

LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Monday 3 September 2018
Time: 10.00 am
Venue: Town Hall, High Street, Maidstone

Membership: Councillors Garten, Joy and McLoughlin

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Application to vary a premises under the Licensing Act 2003 for Hush Heath Winery, Hush Heath Estate, Five Oak Lane, Staplehurst, Tonbridge, Kent , TN12 0HX 1 - 75

Issued on Thursday 23 August 2018

Alison Broom

Alison Broom, Chief Executive

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference 18/02446/LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 19 AUGUST 2018

Report Title: HUSH HEATH WINERY, HUSH HEATH ESTATE, FIVE OAK LANE,
STAPLEHURST, TONBRIDGE, KENT , TN12 0HX

Application for: A premises licence to be varied under the
Licensing Act 2003

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Mr Richard Balfour-Lynn
 2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003. (Appendix A)
 3. Licensable Activities and hours:

		Current Hours		Hours: New Application	
E)	Live Music (Indoors & Outdoors)	-	-	Mon - Sun	10:00-24:00
F)	Recorded Music (Indoors & Outdoors)	-	-	Mon - Sun	10:00-24:00
L)	Late Night Refreshment (Indoors & Outdoors)	-	-	Mon - Sun	23:00-24:00
M)	Supply of alcohol (On & Off the premises)	Mon-Sun	10:00-24:00	Mon-Sun	10:00-24:00
O)	Opening Hours	Mon- Sat Sun	11:00 - 15:00 12:00 - 15:00	Mon - Sun	10:00-24:00

The variation also includes a substantial extension to the business and new plans have been submitted as part of the variation application for the premises to show the new building.

Affected Wards:	Staplehurst
Recommendations:	The Committee is asked to determine the application and decide whether to vary the premises licence.
Policy Overview:	The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.
Financial Implications:	Costs associated with processing the application are taken from licensing fee income.
Other Material Implications:	<p>HUMAN RIGHTS: In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p> <p>LEGAL: Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p>
Background Papers:	<p>Licensing Act 2003</p> <p>DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended</p> <p>Maidstone Borough Council Statement of Licensing Policy</p>
Contacts:	Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602528

Agenda Item No. 1

Report Title: Hush Heath Winery, Hush Heath Estate, Five Oak Lane, Staplehurst, Tonbridge, Kent , TN12 0HX

Application to: Vary a premises licence under the Licensing Act 2003.

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003,(Appendix A), made by Mr Richard Balfour-Lynn for Hush Heath Winery, Hush Heath Estate, Five Oak Lane, Staplehurst, Tonbridge, Kent , TN12 0HX in respect of which 6 responses have been received from other persons (Appendices C).

Issue to be Decided

Members are asked to determine whether to :

Grant the application as applied for,or

Grant the application and modify conditions of the licence, or

Reject all or part of the application

Background

1. The relevant sections are Part 3 S13 and 34 – 36 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
3. There were no representations received from responsible authorities.
4. 6 responses were received from other persons.
5. The table below illustrates the relevant responses which have been received

Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
Objections			
Kim and Sally Humphrey	Public Nuisance	E-mail	C
Mr Paul and Doreen Stanley	Public Nuisance	E-mail	C
Andrea Hodgkiss	Public Nuisance	E-mail	C

Natasha Wyeth	Public Nuisance Public Safety		
Amanda Tipples and Bernard Tipples	Public Nuisance	E-mail	C
Ann and Frank Tipples	Public Nuisance	E-mail	C

There appear to be concerns that the requested hours will contribute to noise nuisance at unsociable hours. The objectors believe it will have a detrimental effect on their quality of life in what is a rural setting. It would also increase traffic affecting public safety in a rural area. The premises has a current licence, Appendix D and original plans Appendix E. The current licence holder is the applicant.

6. The current licence hours are as per the licence attached at appendix D and set out at 3 of the summary above. The operating schedule offers a new condition by including a Challenge 25 scheme.
7. The applicant on receiving all the objections responded with an offer to limit the licence for live and recorded music and late night refreshment to 12 occasions per year where events go on until midnight, with live music finishing at 23.45.(Appendix F). The E-mail was forwarded to all objectors on 17 August 2018. To date only two responses have been received in respect of the proposal (Appendix G). One objector will withdraw subject to notifications to parties being agreed and the second objector does not wish to withdraw.
8. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**
9. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 (8.74- 77) & 9 Determining Applications

Chapter 10 Conditions.

Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy:**

17.16 Public Safety

17.19. Prevention of Public Nuisance

3.1 CONDITIONS TO PROMOTE PUBLIC SAFETY.

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

- 3.2 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 3.3 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a

maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

- 17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.
- 17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

10. Options

Legal options open to members -

Grant the variation application as applied for., or

Grant the variation and modify conditions of the licence, or

Reject all or part of the application.

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area".

12. Implications Assessment

The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

13. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

14. Conclusion

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

15. List of Appendices

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Representations –Other persons
Appendix D	Existing Premises Licence
Appendix E	Existing Plans
Appendix F	Applicants offer to objectors
Appendix G	Objectors response to applicant offer
Appendix H	Plan of area
Appendix I	Human Rights Articles
Appendix J	Order of Proceedings

16. Appeals

The applicant or any other person(objector) may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates' Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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Donna Thorne

From: Uniform_Service_Request_Connector-Licensing@sevenoaks.gov.uk
Sent: 05 July 2018 16:47
To: Licensing
Subject: Uniform LI Connector: Transfer Licensing application notification

A Uniform Licensing application is received for Transfer sent by the Licensing Connector server.

Application Reference Value: 18/02446/LAPRE Application Type: Premises Licence Application Proposal: Consultees Outstanding Application Address: Hush Heath Winery
Hush Heath Estate Five Oak Lane Staplehurst Tonbridge Kent TN12 0HX

Created: 05/07/2018 00:00:00

Message sent from host name WKIP-SOAP-15 by user LicensingConnectorService_LIVE at 05/07/2018 16:46:38.

You have been sent this message because your address is defined as a contact address in the Uniform Licensing Connector configuration. Contact your Uniform systems administrator if you no longer wish to receive this message.

∞

APPENDIX A

The Licensing Partnership

Application to vary a Premises Licence

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For Official Use Only

Title <input type="text"/>	Customer Name <input type="text" value="Richard Balfour-Lynn"/>	Form Filename <input type="text"/>	
DOB <input type="text"/>	NINO <input type="text"/>	Form Reference <input type="text" value="Richard Balfour-Lynn/"/>	
TEL <input type="text" value="01622 832794"/>	Notes <input type="text"/>	Caps Reference <input type="text"/>	
Email <input type="text" value="sarah@hushheath.com"/>	<div style="border: 1px solid black; height: 150px; width: 100%;"></div>		
Customer Address <input type="text"/>			
Hush Heath Winery Hush Heath Estate Five Oak Lane Staplehurst Tonbridge Kent TN12 0HX			
Date Form Started <input type="text" value="05/07/2018 14:30:07"/>			
Date of E-signing <input type="text"/>			
Date Submitted <input type="text"/>			
Validation Ref <input type="text"/>			
Occupancy type <input type="text"/>			
Advisor Name (who started form) <input type="text"/>			
Advisor Department <input type="text"/>			
Self-Service <input type="text"/>			

Licensing Authority:

Ref:

Application to vary a Premises Licence under the Licensing Act 2003**Please read the following instructions first**

Before completing this form please read the guidance notes at the end of the form.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help information about filling in this type of electronic form, click on the help information button.

I/We **Richard Balfour-Lynn** being the premises licence holder,
apply to vary a premises licence under section 34 of the Licensing Act 2003 for the
premises described in Part 1 below

Maidstone Borough Council[Click here for licence lookup](#)**Premises licence number****13/00231/LAPRE****Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	
Hush Heath Winery Hush Heath Estate Five Oak Lane Staplehurst Tonbridge Kent TN12 0HX	
	Post code

Telephone number at premises (if any)

01622 832794

Non-domestic rateable value of premises

£ .00**Part 2 - Applicant Details**

Title

Mr

Surname

BALFOUR-LYNN

Firstnames

RICHARD

Daytime contact telephone number

01622 832794Email address
(optional)**sarah@hushheath.com**Current postal
address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Yes

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

HUSH HEATH HAVE HAD A SUBSTANTIAL EXTENSION TO OUR CURRENT TASTING ROOM AND VISITOR FACILITIES. WE ANTICIPATE THE SAME ACTIVITIES THAT WE HAVE CURRENTLY BEEN CARRYING OUT, CUSTOMER TASTINGS OF WINE AND CIDER, OCCASIONAL EVENING EVENTS, ALWAYS FINISHING BY 24.00.

THE NEW BUILDING IS A DOUBLE HEIGHT TASTING ROOM WITH A ROOF TOP TERRACE AND OUTSIDE TERRACE AREA. THIS WILL ALL BE USED FOR TASTING WINE AND CIDER, SERVING BY THE GLASS AND BOTTLE AND USING FOR LIMITED EVENTS IN ACCORDANCE WITH OUR LICENCING.

