Wiltshire Council

# The Town and Country Planning Act 1990

## Approval of Full Planning Permission with Conditions

## Application Reference Number: PL/2023/10755

## Decision Date: 13 September 2024

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| **Applicant:** | -<br>Carvers Hill Winery , Shalbourne , Marlborough , Wiltshire , SN8 3PS |
| **Particulars of Development:** | Demolition of existing agricultural buildings. Construction of new buildings for the production of wine with ancillary wine tasting and events facilities and storage, with associated access, landscaping and drainage. |
| **At:** | Carvers Hill Farm, Carvers Hill, Shalbourne, SN8 3PS |

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

**Conditions:** (24)

1 The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- Site Location Plan 1:1250 – drawing no. PWA-087 A327 WA05
- Site Location Plan 1:2500 – drawing no. PWA-087 A128 WA06
- Site Plan – drawing no. PWA-087 A326 WA11
- Roof Plan – drawing no. PWA-087 A325 WA07
- Landscaping Plan – drawing no. PWA-087 A322 WA11
- Winery Ground Floor Plan – drawing no. PWA-087 A101 WA08
- Mezzanine and Storage Floor Plan – drawing no. PWA-087 A105 WA06
- Elevations 1-3 – drawing no. PWA-087 A202 WA04
- Elevations 2-3 – drawing no. PWA-087 A206 WA02
- Elevations 3-3 – drawing no. PWA-087 A208 WA03
- General Section – drawing no. PWA-087 A204 WA02 Storage Facilities Section – drawing no.PWA-087 A210 WA01
- Access Plan West – drawing no. PWA-087 A323 WA06

• Access Plan East – drawing no. PWA-087 A324 WA07
• Access Gate Elevations – drawing no. PWA-087 A329 WA04
• Drainage Layout Surface Water – drawing no. C1806 C-SK01 Rev P
• Luminaire Layout – drawing no. BM12683-000-0-01-C

REASON: For the avoidance of doubt and in the interests of proper planning.

2 The development will be carried out in strict accordance with the following documents:
• Site-wide Ecological Management Strategy. March 2024.
• Ecological Response. 21st March 2024.
• Biodiversity Net Gain Calculation Sheet.
• Biodiversity Net Gain Report. March 2024.
• Landscaping Plan. Ref: PWA-087.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

3 Within three months of the date of this consent, details of the number, design and locations of at least two barn owl boxes, at least six bird nest boxes, and bat roosting opportunities additional to the seven bat boxes already approved, shall be submitted to and approved in writing by the local planning authority. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). Within a further three months of these details being approved they shall be implemented on site. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

4 Within the three months of the date of this consent, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include:
a) Long term objectives and targets in accordance with the site-wide Ecological Management Strategy (March 2024)
b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in the Landscaping Plan (Ref: PWA-087).
c) The mechanism for monitoring success of the management prescriptions.
d) A procedure for review and necessary adaptive management in order to attain targets.

e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

5 Notwithstanding the submitted Noise Management Plan, the event use hereby permitted shall not take place until an updated Noise Management Plan has been submitted to and approved in writing by the local planning authority.

The Noise Management Plan shall include, but not necessarily be limited to, the following
• Maximum noise levels emitted from the site to be measured at the site boundary
• Measures for the control of amplified music breakout
• Details of training provided to staff
• Information to be provided to performers
• Process for providing notification of events to neighbouring properties situated adjacent to the site and Parish Council
• The control and use of all external areas including identification of Smoking Areas
• Details of general patron signage
• Details of measures to control of antisocial behaviour
• Details of arrangements for deliveries and waste disposal
• Complaints procedure
• The annual review of the approved Noise Management Plan and, if necessary, the submission and approval of a revised Noise Management Plan to incorporate scheme for noise monitoring as appropriate
The approved Noise Management Plan shall be adhered to and implemented throughout the lifetime of the development in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment using noise criteria within the Code of Practice on the Control of Noise from Pubs and Clubs (Institute of Acoustics)

REASON: In the interests of residential amenity and to maintain the tranquillity of the area.

6

The event use hereby permitted shall not take place until details of the configuration and set up of fixed sound system and electronic line noise limiter has been submitted to and approved in writing by the local planning authority.

The approved system shall be installed and operated in accordance with the approved details prior to the use commencing and at all times thereafter.

All Event performers/entertainment must connect via the fixed house sound system and only use this system.

There must be no additional sound sources capable of causing disturbance used – these include stage monitors and acoustic drum kits.

Amplified music may only be played between the hours of 10:00hrs and 23:00 hours.

REASON: In the interests of residential amenity and to maintain the tranquillity of the area.

7 There shall be no external music or amplified music/spoken word or live performance anywhere outside of any building during an Event.

REASON: In the interests of residential amenity and to maintain the tranquillity of the area.

8 The permission shall authorise use of the site for no more than 30 Events per calendar year.

An ’Event’ shall mean any event or gathering at the site such as a wedding, wedding reception, party, dinner dance or ball where the service is provided on commercial terms (whether subject to charge or not).

The total number of Events shall comprise of no more than 15 Events with amplified music with a maximum of 150 guests and 15 Events without amplified music with a maximum of 75 guests.

