

Application Number	19/01736/AS
Location	Land west of, New Cut Road, Chilham, Kent
Grid Reference	06044/54893
Parish Council	Chilham
Ward	Downs North Ward
Application Description	New Winery and Visitor Centre for Domaine Evremond Winery including vehicular access
Applicant	Mr P McGrath, C/O Agent
Agent	Mr C Noel, Strutt and Parker, 201 High Street, Lewes, East Sussex, BN7 2NR
Site Area	1.61 ha

Initial plans consultation

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|------------------|-------|--|
| (a) 9/3S, 4R, 3+ | (b) S | (c) KHS/X, KCC LLFA/+, EA/X, SWS/X, KCC PROW/X, BHS/+, AONB/R, ABC ED/S, ABC Tourism/S, CTRG/S, KCC Bio/+, KAS/X |
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Amended plans consultation

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| (a) 9/- | (b) S | (c) KCC LLFA/X, AONB/R, KCC Bio/X |
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Introduction

1. This application is reported to the Planning Committee because it is a major application by virtue of its size and floor area.

Site and Surroundings

2. The site is within the North Downs Area of Outstanding Natural Beauty (AONB) approximately 1.6km to the north of the village of Chilham and approximately 1km to the west of Old Wives Lees. The wider landholding where vines are either currently or proposed to be planted, covers some

91ha. The wider site also includes a number of agricultural buildings to the north at Stone Stile Farm.

3. To the east of the site, running north-south through the valley leading from Chilham in the south to Selling to the north is New Cut Road. To both the east and west of this road the landscape rises to ridges with agricultural production, both arable and horticultural including fruit trees on the western rising slope.
4. The site itself is split into two distinct components, the western field is currently laid out to fruit trees and the eastern field which falls away gently to the valley floor and New Cut Road, is arable. The landscape is characterised by shelterbelts which are predominately alder. The underlying geology is chalk. The agricultural classification of the land is grade 3 (moderate/good quality).
5. The landscape more generally is characterised as being within Landscape Character Area 8 of the Kent Downs AONB, which is known as the Mid Kent Downs. This has the following characteristics:
 - Series of wide ridges and steep sided dry valleys
 - Extensive woodland coppice woodlands and large expanses of conifer woodland
 - Original ancient woodland
 - Larger arable fields on the plateaux
 - Hedgerow trees (prominent in parts)
 - Orchards and shelterbelts in places
 - Tiny, scattered villages linked by narrow lanes
 - Hop gardens and parkland
6. Several public rights of way (PROWs) provide views of the site on approach from the north and from the opposite side of the valley to the east and a bridleway (AE9) crosses the site in a north-south direction following the edge of one of the shelterbelts of alder and joins into the wider PROW network within the area. PROW (AE5) runs adjacent to an unnamed road north of the site. The site is most visible from the public bridleway within the site and from the public footpath AE5. Views are also available from Grove Lane to the north of Old Wives Lees and some public access land on its eastern side.
7. The trees within the site are largely confined to field boundary shelterbelts and fruit trees in the western field nearing the plateau of the western valley side. The site rises more gently on the western side of the valley from New Cut Road on the valley floor, with a gradient of approximately 1 in 22.

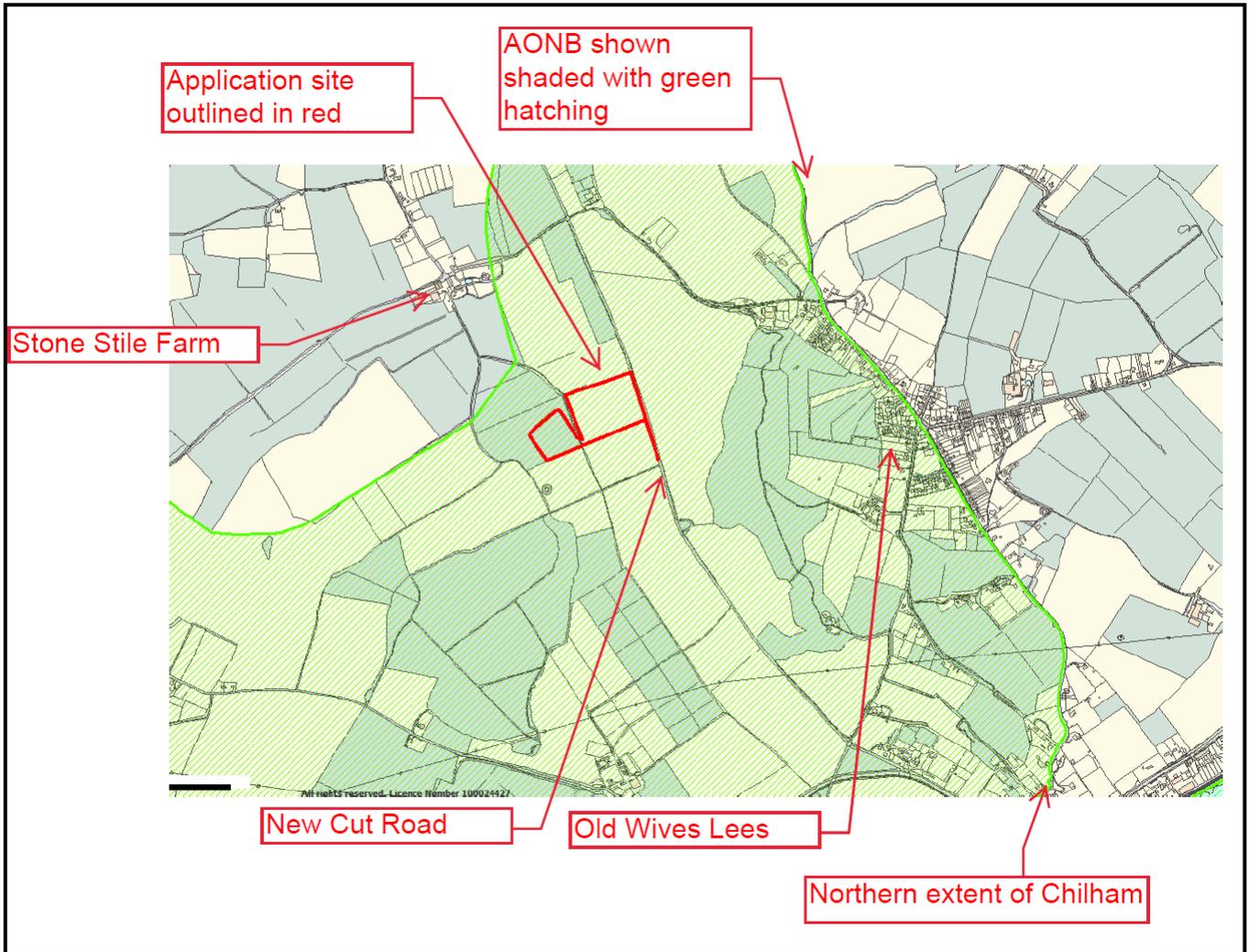


Figure 1 - Site Location Plan

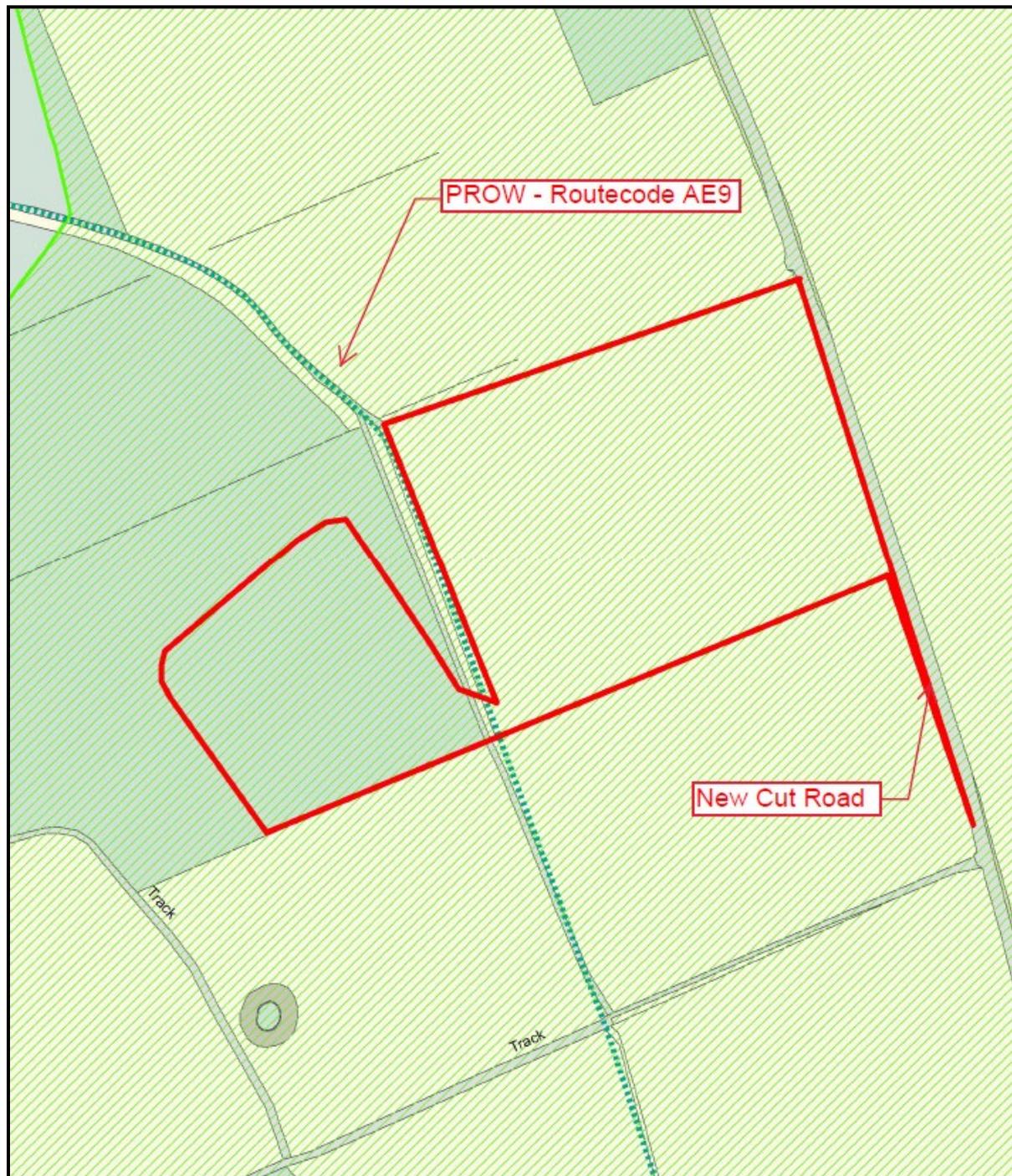


Figure 2 - Site location plan showing PROW AE9



Figure 3 Example of existing Shelterbelts which characterise the site and provide protection for crops and horticultural produce

Proposal

8. Full planning permission is sought for the erection of a winery building with ancillary visitor centre which would be set back from New Cut Road and be served by a new vehicular access and private access road which would necessitate the removal of approximately 250m of the existing road side hedgerow and its replanting to provide the necessary visibility splays. This would be located to the west of New Cut Road. The building would be cut into the rising valley side and be split across two main floors with a mezzanine level. The building would be 42m by 33m with a total footprint of 1390m². The height of the building would be 4.75m above ground level with two thirds of the building located below ground. The resultant spoil from the excavation would be re-distributed onto the lower part of the two fields outlined in the site and surroundings section above. Figure 4 and 5 below show the extent of the site layout together with the proposed landscaping.
9. There would be a total of 32 vehicle parking spaces provided on site. The delivery yard would be 1100m² and located to the north of the building.
10. The application is made on behalf of Domaine Evremond, a partnership between the champagne producer Tattinger and UK based partners, Hatch Mansfield. This project would follow from the success of Domaine Carneros in California. The recent success of English sparkling wines in Kent has resulted from the excellent growing conditions and similar soils to the Champagne region of France.
11. The Winery will process fruit grown on the site into English Sparkling Wine with bottling, aging and disgorging processes taking place. Packaging and labelling will take place for dispatch with a small integrated visitor centre

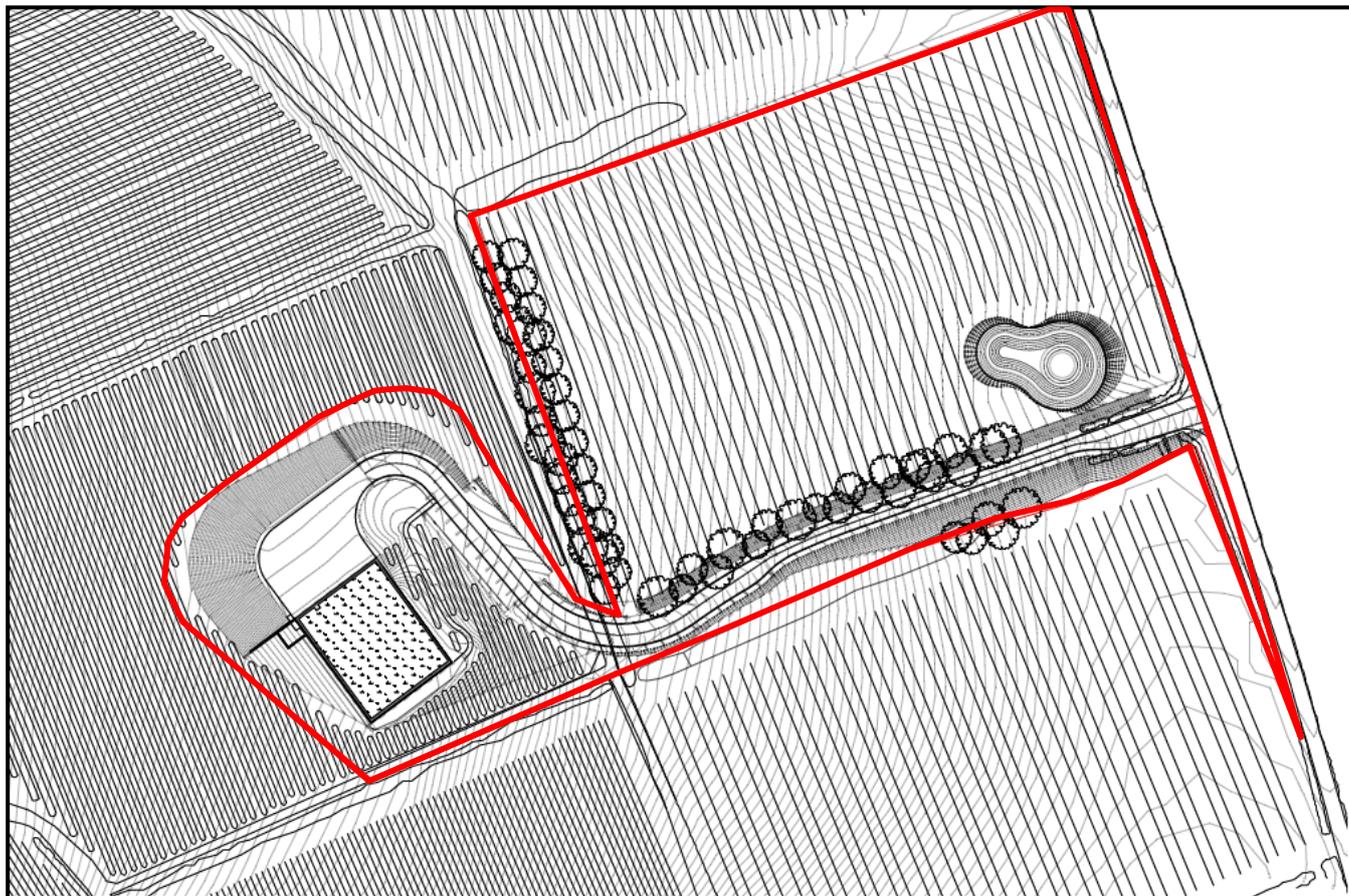


Figure 4 - Site Layout Plan



Figure 6 - CGI of building from Bridleway



Figure 7 - CGI of building from north - delivery yard and car park



Figure 8 - CGI of building on approach

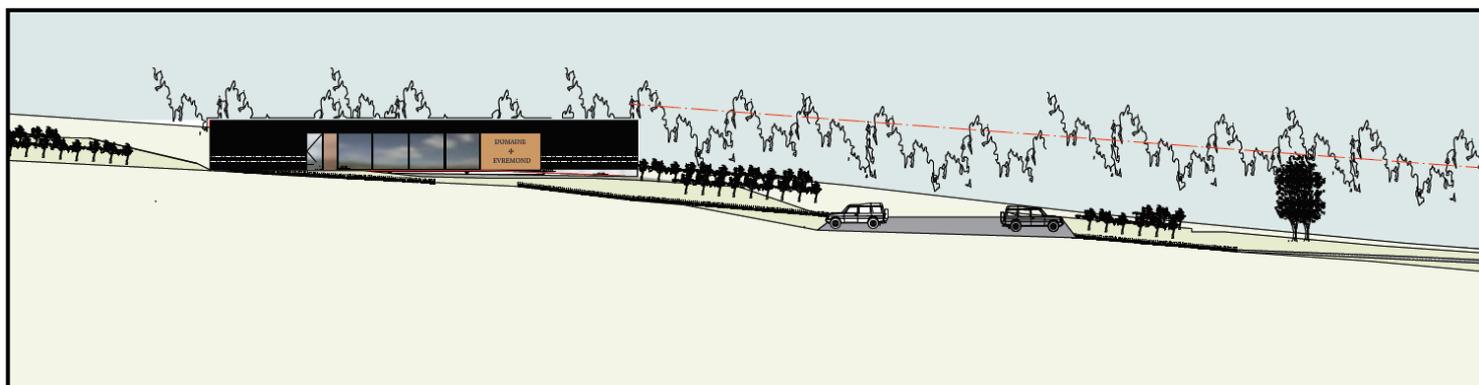


Figure 9 - Elevation – South including car park and landscaping

12. The basement of the building would be used for stock and the floor above ground would incorporate the visitors centre with views across the vineyards which are on the eastern side of the valley.
13. The location of the building is of paramount importance, which for practical reasons is required to be located in close proximity to the vineyard, requiring the grape pressing process to take place as soon as possible after harvest to minimise oxidation and potential damage. The location of the vineyard has been specially selected due to the soil conditions being similar to that of the Champagne region in France. The appearance of the building in terms of scale and dimensions is dictated by the functional requirements and in that gravity plays an essential part in the process of wine making which could not be achieved in a more conventional location such where a largely subterranean could not be accommodated. There are certain size and layout requirements dictated by the scale of production required. This has resulted in a significant subterranean element.

