

EAST WOODHAY PARISH COUNCIL PLANNING COMMITTEE

WOOLTON HILL CHURCH HALL

6.00 p.m. Tuesday, 27th September 2022.

MINUTES

1. **Attendance:** Cllr. Susan Cooper, Cllr. Martin Hainge, Cllr. Karen Titcomb (Chair), Cllr. Andrew Watson.
2. **Apologies:** Cllr. Simon Bowden
3. **Minutes of last meeting:** Agreed.
4. **Matters arising from Minutes of last meeting:** None.
5. **22/00877/PREMN – Malverleys Limited, Sungrove Farm, Abbey Wells Road, East End, RG20 0AF.** Application for new premises licence for sale of alcohol by retail and live and recorded music.

For clarification, the Planning Committee of East Woodhay Parish Council contacted the Licensing Department of BDBC on 12th September 2022 to seek an extension to the date by which responses are due. This is because the nation is in mourning and all public meetings have been cancelled until after 19th September. This item was scheduled to be discussed at our meeting on Monday 12th September – cancelled due to national mourning; it will now be scheduled for the meeting on Tuesday 27th September, when it will be open to public discussion. Meantime, BDBC have advised that we should submit our response within the set timescale, noting that it does not require a public meeting.

The Planning Committee of East Woodhay Parish Council ask that the application for provision of live and recorded music outside is refused.

It should also be noted that we do not support the provision of a licence for alcohol (with live and recorded music inside); but we understand that the detail of the application and licensing laws are such that it is likely this will be achieved.

a. **Introduction**

The development at Sungrove Farm is now some way distant from the ‘farm shop’ concept first presented to the local residents. As such, it seems intended to be a major (for the area) commercial enterprise, far greater than something ‘for the local residents’, as first presented by the owner.

The context is that this is not a ‘farm’ set in the middle of many acres of land. It is a major (in the context of the AONB and countryside), commercial development in the midst of a tiny hamlet – some 40 homes and 100 people. Many of the homes have

gardens which back onto the land on which this development sits, not least a Grade 2 listed cottage known as Dormer Cottage and other cottages and homes whose gardens abut the adjoining hedgerow of the site.

This is a conservation area within an AONB, in the middle of the countryside. People have purchased their homes here to enjoy the peace and tranquillity which one would expect from such a setting. It is perfectly reasonable for those residents to expect to be able to sit in their garden at any time of the day, without the imposition of music from a commercial enterprise spoiling the very peace and tranquillity which it would be reasonable to expect from such a location.

It is true that the hamlet used to have three pubs, but they date back to the days when drovers took their sheep to market on foot; they closed in the 1940's, 1957 and 2000 – unable to sustain business through lack of custom. It is unlikely that any of them had licences for outside music.

The stated aim of BDBC (BDBC Licensing section of website) is to “establish in the borough a wide choice of high quality and responsibly managed entertainment and cultural venues which provide a diverse range of licensed activities, community interaction and a variety of places for retail and refreshment; whilst ensuring at all times the safety and amenity of everyone.”

Against this backdrop, the provision of a licence for live and recorded music outdoors cannot be supported, as this will have a detrimental impact on the amenity of local residents.

b. The Application

It is understood that the Application should be accompanied by a plan, a risk assessment and an operating schedule. It is not clear whether these have been provided; indeed the lack of detail makes this hard to assess eg. reference is made to ‘events will be hosted on occasion throughout the year which will serve alcohol beverages’. The nature of the events, their frequency and activities are vague and unclear and clarification should be sought.