A FULL PLAN OF THE NEW BUILDING SHOWING AREAS THAT ALCOHOL WILL BE SUPPLIED TO AND CONSUMED BY THE PUBLIC.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)☒**Sale by retail of alcohol** (if ticking yes, fill in box J)☒

In all cases complete boxes K, L and M

To complete this part, choose this option on Page 4

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors</u> <u>or both - please make selection with an "x"</u> <u>(please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> <u>(please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors</u> <u>or both - please make selection with an "x"</u> <u>(please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> <u>(please read guidance note 5)</u>		
Sat					
Sun					

To complete this part, choose this option on Page 4

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon	10:00	24:00	Please give further details here (please read guidance note 3) THIS WILL ONLY BE FOR A VERY LIMITED AMOUNT OF EVENTS AND WILL BE INSIDE THE BUILDING		
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for performance of live music (please read guidance note 4)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	24:00			
Sun	10:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon	10:00	24:00	Please give further details here (please read guidance note 3) THIS WILL BE FOR BACKGROUND MUSIC PLAYED AT A VERY LOW LEVEL		
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	24:00			
Sun	10:00	24:00			

G

Performance of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Mon				Outdoors	
Tue			<u>Please give further details here</u> (please read guidance note 3)	Both	
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment be indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	24:00	Please give further details here (please read guidance note 3) THIS WOULD ONLY BE FOR VERY LIMITED EVENTS.	Both	X
Tue	10:00	24:00			
Wed	10:00	24:00	State any seasonal variations for provision of late night refreshment (please read guidance note 4)		
Thur	10:00	24:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	24:00			
Sun	10:00	24:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	
				Off the premises	
				Both	X
Day	Start	Finish			
Mon	10:00	24:00			
Tue	10:00	24:00	State any proposed seasonal variations for the supply of alcohol (please read guidance note 4)		
Wed	10:00	24:00			
Thur	10:00	24:00			
Fri	10:00	24:00			
Sat	10:00	24:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10:00	24:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	17:00	
Tue	10:00	17:00	

L

Wed	10:00	17:00	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p style="text-align: center;">FOR A WEDDING OR AN EVENT</p>
Thur	10:00	17:00	
Fri	10:00	17:00	
Sat	10:00	17:00	
Sun	10:00	17:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please make
selection with an "x"

I will enclose the premises licence with the declaration

☒

I will enclose the relevant part of the premises licence with the declaration

☐

Neither of above

☐

If checking this box please fill
in reasons for not sending the
licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

Hush Heath Estate is a family owned farm and winery maintained to the highest of standards with limited access to the public, good security, good parking and in an extremely remote area. The principals of security and safety will be extended in all dealings with the public.

b) The prevention of crime and disorder

Limited opening hours. Good security, alarms and CCTV cameras. No unsupervised access.

c) Public safety

The Winery form part of Hush Heath Estate which carries out HACCP this ensures public safety and our staff are trained in this. Staff are also First Aid trained and we have designated first aid areas should an event occur.

d) The prevention of public nuisance

The supply of alcohol will be restricted to members of the public as tasting samples. We follow the "Challenge 25" rules and our staff are trained in the safe serving of alcohol and not to serve anyone who has had too much to drink.

e) The protection of children from harm

Only allowed on the estate/ tasting rooms and winery with parental or adult supervision. At all times they will be accompanied. All hazardous materials will be kept under child proof lock.

Please make
selection with an "X"

I have made or enclosed payment of the fee

☒

I have enclosed the plan of the premises

☒

I have sent copies of this application and the plan to responsible authorities and others where applicable

☒

I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable

☒

I understand that I must now advertise my application

☒

I understand that if I do not comply with the above requirements my application will be rejected

☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS NOTIFICATION

Part 5 - Declaration (please read guidance note 10)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

☒

Name

RICHARD BA

Date

05/07/2018

Capacity

PROPRIETOR

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

☐

Name

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Address

Post Town

Postcode

Telephone number (if any)

If you would prefer us to
correspond with you by e-mail
your e-mail address (optional)

For Official Use Only

Form Filename:

Submission Ref:

Applicant Name: Richard Balfour-Lynn/

Date Submitted:

Use this page if there is any other information that you think we should know about.
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

THE ACTIVITIES WILL NOT CHANGE FROM THE ORIGINAL APPROVED PREMISES LICENCE, THE ONLY DIFFERENCE BEING THE NEW PART OF THE BUILDING WITH IMPROVED VISITOR FACILITIES.

From: Sarah Easton [mailto:sarah@hushheath.com]
Sent: 12 July 2018 14:00
To: Louise Davis
Cc: Lorraine Neale
Subject: RE: Variation of Premises Licence for Hush Heath Winery

Hi Louise,

Many thanks for your email and apologies for the items needing amendments. I have stated the changes below in red. I hope this is satisfactory and do let me know if you need any further information.

Kind regards,

Sarah

Sarah Easton |

Hush Heath Winery
Five Oak Lane
Junction of Snoad Lane
Staplehurst, Kent
TN12 0HT



T: 01622 832794 **E:** sarah@hushheath.com www.hushheath.com



From: Louise Davis [mailto:LouiseDavis@Maidstone.gov.uk]
Sent: 11 July 2018 17:08
To: Sarah Easton <sarah@hushheath.com>
Cc: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: Variation of Premises Licence for Hush Heath Winery

Good afternoon Sarah

I have just spoken with Mr Richard Balfour-Lynn who asked me to contact you directly regarding the premises licence variation application for Hush Heath Winery

The application had been invalidated at this time for the following reasons:-

- Opening hours to the public stated 10:00 hours until 17:00 hours - this time should incorporate all your licensable activity hours on the premises therefore we would look for it to read 10:00 hours until 00:00 hours. **Please, change this to 10:00 until 00:00 as advised.**
- You have stated under 'Part 3 - Nature of the proposed variation' that the variation is for the extension, being the new building etc. However you have not mentioned the addition of licensable activities being, Live Music, Recorded Music, and Late Night Refreshment. None of these are on the current Licence for Hush Heath Winery, therefore form part of the variation. Your current licence is for the 'Sale or Supply of Alcohol' only. **Again, please add these in to the proposed variation, very occasionally live music, recorded music and late night refreshment. These will be a limited number of times during the year and will be within the building.**
- On page 14 you have stated that the activities will not change from the original approved premises licence, the only difference being the new part of the building with improved visitor facilities - this is obviously not the case as I have stated above the original licence only includes sale/supply of alcohol. **As per the above description.**

I would therefore appreciate it if you could respond to all of the above by return email giving your permission for us to amend your application. Once we have your confirmation, your application will be validated and the notice may be displayed giving the full 28 day consultation period. The notice must also then appear in the newspaper within 10 working days.

I will be in the office tomorrow from 9am until 5pm if you wish to ring me to discuss the above points.

Kind regards

Louise Davis

Licensing Officer

Licensing Team

**Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent
ME15 6JQ**

t 01622 602727 e louisedavis@maidstone.gov.uk w www.maidstone.gov.uk

From: Louise Davis

Sent: 11 July 2018 17:08

To: 'sarah@hushheath.com'

Cc: Lorraine Neale

Subject: Variation of Premises Licence for Hush Heath Winery

Good afternoon Sarah

I have just spoken with Mr Richard Balfour-Lynn who asked me to contact you directly regarding the premises licence variation application for Hush Heath Winery

The application had been invalidated at this time for the following reasons:-

- Opening hours to the public stated 10:00 hours until 17:00 hours - this time should incorporate all your licensable activity hours on the premises therefore we would look for it to read 10:00 hours until 00:00 hours.
- You have stated under 'Part 3 - Nature of the proposed variation' that the variation is for the extension, being the new building etc. However you have not mentioned the addition of

licensable activities being, Live Music, Recorded Music, and Late Night Refreshment. None of these are on the current Licence for Hush Heath Winery, therefore form part of the variation. Your current licence is for the 'Sale or Supply of Alcohol' only.

- On page 14 you have stated that the activities will not change from the original approved premises licence, the only difference being the new part of the building with improved visitor facilities - this is obviously not the case as I have stated above the original licence only includes sale/supply of alcohol.

I would therefore appreciate it if you could respond to all of the above by return email giving your permission for us to amend your application. Once we have your confirmation, your application will be validated and the notice may be displayed giving the full 28 day consultation period. The notice must also then appear in the newspaper within 10 working days.

I will be in the office tomorrow from 9am until 5pm if you wish to ring me to discuss the above points.

Kind regards

Louise Davis

Licensing Officer

Licensing Team

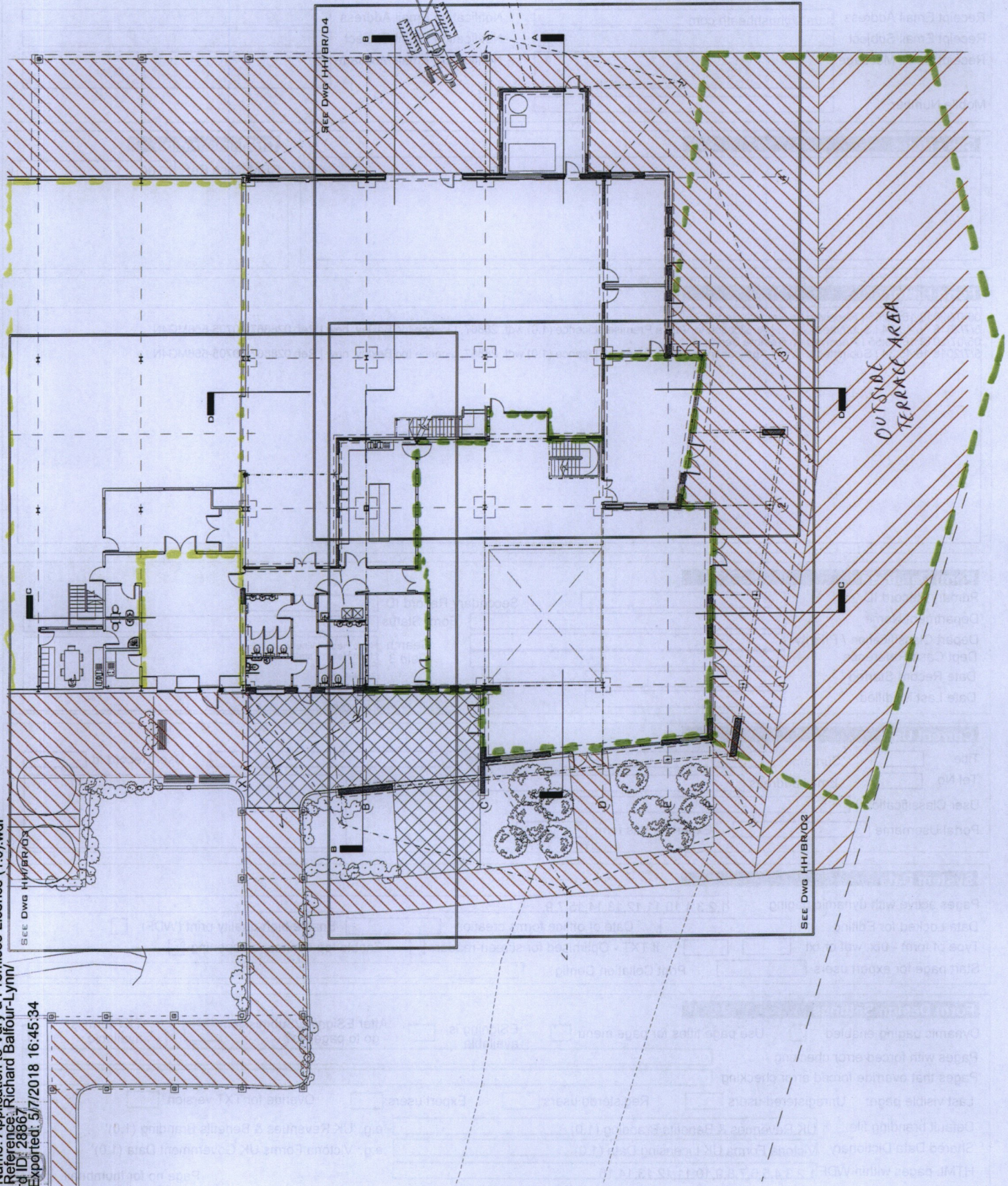
**Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent
ME15 6JQ**

t 01622 602727 e louisedavis@maidstone.gov.uk w www.maidstone.gov.uk

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EXISTING
 LICENCED ARE.