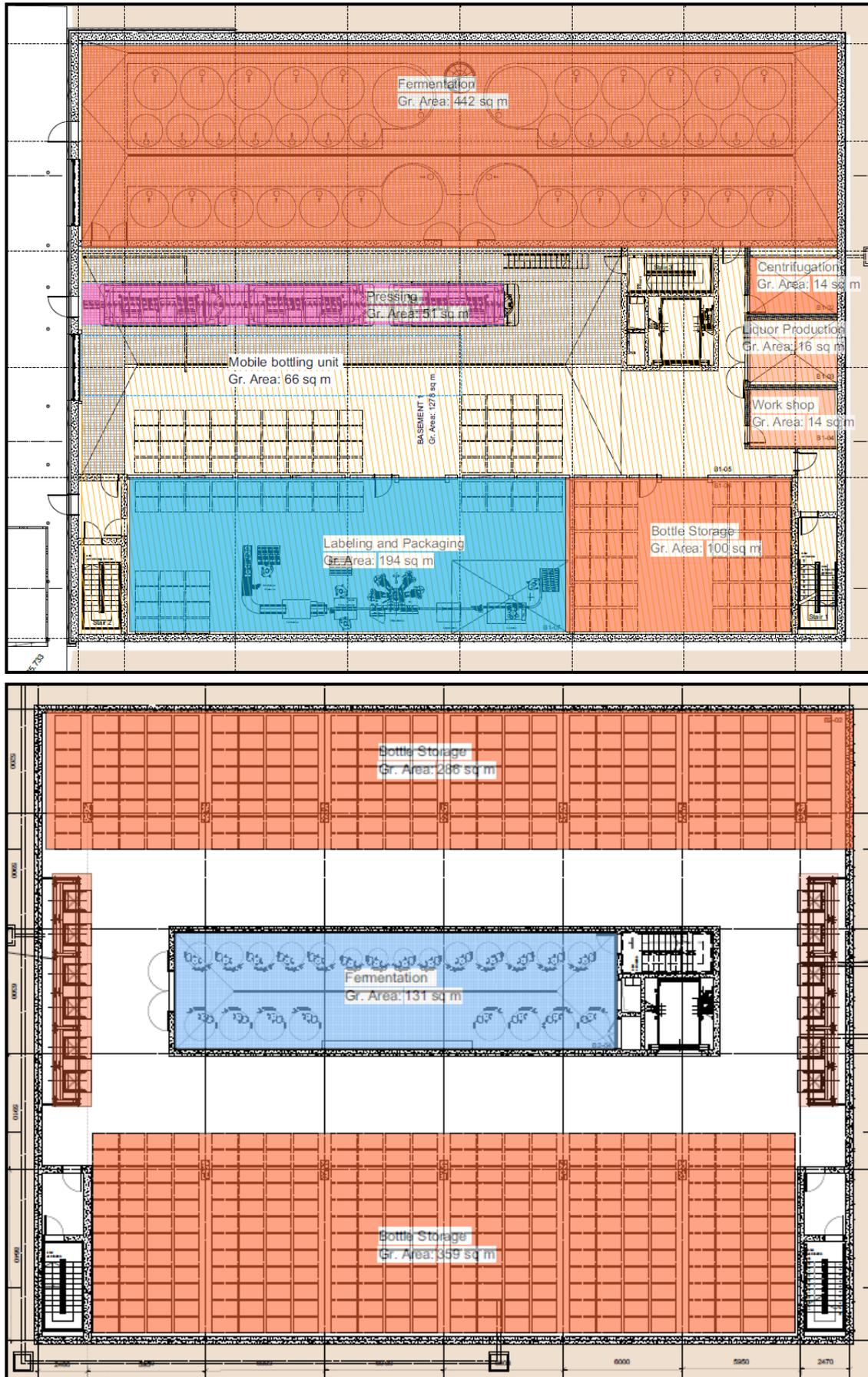


Figure 10 - Basement Floor Plans

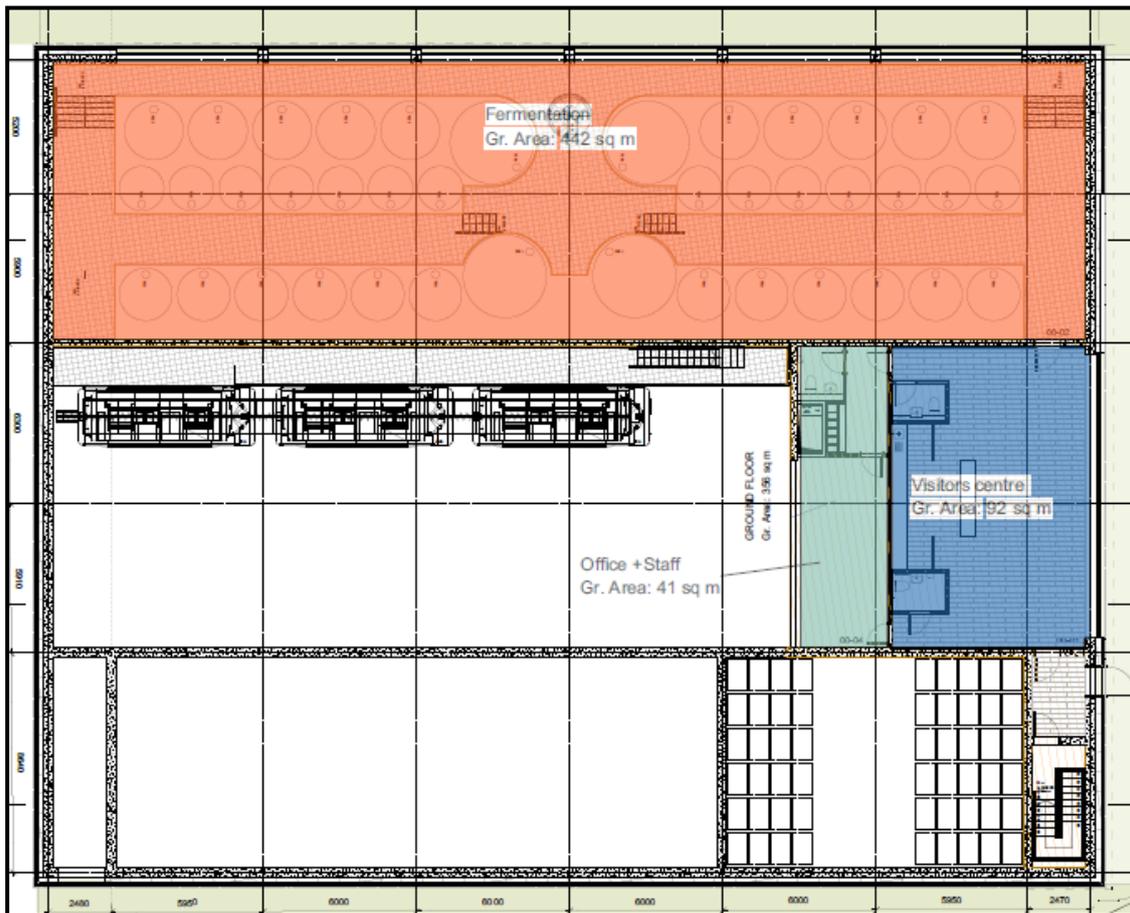


Figure 11 - Ground Floor Plan



Figure 12 Proposed composition of brick for the facade of the building

Following discussions between the applicant and the Kent Downs AONB Unit, amendments have been made to the appearance of the building. Originally it was proposed that the roof of the building would be sedum, this has now been amended to a chalk grassland roof. The facing material of the building would be a hit-miss chalk brick which has been developed and specially selected to compliment the underlying chalk geology. The colour of the brick has since been amended to reduce the prominent of white and soften this through the introduction of a blended combination of 3 different bricks (Figure 12).

14. The application is accompanied by supporting documents, the following of which are summarised in turn below:

- Planning Statement & Design and Access Statement
- Viticulture Statement
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Preliminary Ecological Appraisal & Ecological Mitigation and Enhancement Plan
- Flood Risk Assessment
- Drainage Strategy
- Lighting Strategy
- Transport Statement
- Travel Plan
- Construction Management Plan
- Heritage Appraisal & Heritage Desk-Based Assessment
- Utilities Infrastructure Statement
- Sustainability Report
- Geotechnical Report

Planning and Design & Access Statements

15. The proposed building would be a 1390sqm winemaking facility with a small ancillary visitor centre. It would be located 1.5km north of Chilham and 1km west of Old Wives Lees within the North Downs AONB. The site is rural with arable and horticultural and grassland uses. The wider site covers 224 acre (91 hectares). The application site is partly used for apple orchards separated by shelterbelts or alder trees approximately 5-7m high. Site topography rises from east to west (approx. 30m).

16. The site was selected following a search which began in in 2014 and in May 2017, 50 acres of Chardonnay, Pinot Noir and Pinot Meunier grape varieties were planted. The first harvest has already taken place and the first release of Domaine Evremond English Sparkling wine could be in 2023.

17. It is essential in the wine making process for the grape pressing process to take place as soon as possible after harvest and therefore wine making facilities are generally located on the site or in close proximity to vineyards. Domaine Evremond intends to produce the very best English Sparkling Wine of a world-renowned quality, and as such, the location of the building is paramount to the project's success.

18. The primary purpose of the building is for wine production. The design of the building has been carefully considered given its location. The proposed brick façade would reflect the surrounding chalk down lands on which the building

sits. The specific size and layout is dictated by the production method. There would be a small ancillary visitor centre by appointment only.

19. The proposal has been subject to pre-application advice and a wide range of consultants. The LPA confirmed not EIA development. Pre-application advice from KCC Highways and Transportation did not raise issues but sets out key points for consideration. Local Stakeholders and the Kent Downs AONB Unit contacted prior to submission. It is considered the development would comply with the relevant policies in the Local Plan and guidance within the NPPF.

Viticulture Statement

20. The statement sets out the justification behind the location of the Winery on this site which has been specially selected for vines to be planted due to the underlying geology and climate. Several acquisitions have been made of land close to the site which will be capable of producing 400,000 bottles a year. The building is located in the centre of this wider estate which is the logical location reduces the impact on the fruit harvested to ensure a high quality product.
21. The subterranean design is unique in comparison to other often industrial buildings for such production found elsewhere in the UK. As a result, less energy is required because it is easier to control temperature, reducing the carbon footprint of the production process. Wine can be produced through a gentle gravity feed rather than pumping which would be the case on an industrial estate where gravity cannot be used.
22. The location of the building close to the vines on the same site would reduce traffic impact on wider road network as processing takes place on site in close proximity to the vines. The grapes can be pressed more quickly if the processing occurs on site. There would also be a boost to tourism in the area, which would not be possible if the processing took place elsewhere, away from the vines, which is a unique feature of the visitors centre and which would benefit the rural economy.