If it unfortunately transpires that ‘events’ are to be permitted, conditions should be imposed to ensure any disruption to the peace and tranquility of the neighbourhood is kept to an absolute minimum (e.g. must be planned and pre-set, limited in number per year, subject to strict limits on capacity and hours, with fully detailed control measures).

c. Licensing Objective – Prevention of Public Nuisance

This application must be considered against the background of the original application to demolish the existing farmhouse and erect a mixed use building comprising a farm shop, bakery, gift shop, restaurant and lecture/educational space. The application raised some 180 objections from local residents who felt that the peace and tranquillity of the hamlet, AONB and Conservation area would be significantly disturbed. It was argued by the applicant that noise reducing measures would be put in place to protect the neighbours – focussed on the noise of machinery from the bakery, noise of visitor vehicles and more general noise of visitors to the site. Indeed a substantial Noise Assessment Report was undertaken and its

recommendations for noise mitigation will no doubt be implemented by the applicant. BUT – there does not appear to have been any consideration within the report of the impact on neighbours of live and recorded music played outside and no noise mitigation plans were put in place in respect of such music provision; though in this case it would be difficult if not impossible because of the ‘carrying’ effect of the music, across the countryside.

It is hard to see how the provision of live and recorded music, outside, will not have a significant and detrimental impact on local residents. Residents should feel reassured that they can sit in their garden at any time of the day and enjoy peace and tranquillity. In effect, this is an application to create a nuisance where none existed before, with all the attendant mental health damage and overall loss of amenity which such a nuisance would cause to local residents.

It is recognised that recorded music can be volume controlled. It is harder to control the volume of live music. In both cases, such sounds would carry well beyond the immediate vicinity of the site, thereby adversely affecting residents in the surrounding area and impacting the peace and tranquillity of the North Wessex Downs as the noise will drift across the downlands and onto the Ridgeway, which is an important part of our Parish and is designated AONB.

BDBC should have due regard to the North Wessex Downs AONB Management Plan 2019-2024. There is an expectation that their guidance should be followed, especially concerning locations such as this. Specifically they reference “The sense of remoteness and tranquillity is fundamental to the character of the North Wessex Downs AONB.” (7.15). In section 7.16 they explain: “These special perceptual qualities are fragile and under threat from a combination of factors, including major development, such as wind turbines, intruding into the open downland. Concerns raised by local residents and users of the landscape over loss of these special perceptual qualities will inform decisions on particular development proposals. New uses or new developments that individually or cumulatively result in a material increase in lighting, noise and or activity into the countryside are likely to be opposed.”

It is the external noise created by live or recorded music on these premises which will cause due harm to local residents, more distant residents, and the countryside area protected by its AONB status.

It is proposed that the amenity of local residents and their mental health will be severely damaged if a licence for live and recorded music to be played outside at any time, is granted. BDBC have a duty to ensure the amenity of everyone and to ensure that more protection is afforded to the AONB – this licence – for outside music - should be refused.

d. Licensing Objective - Public Safety and Protection of Children from Harm

We appreciate the parameters within which the issue of licences are considered. That said, we are also aware that BDBC will share these comments with the applicant.

The application for a licence to sell alcohol on and off the premises is not explained in any detail; the additional mention of a ‘bar’ is a new innovation; the reference to

'events' on the premises is also new. It understandably raises concerns within the local community, who chose to live there for its peace and tranquillity.

Whilst apparently not a consideration, in this context, for the licensing team, the application does raise questions regarding public safety. The commercial viability of this development is dependent upon custom from outside the village of East End. This means an increase in traffic on the three country lanes leading into the village: Stargrove Lane, Fullers Lane, Abbey Wells Road. None of these roads have footpaths, are narrow, have no street lighting and are currently dangerous to walk along. The increase in traffic driving to the location along one of these roads, all of which operate under the national speed limit until within East End, would surely create an even more dangerous situation not only for the pedestrians, cyclists and horse riders using these roads but also for the responsible customers who choose to walk rather than drive to the location - many of whom would do so from Woolton Hill, a potentially major catchment area for the business.

There is a primary school in the hamlet – adjacent to the premises – where the children will be subject to the same dangers outlined above.

The sale of alcohol is not something which sits within the original remit of the development which was to be a farm shop selling vegetables and plants from the farm.