NEW BUILDING



REV	DATE	DESCRIPTION
A	AUG 17	ISSUED FOR CONSTRUCTION AND PLANNING

QUALITY APPROVED
 DESIGN VERIFIED

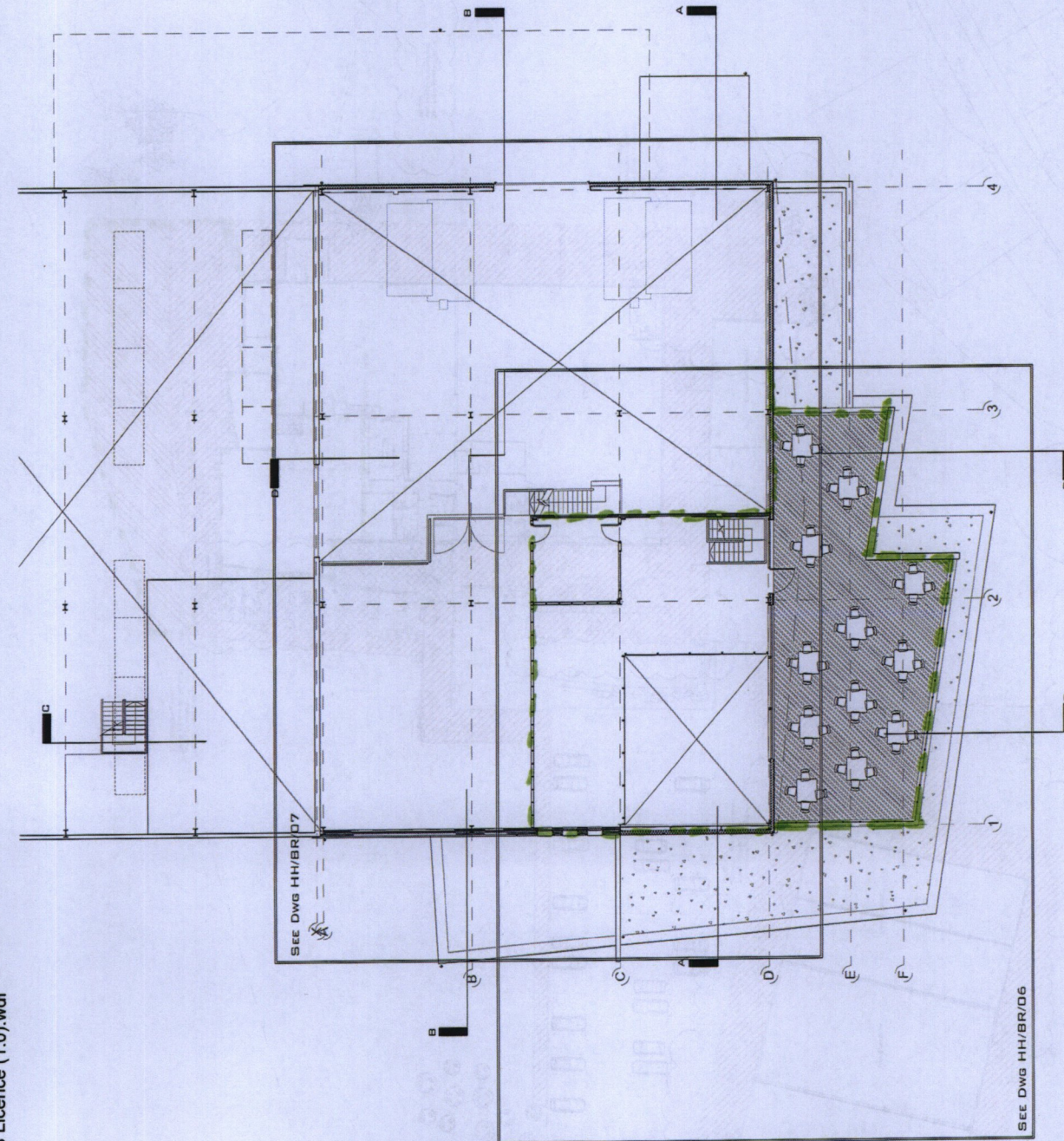
NOTE
 PROPOSED GROUND FLOOR PLAN
 HUSH HEATH WINERY
 FIVE OAK LANE
 STAPLEHURST
 TN12 0HT

CLIENT
 HUSH HEATH ESTATE

ARCHITECTURAL
 DESIGN QUARTER (UK) LTD
 11 OAKLAND ROAD
 CHATHAM KENT ME4 4JZ
 T: 01634 832000

SCALE
 1:100

DATE
 JUNE 17 HH/BR/01 A



• UPPER
FLOOR - NEW
BUILDING TO BE
LICENSED:-

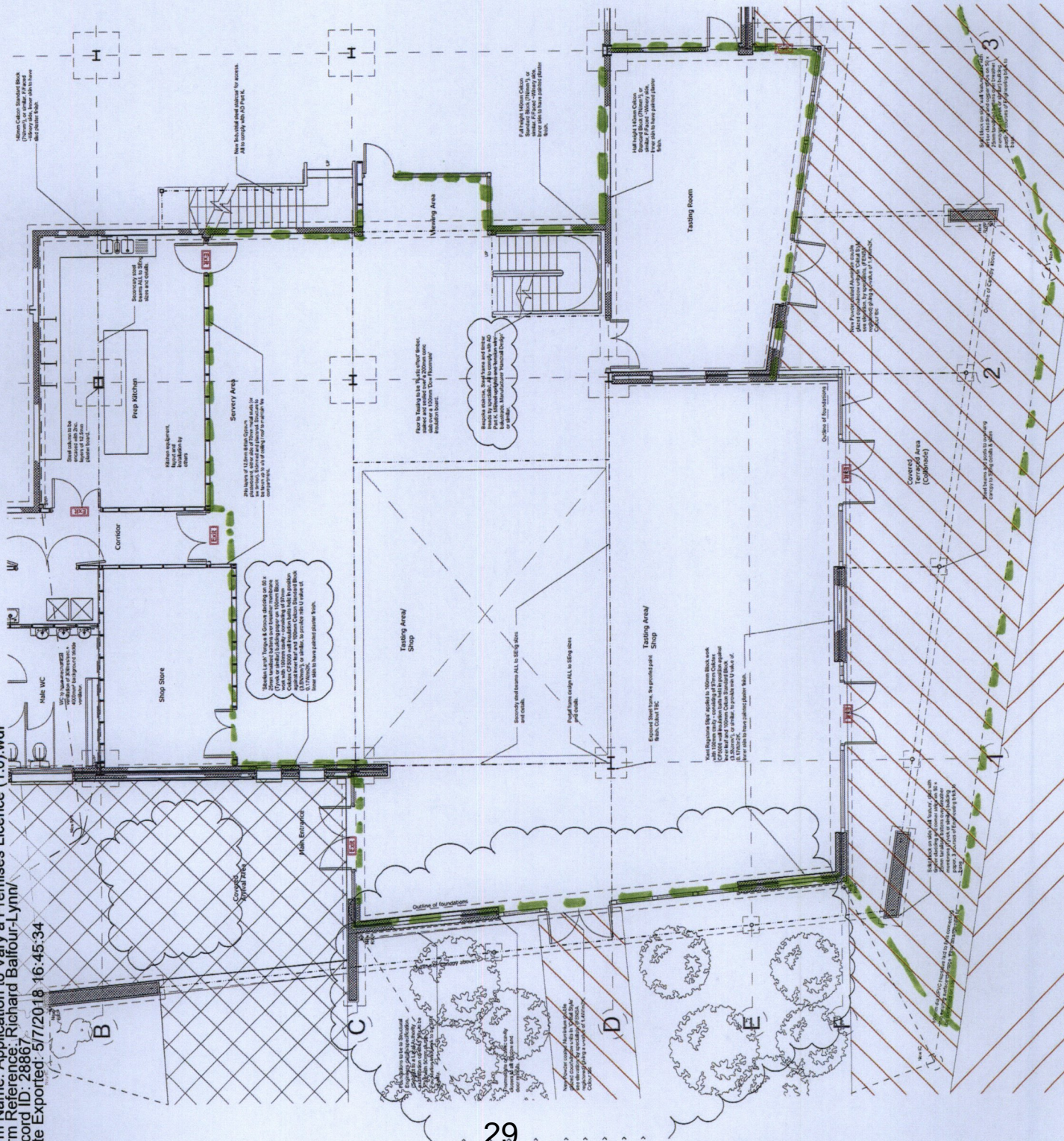
REV DATE DESCRIPTION
QUALITY APPROVED
DESIGN CHECKED
DESIGNER
PROJECT
PROPOSED MEZZANINE
FLOOR PLAN
HUSH HEATH WINERY
FIVE OAK LANE
STAPLEHURST
TN12 0HT
HUSH HEATH ESTATE



DESIGN QUARTER (UK) LTD
ARCHITECTURAL
DESIGN
CONSULTANTS
ADDRESS: 50 BRISTOL ROAD
CHATHAM KENT ME4 4JZ
TEL: 01634 832000
WWW.DESIGN-QUARTER.CO.UK

SCALE DATE
1:100 JUNE 17 HH/BR/D5

ANY DISCREPANCIES IN THIS DRAWING TO BE REPORTED TO
DESIGN QUARTER (UK) LTD.



.....

From: Sally Humphrey [<mailto:>]]
Sent: 06 August 2018 16:23
To: Licensing
Cc:
Subject: Hush Heath Winery, Staplehurst, Tonbridge, Kent

Dear Sir,

We are writing to express our concern over Mr Balfour-Lynn's application to play music both inside and outside of the winery. It seems as if he wants carte blanche to be able to play music any day of the week for almost 12 hours a day with little regard for his neighbours. The application states it is a remote area, but there are at least 10 properties within 1/2 a mile radius. Mr Balfour-Lynn states that the winery has "family values" what about the families that live close by? Are we not going to be entitled to use our outside space any day of the year without the sound of music. We have lived here for 36 years and it will be a most unwelcome intrusion for us not to be able to continue to use our garden in this hitherto quiet, beautiful and unspoilt environment. While we appreciate that there has been considerable investment in the winery it cannot surely be fair that one individual is given precedence over many families. Cannot it not be that events are limited to perhaps six or seven a year with a special licence required for music after 10.00pm. The noise from the recent building works has been disruptive with builders having radios playing, we assume just ordinary radios and not plugged into PA systems, this has been clearly audible by us in the garden. We have not complained because we thought once the work was completed it would end. The topography of the area is like a bowl and noise reverberates around, even voices carry. We have all experienced saying our goodbyes after parties and it is usually quite loud. There are many species of wildlife here, some of these are quite rare and exposure to continual noise could be disastrous especially after nightfall.

Yours faithfully

Kim and Sally Humphrey

Sent from my iPad

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:58 PM on 07 Aug 2018 from Mr Paul Stanley.

Application Summary

Address: Hush Heath Winery Hush Heath Estate Five Oak Lane
Staplehurst Tonbridge Kent TN12 0HX

Proposal: Premises Licence

Case Officer: Lorraine Neale

[Click for further information](#)

Customer Details

Name: Mr Paul Stanley

Email:

Address:

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Noise Disturbance
- Opening Hours
- Supporter of Licence Application/Holder
- Traffic

Comments: 5:58 PM on 07 Aug 2018 We object to the proposed license to sell alcohol and live music after 23 o'clock as we live less than 50mtrs away from the winery, there was live music on 4th August until 00.15 and we were not notified that this event was on so we feel that if this license is granted the local residents should be notified by text or email at least a week in advance I will be keeping a log of the times and noise levels at all times
Regards Paul and Doreen Stanley

From: Andrea Hodgkiss [<mailto:>]
Sent: 09 August 2018 11:20
To: Licensing
Subject: *Possible SPAM* 18/02446/LAPRE - Hush Heath Winery

Dear Sir/Madam

Please find attached further questions and objections to the above application for your consideration.

I would be grateful if you could confirm receipt.

Many thanks

Andrea

TN120HR

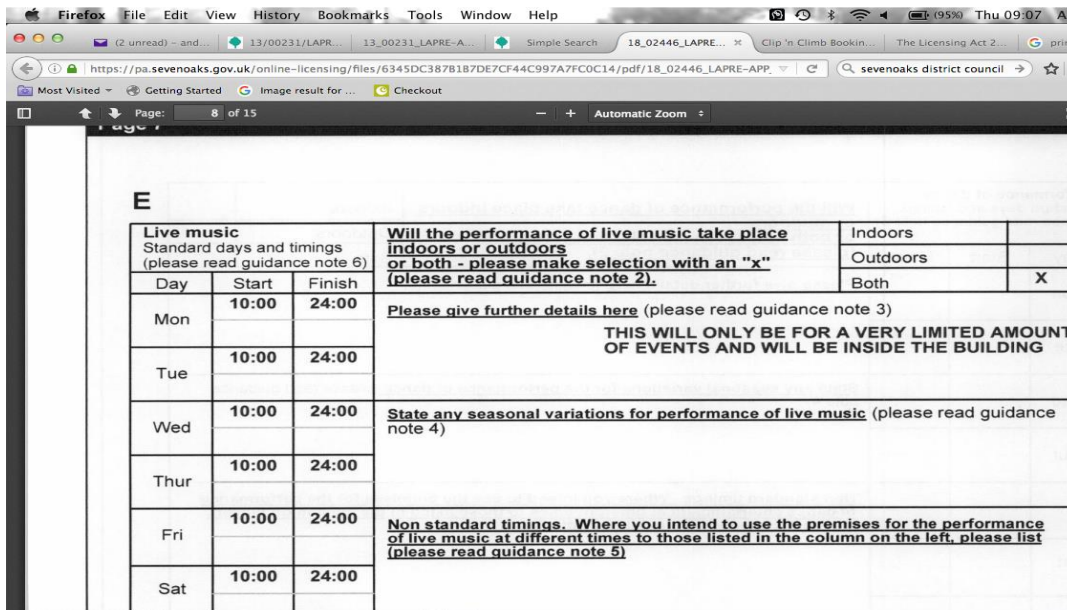
August 9th 2018

Dear Sir/Madam

I am writing regarding 13/00231/LAPRE Hush Heath Winery.

Our house is located in immediate vicinity of Hush Heath Winery. The application as it stands does not provide clarity on the location and frequency of events where live and recorded music will be played.

Page 7 sections E & F : 'Will performance of live music take place indoors or outdoors' it is indicated that the music will be both indoors and outdoors. This is contradicted by the further details section which states both live and recorded music will only played indoors.



Live music			Will the performance of live music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	
Standard days and timings (please read guidance note 6)			Indoors	
Day	Start	Finish	Outdoors	
Mon	10:00	24:00	Both	X
Tue	10:00	24:00	Please give further details here (please read guidance note 3) THIS WILL ONLY BE FOR A VERY LIMITED AMOUNT OF EVENTS AND WILL BE INSIDE THE BUILDING	
Wed	10:00	24:00	State any seasonal variations for performance of live music (please read guidance note 4)	
Thur	10:00	24:00		
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	10:00	24:00		

This is obviously a fundamental concern to local residents and needs absolute clarification by the applicant and Sevenoaks District Council before this application is accepted/rejected.

Previous wedding and events Winery in 2017 and 2018 (most recently 4th August 2018 until midnight) where music has been played, and the subsequent traffic noise of guests departing have been disruptive. This noise does not just affect those residents surrounding the immediate vicinity of the Winery. This is a flat, rural area. Sound carries across a much wider areas than just the immediate vicinity. As an example, the base music played at occasional events in Staplehurst village, 2.5 miles away can be heard very clearly at [REDACTED]. I would therefore ask that you consider the local topography and geography of the area when considering this application as a potential public nuisance to both an immediate and surrounding vicinity.

I would also ask that the frequency of the 'very limited amount of events' referred to in section E is clarified further. The Winery is open 364 days per year. The request for a music licence is 7 days per week. If 'a very limited amount of events' actually means every Saturday night then this noise will be a significant public nuisance.

Page 12 Section M - Point of clarification. The area is not 'extremely remote'. It is rural.

I would therefore request that it be declined on this basis that it would prevent public nuisance in accordance with the four licencing objectives.

If however Sevenoaks District Council deem that is not affecting the public good. I request that if a music licence is granted it is under the condition that music is played indoors, with doors and windows closed until 11pm and than the frequency of events is restricted to a small number each year.

Yours sincerely

Andrea Hodgkiss

From: Natasha Wyeth [<mailto:>]]
Sent: 09 August 2018 15:49
To: Licensing
Subject: Hush Heath Winery Licence Application: Objection

Please find attached a letter setting out my objections to the above licence application

Kind regards

Natasha Davidson-Houston

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9 August 2018

Dear Sir / Madam

Objection to licence application: Hush Heath Winery, Five Oak Lane

18/02446/LAPRE

I am writing to lodge my objections to the above application to extend the licence at the Hush Heath Winery. I am a local resident living on Five Oak Lane within a short walking distance to the Winery. I wish to object on the following grounds:

- Public safety
- Public nuisance

The reasons for my objections are as follows:

1. Narrow, unlit roads to access/exit the winery pose a danger to public safety

Hush Heath Winery is located on Five Oak Lane. Five Oak Lane is a narrow road limited to single car width in places, including the immediate vicinity around the entrance to Hush Heath Winery. There are dwelling houses located on Five Oak Lane within close proximity of the Winery. There are no pavements for pedestrians and the narrow road is bordered by drainage ditches. This area is already hazardous for local people to walk or cycle on if cars or vans are passing by. Increasing the opening hours of the Winery and holding live music events / tasting for greater numbers of people will encourage more traffic which will pose a risk to the safety of the public / local residents using the narrow roads.

In addition, opening hours to hold events between 10am – midnight seven days a week will encourage greater traffic at later times of the day. The roads are not lit and so this extra traffic in the dark evenings / winter months will increase the risks to local people.

2. Greater volume of larger vehicles to set up live music events

The application requests permission to host live music events seven days a week in the greatly extended premises. This will require a greater volume of larger vehicles, such as vans, transporting music equipment suitable for live music events. This will increase risks to public safety as the lanes are narrow and not lit in the dark / winter months.

3. Noise transfer to local area

The application seeks permission to hold live / recorded music events seven days a week from 10am-midnight, including indoor and outdoor areas. This will cause a public nuisance as the noise will affect the many local residents living on Five Oak Lane and nearby lanes. The area around the Winery is very open and has already demonstrated a ready ability for noise to travel some distance to disturb households living in the vicinity. Permitting music events to be held, particularly outdoors, will affect the ability of local residents to enjoy their existing outside space. Permitting events to run until midnight will affect the ability of local families to sleep peacefully, particularly in times of warm weather when windows need to be open.

There is insufficient information in the application to determine whether indoor events will be able to be held without transferring noise to the local environment, for example whether there is sufficient ventilation / air conditioning so events can be held without the need to open windows / doors and enable noise transfer.