Landscape and Visual Impact Assessment

23. Key issues are the view of the site from near and wider public vantage points, the impact on the designated landscape and how this will be mitigated in accordance with Local Plan and NPPF. The site is within LCA 8 of the Kent Downs AONB – Mid Kent Downs with the following characteristics:
 - Series of wide ridges and steep sided dry valleys
 - Extensive woodland coppice woodlands and large expanses of conifer woodland
 - Original ancient woodland

- Larger arable fields on the plateaux
- Hedgerow trees (prominent in parts)
- Orchards and shelterbelts in places
- Tiny, scattered villages linked by narrow lanes
- Hop gardens and parkland

The key character objectives in LCA 8 including:

- Manage and restore hedgerows, trees and woodlands, especially in valleys
 - Conserve small scale of the roads and village and the remote quality of the countryside
 - Maintain the existing diversity of orchards, hop gardens and control urban fringe pressures
24. The site is a rectangular parcel of arable land to the east and an irregular shaped parcel of land used for the horticultural growing fruit to the west. Alder shelterbelt separates the two fields and is 7m in height (figure 3). Southern boundary is defined by alder shelterbelt (6-9m in height). Eastern boundary is defined by an alder hedgerow which separates the site from New Cut Road with a short break in north eastern corner to provide access into the field. Northern and western boundaries of the western parcel are undefined on the ground with alder shelterbelts defining boundaries of the wider field to the north and west. Visibility is from near distance from the east, including opposite valley side and public rights of way. Long distance panoramic views are possible from highpoints within wider landscape, the site's southern boundary shelterbelt can be seen although the rest of the site is screened from view. The site's field boundaries provide a good level of containment, particularly surrounding the site's western field. The site is assessed as being of Very High landscape quality and sensitivity. There is limited public access along the short section of PROW which runs through the site.
25. The suitability of the site to accommodate development is mitigated through the design of the building which is two thirds sunken into the ground and the green chalk roof which will sit below the shelterbelt to the south. Parking is located the east and service yard to the north of the building. This will be softened through the retention of existing vegetation and with replacement native instant hedgerow planting. This will include:
- Proposed new shelterbelt planting to extend the existing shelterbelt.
 - New hedgerow along perimeter of the car park.
 - Infill native tree planting to gap-up breaks.
 - New orchard planting between the building and parking area to filter views from the east.
 - Mitigating losses around the site access through new planting.
26. Visibility of the site are generally limited other than for near vicinity. This is outlined in turn below:

- **North** – PROW AE9 crosses the site, with views filtered by the new orchard, hedgerow and further northwards, by the shelterbelt. The shelterbelt will screen the site from wider public vantage points along the PROW network within the vicinity.
 - **South** – PROW AE9 continues south looking north towards the existing shelterbelt, screening the site building. Near distance views will be possible during winter months with infill tree planting to reduce these glimpsed views as it matures. The site will not be visible from middle distance views from highpoints along AE22 with the retained southern boundary shelterbelt screening views. Also screened from long distance views from PROW AE54 by the retained southern boundary shelterbelt.
 - **East** – views from New Cut Road will remain predominately screened by replacement instant hedgerow along the eastern site boundary. Views from existing field accesses of the hay meadow and access road will be increasingly filtered by new shelterbelt planting as it matures.
 - **West** – not visible from short sections of the PROWs on and around The Mount (to the north of Shottenden) where views eastwards are currently possible, with intervening vegetation screening views.
27. AONB is recognised as a landscape of the highest quality under the NPPF paragraph 172. The development would result in loss of a relatively small land area currently used for fruit trees. The proposed building is inherently linked to the surrounding fruit growing fields. The retention of the shelterbelts will provide containment and would be characteristic of the local landscape and the Kent Downs AONB. Retention of the existing PROW alignment with new planting would mitigate visual impact and filter views. There will be an incremental change to the wider landscape of the Kent Downs AONB. Views from the eastern side of the valley will be partial, beyond New Cut Road, although where elevated views are possible, they will be of the building's green roof and upper part of the eastern façade. As planting becomes more established and mature, it will further filter views and screen the site, helping to integrate the proposals into the landscape.

Arboricultural Impact Assessment

- Beyond the boundary is Ancient Woodland (250m to the south)
- 1 tree, 1 group of trees and 6 hedgerows were recorded on site in accordance with the recommendations of BS:5837
- Tree is a roadside Yew Tree outside of the application site and is categorised as an 'A' quality tree.
- The commercial orchard is significant but of limited ecological quality or visual importance and this is a young crop of trees which are small and not visible outside of the site and is 'C' category and is to be removed.
- Some of the Alder hedgerow and shelterbelt will be removed to facilitate the access to the site.

- Impacts on retained trees would be protected during construction.
- Service installation these would enter/egress the site along the proposed access road and not impact on any trees.
Ground level changes would be to the east field and construction of the access road will require amendments to ground levels, none would be within close or within the RPAs of retained trees.

Preliminary Ecological Appraisal & Ecological Mitigation and Enhancement Plan

Protected & Notable Species

- No record of Great Crested Newts within 2km of site.
- All four widespread species of reptiles recorded within 2km of site.
- Hazel dormouse recorded in nearby woods the closest being 200m to the north-east and 800m from the site.
- No records of Badgers required.
- Nine species of bats within 5km.
- Good diversity of bird species within 2km of site.
- Records of hedgehog and brown hare within 2km of site.

Phase 1 Habitat Survey

Bats

- No buildings within red line, the hedgerow trees lack suitable features for bat roosts due to their age.
- No evidence how bats foraging/commuting cross/use the site but potential for overlap with site. Use of insecticides at other Kent apple orchards provide evidence bats do not use them.
- Linkage to ancient woodland from hedge network gives moderate suitability for bat foraging
- Opportunity for enhancements on new building and mature trees for bat boxes
- Artificial light can remove foraging and commuting areas with recommendations to mitigate.

Badgers

- Evidence of setts on the site.
- Mitigation includes avoiding work within 20m of sett locations.

Great Crested Newts

- Largely unsuitable habitat for reptiles.
- Internal boundary treatments likely to support reptiles. Lack of open water reduces probability of presence of grass snake, but slow-worm and common lizard are likely to occur and adder, which is recorded nearby.
- Reptile mitigation strategy will likely be required by condition.

Dormouse

- Dormouse suitable habitat outside of red line but within wider area.
- Additional hedgerow can be planted to provide enhancement.

Birds

- Priority bird habitat exists on site
- Surveys were too late in the season to detect evidence of breeding and too early for assessment of winter use of the site
- 22 species using the site
- Enhancement to the arable farmland through a suitably worded condition

Effect on habitats

- Hedgerows, lowland mixed deciduous woodland and lowland calcareous grassland can be mitigated to meet ENV1.

Flood Risk Assessment

- Upper layer of Clay and Silt with a bedrock of Seaford Chalk formation and the site is underlain by a principle aquifer
- Site is in Floodzone 1 and the development would be appropriate for the floodzone. Flood compensation would not be required.
- Foul water will be discharged to a package treatment plant.
- Surface water will discharge to a gravity drainage system through infiltration.
- The infiltration basin could act as a balancing pond dependent on geotechnical infiltration testing.
- Development is not precluded on flood risk grounds.

Drainage Strategy

- Site falls 1 in 22 across the area of proposed development (on average).
- Site is within Outer Protection Groundwater Zone II.
- No existing foul or surface water sewers within close proximity to the development.
- Foul will be via a package treatment plant
- Surface water will be via green roof and a SUDs pond with details of maintenance and management outlined.

Lighting Strategy

- The building is approx. 250m from the highway, is submerged with external lighting to illuminate the building including walkways, roadways and car park.
- The proposed lighting is designed in accordance with policy ENV4 and Dark Skies SPD.
- The site is rural and artificial light spill needs to be minimised
- The access road is not to be lit

- Car park lighting and service yard to be during normal working hours and controlled by time clock between 07:00-22:00 only.
- Internal lighting overspill will be limited through hit and miss brick work

Transport Statement

- New Cut Road is capable of accommodating larger vehicles and the site access would accommodate a 16.5m vehicle.
- Over the past 5 years up until 20/06/2018 no accidents along the site frontage have occurred.
- 32 car parking spaces are proposed on site for staff and visitors
- Day to day maintenance requires 3 staff, this will be higher during peak season.
- Stock would be bottled once a year and stored to mature for 3 years.
- Stock will be shipped in full loads to a distribution warehouse every 2 to 3 months and consolidated with delivery of other wines
- The visitor centre is low key and accommodating wine experts.
- Vehicle movements would be low with a worst case scenario result in 32 vehicles travelling to/from the site and would not result in a significant impact on the road network.
- Pre-application advice has been provided by KCC Highways who raise no objection.

Travel Plan

- Produced to help visitors and staff to the site to become more informed to minimise adverse impacts.
- Aim is to engage and encourage users of the site to use more sustainable modes of travel to/from the site.
- Measures will include incentives to change behaviour positively and disincentives to continue any non-sustainable travel behaviour.
- Travel Plan to reduce single vehicle occupancy visits and Welcome Pack for staff would be provided.
- Seasonal workers would have organised transport or encouraged to car share.

Construction Management Plan

- Construction phase to take 44 weeks and fit out 24 weeks.
- Construction vehicles would enter and exit the site using New Cut Road, joining the A252 with choice to travel either east or west along the A28
- Swept path confirms no issues for vehicles accessing and egressing the site
- Construction between 08.00-17.00
- No hoarding is proposed given the distance from the highway

- Waste management will be coordinated by a designed person and collected by licenced carrier
- Soil excavated will be dispersed across the site
- Wheel cleaning will be provided on site
- Debris on site will be damped down with hoses to reduce dust
- Liaison will be carried out with local interested parties
- No materials will be stored on the highway with an area for storage provided on site

Heritage Appraisal & Heritage Desk-Based Assessment

- The proposed building is located on the supposed site of a medieval manor, Shillingford Manor
- Earthworks were recorded here in the early 20th Century but much of these have been levelled later that century.
- Surviving below ground remains are likely to be of a significance commensurate to a non-designed heritage asset.
- Heritage Assets identified include Grade II Little Stone Stile Cottage (600m to north), Three Beeches (850m north west) and Grove Cottages (950m north east)
- Non-designated assets include Shillinghold Manor
- Archaeological remains can be recorded if found.
- The current use of the site would preclude standard archaeological evaluation techniques unless the landowner was willing to remove the existing crop.
- It is not considered that the construction of the winery building would not adversely impact on any designated heritage assets.

Utilities Infrastructure Statement

- There is no water supply to the site
- Supply will be below ground
- Cold water storage and booster tank will reduce pressure at peak times on local supply
- There is no gas connection but this is not required.
- Electricity and telecommunications will be required with the former provided underground and broadband provided via a wireless broadband provider and therefore no groundworks would be required.

Sustainability Report

- Building is designed to reduce energy consumption through high levels of insulation and air permeability to reduce heat loss.
- Building is buried into the ground to enhance the ability to maintain a constant internal environment.
- Green roof would result in ecological enhancements.

- High efficiency lighting, pumps, fans and other plant with controls to ensure they operate when required.
- Low and zero carbon technologies were not found to be feasible given the location in the AONB.
- Heating and hot water would be from ground source heat pumps.