An alcohol licence seems unnecessary for the kind of premises which were originally described; certainly the hours requested seem excessive.

e. Planning and Neighbourhood Plan

The s182 Guidance recognises that planning and licensing regimes are separated to avoid duplication. However the regimes do aim to agree mutually acceptable operation and design and should aim for proper integration between the two regimes (see paras 14.64 and 14.65).

In the present circumstances attention is drawn to the EWPC emerging Neighbourhood Plan (completed Section 16 Consultation and now with the Inspector) which supports local business provided it does not 'cause harm or have a detrimental impact on neighbours' (Policy LB1 11.9c). The Policy also references the need to consider the 'effect onresidential amenity and road safety' (Policy LB1 11.10b). It goes on to consider the impact on the location 'from increased traffic.....or other activities arising from the proposed development' (Policy LB1 11.10c).

The application does not appear to satisfy these provisos and should be refused.

Conclusion

It is understood that under the terms of the Licensing Act 2003, the key issue is what is regarded as reasonably acceptable in a particular location. This evaluative judgement involves the weighing of a variety of competing considerations of which the interests of the wider community and safeguarding that community are paramount.

This community is geographically situated next to the site in question and will suffer irreparably from the effects of granting such a licence – through noise from music inside and outside, danger from traffic on single track lanes and additional traffic attracted to the venue for ‘events.’

The interests of the local community will not be safeguarded; this venue is in the centre of a rural hamlet with residential properties on all sides; the balance of decision should be to:

- refuse the licence for outside music.
- if the licence for internal music and alcohol sales is permitted, consideration should be given to limiting the hours – an 8am start seems excessively early and 9pm finish late for a venue in this location.
- further detail should be provided for the ‘events’ referenced, which should not be part of a generic licence.

6. 22/01446/ROC - Land at Hollington Lane, Woolton Hill. Variation of conditions 1,3,4,5,6,7,10,16,17 and 19 of planning consent 21/01390/TDC (Application for erection of 2 no. dwellings) to amend the design of Plot B house and move the house in plot A in line with the Arboricultural Impact Assessment.

The Planning Committee of East Woodhay Parish Council commented on 27th July 2022 and note that one of the objections then raised has been satisfactorily resolved, namely the issue of drainage, with the applicant now confirming he will ensure connection to mains drainage, which is good progress.

The revised plans which have now been submitted nevertheless fail adequately to resolve two other objections which have been raised in the past, as follows:

i. Height

The applicant’s Design and Access Statement references a reduction in height to part of the design for Plot A. This small reduction (of 300mm) is not measured against the plans which were originally approved and, as such, is still higher (by 540mm) than the elevations shown in those plans.

The proposed revised height of Plot A continues to give greater bulk and mass on the plot and will have an unacceptable impact on the neighbouring properties, especially Scribblers and Hollington Corner. We understand that the owner of Scribblers has sought specialist advice regarding the siting of Plot A, with particular attention being paid to the problems caused by overshadowing associated with height. We are not familiar with the detail of that advice, but we understand a suggestion has been made that the problem with overshadowing could be resolved by moving the proposed house on Plot A 6m (rather than 2.5m), so that it would then be positioned 13m from the NE boundary. This seems sensible, especially because it would also safeguard the amenities of adjacent residential dwellings in accordance with the Village Design Statement and our emerging Neighbourhood Plan.

In this regard, the Village Design Statement says:

046: “New dwellings should be of a size appropriate to their plot and the character of the surrounding area. A visual separation between individual properties, where this contributes to the character of the locality, should be maintained”.

047: “Development should take into account the visual impact in relation to the size, height and positioning of the plot and neighbouring buildings”.

In addition, the emerging East Woodhay Neighbourhood Plan references this issue and the Planning Officer’s attention is drawn to Policy 10.54, which states that development proposals on residential garden land will be supported provided that:

10.54 (a) “They maintain the prevailing character and appearance of buildings in their immediate locality” and

10.54 (c) “They safeguard the amenities of adjacent residential dwellings and their curtilages”.