Permitting events to be held from 10am-midnight, seven days a week will mean the local residents will get no respite from the disturbance.

In addition, there are many important wildlife species living in the area around Five Oak Lane, including bats, kestrels and breeding barn owls. The increased noise, lights and traffic resulting from expanding the entertainment activities as part of the licence application will risk disturbing this wildlife and may threaten them. Loss of this wildlife will cause a public nuisance and change the rural character of the area.

Yours faithfully

Natasha Davidson-Houston

From: Amanda Tipples [mailto:]
Sent: 09 August 2018 22:29
To: licensing@sevenoaks.gov.uk
Cc: Lorraine Neale
Subject: FW: Ref: 18/02446/LAPRE - Hush Heath Winery - Representations
Importance: High

Dear Sirs

I sent the email containing representations earlier today (see below).
However, I have just noticed that there is a typographical error in the email address.
I am re-sending to the correct email address, which I now understand to be
licensing@sevenoaks.gov.uk.
Kind regards
Amanda Tipples

:

From: Amanda Tipples []
Sent: 09 August 2018 22:23
To: licencing@sevenoaks.gov.uk
Cc: Lorraine Neale
Subject: FW: Ref: 18/02446/LAPRE - Hush Heath Winery - Representations
Importance: High

Dear Sirs

Further to my email earlier today, I should make it clear that the representations made in my letter dated 9 August 2018, are made on my own behalf, and on behalf of my father Bernard Tipples.
Thank you very much.
Yours faithfully
Amanda Tipples

From: Amanda Tipples
Sent: 09 August 2018 16:32
To: 'licencing@sevenoaks.gov.uk' <licencing@sevenoaks.gov.uk>
Cc: 'lorraineneale@maidstone.gov.uk' <lorraineneale@maidstone.gov.uk>
Subject: Ref: 18/02446/LAPRE - Hush Heath Winery - Representations
Importance: High

Dear Sirs

Please find attached my representations in relation to the above application to vary the premises licence.
I would be grateful if you could acknowledge safe receipt.
Thank you very much.
Yours faithfully
Amanda Tipples



9 August 2018

Lorraine Neale
Case Officer
Maidstone Borough Council
Licensing Department
Loraineneale@maidstone.gov.uk
licencing@sevenoaks.gov.uk

Dear Sirs

18/02446/LAPRE

Applicant: Mr Richard Balfour-Lynn

Trading Name: Hush Heath Winery ("the Winery")

Objection/Representation by residents in the Vicinity

██████████ is located 1 mile from Hush Heath Winery. It has been our family home for over 25 years, and my father lives there. I also live at ██████████ at the weekend, and often during the week. It was part of my grandfather's farm, and was purchased by him in 1925.

I became aware earlier today of the above application to vary a Premises Licence dated 5 July 2018. I am also aware that today is the expiry date for consultations, and any representations must be made today. I have therefore not had the opportunity to discuss the points I make below with Mr Balfour-Lynn in advance, which I would otherwise have done.

I attach to this letter:

1. The delegated report dated 29 October 2013, following which planning permission was given for the sale of wine at the Winery.
2. The report of Ashley Wynn, the Case Officer, dated 31 August 2017, following which planning permission was given for the substantial extension to the Winery.

I **object** to the variation to the licence in relation to live music, recorded music, the provision of late night refreshment and extending the time for the sale by retail of alcohol both indoors and outdoors at the Winery.

The ground of my objection is that this variation to the licence will result in public nuisance.

Rural Location of the site

Hush Heath Winery is located in a rural location in the open countryside beyond the bounds of any town or village. In such a location, development is tightly restricted by the provisions of the Development Plan and central government planning policy and guidance (see, for example, the report dated 21 October 2013 at page 2). However, there are a number of residential properties, which adjoin the Winery or are very close to it. [REDACTED] is a mile away across open fields.

The Winery has now been substantially extended as a result of building works carried out in the first six months of this year. This was the result of the grant of planning permission pursuant to a substantial planning application made in 2017. The planning permission was in line with the planning officer's report which concluded as follows:

“The proposed extension to the existing winery and storage buildings are considered to be well designed additions to the site which will support the growth of this important local business. Its association with agriculture which is undertaken on the wider site and its acceptable impacts on landscape and rural character means in this instance the scheme can be supported in principle in relation to the relevant policies. The matters of design, landscape impact, ecology and highways are acceptable or can be made acceptable through the use of appropriate planning conditions. The development can therefore be considered to accord with the relevant policies and those of the NPPF and thus it is recommended planning permission is granted accordingly” (underlining added)

The focus was therefore on the association between the Winery and agriculture undertaken on the wider site.

It is crucial that the rural location in which the Winery is located, and which has been used for agriculture for many hundreds of years, is preserved.

Section E: Live music

The application is for live music inside and outdoors from 10am until midnight (24.00) every day of the week. It is then stated that “This will only be for a limited amount of events and will be inside the building”. The events or number of them are not identified on the form, although in Section L under the heading seasonal variations it is stated there is reference to “a wedding or an event”.

Further, it is important to note that Section M(d) of the form does not identify any steps which will be taken to prevent the noise from Live Music being a public nuisance, whether inside or outside the premises.

In relation to this application, permission should be refused:

1. Live music will destroy the tranquillity of this rural area, which is located on the edge of an Area of Outstanding Natural Beauty. It will affect all of those who reside in the vicinity of the Winery, and enjoy the peace and quiet of the countryside.

2. Noise travels long distances across the countryside in this area. If there is, for example, a one-off outside event in Staplehurst or Goudhurst, it is possible to hear it at [REDACTED]
3. We enjoy the peace and quiet our garden and adjoining land, and have done for many years. Live music will unduly interfere with us, as neighbours of the Winery, in the comfortable and convenient enjoyment of our home and land.
4. This is a substantial departure from the association with agriculture which was referred to the planning officers' reports referred to above. Further, such a departure is inappropriate in the context of the rural location in which the Winery is located.

In these circumstances, if, as the application states, the Winery only wishes to have live music for a limited number of events, the appropriate way forward is to apply for permission as and when required in relation to any such events, and each application can then be considered when made. Further, proceeding on this basis will not be unduly onerous for the Winery/Mr Balfour-Lynn as it will only be for "a very limited amount of events".

Section F: Recorded music

The application is for recorded music inside and outdoors from 10am until midnight (24.00) every day of the week. It is then stated that "This will only be for background music played at a very low level". The reason for this is not explained on the form, although in Section L under the heading seasonal variations there is reference to "a wedding or an event". Further, it is important to note that Section M(d) of the form does not identify any steps which will be taken to prevent the noise from Recorded Music being a public nuisance, whether inside or outside the premises.

In relation to this application, permission should be refused. This is because recorded music, even at a low level, is pernicious and will destroy the tranquillity of this rural area and will affect all of those who live in the vicinity of the Winery. I repeat the other points set out above in relation to live music.

Section J: The provision of late night refreshment

This appears to be an application to extend the timing so that alcohol can be sold and consumed at the Winery until midnight (from 10.00 to 24.00). The application states this will be indoors and outdoors, and states that "This would be for very limited events". This events are not explained, although there is reference to "a wedding" in section L of the form. Further, the number of events are not identified.

It is obvious that people drinking alcohol outside the Winery at night, and up until midnight, will create noise, which will travel and affect all those who live in the vicinity.

As with live music and recorded music, Section M(d) does not identify any steps at all which will be taken to prevent the noise from people drinking late at night outside the Winery being a public nuisance. I repeat the other points set out above in relation to live and recorded music.

The application should be refused. Rather, if, as the application states, the Winery only wishes to provide late night refreshment for "very limited events", the appropriate way forward is for Mr Balfour-Lynn/the Winery to apply for permission as and when require in relation to any

such events, and each application can then be considered when made. Further, proceeding on this basis will not be unduly onerous as it will only be for “very limited events”.

Section I: Supply of alcohol until midnight

This appears to be an application to extend the timing so that alcohol can be sold at the premises until midnight (from 10.00 to 24.00). The application states that alcohol will be sold indoors and outdoors 7 days a week during these times. Section M(d) does not identify any steps at all which will be take to prevent noise outside as a result of this. Again, I repeat the points set out above in relation to Section J.

I would be grateful if these representations could be taken into account, and the application to vary the Premises Licence in the manner requested be refused.

Thank you very much.

Yours sincerely

Signed Electronically: *Amanda Tipples*

Amanda Tipples

Delegated Report

HUSH HEATH WINERY, FIVE OAK LANE, STAPLEHURST, MAIDSTONE, KENT, TN12 0HX

Use of wine tasting room for the general sale of wine and cider produced on the holding as shown on site plan and floor plan, supported by covering letter all received 18th February 2013 and site location plan received 4th September 2013.

Publicity Expiry Date: 03-Oct-2013

Has statutory consultation and neighbour notification been properly carried out? Yes

Has the application been properly advertised? Not applicable			
N the decision would not conform to the provisions of the Development Plan	N was accompanied by an EIA	N is a major development	
N would affect a public right of way	N is of wide public interest	N affects a listed building	N affects a conservation area
Is it necessary to consult the Sec. of State (GOSE) before determining this application? No			
N T&CP (Shopping Development) (England & Wales) (No 2) Direction 1993	specified retail developments over 2,500m ²		
N Circular 14/97 'Planning & Historic Environment' Appendix A	specified listed building consent applications		
N T&CP (Development Plans & Consultation) (Departures) Direction 1999	specified major departures from Development Plan		
N Circular 9/98 T&CP (Playing Fields) (England) Direction 1998	loss of specified playing fields		
N Circular 8/00 T&CP (Residential Development on Greenfield Land) (Eng) Direction 2000	more than 150 dwellings or 5 hectares of housing		
Do the matters considered in this report raise any unique Human Rights issues? No			

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, T13, R12

Village Design Statement: Not applicable

Government Policy: National Planning Policy Framework 2012

HISTORY

- MA/11/1099 Retrospective application for the erection of a side extension to existing farm building – APPROVED WITH CONDITIONS
- MA/09/2169 Application to vary conditions of MA/09/0127 (winery and associated works) as follows:

Condition 2 - The development hereby permitted shall only be used to produce wine from grapes grown within a distance of 25 miles of the Hush Heath Estate;

Condition 7 - Remove (relating to machinery and plant operations)

Condition 8 - To read: No vehicle used in connection with the wine making process may arrive, depart, be loaded or unloaded within the general site except between the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1300 hours on Saturdays (and at no time on Sundays or Bank Holidays), with the exception of a maximum of 35 days per annum when the hours of 0700 to 2300 Mondays to Sundays will apply. When within the site no vehicle used in connection with the wine making process shall be stationary with its engine or refrigerator running as shown on details submitted on 26/11/09 - APPROVED WITH CONDITIONS

- MA/09/0127 Planning permission for the erection of a winery, including associated works, hardstanding and parking - APPROVED WITH CONDITIONS

SITE HISTORY CONSIDERATIONS

Planning permission was granted under MA/09/0127 for the erection of a winery subject to conditions, some of which were later varied to allow more flexibility in the operation of the business.