Events with amplified music may not take place on consecutive days or consecutive weekends.

The owner/operators of the site shall maintain an up-to-date register of the names and contact details of the party making the booking, the dates and numbers of attendees of all events that take place on the site and shall make such information available at all

reasonable times to the Local Planning Authority.

REASON: To define the permission and in the interests of highways safety and amenity of the area.

9 No new ventilation, extraction or air conditioning plant/machinery shall be installed externally until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development.

The approved scheme shall be maintained in accordance with the approved details at all times thereafter.

REASON: In order to safeguard the amenities of the area in which the development is located

10 Before the development is brought into operational use, a Delivery Management Plan (DMP) regarding the site shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The DMP should identify exactly how and what types of vehicles are anticipated for the operational use and their delivery times should also be detailed to demonstrate that the proposed delivery from the highway does not result in conflict with other activities on site. Any measures described in the DMP shall be implemented within the time period identified.

Reason: To ensure that deliveries do not impact on the general operation of the site.

11 Before the development is brought into operational use, an Event Management Plan (EMP) regarding the site shall be submitted to and approved in writing by the Local Planning Authority. The EMP shall describe the means of managing events. The EMP shall include:

- Event Capacity
- Number of Stewards
- Car Park Management Plan
- Traffic Management Plan

Any measures described in the EMP shall be implemented in accordance with the approved plan.

Reason: To ensure that events do not impact on the general operation of the site or public highway, in the interests of highway safety.

12 Prior to the operational use of the development, a scheme of off-site works shall be submitted to and approved in writing by the Local Planning Authority in general accordance with plan 230655-RAP-XX-XX-DR-TP-6000 subject to the submission and approval of detailed design, technical approval and the submission of Stage 1, 2 and 3 safety audits and shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development

13 Prior to the operational use of the development hereby approved, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
a) a detailed planting plan setting out species, densities of planting, and specification (to National Plant Specification);
b) a management and maintenance plan to deal with the actions to be taken to ensure establishment of the planting.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

14 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

15 No part of the development hereby permitted shall be first brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres in either direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway. These splays shall be maintained in order to provide the optimum visibility achievable at the accesses. Gated accesses shall be set back from the public highway at least 5m to allow a vehicle to wait without blocking the highway.

REASON: In the interests of highway safety.

16 The development hereby permitted shall not be brought into use until such time as the eastern access has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 6 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of highway safety, in order to maintain the rural highway and minimise debris and overspill of materials.

17 The event use hereby permitted shall not take place until the provision for 16 cycle parking spaces as set out within the approved documents has been provided on site and shall always be retained for that use thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

18 The event use hereby permitted shall not take place until until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

19 The use of the restaurant/tasting area shall be solely for those visitors attending an

event or a wine tasting tour and shall at no point be open to the general public otherwise.

REASON: In the interests of highway safety.

20 Wine tasting tours shall take place only between the hours of –
• Monday to Friday's 0800 hours to 1800 hours
• Saturday 10:00 hours to 1800 hours
• Sunday and Bank Holidays 1000 hours to 1800 hours

The number of visitors attending the wine tasting tours at any one time shall not exceed 20.

Wine tours shall not take place on any given event day or on the day before an event with amplified music.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and in the interests of highway safety.

21 There shall be no customers/members of the public on the site outside the hours of:
• 0800hrs – 2359hrs from Mondays to Fridays,
• 1000hrs – 2359hrs on Saturdays and
• 1000hrs and 2200hrs Sundays and Bank/ Public Holidays.

Reason: To ensure an environment free of unobtrusive or unacceptable levels of noise.

22 No deliveries shall be made to or collections made from the development hereby approved except between the hours of:
• 0800hrs – 1800hrs Monday to Friday
• 0900hrs – 1700hrs Saturday
• No delivery or collections on Sundays or Bank/ Public Holidays

Reason: To ensure an environment free of unobtrusive or unacceptable levels of noise.

23 No external lighting, other than that hereby approved, shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination

levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of the character of the National Landscape.

24 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

**Informatives:** (3)

25 Food Business Registration: Under Article 6 of EC Regulation 852/2004 all businesses who prepare, store, transport or sell food must register their food business with the local authority. This obligation also applies to any organisations who donate food (such as charities and homeless shelters), those who produce food in their homes for members of the public and those who use vehicles to transport or serve food from a vehicle. Food businesses must register with their local authority at least 28 days before they begin to operate. Food business operators in Wiltshire can register their food businesses free of charge through the following web page: http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm

Licensing Act 2003: This development may require a licence, issued under the Licensing Act 2003 by the local authority, in order to legally operate. The operator should ensure they have obtained any legal authorisations required before they begin operating. Further information can be found on the following web page: http://www.wiltshire.gov.uk/businesssupportandadvice/licencestreettrading/applyforalicence/licensingact2003.htm

26 Informative to applicant: The developer/applicant will be expected to enter into a S278

Agreement with the Highway Authority before commencement of works hereby approved.

27 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

*Parvis Khansari* - **Corporate Director, Place**

**NOTES**

1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk

4 **CIL.** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy