

Planning Department
Basingstoke & Deane Borough Council
Civic Offices
London Road
Basingstoke
RG21 4AH

26 January 2024

Our Ref: 4061C

Dear Sir/Madam

S73 Application in Respect of Planning Permission 22/00437/ROC – Land at Sungrove Farm, East End, RG20 0AF

We are pleased to enclose a S73 application to vary condition no. 31 (opening hours) and condition no. 18 (approved technical reports) of planning permission 22/00437/ROC to allow later opening at Malverleys Farm & Dining.

Background

Permission was granted for the following development on 2nd February 2021:

“Demolition of existing farmhouse and erection of mixed use building comprising of Farmshop, Bakery, Gift Shop and Plant Nursery (A1), Cafe/Restaurant (A3) and lecture/educational space (D1). Demolition of existing barn and erection of 1 no. 2 bed dwelling for agricultural workers. Re cladding of 2 no. existing barns, and associated car parking and landscaping at the above site”.

The parent permission was subsequently varied via a S73 application (22/00437/ROC) to vary Condition 1 (approved drawings) allowing design changes to the barns, granted on 8th April 2022. This is the extant permission for the development. A non-material amendment application was approved in respect of m&e plant equipment (ref: 1902956/FUL) in December 2021.

Malverleys Farm & Dining opened its doors at the beginning of June 2023. After almost 7 months of trading, our client is keen to extend their opening hours in the evenings.

Proposals and Planning Justification

The current permitted opening hours for the building are set out within Condition No. 31 of the permission as follows:

The mixed-use building shall not open for trade before 08:00 hours or remain open after 19:00 hours on Mondays to Thursdays, and 08:00 hours to 21:00 hours on Fridays; and

09:00 hours to 21:00 hours on Saturdays; and 10:00 hours to 16:00 hours on Sundays. The external terrace shall not open before 08:00 hours or remain open after 19:00 hours on any day.

Managing Director
Helen Cuthbert

Directors
Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton | Elliot Jones | Katie Turvey

Consultant
Lorna Byrne

Associate Directors
Heather Vickers | Alan Williams | Sally Arnold
Sam Deegan | Niall Hanrahan

Associates
Rob Scadding | Charlotte Hunter | Charlotte Perry
Grace Mollart | Charlotte Parry | Jamie Pert

The reason for the condition is as follows:

To protect the amenities of the occupiers of nearby properties in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

It is important to note that the permitted hours are those that our client applied for in the original application –they weren't stipulated by the Council during consideration of the application.

Whilst Malverleys Farm & Dining has been operating successfully under the permitted hours, our client would like to be able to open later in the evening to be able to provide customers with a relaxed and comfortable dinner experience and to meet customer demand. Customers, the majority of which are return customers who live in East End and the surrounding villages, regularly ask for later dinner bookings. The current permitted closing times of 7pm weekdays, 9pm Friday and Saturdays and 4pm Sundays are not meeting local customer requirements and often make it difficult for the restaurant to manage dinner service and bookings. Our client is also keen to extend access to the small lecture/educational space on the first floor later into the evenings.

As such, it is proposed to extend the opening hours of Malverleys Farm & Dining to:

08:00 to 19:00 Mondays and Tuesdays (NO CHANGE)

08:00 to 22:00 Wednesdays and Thursdays

08:00 to 23:00 Fridays and Saturdays

08:00 to 21:00 Sundays

Accordingly, it is proposed to extend the opening hours of the external terraces to:

08:00 to 19:00 Mondays and Tuesdays (NO CHANGE)

08:00 to 22:00 Wednesdays to Saturdays

08:00 to 21:00 Sundays

It is important to note that the hours are not being extended so that a second dinner sitting can be accommodated. The extended hours will simply allow dinner bookings to be made later and customers to enjoy a relaxed 3-course meal and pre- and post-dinner drinks at their table without having to rush.

The hours have been chosen to strike a balance between meeting local customer demand and respecting the amenities of neighbours. The hours sought are similar (and in many cases) much earlier than the hours of local village pubs.

Malverleys Farm & Dining is a low-key, sophisticated venue which has operated without issue since it opened, and our client does not intend for this to change in any way with the proposed extended opening. It is not anticipated that the extended hours will lead to any material increase in vehicles coming to and from the site –many customers car share or walk and this would continue with the extended hours.

Notwithstanding, our client commissioned a noise impact assessment to ensure that the hours proposed will not give rise to any harmful impacts on neighbouring residents. The assessment, carried out by RBA Acoustics, has looked at potential impacts from all noise sources associated with the extended opening hours which include noise from the existing plant/m&e equipment serving the building, internal noise breakout; customer ingress and egress (vehicular and by foot); and external customer noise (from the terrace).

Using existing background noise levels, information submitted with the original application and other comparable noise data, the assessment rigorously assesses potential noise impacts on the closest residential receptors through worst-case scenario/cumulative testing. The assessment robustly demonstrates that the extended opening hours will not result in any adverse noise impacts to neighbours and as such, the proposals are acceptable in noise terms and in accordance with local plan policies EM 10 (Delivering High Quality Development) and EM12 (Pollution) which aims to ensure development does not have a detrimental impact on residential amenity, and paragraphs 174 and 185 of the NPPF which seek to ensure development does not lead to significant adverse impacts on health and quality of life.

It is therefore respectfully requested that permission is granted for the proposed extended hours.

The new noise report does not replace the noise report submitted with the original application, rather it is supplemental. As such it is also proposed to vary Condition No. 18 of the permission as follows:

The development shall be carried out in accordance with all recommendations outlined in the:

- Air Quality Statement - Revision E;

- Lighting Impact Assessment 1401-DFL-LIA-001;

- Noise Impact Assessment - Revision F;

- Noise Impact Assessment – Revision Number 2 (dated 26 January 2024) in respect of extended opening hours.

As all pre-commencement and pre-occupation conditions have been complied with, it is requested that these are changed to compliance conditions (where necessary) as is good practice.

Submission

As part of the application, we enclose the following (a fee of £357 has been paid via the Planning Portal):

Completed application form and CIL form

Site Location Plan

Planning Statement (incorporated into this letter)

Noise Impact Assessment prepared by RBA Acoustics.

We trust the information submitted is sufficient for the determination of the application and we look forward to receiving confirmation that the application has been validated in due course. If in the meantime you have any queries, please do not hesitate to contact us.

Yours sincerely

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