CONSULTATIONS

Newspaper Advertisement Expiry Date: Not applicable.

Parish Council: Staplehurst Parish Council wish to see the application approved.

Neighbours: No representations were received.

Other: Not applicable.

Disabled Considerations: The facility is accessible to persons of disability.

Environmental Health Considerations: Not applicable.

Highways Considerations: Please see main text.

Public Safety Considerations: Not applicable.

CONSIDERATIONS

Site Visited: 21st October 2013

Site description and history

The proposal site is located in open countryside designated as being within a Special Landscape Area in a relatively remote location in the parish of Staplehurst. The site is located to the south of the junction between Five Oak Lane, the C79, and Snoad Lane, an unclassified highway. The site has an existing access from Five Oak Lane, and a significant provision of on site parking.

The site comprises a small number of agricultural type buildings, including the winery granted under MA/09/0127.

Proposed development

The application proposes the change of use of part of the existing winery building to allow the on site sale of wine. The relevant part of the building is currently used as a tasting room. No external alterations to the building are proposed.

The sales/tasting room is located in the south west corner of the building, and has a floor area of approximately 48m², representing approximately 1/16 of the entire floor area of the building, the remainder of which would remain available for production (tanks, presses, bottling, labelling, etc).

There would be no change to the existing access or on site car parking provision.

Policy context

The site is located in a rural location in the open countryside beyond the bounds of any town or village. In such a location, development is tightly restricted by the provisions of the Development Plan and central government planning policy and guidance, and under the provisions of policies ENV28 of the Local Plan the impact of development on the character and appearance of the landscape is a significant consideration in such cases.

In addition to the above, Local Plan policy R12 restricts retail uses outside defined urban and village areas to shops selling fresh produce at the point of production. Whilst wine is processed and thereby not a "fresh" product, to my mind the permission relating to the winery is a material consideration such that provision for the sale of wines from the site would not be contrary to the spirit of the policy.

This interpretation is in line with policy as set out in the National Planning Policy Framework 2012 which supports the sustainable growth and expansion of existing businesses and the development of agricultural and other land based businesses.

Planning considerations

Conditions attached to the previous consents restrict the wines that can be produced on the site in respect of the provenance of the grapes; a condition restricting sales to wine that is produced on the Hush Heath Estate shall achieve a similar limitation on unrestricted sales, which would be contradictory to planning policy.

The proposal would not have any implications for landscaping or ecology, and would have no detrimental impact upon the listed buildings located to the north east of the building. The site is not located in an area recorded by the Environment Agency as being in an area prone to flood, and the proposal would not result in harm to the residential amenity of the occupiers of neighbouring properties, subject to imposing the existing vehicle movements condition relating to the wider site, which would not be unreasonable in the circumstances of this case.

Conclusion

For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and national planning policy and guidance, having regard to any other material considerations, and I therefore recommend it for approval subject to the following conditions.

RECOMMENDATION (Please type CAREFULLY – Approved, Approved with conditions or Refused)

My recommendation is approval with conditions (AC).

DECISION

Conditions or reasons for refusal

1. The development hereby permitted shall only be used for the sale of wine produced by the Hush Heath Estate at the Hush Heath Winery;

Reason: To ensure a sustainable development and prevent a general retail use from being established in an inappropriate location, to safeguard the rural amenity of the open countryside and the enjoyment of their properties by adjoining residential occupiers, and prevent harm to highway safety.

2. No vehicle may arrive, depart, be loaded or unloaded within the general site except between the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1300 hours on Saturdays (and at no time on Sundays or Bank and Public Holidays) with the exception of a maximum of 35 days per calendar year when the hours of 0700 to 2300 Mondays to Sundays will apply. The applicant (or successor in title) shall keep a log of the dates when the extended hours are operated, which will be made available to the Local Planning Authority if requested. When within the site no vehicle shall be stationary with its engine or refrigerator running.

Reason: In the interest of preventing noise nuisance from the unloading, loading and manoeuvring of vehicles and the running of engines or refrigerators of vehicles to adjoining occupiers.

3. Only the wine sales area identified in pink on the approved drawing received 18th February 2013 shall be used for retail sales and no other land shall be used for sales purposes;

Reason: In the interests of the rural amenity of the open countryside, to safeguard the enjoyment of their properties by adjoining residential occupiers and prevent harm to highway safety.

4. No retail sales to the public shall be carried out outside of the hours of 08:00-18:00 Mondays to Saturdays and at no time on Sundays or Bank and Public Holidays;

Reason: In the interests of the rural amenity of the open countryside, to safeguard the enjoyment of their properties by adjoining residential occupiers and prevent harm to highway safety.

Informative

REASON FOR APPROVAL (if appropriate)

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

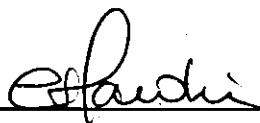
The application was approved without delay.

This application has been considered in relation to the following policies:

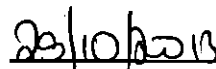
Maidstone Borough-Wide Local Plan 2000: ENV28, T13, R12

South East Plan 2009:

Agreed by PPO



Date



NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 17/502611/FULL
Proposed new processing hall, including visitor tasting room and administration offices. Extension to existing barn for the storage of bottles.		
ADDRESS Hush Heath Winery Five Oak Lane Staplehurst TN12 0HT		
RECOMMENDATION - Application Permitted		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Hush Heath Winery AGENT Design Quarter UK Ltd
DECISION DUE DATE 05/09/17		PUBLICITY EXPIRY DATE 30/06/17

Officer Site Visit

RELEVANT PLANNING HISTORY (including relevant history on adjoining site)

09/0127 Erection of Winery and associated works
09/2169 Variation of conditions attached to 09/0127
13/0265 Use of Tasting room for general sale of wine and cider produced on the holding

DESCRIPTION OF SITE

The site is a winery known as Hush Heath which currently consists of a number of buildings including a store and processing area, a shop and tasting area and other ancillary buildings such as storage of produce and machinery/equipment which supports 50 acres of vineyards and 10 acres of apples which are harvested to provide wines and ciders to the market including several major supermarket chain and other notable clients. The site lies in the open countryside off Five Oak Lane to the south west of Staplehurst. The site lies within the Low Weald Character Area as defined in the local plan 2000 but this designation is not carried forward in the emerging plan.

PROPOSAL

The application relates to the extension of the existing winery building to provide for additional processing and storage floorspace as well as increased space for tasting and retail areas and other ancillary facilities such as staff and preparation area and meeting rooms. The application can be seen both as an extension and reconfiguration of existing floorspace as at present storage is being undertaken in less than ideal locations and it is clear further floorspace is required to support the business. The plans seek to allow the efficient processing of the produce from the fields to the bottle and will provide the requisite storage and other facilities which are required in respect of the growth of the business.

The application also includes the extension of the car park to 60 spaces and an extension to the existing storage building to the front of the site to create additional bottle storage. The wider site will be subject to landscaping includes a meadow area adjacent to the car park and new planting will take place along with ecological enhancements.

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Section 1, 3, 4, 7, 11
National Planning Practice Guidance (NPPG):

Development Plan: ENV28,
Emerging Maidstone Local Plan; SP17, DM1, DM2, DM3, DM, DM20 (SP21), DM34 (DM30),
DM40 (DM36) , DM41 (DM37) *Modified policy numbers in brackets.
Supplementary Planning Documents:

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish/Town Council	<u>Staplehurst Parish Council</u> Supports application subject to KCC recommendation of recording vehicles <u>Marden Parish Council</u> Neither supported or objecting to the application	Covered in report
Residential Objections Number received:2	No concerns over plans themselves but raised issues over marquee, highway improvements and drainage	Not strictly objections but Covered in report
Residential Support Number received:0	None	n/a

CONSULTATION RESPONSES

KCC Highways ; No objections and advise recording of vehicle numbers would be useful

Southern Water No objections

MBC Environmental Health No objections and recommend a condition regarding plant and noise mitigation and EV Charging points within car park

APPRAISAL

EIA Screening

EIA Development	No
Comments	Site is schedule 2 by reason of its size over 0.5ha but it is considered the development would not be EIA development due to the scale and its relationship to the existing buildings.

Principle

The site is an established winery which has built up a reputation for producing quality English wines, ciders and other produce and currently has contracts with major corporate clients including major supermarkets. The applicant explains that with this growth and growing client base, there is a need for additional storage and processing floor space along with a need to update its visitor facilities to reflect its growing reputation. The winery processes produce which is derived from the wider estate and therefore the processing and storage of the grapes and apples to create food and drink is akin to an agricultural process albeit with additional facilities relating to visitors and ancillary office facilities which are solely dependent on this primary use.

Thus, whilst the development does not neatly fall within a use class, it can be considered to represent the expansion of an existing business within the wider countryside and one which is closely related to agriculture and countryside diversification. Policy DM37 of the emerging plan (as modified, previously DM41) states permission would be granted for the sustainable growth of businesses and that development will be permitted subject to landscape and highway considerations and only if development has a significant impact on the environment should the business be encouraged to relocate to an Economic Development Area. Policy DM40 (DM36 as modified) encourages agricultural development within the countryside subject to a criteria regarding need and impact on amenity and that new buildings are located adjacent to the existing buildings. As set out above, the vast majority of the proposed floorspace includes processing and storage directly assessed with the wine making, a use which could be considered an agricultural use and therefore it is also reasonable to assess the proposal under the policy. The scheme will follow this approach as the extensions will be located within the existing area of built form and there will be limited landscape or amenity impacts as set out below.

