt which provides screening to the existing buildings. A public footpath runs along both the northern and eastern edges of the site.

The site lies within the countryside, outside of any designated settlement areas. The site is identified as lying within a Groundwater Flooding Indicative Flood Problem Area (IFPA) and within a Causal Area - Flooding. The access route to the site also runs through a Surface Water IFPA.

PROPOSAL

The application seeks planning permission for the erection of a detached single storey building for use as a cellar door facility to accommodate wine tours and associated wine sales in connection with the Penn Croft Winery operation.

The proposed building would have dimensions of 12.2 metres by 5.8 metres (giving a floor area of 70.76 square metres) and a height of between 3.05 metres and 2.5 metres, with a mono-pitched roof.

The building would be constructed of wooden cladding and a felt roof. All openings, comprising a centrally located double door and two windows to either side, would be provided in the north elevation of the structure. There would be a veranda area on the northern elevation.

Car parking, comprising of two blocks of spaces for up to 10 cars in each, would be provided to the north of the proposed building and to the east of the winery building to the north-west of the proposed structure.

Wine tours and sales already take place at the site, with wine tours taking place in the southern building. There would be between 4-20 people on the wine tours and up to two tours would be run per day (although it is anticipated there would mainly be one tour per day). The building would also be open for wine sales. The Applicant has explained that the existing tours take place without restriction (see comments below on premises licence). The tours operate throughout the year, but the focus is the summer months, in June / July the tours finish at dusk. The majority of evening tours take place on Thursdays, Fridays and Saturdays. The Applicant has indicated that flexibility on hours is sought and that until 1700 on Sunday to Wednesday and 2200 on Thursdays, Fridays and Saturdays would be preferred.

RELEVANT PLANNING HISTORY

21/01482/FUL - Erection of a supported canopy to the rear of the existing winery. Granted 03.08.2021.

21/00604/PRIOR - Erection of a steel framed agricultural storage building. No Further Action 20.05.2021. Officer's note: the development benefited from deemed consent due to an error in processing the application. This application relates to the southern building of the two existing buildings and adjacent to the proposed building.

19/02197/FUL - Erection of replacement agricultural building. Granted 26.11.2019. Officer's note: at this point the site is known as Clifton Barn. This permission relates to a single

building 27 metres by 36.8 metres. This permission is subject to a planning condition the building and parking areas approved by the permission shall only be used as a mixed agricultural and commercial building and used in relation to wine production, for the purposes of growing, producing, bottling and distributing wine. The building and parking areas shall not be used for any other purposes or operations by any other separate business enterprise(s) to the winery.

18/00575/FUL - The erection of two detached two-storey three-bedroom dwellings with integral double garages following the demolition of two agricultural barns. Refused 06.12.2018, Appeal Dismissed 26.03.2019.

17/01013/PREAPP - Demolition of two barns and erection of two dwellings. Opinion Issued 31.07.2017.

16/02758/PRIOR -Application for Prior Approval under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 of Proposed Change of use of Agricultural Building to a Dwellinghouse (C3). Prior Approval Granted 14.12.2016

16/00552/PRIOR - Application for Prior Approval under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 of Proposed Change of use of Agricultural Building to a Dwellinghouse (C3). Prior Approval Refused 19.05.2016

62/04665/FUL - Erection of two agricultural buildings. Granted 13.04.1962.

RELEVANT PLANNING POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant Development Plan for the District includes the Hart Local Plan (Strategy and Sites) 2032 (HLP32), saved policies from the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and Crondall Neighbourhood Plan (CNP) (made May 2021). Adopted and saved policies are up-to-date and consistent with the NPPF. The relevant policies are as follows

Hart Local Plan (Strategy & Sites) 2016-2032

SD1 Sustainable Development
SS1 Spatial Strategy and Distribution of Growth
ED1 New Employment
ED3 The Rural Economy
NBE1 Development in the Countryside
NBE2 Landscape
NBE3 Thames Basin Heaths Special Protection Area
NBE4 Biodiversity
NBE5 Managing Flood Risk
NBE8 Historic Environment
NBE9 Design
NBE11 Pollution
INF1 Infrastructure
INF2 Green Infrastructure
INF3 Transport