Geotechnical Report on Ground Investigation

- Development will be cut into the existing rising topography
- Site is underlain by Seaford Chalk Formation.
- Features due to acid rain and groundwater result from dissolution.
- Surface Water disposal further investigation and permission from the Environment Agency could be required before concluding the locations of soakaway chambers (also see Drainage Strategy)
- Soil samples concluded that the underlying groundwater condition was likely to be classified as static
- No contamination reported

Planning History

19/00005/EIA/AS – EIA Screening Opinion - Proposed development of a winery building to be located on land previously used for a fruit farm – Environmental Impact Assessment not required – decided 18/06/2019

Consultations

Ward Member: Cllr Dehnel has not made any comment on the application

Chilham Parish Council: support but have some reservations regarding the external appearance in the AONB setting which may not be sufficiently sympathetic.

Amended plans: no further comments have been received in response to the amended external facing materials.

KCC Highways and Transportation: raise no objection with the following comments:

- The level of vehicle movements do not raise concerns.
- Existing HGV and agricultural vehicles are associated with the site and other sites on New Cut Road and do not cause concern.
- Visibility splays are supported by a speed survey and are acceptable.
- Parking provision is adequate and service yard acceptable.

- Conditions requested for visibility splays, bound surface, construction management plan and vehicle parking spaces.

KCC Flooding & Drainage: initial comments received regarding the use of boreholes on the site for infiltration of surface water from the development and the depth of groundwater to ascertain if there would be any interaction between the two.

Upon receipt of amended plans KCC have commented that testing of the ground conditions would be required prior to the commencement of the development. Upon further comments from the applicant, KCC agree that this would not be possible as it would prevent ground works commencing to enable the additional information required by condition being provided. Having re-worded the condition, KCC raise no objection.

Environment Agency: no objection subject to conditions relating to groundwater and contamination given the scale of the development

Southern Water: general comment received regarding the disposal of sewage and consultation with the EA and SUDs to be considered by the relevant technical consultee.

KCC PROW: no objection subject to condition regarding the visibility for users of PROW AE9 which crosses the proposed access road.

British Horse Society: general comment received regarding the impact of the development upon the PROW AE9 and sightlines similar to those received from KCC PROW.

Kent Downs AONB Unit: initial comments raised objection making the following points:

- Designated landscape protected by paragraph 172 of the NPPF, great weight should be given to conserving and enhancing their landscape and scenic beauty.
- Policy ENV3b requires AONBs to be conserved and for development to conform to the relevant AONB Management Plan.
- AONB Management Plan is a material consideration in planning decisions.
- Outlines the relevant policies in the Management Plan
- Site is isolated, away from existing built form
- The valley is unspoilt and typical of the local landscape character.
- Elements of the building above ground would have the potential for adverse impacts on the AONB.
- Careful consideration will need to be given as to whether the development is a Major development for the purposes of consideration against paragraph 172 of the NPPF.
- The landscape and visual impacts are not adequately addressed at present.
[DMM comment: an LVIA was submitted shortly after and further comment provided by the AONB Unit, see below]

- The D&A statement contends that there are 'minimal views of the site across the valley, however, the majority of views are largely restricted by the rising landform and dense intervening field boundary vegetation'
- Failure to consider impact of views from Grove Lane
- Vegetation would not screen or filter views of the development
- If the principle of the building is accepted in this location the design should be more in keeping with the sensitive landscape
- The proposed facing brick would make it very apparent within the landscape due to its white colour
- Use of chalk coloured brick is not characteristic of the location as there is no exposed chalk in this location.
- Unfinished timber, flint, soft red brickwork would be recessive and appropriate.
- Concern over the use of a sedum roof as this is not characteristic of the location and can take on a red hue when dry which would contrast with the natural colours of the landscape.
- Introduction of lighting is concerning including of the access road which is not in accordance with the AONB Management Plan and the currently unlit skies in the locality.
- Re-grading of the field adjacent to New Cut Road with the spoil from the excavated materials is unclear and further information is requested.

Further comments submitted following the receipt of additional information including the LVIA and discussions between the applicant and the AONB Unit:

- Welcome the provision of the LVIA [**DMM comment:** omitted in error at time of submission]
- Site is visible from near distance views from east, including opposite side of valley.
- The Grove Lane and the Access Land is not included despite the higher topography of this land results in view of the application being readily apparent.
- Grove Lane is publicly accessible [continuation of route code AE3].
- There are few visual detractors due to the isolated nature of the site from built form.
- The new access will be visible from the majority of PROW AE5 to the east of New Cut Road.
- The LVIA concludes there would be a moderate-adverse effect to the landscape character whilst landscaping establishes and this would reduce to moderate-slight adverse by Year 15.
- We do not agree with the conclusion this would reduce at Year 15.
- A large scale building would not be in keeping with the settlement pattern and there would be a moderate adverse effect in both year 1 and 15.
- The site access and building would be visible from PROW AE5 along its upper route.
- The users of the footpath would have their attention altered to focus on the building and from the Open Access Land on Grove Lane. This would result in a significant impact.

- A more muted facing material would help mitigate the visual intrusion and integrate the building into its surroundings.

Amended plans: objection raised making the following points:

- Welcome the changes to the roof from sedum to green grass
- Amendments to the brick have not altered original concerns as the appearance would remain a pale colour facing material
- The proposed material would be unacceptable in sensitive isolated rural location within nationally designated landscape
- Additional planting will not fully obscure the building from view due to the rising topography
- Do not concur with view of LVIA that the magnitude of change to views from Grove Lane would be slight

ABC Economic Development: support comment received making the following points:

- Viticulture is an important part of the UK and Ashford economy and is a growing industry nationally.
- Ashford Borough has 18 listed vineyards, highlighting this importance.
- Only 4 of these offer wine tasting events or public tours.
- 4 of the 7 Visit Kent "Wine Garden of England" are located in Ashford Borough.
- Evremond is a member of this cluster of wine producers and has a globally recognised brand and is key to the supporting of the local economy and tourism offer.
- The proposed development would support 30FTE jobs
- It is considered the development would comply with EMP5 of the Local Plan with processing of the grapes on site, reducing vehicle movements between the vineyard and its processing unit.
- It is unviable to provide FTTP given the location.
- Support tourism in accordance with EMP11, making Ashford a destination for visitors to the Borough.

ABC Tourism Manager: support comment received making the following points:

- Support comments made by ABC Economic Development
- Importance of tourism and in particular wine tourism
- Tourism is worth £293million in 2017 to Ashford Borough.
- 4.4million trips (day and staying) with day trip spend contributing £141million and overnight stays £41million to the local economy.
- 4,271 FTE jobs supported and represent 10% of all employment in the Borough in 2017.
- The new Winery would help to support an increase in day visits and importantly extended overnight stays.

- Wine tourists tend to be higher spenders and visit more than one vineyard and/or historic property/garden, eating out and purchasing directly from the vineyard.
- Could support the 'Cheers' wine trail to promote the Borough's growing vineyard and brewery offer.
- The development would support tourism and the rural economy in a sensitive way to the natural environment and respects the heritage of the surrounding area.

Chilham Tourism and Retail Group: support the development subject to agreement from ABC with the following points raised:

- Rural village struggle to survive in current economic climate
- Local businesses need visitors including public houses, tea shops, holiday lets, village stores, hotels and B&B accommodation.
- The proposed development will draw much needed additional interest in the area and increase tourism.
- Employment is the largest source of employment in the Parish.

KCC Biodiversity: general comment received requesting additional information in relation to ecological enhancements and lighting. Note that the required surveys have all been completed. Details regarding Badgers is required to be provided as this is redacted.

Following the receipt of amended plans: KCC Biodiversity advise that the ecological enhancements have been clarified but details regarding external lighting needs further information and amendment. The additional information confirms no harm to badgers subject to condition. Conditions will be confirmed upon receipt of additional information.

Further clarification was provided in respect of lighting: KCC Biodiversity advise the following: The light spill within the majority of the site will be less than 1lux and it is only the areas adjacent to the car park/hardstanding which will be higher than this. Therefore satisfied, subject to condition no harm to bats. A condition is recommended if there is a delay to the commencement of works, confirmation there is no need for an updated Ecological Mitigation Plan should be submitted to the LPA.

KCC Heritage: no objection subject to a condition for an archaeological field investigation given that the site lies within an area of multi-period activity including Romano-British and Medieval settlement. Whilst the site may have been disturbed by horticultural activity, some below ground earthworks and cultural material may survive.

Neighbours: 9 notified; 3 letters of support received raising the following comments:

- Strongly support the principle which will bring employment and economic development to Chilham and encourage tourism.

- This is the third vineyard in close proximity to Chilham and Chilham's Future Delivery Board believes this creates a synergy which will particularly help the area.
- Resident of Old Wives Lees who uses PROW AE9 which crosses the site, I strongly support the proposed development.
- The Domaine Evremonde Estate lies next to our land at Hawkins Rough and I support the scheme.
- The proposed development would build on agricultural land

4 objection comments received raising the following comments:

- Note the strong objection from the AONB Unit.
- The development is addressed as a major development but is not considered for the purposes of the EIA screening opinion to be a major development **[DMM comment: the development proposed exceeds 1000sqm of floor space (GIA) and is classified as a major application and as such is advertised as such in line with the statutory classification and requirements. However, as noted under paragraph 172 of the NPPF (and footnote 55), the Council do not consider the development constitutes major development as defined by the NPPF].**
- Impact upon the AONB in light of paragraph 172 of the NPPF
- There is public benefit to address the test of paragraph 172
- The development has not been advertised as a departure from the development plan as it is not allocated in the Local Plan **[DMM comment: the development is being considered against policy EMP5 of the Local Plan so whilst the development is not allocated, there is no requirement for it to be advertised as such]**
- No assessment of the removal of hedgerow
- No consideration of the mitigation proposal in relation to lighting
- Tourism will result in spectacle buses parked in this exceptional landscape
- The access road will alter the field pattern
- Earth-moving will fundamentally alter the valued landscape
- Other more suitable sites within the applicant's ownership could be used instead.
- Details regarding archaeology have not been provided and securing by condition is inadequate.
- Loss of the hedge which is historic is unacceptable as it has been in place since Napoleonic times.
- The CGI and photographs provided do not clearly show the site.
- Insufficient information is provided regarding the lighting and compliance with the Dark Skies SPD.
- Chilham Castle is within the vicinity **[DMM comment: the separation distance and nature of the development means the development would not be considered to be within the setting of any designated heritage assets and therefore the application has not been advertised as such and it not considered in the report which follows]**
- The LVIA was submitted after the AONB Unit commented on the application **[DMM comment: this has now been submitted and further rounds of**

consultation have been carried out with all parties to enable this to be taken into account]