Having regard to the hybrid character of the application, whereby the majority of the floorspace is directly related to the agricultural use of the wider site and the element relating to retail and wine tasting (uses that could be considered to be ancillary to the primary use in any case) is small in scale in comparison, it is considered the scheme could be considered to meet the policies in question.

Design and Layout

The proposals seek to construct an extension to the existing winery building which is former agricultural building which is currently a pitched roof structure on a north-south axis and contains the processing/storage and a small retail/tasting area to the SW corner. Outside the building are outside tasting and drinking areas to the south of the building.

The proposals seek to replicate the form of the existing building albeit with a higher ridge height which will follow the existing pitch of the building. The extension will be clad in timber and larchboard timber with a corrugated roof profile to match the existing building. A single storey modern element will wrap around the SW corner and south of of the building which will have a terrace element above which will provide views over open countryside. The building will have limited fenestration with the exception of the south elevation which will include picture glazing panels and doors and windows full height panels at ground floor. New doors will located to the east elevation to provide access for vehicles to the operational parts of the new building. Internally the building will provide increased floorspace for processing and storage with an increased bottling hall and production hall, an administration area, with the south western part of the ground floor set aside to a tasting room with a mezzanine floor above providing space for meeting rooms, functions, storage as well as access to the tasting terrace

The extension to the existing storage building to the front of the site to create a new bottle store which will be designed in a similar style to the existing building and will be clad in matching materials and have a shallow pitched roof. The extension will be set down from the highest point of the existing building and will be considered acceptable in principle.

In terms of the site layout, the consolidation of the existing winery and production area within the extended building and the extension to the existing building on the frontage for a new bottle store will limit the spread of development and consolidate development amongst the existing built form. This will accord with the approach of Policy DM36 as modified. This will retain the openness of the site and limit the impact of these building. A new parking area will extend the existing parking area to the west although this will remain enclosed by existing grassland and planting which will be secured by planning condition. Therefore it is considered the scheme will accord with policy DM1 of the emerging plan.

Visual Impact

The site lies on the wider winery estate and whilst there are no public footpaths on or near the site, the site is located between Five Oak Lane to the north and Snoad Lane to the east. As one turns into Five Oak Lane from Wilden Park Lane to the west, the frontage of the site is relatively open and the storage building subject of the extension is visible from although due to the intervening buildings, views of the existing winery extension is more limited. However, whilst the extension will extend the length of the store building, it is considered this would be read in the context of the existing built form and is a typical agricultural building seen within rural areas. Furthermore, it is proposed to require new hedgerow planting along Five Oak Lane and tree planting which will soften its impact. In terms of the winery extension, it will not be visible from Snoad Lane and the intervening area of built form means views of the winery extension will be limited. It is also proposed to extend the car park area to the west of the existing winery building and to the south west of the bottling building. Whilst this extends the extent of hard surfacing on the site to create 60 parking bays and will more than double the existing car parking, the visual impact of the parking area can be mitigated through this new hedge and tree planting to this front boundary. The use of suitable surfacing materials will ensure the more informal appearance which is more suitable to the rural context. On this basis, the impacts on the landscape are considered to be limited and thus the development would be considered to accord with policy SP17 of the emerging plan and ENV28.

Ecology and Trees

The MBC Landscape department have reviewed the application and has no objections to the application. However, they note the incursion of the extension upon a recently planted landscape bed and advise that there should be sufficient new landscaping to mitigate its loss and native hedgerow planting adjacent to Five Oak Lane which should be secured long term management. The applicant has there would a comprehensive landscaping plan prepared for the site which would compliment existing planting on site.

The site is proposed on an area of existing hardstanding and a mown grassed area and therefore offers little potential for protected species. The applicant is seeking to include biodiversity enhancements within the building and wider site which will include swift boxes within the eaves and bat boxes within adjacent trees which will compliant the good work already carried out on the wider site in terms of wildlife enhancements.

It is noted there is an area of Ancient Woodland to the north and south east of the site although these areas are some distance from the beyond Five Oak Lane and Snoad Lane.

The development will have no impact on the integrity of these areas due to the separation distances from the proposed development site,

It is considered subject to the imposition of the appropriate conditions, the development will accord with policy DM1 and DM3 of the Maidstone Local Plan

Highways

Whilst the application could be seen in part as a consolidation and reorganisation of existing uses and additional ancillary facilities such as storage, it is logical to consider that the scheme will through the provision of enhanced visitor facilities and processing space that there will be an increase in vehicle numbers to the site. The applicant has forecast new staff to increase by around 5 staff and an additional HGV movement per week although it is acknowledged by the applicant that visitor movements may increase as a result of the development. This potential increase has been reviewed by KCC Highways and they have no objections to the scheme having regard to the quality of the approach roads and the likely increase in traffic. It is also notable that the level of HGV Traffic is not expected to increase significantly. KCC Highways submitted that they do request that the applicant maintain a register of visitor numbers for information and it is recommended this is encapsulated in a travel plan which can monitor visitor numbers and encourage sustainable travel where possible. A further highway condition is recommended regarding construction traffic and management.

Other matters

Due to the increase in floorspace, the development would be considered major development and the development should integrate SUDS within the scheme in order to accord with national policy. The applicant has submitted a drainage strategy which utilises the use of SUDS through the scheme and there is a sufficient certainty this can be secured in the final scheme. The site also lies within Flood Zone 1 and therefore is at a low risk of flooding. Thus the development will accord with the NPPF by locating development in areas at lowest risk of flooding and SUDS can be secured to restrict run off rates to the necessary run-off rates.

The site is considered to have sufficient separation distances from adjacent properties and having regard to the existing use, it is not considered the additional development would cause harm to the amenity of neighbouring properties. Due to the potential for new plant, notwithstanding the aforementioned separation distance, a condition has been placed in order to ensure no noise effects are caused to neighbouring properties.

Conclusion

The proposed extension to the existing winery and storage buildings are considered to be well designed additions to the site which will support the growth of this important local business. Its association with agriculture which is undertaken on the wider site and its acceptable impacts on landscape and rural character means in this instance the scheme can be supported in principle in relation to the relevant policies. The matters of design, landscape impact, ecology and highways are acceptable or can be made acceptable through the use of appropriate planning conditions. The development can therefore be considered to accord with the relevant policies and those of the NPPF and thus it is recommended planning permission is granted accordingly.

RECOMMENDATION – Application Permitted subject to the following conditions/reasons:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site proposed planting to mitigate any loss of amenity and biodiversity value and include a planting Spec, a programme of implementation and a 10 year management plan. The landscape scheme shall specifically address the need to provide a hedgerow and tree planting to the northern boundary adjacent to Five Oak Lane and to replace the existing landscaping to the south of the existing winery building. Following the approval of the details, the approved landscaping scheme shall then be implemented in the first planting season following occupation of the building and retained thereafter in accordance with the details and approved management plan

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

(3) The materials to be used in the development hereby approved shall be as indicated on the approved plans HH/P/07A and HH/P/09A unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

(4) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the car park hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development and the setting of the listed building is maintained.

(5) Prior to the occupation of the building, the swift boxes shall be installed within the building as shown on the plan HH/P/07A and shall be retained thereafter.

Reason: In the interests of biodiversity.

(6) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling

materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

(7) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(8) No development shall take place above slab level until details of cycling parking have been submitted and approved by the Local Planning Authority, The approved cycle parking shall be in place before the first use of the development and shall be retained permanently for use thereafter.

Reason;To promote sustainable modes of travel.

(9) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension and wider site. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

(10) The development hereby approved shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the details submitted by the Attridge Consulting Report April 2017. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

(11) No part of the development shall be occupied until a Sustainable Travel Statement, providing measures and incentives to encourage trips by alternative means to the private car has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be carried out in full;

Reason: In the interests of sustainable transport use.

(12) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the

development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development

(13) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and airconditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever its operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason : To maintain the amenity of the locality and nearby properties

(14) The development hereby approved shall not be occupied until a minimum of two electric vehicle charging points have been installed within the site and these should be retained thereafter.

Reason: In the interests of reducing air quality impacts.

(15) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan HH/P/01
Proposed Site Plan HH/P/10A
Proposed Winery Elevations HH/P/07A
Proposed Bottle Store Elevations and floorplans HH/P/09A
Proposed winery floorplans HH/P/06A
Proposed Mezzanine Floorplan HH/P/06A
Design and Access Statement
Drainage Strategy Attridge

Reason: To clarify which plans have been approved.

(16) The retail element approved by this application shall remain strictly ancillary to the primary of the use of the site as a Winery

Reason: To ensure an appropriate scale of retail use having regard to its countryside location

INFORMATIVES

(1) Construction

As the development involves demolition and / or construction, I would recommend that the

applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

The Council's approach to this application

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was provided formal pre-application advice.

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Case Officer Ashley Wynn

Case Officer Sign	Date
Ashley Wynn	31.08.2017

From: Anne Tipples [[mailto:](#)]
Sent: 09 August 2018 20:01
To: Licensing
Subject: *Possible SPAM* 18/02446/LAPRE Hush Heath Winery

Dear Sir.

Regarding 18/02446/LAPRE Hush Heath Winery,

We would like to OBJECT to the application.

The last thing we need is the peace and quiet of the country side broken by the noise of music, let alone cars at night and coaches , the roads leading to Hush Heath Winery are nit fit to take a large amount of traffic,

I feel for the neighbours who live right next to the venue. We live not very far away and know the noise would not be tolerable,

We know this as we are opposite Invicta Battlefield who meet every other Sunday and the noise is interoperable.