Hart District Local Plan (Replacement) 1996-2006 'saved' policies

GEN1 General Policy for Development
GEN6 Policy for Noisy / Un-neighbourly Developments
CON8 Trees, Woodland and Hedgerows Amenity Value
CON23 Development Affecting Public Rights of Way

Crandall Neighbourhood Plan (2017-2032)

Policy 1 Spatial Plan
Policy 3 Good Design
Policy 6 The Natural Environment
Policy 7 Conservation

The South East Plan - Regional Spatial Strategy for the South East 2009

Saved Policy NRM6 Thames Basin Heaths Special Protection Area

Relevant Guidance

National Planning Policy Framework (NPPF) 2021
Planning Practice Guidance (PPG)
Crandall Conservation Area Character Appraisal and Management Proposals (2016)
Hart District Landscape Assessment (HDLA, 1997)
Hart Landscape Capacity Study 2016 (HLCS)
Hart's Strategic Flood Risk Assessment 2016
Hart's Climate Change Action Plan
BRE Report - Site layout planning for daylight and sunlight: a guide to good practice BRE209 (2022)
Planning Technical Advice Note: Cycle and Car Parking in New Development (August 2022)
Hart District Council Planning Technical Advice Note: Biodiversity

CONSULTEE RESPONSES

Hampshire County Council (Highways)

No objection.

The highway authority is satisfied that the vehicular trip generation from the development would not have a severe detrimental impact on the operation.

Crandall Parish Council

No objection, subject to the following conditions:

- The development hereby permitted must only be used for winery tours and sales of wine bottled at the winery and for no other purposes;
- No more than 2 tours per day may be conducted at the winery and each tour must not have more than 20 people;
- The development hereby permitted, when not being used for tours, can only be open for a maximum of 3 hours a day and for a maximum of 4 days per week

REASONS: The applicant has not provided any information on impacts to the local area in respect of noise and transport. Accordingly, it is necessary to limit the proposed development to the details stated in the supporting statement and which happens currently otherwise the proposed development would be in breach of Local Plan Policies INF3, GEN1, GEN6, CON7.

Drainage (Internal)

No objection: The site lies outside of fluvial and surface water flood risk. The proposed development will be located on existing hardstanding and therefore not increase surface water runoff. The site also benefits from an existing sustainable drainage system.

PUBLIC COMMENTS

Eight letters of objection have been received from local residents raising the following concerns:

- Use of the building as a wine bar and entertainment venue
- Noise and Disturbance
- Traffic Impact
- Highway Safety
- Existing cellar door arrangement works satisfactorily
- Need for additional car parking
- Future Plans
- Consultation with community on longer term plans
- Advertisements for wine and sushi bar, which are already operational
- Impact on surrounding businesses
- Lack of soft landscaping proposals
- Conditions required on hours of operation and selling of wine produced on the premises only
- Proposed development closer to residential properties than existing buildings
- Need
- Clarification of existing location of cellar door operation
- Out of keeping with original development
- Impact on character and appearance
- Expansion of original site

(Officer Note: Only the current application proposal is for consideration)

CONSIDERATIONS

Principle of Development

The Hart Local Plan (Strategy and Sites) 2032 (HLP32) and Crondall Neighbourhood Plan 2032 (CNP32) identify the site to be within the countryside. The site is not located within any settlement boundary and is not allocated for any development within the development plan.

Policy SS1 of the HLP32 states that development will be focused within defined settlements, on previously developed land in sustainable locations and on allocated sites. Policies ED3 and NBE1 of the HLP32 cross-reference each other. Collectively, they support the rural economy and allow for development to support rural enterprises. Policy 1 of the CNP32 states that development outside of the defined settlements should be appropriate to a countryside location.