- The decision would not be legal for the following reasons:
 - Major application but stated in the EIA that it is not major **[DMM comment: see above previous comment in respect of this]**
 - LVIA submitted later **[DMM comment: this was omitted in error but has now been considered]**
 - Lack of EIA following confirmation under 19/0005/EIA that one was not required.
- The EIA is required where there are positive effects as well as more usually concerns about negative impact. **[DMM comment: it is only necessary to identify significant harmful effects]**
- Alternative sites such as Stone stile Farm and others should be reviewed and relative environmental impacts compared
- The Council should take into account changes to circumstances and the EIA should be kept under review.
- SCI refers to the meeting of Chilham Parish Council but this resulted in a split in the vote **[DMM comment: this is for the Parish Council to reflect in their formal comments which are reflected above]**
- No consultation with neighbouring authorities given their proximity.
- Use of alternative materials such as red cedar cladding
- CCTV could be explored instead of external lighting
- Height of the building
- Noise
- Size of the building
- Volume of traffic
- Loss of a view **[DMM comment: not a material planning consideration]**
- Introduction of vines has changed the landscape **[DMM comment: these do not require the benefit of planning permission as they are agricultural]**

3 general comments raising the following comments:

- Concern over the location of the winery in accordance with the NPPF
- Distance of the building from other structures
- Site is very open and will catch the eye of passing walkers or motorists.
- Lack of 'visual soul' to the building.
- This would be a blot on the landscape.
- The building could be relocated elsewhere on the applicant's land holding which would be less incongruous.
- The road on Stone Stile Road could accommodate such a building close to the existing buildings and utilise the road which is similar to that of New Cut Road.
- Excessive amount of external lighting reducing the ability to maintain the village's dark night skies.
- Unable to gauge the number of commercial vehicles which would service the site.
- Concerns about the access to the M2 at Brenley Corner via Selling and Neames Forstal to the north of the site.
- Broadly support of the principle

Amended plans:

1 support letter received adding to the original representations received on the initial plans raising the following comments:

- As the immediate neighbour I have reviewed the amended plans and they answer all the original comments made (see above).
- The proposed development would result in a massive investment in local agricultural environment and bring much needed employment both direct and indirect to Chilham Parish.
- Increase in tourism.

Planning Policy

28. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
29. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
30. The relevant policies from the Local Plan relating to this application are as follows:-
 - SP1 - Strategic objectives
 - SP3 - Strategic approach to economic development
 - SP6 - Promoting high quality design
 - EMP1 - New employment uses
 - EMP5 - New employment premises in the countryside
 - EMP6 – Promotion of Fibre to the Premises (FTTP)
 - EMP11 – Tourism
 - TRA3b - Parking standards for non-residential development

TRA7 -The road network and development

ENV1 - Biodiversity

ENV3b – Landscape Character and Design in the AONBs

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV6 - Flooding

ENV9 - Sustainable drainage

ENV11 - Sustainable Design and Construction - Non-residential

ENV15 - Archaeology

31. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD

Landscape Character Assessment SPD

Dark Skies SPD

Other

Kent Downs AONB Management Plan 2014-19

Chilham Village Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2019

32. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

33. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - 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 and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and;
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
34. Paragraph 83 outlines the need for planning policies to consider the sustainable growth and expansion of all types of business in rural areas through the provision of well-designed new buildings and the development of agricultural and other land-based rural businesses. It also seeks to promote sustainable rural tourism and leisure developments which respect the character of the countryside.
35. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around

developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

36. Footnote 53 to paragraph 170 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
37. Paragraph 172 outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
38. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest.

Assessment

39. The main issues for consideration are:
- Principle of the development
 - Visual Amenity and Impact on the designated landscape
 - Residential Amenity
 - Highway Safety
 - Ecology
 - Surface Water Drainage & Flood Risk

- Other issues

Principle of the Development

40. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
41. The Local Plan sets out the importance of jobs and economic development. Providing a range of employment in the Borough is important in supporting a growing population and attracting inward investment to respond to the needs of business, which is outlined under policy SP3. This states that job growth and economic prosperity will be supported in order to enable the achievement of a sustainable economy. This includes promoting rural employment opportunities in sustainable locations in accordance with [as relevant in this instance] policy EMP5 – New Employment Premises in the Countryside.
42. In accordance with policy EMP5, new employment premises in the country will only be permitted if there are circumstances where there is a functional need for the development to be located in the countryside, such as the processing of local agricultural products.
43. In seeking to avoid inappropriate development in open countryside, Policy EMP5 sets out that proposals will not be permitted unless the following criteria can be met:
 - a) It is essential to be located in the countryside;
 - b) Development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;
 - c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.
44. The application site is in open countryside but in close proximity to the built confines of Chilham to the south (approximately 1.6km). However, the landscape is characterised by only sporadic dwellings and farmsteads, served

by New Cut Road and more narrow rural lanes. Whilst not within easy walking distance of Chilham, the need to be located in the countryside has to be taken into account.

45. As set out in the site and surroundings and the proposal section of this report, the wider site is the location for existing newly planted vines and future vines. The principle use of the building would be for the production of English sparkling wine in close proximity to the vines for the production of the wine. The applicant has set out in their supporting evidence, the justification for the location of the building.
46. These include the quality of the wine, which would be enhanced by the location of the building in such close proximity to the vines as it would prevent damage to the grapes through oxidation. There would also be a significant reduction in the number of vehicle movements on the wider road network. The subterranean design of the building would also be beneficial to reduce the energy consumption in terms of the production and storage of the wine produced, which could not be achieved elsewhere.
47. The proposal would generate employment on site but also support the wider rural economy through supply chain and tourism related employment. Whilst visitors would be able to sample and view the site from the ancillary visitors centre, the principle function of the building would be wine production and storage, with this ancillary function only forming a small element of the proposed development. Visitors would be by appointment only and the number of visitors would be limited given the scale of the visitor facilities proposed. The intention is to provide views across the valley from the visitor centre, if the building were to be located elsewhere, this would prevent such views and the quality of the visitor experience would be significantly reduced. . Notwithstanding, it would provide a valuable boost to the local tourism industry through linked visits to the historic village of Chilham and the other attractions in the wider area which would benefit the rural economy.
48. It is noted that the agricultural classification of the land to which the application relates is grade 3, which is moderate/good quality. The footprint of the building and associated delivery yard and car parking, significantly reduce the development of the land which would otherwise prevent its use for agricultural production. Therefore, whilst the NPPF (footnote 53 to paragraph 170) requires significant development to be directed away from the more versatile agricultural land to areas of poorer quality, I consider there is no conflict between the proposal and the NPPF given the scale of the development and the quality of the land being grade 3 which is only deemed to be moderate.
49. Given the above, it is considered that such development would be wholly justified in the countryside and therefore would comply with criteria a) of policy

EMP5. However, the development would have to comply with the remaining criteria set out under the policy, which are addressed in the relevant sections of the report which follow and all other relevant Local Plan policy and other material considerations.

Visual Amenity and Impact on the designated landscape

50. The application is accompanied by a Landscape Visual Impact Assessment (LVIA) given the sensitive nature of the landscape which is designated as the North Downs Area of Outstanding Natural Beauty. This sets out the key policy considerations, the context of the site and the impact of the proposed development on the designated landscape.
51. Policy ENV3b outlines that where new development in the AONB is being considered, then the Council shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.
52. Whilst the development is located within the AONB, as outlined in the principle section of this report, the development would be justified. The development proposed, would exceed 1000sqm of floor space (GIA). As a result, it is classified as a major application and as such is advertised in line with the statutory requirements. However, as noted under paragraph 172 of the NPPF (and footnote 55). This states that, for the purposes of paragraph 172, whether a proposal is 'major development' or not is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. I do not consider the development constitutes major development as defined by the NPPF. Therefore for the purposes of the policy ENV3b, the development does not constitute major development in NPPF terms, and there is no requirement to demonstrate exceptional circumstances in the public interest to permit the development. It would be necessary to consider the impact on the designated landscape and ensure its character is conserved and enhanced by the development.
53. Turning first to the wider landscape, the site is located in a valley which runs from Chilham towards the scattered settlements of Selling, Gushmere and Oversland to the north. The site is within the Mid Kent Downs landscape character area (LCA8), as defined by the Kent Downs AONB Management Plan (2014-19). This sets out the following characteristics of the landscape in LCA8 as:
 - Series of wide ridges and steep sided dry valleys
 - Extensive woodland coppice woodlands and large expanses of conifer woodland

- Original ancient woodland
- Larger arable fields on the plateaux
- Hedgerow trees (prominent in parts)
- Orchards and shelterbelts in places
- Tiny, scattered villages linked by narrow lanes
- Hop gardens and parkland

In this location the objective, as set out in the Management Plan is as follows:

- Manage and restore hedgerows, trees and woodlands, especially in valleys
- Conserve small scale of the roads and village and the remote quality of the countryside
- Maintain the existing diversity of orchards, hop gardens and control urban fringe pressures

54. The wider site is characterised by its use for fruit growing (west field) and arable farming (east field) within a dry valley, at the base of which runs New Cut Road. There is an alder shelterbelt which is approximately 7m in height which separates these two fields. Along the eastern boundary with New Cut Road is an alder hedge, to the south another alder shelterbelt (approximately 6-9m in height) and to the north and west alder shelterbelts and arable fields. The eastern side of the valley towards Old Wives Lees rises more steeply than the valley side where the application site is located.
55. The site is visible from near distance from the east, including the opposite valley side, PROWs within the wider area, including AE5, New Forest Lane and Grove Lane on the eastern side of the valley towards Old Wives Lees, although these views are restricted to a large extent by roadside vegetation and hedgerow. Views are available from Grove Lane but are partly obscured by existing trees within the public access land and from the lane itself (Figure 13 & 14) and to the north of the site agricultural buildings associated with 'Fruit2u' at Selling, which is also within the Kent Downs AONB with associated polytunnels and associated building (Figure 13 & 14) are also highly visible within the landscape from Grove Lane. The views of the proposed development would be limited being longer distance with the proposed landscaping and green roof mitigating the visual impact. The height of the building, given its subterranean design, would result in 4.75m being above ground level. Overall, the site does benefit from good containment due to the shelterbelt boundaries noted above within the immediate context.