We were of the impression that it was only going to be a vinery and not a venue as well for weddings ,meetings etc,

SO YES WE DO OBJECT to the licence being given

Regards

From Anne and Frank Tipples

Sent from my iPad

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A



Premises Licence Number	13/00231/LAPRE
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Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code Hush Heath Winery Hush Heath Estate Five Oak Lane Staplehurst Tonbridge Kent TN12 OHX	
Telephone number	01622 832794

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities Sale or Supply of Alcohol	
Every Day	10:00 - 00:00

The opening hours of the premises	
Sunday	12:00 - 17:00
Monday to Saturday	11:00 - 17:00

The non-standard opening hours of the premises Not applicable

Where the licence authorises supplies of alcohol whether these are on and / or off supplies Alcohol is supplied for consumption both on and off the premises.

Licence Number: 13/00231/LAPRE
Issue Date: 29/04/2013

Page 1 of 4

Licence issued by:
The Licensing Partnership P.O. Box 60 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

Mr Richard Balfour-Lynn
Husheath Manor
Husheath Hill
Staplehurst
Cranbrook
Kent
TN17 2NG

Email address rbl@warwickbalfour.com

Registered number of holder, for example company number, charity number (where applicable)

None supplied

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Victoria Claire Ash
1 West View
Fletching Street
Mayfield
East Sussex
TN20 6TP

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: WEA/LN/000010627
Licence Authority: Wealden District Council

**Neil Harris
Head of Democratic Services
Maidstone Borough Council**

Licence Number: 13/00231/LAPRE
Issue Date: 29/04/2013

Page 2 of 4

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Annex 1 – Mandatory conditions**The supply of alcohol**

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

There shall be CCTV coverage of all licensed areas. The CCTV system will be kept in good working order and any images captured will be kept for a minimum of 30 days and supplied to a Police Officer or Local Authority Licensing Officer upon request.

No customers will be left unsupervised on the premises.

The supply of alcohol on the premises will be limited to tasting samples only.

Children will be kept under adult supervision at all times.

All hazardous materials will be kept under child proof lock.

Annex 4 – Conditions attached after a hearing by the licensing authority

No Additional Conditions have been attached.

Annex 5 – Plans

Please see attached

ROLLER SHUTTER DOOR
EXIT

EXIT DOUBLE DOOR

CO₂ + FOAM
FIRE EXTINGUISHERS

LABELLING LINE

OFFICE

TASTING ROOM

KITCHEN

W.C. ①

W.C. ②

CO₂ + FOAM
FIRE EXTINGUISHERS

TANKS

TANKS

TANKS

TANKS

HUSH HEATH
WINERY

PRESS

TANKS

CO₂ + FOAM
FIRE EXTINGUISHERS

EXIT

ROLLER SHUTTER DOOR

CO₂ + FOAM
FIRE EXTINGUISHERSEXIT
SINGLE DOOR

GIRO PALLET

DISBURGING + BOTTLING LINE

From: Lorraine Neale
Sent: 17 August 2018 17:08
Cc: 'Sarah Easton'
Subject: FW: Application for amendment to existing licence

Good Afternoon

Please see the e-mail received from Hush Heath Winery, the applicant is prepared to limit the licence to 12 occasions per year where events go on until midnight, with live music finishing at 23.45. This concession will deal largely with the majority of peoples concerns. As objectors it is for you to consider the offer put forward by the applicant. If you are happy to accept the licence be limited in this way and withdraw your objection on that basis please confirm in writing. All parties must agree and withdraw in order to cancel the hearing.

Kind Regards

Lorraine Neale

Senior Licensing Officer

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
t 01622 602028 **e** lorraineneale@maidstone.gov.uk **w** www.digitalmaidstone.gov.uk

From: Sarah Easton
Sent: 16 August 2018 15:32
To: 'Lorraine Neale' <LorraineNeale@maidstone.gov.uk>
Subject: RE: Application for amendment to existing licence

Hush Heath Estate have been operating the winery since 2010, with the cellar door opening in 2013 for tastings and sales and have acted in a responsible manner throughout. Hush Heath Estate has and continues to bring employment to the area, also creating income for local hospitality venues and retail shops as tourism and footfall increase in the area.

In regard to concerns about recorded music, this will be played at a low level and will be mainly inside the building, which is fully double glazed to minimise noise externally. Furthermore, our opening times are 10.00 until 17.00, with tastings and tours taking place within these hours. As stated in our application the only time that music would be played after 17.00 is for an event. We would expect to hold no more than 12 events per year and even then, it is extremely unlikely that we would ever use all 12 as we are a 10.00-17.00 business. This is purely so that it gives us the ability to be able to do so should be have an occasion, as stated this will happen very rarely. When events do occur, they would not go on for any longer than 00.00 with any music ceasing at 23.45, guests would leave by 00.00. We are not and will not be an outside event venue business, that is not what Hush Heath Estate is about. In respect of live music, again this will be on a very rare occasion during the day time and again if after the opening hours it would be included in one of our 12 events.

Our new building has been created to boost tourism in the local area and give our customers an exceptional experience whilst being respectful of our agricultural heritage and the beautiful environment around us. The rural location and tranquillity of this area is of the upmost importance to us and we are passionate about maintaining the beauty and rural character of Hush Heath. In respect of this and as responsible licence holders we would not and cannot play music every day for 12 hours a day, as explained the recorded music is very low level as background music. We have always been very sensitive to our neighbours and will continue to be so.

Regarding increased traffic at events, as previously explained we will have very few events and when an event does take place it will be heavily regulated with car parking staff ensuring that visitors leave in a timely and orderly manner before midnight. As a licence holder we actively promote responsible drinking and provide soft drinks to designated drivers, we also advise customers to pre- book taxi transport to minimise the number of cars in the local area and again promote responsible drinking.

Kind regards,

Sarah

Sarah Easton |

Hush Heath Winery
Five Oak Lane
Junction of Snoad Lane
Staplehurst, Kent
TN12 0HT



T: 01622 832794

E: sarah@hushheath.com

www.hushheath.com

From: Natasha Wyeth [mailto:]
Sent: 18 August 2018 22:12
To: Lorraine Neale
Subject: RE: Application for amendment to existing licence

Thank you for your email.

Regarding the application to extend the licence to play music at Hush Heath Winery, I am not satisfied with the offer made and **will not be withdrawing my objection** to the application.

I do appreciate that the applicant is trying to run a business and is making some effort to respond to the concerns of local residents. However my objection to the application remains on the following basis:

1. Outdoor music events

Although the applicant has indicated music will mainly be played indoors and the building is double glazed, the application still seeks permission to play music and hold events outdoors. It is not specific about how many of these outdoor events will be held or the timings, and it still leaves the possibility that amplified music may be played. There are no indications of any soundproofing measures (other than double glazing) for events held inside the building. The application is too vague to give us reassurance that there will not be substantial public nuisance caused by noise transfer around what is now a very quiet, rural area. This will have a negative impact on local residents who live in close proximity, affect wildlife and have negative environmental consequences, and alter the rural character of this area.

2. Timing of music events throughout the year: risk of clustering throughout the summer

The applicant has not specified when events will be held. Given that the application specifically requests permission for live music events outdoors it is likely these will be clustered to take place in summer months. Under the terms of the proposal 12 live music outdoor events could be held and if these were concentrated there could be an event every week throughout the summer. There are families living close to Hush Heath winery - we have 3 children. The noise coming from Hush Heath would stop us being able to sit outside, have our windows open, and will disturb my children preventing them from sleeping.

3. Traffic

As stated in my original objection, this is a rural area. There are no street lights, no road markings, and narrow lanes that are single track around Hush Heath winery. There is no public transport. Therefore the only way that people could attend these events is on foot or by car. The roads are simply not suitable for traffic arriving/leaving events. The cars leaving after midnight would cause a public nuisance because of the noise that they make. This noise is likely to be aggravated by the fact that the cars will have trouble leaving the Hush Heath winery premises because of the very narrow lanes. Any people leaving on foot will be at serious risk of harm as there is no lighting, no footpaths and ditches on both sides of the single lane road. The applicant states that they intend to encourage taxis. This will only further aggravate the traffic concerns as taxis will be arriving for pick up at the same time as other cars are trying to leave. The lane leading to Hush Heath often gets blocked if 2 cars are

approaching from opposite directions. This is likely to lead to serious congestion along a large section of Five Oak Lane and potential accidents. This is both unsafe for road users, risks property damage by drivers trying to escape congestion / blocked roads, will cause further disruption to residents trying to access their own properties and noise affecting the residents living nearby.

The revised proposal from Hush Heath Winery does not adequately address these concerns and still leaves residents facing serious public nuisance and risk to safety.

Kind regards

Natasha Davidson-Houston

From: Paul Stanley [mailto:]
Sent: 17 August 2018 18:28
To: Lorraine Neale
Subject: Hush Heath Winery

We feel that the proposal from the winery to limit the license to cover 12 events a year is fine providing that they agree to notify all local residents by email or letter well in advance of each event there is 8 Property's in close proximity to the winery so it should not be difficult to carry out, if they agree to this we will withdraw our objection
Regards from Paul and Doreen Stanley



Hush Heath Winery

Scale: 1:3500

Printed on: 20/8/2018 at 15:28 PM by LorraineN



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HUMAN RIGHTS

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- ☐ Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- ☐ Legal advisor
- ☐ Committee clerk
- ☐ Maidstone Borough Council licensing officers/managers
- ☐ Applicant (and any representative)
- ☐ Each responsible authority (and any representative)
- ☐ Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- ☐ Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- ☐ Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- ☐ Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- ☐ Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- ☐ Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- ☐ Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- ☐ Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- ☐ Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- ☐ Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- ☐ The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant

- ☐ Opening remarks by the applicant (or their representative).
- ☐ Evidence of the applicant and any witnesses.
- ☐ After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- ☐ If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- ☐ Opening remarks by the officer representing the responsible authority (or their representative).
- ☐ Evidence of the responsible authority officer and any witnesses.
- ☐ After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- ☐ If necessary, the officer (or representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- ☐ Opening remarks by the interested party (or spokesperson/representative).
- ☐ Evidence of the interested party and any witnesses.
- ☐ After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- ☐ If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- ☐ **Each Responsible Authority**
- ☐ **Each Interested Party**
- ☐ **The Applicant**

End of Hearing

- ☐ The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- ☐ The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- ☐ The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- ☐ The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- ☐ The sub-committee's determination.
- ☐ All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- ☐ All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- ☐ The hearing is formally closed.