The NPPF supports a prosperous rural economy through paragraphs 83-84 which support the sustainable growth and expansion of all types of business in rural areas and recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Policy NBE1 of the HLP32 applies to land that is located outside settlement boundaries, such as the subject site. This policy allows development proposal for business uses that support rural enterprises, providing the proposals comply with the requirements of Policy ED3 of the HLP32. This policy supports development proposals for economic uses in the countryside where they are either; a) for a small-scale building appropriate to the area, b) for a replacement building or extension in line with NBE1, c) enable the business to continue or expand including farm diversification, d) provides new floorspace to enable a rural enterprise to be established and e) for new buildings and extensions it requires evidence for the scale of the development.

Policy ED3 of the HLP32 also requires that all development proposals must be of a use and scale that is appropriate to the site and location when considering; i) landscape, heritage and environmental impacts, ii) impacts on residential amenity, iii) the accessibility of the site and iv) the impact on the local highway network including the type of traffic generated, the appropriateness for the local highway network to accommodate the development and the impact on their character.

The supporting text to Policy ED3 sets out that it applies to Business, General Industrial and Storage or Distribution proposals and other proposals for rural economic development. The development plan was written prior to changes to the use classes order which came into force on 1st September 2020 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Such proposals will be supported where the use and scale of the development is appropriate to its location. Supporting text for Policy ED3 goes on to states that the Local Plan seeks to focus development in sustainable locations which have access to services and facilities. However, there may be cases whereas small-scale well-designed building to support a rural enterprise may be appropriate. The proposal would need to comply with Policy NBE1, and a clear justification would be needed as to why the new building and on the long-term viability of the enterprise.

In terms of the criteria a) to e) above, criterion a) is not applicable as the site is neither in nor adjoins any settlement. Criterion b) does not apply as the proposal is neither a replacement building nor an extension not an existing building. Criterion d) is not applicable as the proposal would not involve the establishment of a rural enterprise.

Criteria c) and e) would be relevant to this proposal and are discussed below.

In terms of criterion c), the application states that the proposed building would be an important element of the winery use, which is an important component of the wider Penn Croft farming enterprise and part of the farm diversification. The proposal would fall within the requirement of this criteria through the sustainability / expansion of a business or enterprise. Furthermore, the proposed development would seek to support the farm diversification, in that it spreads the risk of the farm away from dairy farming. Rural diversification is also supported within the HLP32 under Policy ED3 and aligns with the aims of the NPPF 2021 to enable the diversification of agricultural and land-based rural businesses (paragraph 84).

The proposed development would consist of a new building (71 square metres) within the existing yard to provide a new location for wine tours and sales. It would therefore support the existing established rural enterprise and be appropriate in this countryside location.

In terms of the justification of the proposed building as required by criterion e), the applicant states that the proposal has been designed to accommodate approximately 20 visitors plus staff who need to be able to circulate and sit down. There is also a tasting/serving function and a retail function to accommodate and as a result the building could not reasonably be any smaller. Some stock also has to be stored within the building to meet business needs.

Any servery would go across the building and would enclose an area of circa 15 square metres leaving a sufficient circulation area for 20 visitors plus staff.

The proposal would support the rural economy and is in accordance with the above development plan policies and objectives of the NPPF such that there is no objection to the principle of development. This is subject to a planning condition restricting the use of the development to ancillary development related to wine production which takes place on the site. Other detailed assessments and suggested conditions are set out below.

Design, Landscape and Visual Impacts

Policy NBE2 of the HLP32 seeks to achieve development proposals that respect and wherever possible enhance the special characteristics, value, or visual amenity of the District's landscapes. This policy contains five criteria to assess development proposals in relation to landscape impacts. It states that development proposal would be supported where there is no adverse impact to; a) particular qualities identified within relevant landscape character assessments or relevant guidance, b) visual amenity and scenic quality of the landscape, c) historic landscapes, parks, gardens and features, d) important local, natural and historic features (including trees, woodlands, hedgerows, water features) and e) it does not lead to the physical or visual coalescence of settlements, or damage their separate identity, either individually or cumulatively with other existing or proposed development.