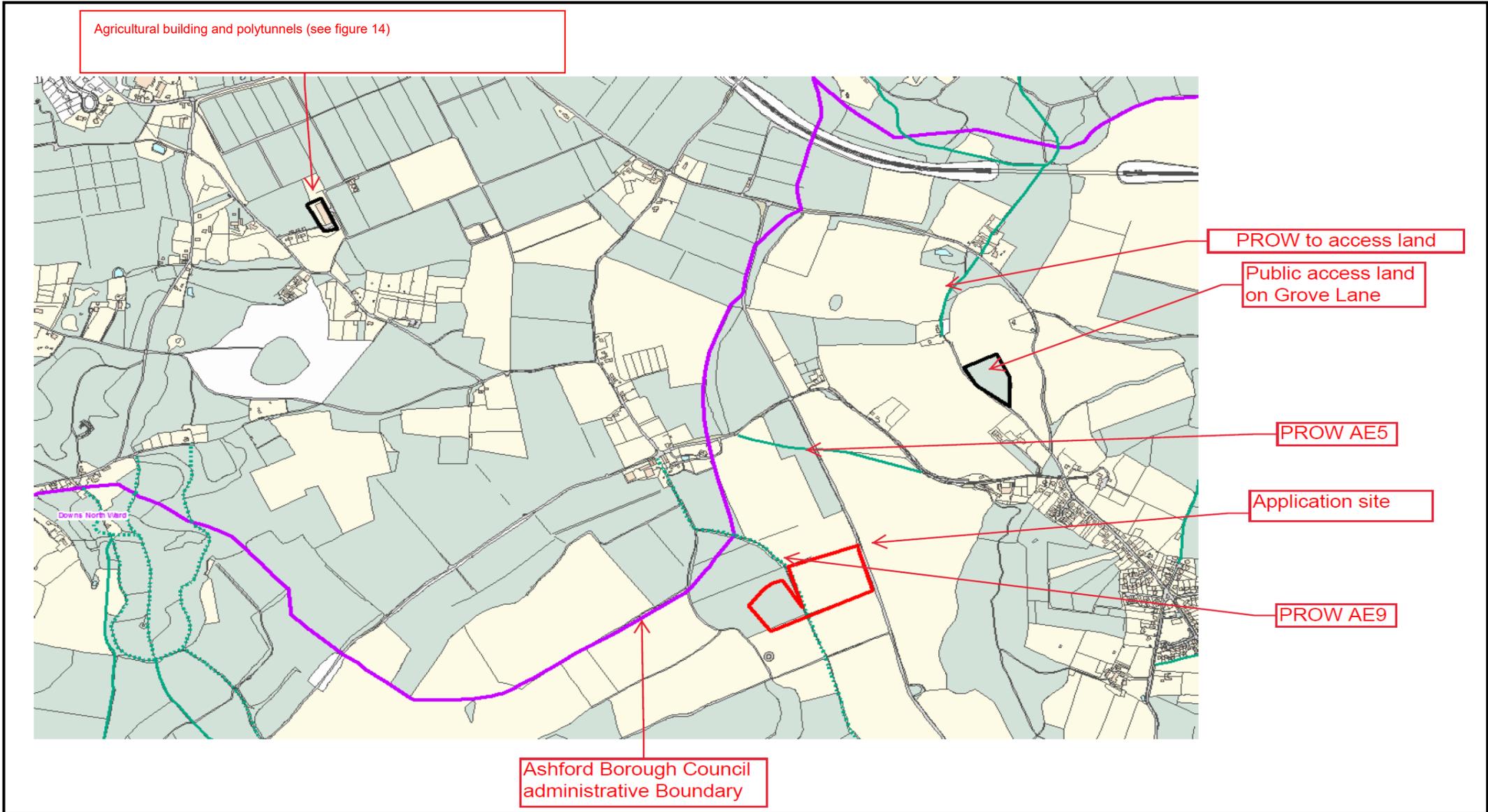


Figure 13 - Site Location Plan - wider context including view points and PROWs

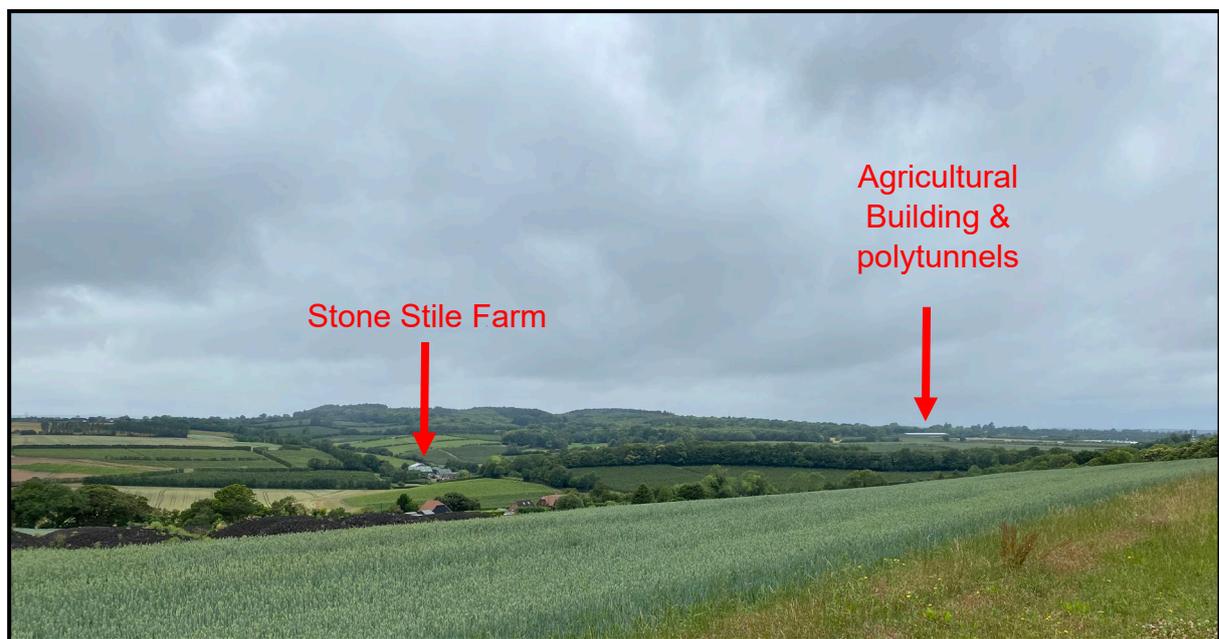


Figure 14 - Photo looking from Grove Lane south towards the site (top) and North towards Selling (bottom)

56. The Kent Downs AONB Landscape Design Handbook provides guidance in respect of development within the AONB which are referred to in the proposal section under the LVIA summary. These documents and objectives contained within, are material considerations in the determination of this application.

57. The proposed development would include the removal of part of the existing eastern boundary alder hedgerow to facilitate a vehicular access and the necessary visibility splays. An access road would lead from the access to the building located on the valley side where an associated car park and service yard, which would serve the Winery, would be located. The resultant spoil from the cutting of the proposed winery building into the valley side would necessitate its redistribution across the existing eastern arable field and the creation of a SUDs pond and hay meadow (also see the ecology section of the report). It has to be noted that the shelterbelts are to be retained other than a small section in the central part of the site, to necessitate the provision of the access road to serve the Winery. Where existing hedgerow is to be removed to facilitate the development, this is to be replaced and existing vegetation will be reinforced. Following the submission of amended plans, additional native species are proposed which would be in keeping with the objectives of the AONB Management Plan and comply with ENV3b.
58. The existing fruit trees on the site of the building are to be removed but these are considered to be of low visual quality and could be removed in any event without the need for planning permission. The planting of vines, similarly, does not require planning permission. Therefore, whilst the vines and winery building would result in a loss of an orchard, it does not benefit from any designation or statutory protection and could be removed in any event in favour of alternative horticultural or agricultural use.
59. Whilst initial concerns were raised with the application by the Kent Downs AONB Unit and Officers regarding the choice of the facing material for the façade of the building, amended details and further justification for this has been provided. The originally proposed bespoke designed white chalk brick was chosen as it was considered it would reflect the underlying chalk geology of the site. However, it was considered this would be too stark due to its white colour and whilst respecting the underlying geology, would have been more intrusive within the landscape. Alternatives were suggested by the Kent Downs AONB Unit and Officers and a more muted palette of facing brick has now been chosen (see figure 12).
60. The resultant appearance of the building, together with the additional native landscaping would be more muted and sit more comfortably within the landscape. The use of landscaping around the building and its largely subterranean nature would significantly reduce its visual impact with it standing 4.75m above ground level once complete. The revisions to the roof of the building result in a more characteristic chalk grassland roof rather than the previously proposed sedum, which would have had a potential increased impact on the designated landscape. This would be in keeping with the natural landscape of chalk grassland, had it not been cultivated for agriculture/horticultural production.