Taking all of the above into account, the problems caused by the proposed height of the building on Plot A could possibly be resolved by reducing the height to the level originally approved, and/or moving the proposed building further away from Scribblers.

ii. **Dark Skies within this AONB**

In previous correspondence we have referred to the lighting implications of this development and continue to refer the applicant to the AONB guidance set out in the 2021 publication “Dark Skies of the North Wessex Downs – A Guide to Good External Lighting”.

The emerging East Woodhay Neighbourhood Plan (EWNP) also refers to this in Policies 7.27, 7.28 and 7.29. We trust that all lighting plans will take account of this guidance and note that this will apparently form part of a subsequent submission or application.

The change in design to Plot B raises further issues regarding lighting – not just about the treatment of outside lighting, as referenced above, but also now about significant light spill from the additional glass proposed in the revised design. The plans previously submitted, and now amended again, did cause concern regarding the amount of light that might spill into the dark skies. With two facades now spilling light, it is imperative that this issue should be considered further. In particular, we note the southwest elevation and the revised south east elevation would have substantial glass panels which will cause light spill into the dark skies. We are not aware of any plans to mitigate this problem at present (e.g. use of “smart glass” to prevent such light spill), and would refer the Planning Officer in this context specifically to Page 24 of the AONB Lighting Guide:

“For example, an appeal by planning applicants in the Chilterns AONB, South Oxfordshire, was dismissed due to the amount of glazing facing an adjacent woodland. In the appeal decision, the inspector wrote: “In the absence of mitigation, such opening would give rise to significant light pollution. In this regard, the National Planning Policy Framework states that decisions should limit the impact of light

pollution from artificial light on intrinsically dark landscapes and nature conservation.”

The large glass panels proposed on (now) two elevations raises the issue of light spillage into a particularly dark area, towards a SINC, and will have unnecessary impact on wildlife in the area.

Comparing the revised design for Plot B with the original design which has obtained planning permission, the change is significant and seems to us to be out of keeping with the area.

If these designs are to be approved, we suggest imposing a condition that the use of special (or “smart”) glass be applied in order to reduce the impact of light spill on the area.

iii. **Permitted Development Rights**

The Planning Officer’s report of 7th December 2021 included the following paragraph (page 8): *“The proposed dwellings would be set back from Hollington Lane situated within two distinct plots and would be of a similar size to existing properties within the area. While the proposal would extend residential development further into the countryside it is considered given the Permission in Principle (19/02660/PIP – allowed at appeal – reference: APP/H1705/W/20/3247113) in place the proposal would overall be acceptable. To ensure that the site would not become overdeveloped, however, a condition will be imposed to remove Permitted Development to avoid an overdevelopment of the plots.”*

We note that this was not included as a condition in the outstanding offer letter and would respectfully request that it is included in any further revised offer letters, for the sake of clarity.

7. 22/02192/FUL - Heolor, Woolton Hill Road, Ball Hill. Erection of a detached garage within amenity area.

Object - it represents overdevelopment of the site.

The Committee would also point out that the Planning Officer's Report on the successful application to develop this land stated that there should be a condition removing permitted development rights. It is understood that this recommendation has not been acted upon and the Committee would respectfully request that this apparent oversight is remedied as soon as possible.

8. 22/02585/ROC - Heolor, Woolton Hill Road, Ball Hill. Variation of conditions 1, 7 and 10 of 21/03120/FUL to allow for the addition of a rooflight.

No comments or objections.

9. 14 Falcon House Gardens, Woolton Hill. Various parishioners have complained about the height and spread of what appear to be pergola type structures in the back garden of this property very near the boundary wall (backing onto Douglas Ride).

Decide whether the matter should be referred to B&D as to investigate if planning permission should have been sought for the structures being erected in the garden.

To refer the matter to the Enforcement Team for them to make a decision whether to investigate or not.

10. Items for next Agenda:

22/02632/HSE - Newbury Lodge, Tile Barn, Woolton Hill, RG20 9UZ. Erection of single storey rear extension and alterations.

Comment by 13th October.

11. Date of next meeting: 6 p.m. Monday, 10th October, Woolton Hill Church Hall.