It also states that, where appropriate, proposals will be required to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings. The above criteria are dealt with below.

The site is within Character Area 15 of the Hart Downs landscape area which has a chalk geology conducive to growing grapes. The Hart Downs area is noted within the landscape assessment as being primarily arable with a typically open landscape. The proposed building would be viewed in the context of the existing buildings at the site, which are a much larger scale. The proposed building would sit in front of the existing building it is adjacent to, however, it is sited within the existing yard.

It is likely that views of the proposed development would be achievable from the closest residential properties to the east and also when leaving the Conservation Area on the country lane. However, there are no public footpaths between the Conservation Area and the application site to provide direct views for extended periods. Views from public vantage points within the Conservation Area would be achievable but limited.

Views would be achievable from the immediate footpaths surrounding the application site which lead west and south from the site. However, these revised views when compared to the existing situation would not be harmful and the visual change would not be harmful to the visual amenity or scenic quality of the landscape.

The scale (in both size and height) of the proposed building is smaller than the two existing buildings on the site and it would not be observed as an out-of-keeping building in the context of the existing buildings. The building's scale, external appearance and siting would not be incongruous with that of a modern agricultural barn which might otherwise be expected to be seen in this rural context. The proposed design is for a sloping felt roof with the building finished in wood cladding, which is in keeping with the rural character of the area.

The proposed development would introduce additional built form into the countryside and it would be visible from the existing public right of way to the east of the site. However, the

proposal would be 'read' as part of the existing development at the site, minimising the impact of the proposed development and the visual change from the existing situation would not amount to visual harm. The proposed building would be sited on an existing area of hard standing and utilise the existing hard surfaced areas for parking reducing the need for additional built footprint on the site.

For the above reasons, the proposed would not result in any adverse impact upon the landscape character of the area and complies with Policy NBE2 of the HLP32. Given the scale and sympathetic design of the building it would meet the design objectives of Policy NBE9 of the HLP32, Policy GEN1 of the HLP06, Policy 3 of the CNP32 and the aims of the NPPF 2021.

Heritage Impacts

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance. Policy 7 of the CNP32 requires proposals to conserve or enhance the Crondall Conservation Area in a manner appropriate to its significance and supports proposals which would enhance the Conservation Area or its setting. Paragraphs 195, 199, 200 and 202 of the NPPF are of relevance for determining the significance of a Heritage Asset (HA), assessing the impact on significance and the need to weigh harm, including for non-designated HAs.

The site is located approximately 250 metres from the western extent of the Crondall Conservation Area boundary. Within a previous appeal decision (ref: 18/00575/FUL) the Inspector confirmed that that the Penn Croft Winery site is within the setting of the Crondall Conservation Area. The Crondall Conservation Area Assessment (2016) highlights that Crondall is an 'attractive rural settlement' which has historic economic origins from agriculture. It also notes some key positive characteristics of the Conservation Area which include the attractive landscape setting and long vistas out of the village.

Policy NBE9 of the HLP32 confirms that where a development would harm the significance of the setting of a Conservation Area, the relevant tests from the NPPF will be applied. In this instance the proposal is for relatively modest building viewed in the context of two existing buildings already in active use by the winery, which are also within the setting of the Crondall Conservation Area. In the context of the wider site, given the scale and appropriate design of the proposed building the proposal would not harm the setting of the Crondall Conservation Area nor would it detract from the significance of the designated Heritage Asset.

The proposed building is acceptable in heritage respects and accords with Policies NBE8 and NBE9 of the HLP32, policy GEN1 of the HLP06, Policy 7 of the CNP32 and the aims of the NPPF 2021.

Impacts upon Amenity

Policy NBE11 of the HLP32 supports development that does not give rise to, or would be subject to, unacceptable levels of pollution. Saved Policy GEN1 states developments would be permitted where they avoid any material loss of amenity to existing and adjoining residential uses.