61. Whilst the AONB Unit have welcomed the introduction of the green roof outlined above and the additional landscaping proposed, which they consider to be suitable and characteristic of the landscape, they have maintained their objection to the proposed facing material of brick in its revised form. Their concern is that this would not reflect the character of the wider area as there are no examples of exposed chalk within the valley. They also have concerns that the LVIA assesses the impact of the development upon the designated landscape as slight when views will be afforded of the site, especially during the winter months due to the deciduous nature of the shelterbelt and additional landscaping.
62. The LVIA concludes that the development will introduce a new building which is not entirely in keeping with the scale and pattern of development within the local area. However the conclusion of the report is that the level of harm would reduce from moderate adverse to slight over a 15 year period as landscaping becomes established and matures. It should also be noted that the proposed building is for a premium product and it is expected that the landscaping and surroundings, in line with the management plan provided, would result in a long-term landscape strategy for the site. This would result in a well planted and in the long term, well-established landscaping scheme which would likely be maintained in perpetuity, especially given there is an ancillary visitor centre.
63. The changes to the facing material of the building would be more muted than initially proposed and this would mitigate the visual intrusion of the Winery into this highly sensitive location and help it to integrate into its surroundings. Whilst the development is a Sui Generis use, it has also been demonstrated, as outlined in the principle section of this report, that there is a justified need for such a facility in this location. Other options for siting the building within close proximity to the site had been explored at pre-application stage and there were no other suitable sites for such a building of the scale with the design requirements to enable it to serve its function and in close proximity to the vines. It is also noted that in the wider landscape to the north, close to Selling is an agricultural building which is less recessive in the landscape with a reflective roof which is visually intrusive (figures 13 and 14). This is visible from long distance views from the public access land on Grove Lane to the north east of the site. The proposed development would sit lower in the landscape, be more recessive and the green roof and landscaping would significantly mitigate the visual impact on the designated landscape.
64. The landscaping and amended facing materials, as acknowledged by the AONB Unit, can be used to help mitigate visual and adverse landscape impact. Whilst they disagree with the conclusions reached by the applicant, their views are acknowledged and on balance, it is considered that the landscape and visual impact would be suitably mitigated for the reasons outlined above.

65. In light of the above, it is considered that whilst there is an objection, the level of longitudinal harm would be slight and be acceptable and be reduced over time. The proposed development would comply with criteria b) of EMP5.

Residential Amenity

66. The nearest residential dwellings are located approximately 420m from the site to the north which is opposite the cluster of existing agricultural buildings serving the wider agricultural holding (Stone Stile Farm – figure 13). Given the nature of the operation proposed on site and the subterranean nature of the building, limited lighting and vehicle comings and goings due to the proximity of the vines to the Winery, I do not consider that the proposed use would give rise to harm to the amenity of neighbouring residents and therefore comply with criteria c) of EMP5.

Highway Safety

67. The proposed development would necessitate the provision of a new vehicular access to serve the site. This would require the removal of some of the existing hedgerow to enable the access and suitable visibility splays.
68. Development which results in a highway impact is required to comply with policy TRA7 of the Local Plan. This states that development will not be permitted if the development is not well related to the primary and secondary road network, would result in a clear risk of road traffic accidents, would generate traffic which cannot be reasonably accommodated on the local road network and/or would result in a severe cumulative residual highway safety impact.
69. New Cut Road provides good visibility in both directions and the visibility splays required for the access can be provided. New Cut Road is capable of accommodating the level of traffic movements generated by the development and is well linked into the primary and secondary road network. Traffic movements to and from the site have been considered by the applicant and would be limited given the nature of the development.
70. The proposed development does not fall under a specific use class and is therefore considered to have a Sui Generis use. Local Plan policy TRA3b states that such uses should provide a level of parking proportionate to its activity, and be agreed with the Local Highway authority and the Council. The proposed parking would include 32 spaces is considered to be of sufficient provision to not result in harm to highway safety.
71. Given the above, it is considered that the level of traffic generated by the development would be classed as low, suitable visibility would be provided for

vehicles, there is sufficient on-site parking and therefore, no harm to highway safety and would therefore comply with criteria d) of EMP5.

Ecology

72. The preliminary ecological survey covers a wider area than the redline boundary of the application site. The findings of the survey are outlined in the proposal section of the report to avoid repetition.
73. The proposed development is required to ensure there is a net gain in terms of biodiversity and no harm to protected or notable species and their favourable conservation status. The site is rich in terms of potential habitat including the field margins, which are to be retained and reinforced and could be utilised for commuting by wildlife.
74. The proposed development would have a minimal impact on site boundaries and a lighting strategy has been submitted with the application to prevent harm to bats. This can be controlled by condition to ensure that there is no excessive light spill detrimental to bats beyond that which is proposed.
75. A range of ecological enhancements are proposed as part of the development including new landscaping. Following revisions to the planting schedule, these are now more diverse, native and characteristic of the Kent Downs AONB. This will reinforce existing landscaping and provide new roosting opportunities for birds and bats. A hay meadow is also proposed between the building, New Cut Road and north of the proposed access road. This will be created following the redistribution of soil excavated to facilitate the subterranean Winery and replace the existing arable field. Turtle dove feeding strips, a meadow with wild bird seed mix and a SUDs pond would be features of the meadow field created. It was confirmed whilst this is stated as a hay meadow, it will not be in agricultural production and will be suitably managed, which can be secured by condition. Finally the roof of the building has been amended from a sedum roof to a green chalk grassland roof, which would be more in keeping with the wider landscape and characteristic of the habitat within the North Downs.
76. KCC Biodiversity advise that if there is a delay in the commencement of works on site, updated information regarding protected and notable species may be required and this can be secured by way of condition. It is considered that the development would comply with policy ENV1 and criteria b) of EMP5, as it would not result in harm to the favourable conservation status of protected and notable species.

Surface Water Drainage & Flood Risk

77. Given the size of the site, a Flood Risk Assessment has been provided. The site lies outside of Floodzones 2 and 3 and therefore is at low risk of flooding and would therefore comply with ENV6. However, the development must ensure that surface water run-off from the site mimics the current greenfield run-off in accordance with Local Plan policy ENV9. The development would employ a range of techniques to ensure compliance with ENV9, including a chalk grassland roof and a SUDs pond as outlined in the ecology section.
78. It has been confirmed that the green roof and the drainage yard will operate on separate drainage networks and combine with suitable measures to improve water quality. The SUDs pond will be permanently wetted and offer ecological benefits. It is potentially necessary to include ground infiltration should this need arise. Given that the site is underlain by chalk, confirmation was required by KCC as the Lead Local Flood Authority as to the ground conditions and whether such infiltration could be supported. The additional supporting documentation provided demonstrates that this is possible in this location without detriment to the underlying geology and this can be secured by condition.
79. KCC have confirmed that subject to condition including the maintenance of the SUDs features, they raise no objection. Given the above, it is considered the development would not result in flood risk elsewhere given that surface water run-off from the development can be suitably managed on site in compliance with Local Plan policies ENV6 and ENV9.

Other issues

80. Public bridleway (route code AE9) crosses over the access road to the Winery close to the building and car park. This could result in potential for conflict between vehicle movements to and from the site and the users of the PROW. KCC PROW have commented on the application, as have the British Horse Society. Both raise no objection and request a condition for suitable sight lines for users of the footpath to avoid conflict with the proposed use. This would overcome any potential for harm and has been included as a condition if permission is granted.
81. Amendments to the level of lighting on the site has also been achieved through negotiation with the applicant and this would be controlled by condition which would limit the impact of light pollution in line with ENV4 and the Council's Dark Skies SPD. The external lighting has been reduced to only that which is necessary, timers and sensors will ensure that lighting is controlled and the site is not illuminating the wider area contrary to policy ENV4 and the Council's Dark Skies SPD.

82. The site is within a location where there is the potential for archaeology. KCC Heritage have responded to the application and whilst noting the potential for groundworks and cultural artefacts on the site, these could have already been disturbed by the horticultural activity already taking place. Subject to condition, the impact on any potential remains can be suitably recorded and would not result in harm to any potential heritage assets below ground in compliance with ENV15.
83. The building is subject to compliance with Local Plan policy ENV11 with regards to sustainability against BREEAM. A design stage assessment has demonstrated that an overall 'Very Good' standard and water consumption would be in compliance with ENV11. This can be secured by way of condition.

Human Rights Issues

84. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

85. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

86. The proposed development would, in principle, against guiding policies in the Local Plan SP1 and SP3, and policy EMP5, be acceptable as it is justified to be located in the countryside on the basis of the viticulture statement supporting the application. One of the key reasons for locating the Winery here is that it would minimise oxidation and potential damaging of the fruit when harvested as it can be processed close to the vines rather than having to be transported elsewhere where delays could arise. The visual impact of the development would have a slight adverse impact.
87. Whilst there would be a slight adverse visual impact, this would lessen over time. The proposed building would be predominately subterranean with only 4.75m of the building situated above ground level. The building is required to be sited in this location by virtue of the vines already planted and proposed to

be planted to allow for the production of wine. The subterranean design of the building enables it to more naturally cool and also benefit from gravity given the depth of the building below ground level, in turn reducing energy demand which would ordinarily be required had the building be sited in a more conventional location. These design features reduce the impact on the carbon footprint generated through the production process and the distance of the vines from the Winery, also reduce the travel time for the harvested fruit.

88. These design features, following the receipt of amended plans in respect of the facing material, green roof and external lighting, would mitigate the visual impact of the Winery. There would be a longitudinal reduction in this impact as landscaping becomes established and the design of the visual prominence of the building reduces over time.
89. Furthermore, there would be a benefit to the rural economy through the employment of local people both in the production and maintenance of the English sparkling wine and the related ancillary visitor centre. There would be benefits to tourism in the wider area through linked visits to the other Vineyards in the Borough and more widely across Kent. Overnight stays in Chilham and the Borough, as well as linked visits to other tourist attractions would significantly boost the rural economy.
90. The visual impact of the Winery would be weighed against these benefits and considered together with the mitigation measures outlined. .
91. The proposed development would result in no harm to biodiversity due to the proposed mitigation measures during the construction phase and thereafter.
92. The development would not give rise to harm to residential amenity or highway safety. Sufficient information has been provided, subject to condition with regards surface water, external lighting, disposal of foul water, BREEAM credentials and archaeology.
93. In light of the above, it is considered the proposed development would comply with the Development Plan as a whole and other material considerations and it is therefore recommended that planning permission should be granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the

planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

1. Standard time condition
2. Materials
3. Design details
4. Parking spaces
5. Construction Management Plan
6. Access and Visibility splays
7. Bound surface for access
8. Access gates
9. Means of enclosure
10. PD rights removal – walls and fencing
11. Hard landscaping
12. Protection of Trees and hedgerow
13. Landscaping
14. Biodiversity enhancement management plan
15. Ecological Mitigation and Enhancement Plan
16. Lighting
17. SUDs – no infiltration
18. SUDs scheme
19. Foul disposal
20. Unexpected contamination condition
21. Sight lines for PROW
22. Archaeology
23. BREEAM – Sustainability
24. Restriction of use - Sui Generis Use applied for only
25. In accordance with the approved plans
26. Available for Inspection

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Ecological
3. Highways
4. Environment Agency
5. PROW

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01736/AS)

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