Paragraph 130 of the NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and that developments do not undermine quality of life for communities.

The nearest residential properties are to the east, along Farm Lane. These are

approximately 200 metres from the proposed building. The proposed building includes a verandah and the proposed use of the building would be for visiting members of the public and the necessary staff. Given the separation distance to the residential properties, the proposed use would not generate any adverse neighbouring amenity impacts by way of overlooking, overshadowing or loss of privacy such to warrant refusal of planning permission or amendment.

The building would not be prominent within views from the residential properties. There is some screening along the eastern boundary of the site. The existing trees on the north-east boundary (which appear to be mature lime trees) would provide some screening even in winter. Any achievable views of the proposed development from the properties to the east, would not be harmful to the level of amenities currently enjoyed.

The site is subject to two premises licences. One licence (22/00379/LAPRE) relates to the existing cellar door in the southern building. The licence states that the times the licence authorises the carrying out of qualifying licensable activities is 10.30 - 23.00 Monday to Saturday and 10.30 - 21.00 on Sundays and the opening times of the premises are 09.00 - 23.00 Monday to Saturday and 10.00 - 21.00 on Sundays. The other licence (21/00189/LAPRE) relates to the northern building. The licence states that the times the licence authorises the carrying out of qualifying licensable activities is 10.00 - 18.00 every day and the opening times of the premises are 11.00 - 18.00 every day.

The proposed new building subject of this application would also require a premises licence, covered by separate legislation. Given that the premises licenses can be granted on a time-limited basis or revoked if issues arose in future, it is considered reasonable and necessary to include a condition to restrict the operating hours, maximum number of daily tours and also the maximum number of visitors on any given tour. These conditions would meet the 6 tests set out within Paragraph 56 of the NPPF; Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Subject to conditions, the proposal would comply with Policy NBE11 of the HLP32, saved policy GEN1 of the HLP06 and the aims of the NPPF.

Highway Safety, Access and Parking

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Saved Policy GEN1 of the HLP06 supports development that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highways safety. Furthermore, the policy requires development to have adequate arrangements for access and parking, not to give rise to traffic which would cause material detriment to amenities or cause detriment to highway safety and not cause heavy traffic to pass through residential areas or unsuitable roads.

Paragraph 111 of the NPPF 2021 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

The site lies approximately 250 metres to the west of Crondall village, the site is accessed via a country lane. There are two accesses to the site, including one at the southern end of the site, adjacent to the proposed building.

Hampshire County Council as Local Highway Authority (LHA) have reviewed the submitted information and have raised no objection. The LHA are satisfied that the vehicular trip generation from the development would not have an unacceptable or severe impact on the operation of the local highway network.

The application states that car parking spaces would not be formally laid out, the yard would act as a shared space between buildings and can accommodate at least 60 cars. Two parking areas have been indicated on the proposed site plan. The proposed parking blocks are 4 metres by 12.3 metres and 14.3 metres by 4.3 metres. A standard car parking space is 2.5 metres by 5 metres, a parallel parking space 2 metres by 6 metres or tandem parking space 2.5 metres by 11 metres.

The maximum number of vehicles associated with a wine tour is stated by the applicant to be eight. The submitted information does not indicate how the parking spaces would be laid out and how turning space and other uses would be accommodated safely within the yard. Accordingly, it is recommended that prior to any part of the building being used for tour purposes, further details of vehicle parking and turning space provision and the layout of the yard should be provided and approved.

With regards to parking, and the proposed use of the building for wine tours and associated wine sales, the Technical Advice Note on car parking does not provide a specific standard. The provision of 10 car parking spaces is considered to be appropriate given the stated number of users. Accordingly, it is relevant and necessary to condition the hours of use, number of daily tours and the maximum visitor numbers on any given tour. This would ensure adequate control and prevent any adverse highway safety effects.

Restricting the hours, number of tours and visitors in this way would also meet the aims of the Crondall Conservation Area Character Appraisal and Management Proposals (2016) which recommends that future development considers its impact on traffic flow, limits traffic speed, vehicle size in terms of maintaining the rural character of the Conservation Area.

In terms of sustainable access, the proposal is 250 metres to the west of Crondall settlement boundary. There is an existing business operating and wine tours and associated sales operating from the site. Given the Council has declared a climate emergency, it is considered prudent to request detail from the applicant in respect of promoting sustainable travel to the site by its staff and visitors wherever possible. As such, a travel plan is recommended to be included by condition.

Subject to condition, the proposal would comply with Policy INF3 of the HLP32, saved policy GEN1 of the HLP06 and the aims of the NPPF 2021.

Flood Risk and Drainage

Policy NBE5 of the HLP32 sets out five criteria when development would be permitted, in this case the applicable criteria for this proposal is a) over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding and c) within causal areas (as defined within the SFRA) all development takes opportunities to reduce the causes and impacts of flooding.

The site is located within Flood Zone 1 where the Environment Agency (EA) designate that land and property has a low probability of flooding. As the site does not meet the 1-hectare threshold, there is no requirement for a Flood Risk Assessment in relation to the development. Whilst the proposal is located within a causal flood risk area, the SFRA does

not require flood risk assessments for causal flood risk.

The application was accompanied by flooding and drainage information which states that the winery benefits from a comprehensive wetland drainage solution. The proposed building would sit on an existing hardstanding area.

The Council's Drainage Officer has been consulted on the application and has highlighted that the site lies outside of fluvial and surface water flood risk areas. The proposed development will be located on existing hardstanding and therefore would not increase surface water runoff. The site also benefits from an existing sustainable drainage system. Therefore, no objection has been raised by the Council's Drainage Officer.

The proposed development would comply with Policy NBE5 of the HLP32 and the aims of the NPPF in this regard.

Ecology and Trees

With regards to biodiversity, Policy NBE4 of the HLP32 states that new development will be permitted provided where a) it would not have an adverse effect on the integrity of an international, national or locally designated site, b) it would not result in the loss or deterioration of irreplaceable habitats, c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible.

Policy NBE4 of the HLP32 states that all developments should protect and enhance biodiversity. The policy also requires that developments achieve biodiversity net gain wherever possible. Policy 3 of the CNP32 requires development to seek to enhance landscaping to provide for biodiversity. Policy 6 of the CNP32 supports proposals where they sustain and improve biodiversity, including through net gain.

The proposal does not involve the demolition of any buildings and is sited on area of land currently occupied by hardstanding. With regards to trees, saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features.

There are no Tree Preservation Orders (TPOs) on any trees and the site is not within a Conservation Area such that none of the trees on, or surrounding, the application site are protected. There are trees along the eastern boundary of the site, including adjacent to the proposed building. Whilst no specific tree information has been provided with the application, the proposed building would be sited on an existing area of hard standing and would be set in from the site boundary by 3 metres, the existing tree is located beyond the boundary fence. Whilst there are mature trees in proximity, they are considered to be at sufficient distance to not be impacted by the proposed development.

Whilst no specific ecological enhancements or net gain measures have been proposed, it is considered that there may be potential for net gain through additional planting on the external areas of the site or provision of other measures such as the inclusion of swift bricks or bat boxes. As a result, a condition has been included requiring the submission of biodiversity enhancement measures prior to first use.

As such, there is no material objection to the proposal in biodiversity/trees and landscape terms and it would comply with Policy NBE2 of the HLP32, saved policy CON8 of the HLP06, Policies 3 and 6 of the CNP32 and the aims of the NPPF 2021.

Climate change and Equality

Hart District Council has declared a Climate Emergency. The proposal is not likely to have any direct impacts on delivery of carbon reduction targets however it is likely to increase vehicle usage due to visitors coming to the site, where there is a lack of public transport options available. As a result, the condition mentioned within the highways section above is considered to be appropriate to understand the ways the business can reduce travel to the site by the private vehicle using measures such as car-sharing or highlighting sustainable transport modes and routes to staff and visitors. In addition, the recommended condition for seeking biodiversity enhancement or net gain would also have positive effects on climate change and the environment.

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The proposal is not likely to have any direct impacts on people who share protected characteristics.

Waste and recycling

The submission states that any waste generated will be limited and will be taken to the main waste area alongside the winery. Commercial premises have to arrange for private collection, as commercial waste and recycling does not fall under the remit of Local Authorities.

Other matters

A number of public objections raised matters which are addressed in this section. The proposal relates to the diversification of an existing winery operation, where there are existing wine tours and sales within an existing building, as noted within the premises licence for the site. This application relates to a new relatively modest single storey building, for wine tours and sales to take place from, rather than from existing buildings. A condition is recommended that use of the proposed new building is restricted to such a use. The proposal is not for a new operation so the impact on surrounding businesses will be limited.

This application can only assess the development proposals applied for and future proposals for the site cannot be pre-empted at this stage. The proposed building will be viewed in the context of the existing commercial buildings. The proposed development would not expand development further into the countryside. Furthermore, given the proposed building will be sited on an existing area of hardstanding, it is not considered necessary to request landscaping details for screening purposes however external planting may be considered by the applicant as part of the biodiversity enhancement condition.

The proposed development would not expand the amount of land used for car parking, further information on the car parking layout is sought to ensure sufficient and safe layout of the car parking areas. The building is sufficiently distanced from residential properties and conditions on hours of use, number of visitors and tours are recommended to ensure amenity is protected and sufficient car parking.

The application has been advertised as per the requirement of the Statement of Community Involvement which allows adequate opportunity for community engagement.

CONCLUSION AND RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires

applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would support the rural economy and the principle of development is acceptable in this instance. No objection is raised in relation to design, impact on the countryside or any other planning matters details above. The application is therefore in accordance with the development plan and is recommended for approval subject to conditions.

RECOMMENDATION - Grant

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following plans and documents:

Letter from Avocado Planning dated 28.06.2022
Existing Site Plan PN2440-200-02
Proposed Site Plan PN2440-200-02
Proposed Elevations PN2440-300-02
(received by the Local Planning Authority on 29 June 2022)

Location Plan PN2440LP3
(received by the Local Planning Authority on 27th January 2023)

REASON: To ensure that the development is carried out in accordance with the approved plans and particulars in the interests of proper planning.

- 3 Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 (as amended), the use hereby approved shall limited to wine tours and wine sales in connection with the Penn Croft Winery operation on the site.

REASON: In the interest of sustainable development, to protect the quality and amenity of the countryside as the proposed use is acceptable as a form of rural enterprise diversification and to satisfy Policies SS1, ED3 and NBE1 of the Hart Local Plan (Strategy and Sites) 2032, Policy 1 of Crondall Neighbourhood Plan 2017-2032 and the aims of the NPPF 2021.

- 4 Wine tasting tours shall only take place between the hours of 10:00 to 18:00 Monday to Wednesday, 10:00 to 22:00 on Thursday, Friday and Saturday and 10:00 to 15:00 on Sundays.

REASON: In the interests of neighbouring amenity in accordance with Policy NBE11 of the Hart Local Plan (Strategy & Sites) 2016-2032 and saved policies GEN1 and GEN6 of the Hart District Council Local Plan (Replacement) 1996 – 2006 and the

aims of the NPPF 2021.

- 5 The number of customers/visitors attending the wine tasting tours at any one time shall not exceed 20 people, excluding staff.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of safeguarding residential amenity, to retain the scenic quality of the countryside in the setting of the Crondall Conservation Area, to prevent harmful traffic levels on the local highway network and to ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity in line with Policies NBE8, NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032, Policy GEN 1 of the Hart District Local Plan 1996-2006 (Saved Policies), Policy 7 of the Crondall Neighbourhood Plan 2017-2032 and the aims of the Crondall Conservation Area Character Appraisal and Management Proposals (2016).

- 6 No more than two wine tasting tours shall operate from the site on any given day during the hours permitted by Condition 4 above, and the tours shall be staggered so as to not operate at the same time.

REASON: To limit the number of tours and visitors to the site to the level indicated by the application documents only, in the interests of highway safety to reduce the number of vehicular trips on the local highway network, ensure adequate on-site parking provision and prevent adverse impacts to the rural character and setting of the countryside and adjacent Crondall Conservation Area in line with Policies NBE8, NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032, Policy GEN 1 of the Hart District Local Plan 1996-2006 (Saved Policies), Policy 7 of the Crondall Neighbourhood Plan 2017-2032 and the aims of the Crondall Conservation Area Character Appraisal and Management Proposals (2016).

- 7 Prior to first use of the site for winery tours, details of the travel arrangements to and from the site for employees, visitors and customers in the form of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, but not be limited to:

Details of travel information pack to be provided to employees outlining up-to date walking, cycling and bus maps, relevant bus and rail timetable information, promotion of staff car sharing;

Details of travel information pack to be provided to visitors and customers outlining up-to date walking, cycling and bus maps, relevant bus and rail timetable information, promotion of visitor car sharing;

Details of secure on-site bicycle storage areas for staff and visitors

Details of on-site electric car charging provision (where appropriate)

Once agreed, the approved Travel Plan measures shall be implemented and the relevant travel information packs shall be updated annually.

REASON: In the interest of encouraging sustainable transport to promote sustainable development, to reduce the reliance on the private vehicle

- 8 Prior to the first use of the winery tours hereby approved, details of biodiversity enhancement and/or net gain shall be submitted to in writing and approved by the Council. Measures may include native hedge or tree planting on external areas, installation of swift bricks or bat boxes on the elevations of the building or other measures.

REASON: In the interests of securing biodiversity enhancements and net gain

wherever possible in line with Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032, Policies 3 and 6 of the Crondall Neighbourhood Plan 2017-2032 and the aims of the NPPF 2021.

- 9 Notwithstanding the submitted information, no part of any building hereby permitted shall be occupied or used until full details of vehicle parking and turning spaces and the layout of the yard has been provided to and approved in writing by the local planning authority. The vehicle parking and turning spaces so approved shall be provided prior to first use of the building and thereafter be retained in accordance with the approved details and the parking spaces shall remain available for the parking of vehicles at all times and the turning space shall not be used for any purpose other than vehicle turning.

REASON: To provide adequate off-street vehicle parking and turning space and to all vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy INF3.

- 10 No development above ground floor slab level of the building, except demolition and site clearance, shall commence until details of any external lighting to be installed on the building or within the site are submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be thereafter installed, maintained and operated in accordance with the approved details.

REASON: To protect the amenity of residents to the east of the site and to conserve dark night skies in this part of the countryside which would otherwise be visible from the Conservation Area during night hours in accordance with Policies GEN 1, GEN 3, GEN 8 and CON 13 of the Hart District Local Plan 1996-2006 (Saved Policies) and emerging Policies NBE1, NBE3, NBE9 and NBE12 of the Submission Hart Local Plan Strategy and Sites 2016-2032.

- 11 No development, demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition, construction work or deliveries of materials shall take place at any time on Sundays or Public Holidays.

REASON: To protect the residential amenities of neighbouring occupiers in accordance with Policy NBE11 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The applicant was advised of the necessary information needed to process the application and once received, the application was acceptable and no further engagement with the applicant was required.
- 2 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this

permission in a way that minimises impact on climate change.

- 3 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operative's vehicles should be normally arranged on site.
- 0 Nothing connected with the development, or its future use should have an adverse effect on the public right of way, which must always remain available for public use. All vehicles would be accessing the site via a public footpath and should give way to public users.