

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

Babergh District Council

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015**

Correspondence Address:

Mr James Cann
Planning Direct
Unit 3.11
Felaw Maltings
44 Felaw Street
Ipswich
IP2 8SJ

Applicant:

Mr Craig Mills
Valentine Cottage
Church Walk
Shotley
IP9 1ER

Date Application Received: 28-Feb-18

Application Reference: DC/18/00873

Date Registered: 01-Mar-18

Proposal & Location of Development:

Full Planning Application - Partial change of use to provide glamping and to facilitate event hosting . Erection of an outbuilding to provide toilet/shower facilities and storage capacity in connection with existing vineyards operated by the applicant. As amplified by the submission of an Addendum to the Design and Access Statement and a Glamping Management Plan received 18/4/18. As further amended by email dated 8/5/18 reducing maximum number of tents to 4 and only located at eastern end of site. As further amended by receipt of revised plans (3 Rev 3, 4 Rev 3 and 5 Rev 1) on 6.8.18 reducing size of building and additional information of proposed visitor events received 30.7.18.

Land Adjacent To Frogs Alley, , Frogs Alley, Shotley, IP9 1ER

Section A – Plans & Documents:

This decision refers to drawing no./entitled 1Rev.1 received 08/08/2018 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 1 Rev.1 - Received 08/08/2018
Block Plan - Existing 2 Rev.1 - Received 08/08/2018
Block Plan - Proposed 3 Rev.3 - Received 08/08/2018
Floor Plan - Proposed 4 Rev.3 - Received 08/08/2018

Elevations - Proposed 5 Rev.1 - Received 08/08/2018
Supporting Statement Additional Statement on Visitor Events - Received 30/07/2018
Supporting Statement Addendum to Planning Statement - Received 13/04/2018
Management Plan/Statement Glamping Management Plan - Received 13/04/2018
Ecological Survey/Report Preliminary Ecological Appraisal Report - Received 02/03/2018
Planning Statement - Received 28/02/2018
Application Form - Received 28/02/2018
Landscape and Visual Impact Assessment - Received 28/02/2018
Bell Tent Images IMAGES - Received 28/02/2018

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements 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. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: PROVISION OF ACCESS

The new vehicular access at the eastern site shall be laid out and completed in all respects in accordance with Suffolk County Council Access Drawing No. DM01; and with an entrance width of 3 metres and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

4. ACTION REQUIRED PRIOR TO USE/OCCUPATION - HIGHWAYS: PROVISION OF PARKING

The use shall not commence until the area within the site shown on Drawing No. 3 Rev 3 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No works on the approved outbuilding shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

6. ACTION REQUIRED PRIOR TO COMMENCEMENT: LANDSCAPING SCHEME

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/ densities and details of the planting scheme's implementation, aftercare and maintenance programme.

Reason - In the interests of visual amenity and the character and appearance of the area.

7. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

8. PRIOR TO COMMENCEMENT: ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd, November 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

9. PRIOR TO COMMENCEMENT: MITIGATION TO BE AGREED

No development shall be carried out until proposals for the mitigation of the impact of the development on protected Suffolk European Sites have been submitted to and approved in writing by the Local Planning Authority, and the Local Planning Authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must provide for mitigation in accordance with the emerging joint (Draft) Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy, or for mitigation to at least an equivalent effect. Provide details of the manner in which the proposed mitigation is to be secured.

The development shall be carried out in accordance with and subject to the proposals as may be approved.

You will need to secure the provision of appropriate habitat mitigation measures before the condition can be discharged. There are two ways in which you will be able to do this. You can either;

- i. contribute to funding the Council's suite of mitigation projects and secure such provision prior to occupation through a legal agreement between the Council and Developer/Applicant and site owners, or
- ii. provide your own mitigation project to mitigate the impact of the proposal prior to occupation.

You are advised to discuss this matter with the Local Planning Authority prior to submission of details to discharge this condition.

Reason: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. This condition is required to be agreed prior to the commencement of any development as any construction process to ensure adequate time for any agreement to be secured and be implemented prior to occupation.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF ILLUMINATION

Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

11. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT:
CONSTRUCTION MANAGEMENT STATEMENT TO BE AGREED

Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition. The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

12. ONGOING REQUIREMENT- LIMITS ON USE OF SITE FOR CAMPING

The use of the eastern site as a camp site is limited to between the months of April and October (inclusive) each year and no more than 4 no. tents shall be erected on the site at any one time. The western site shall not be used for camping.

Reason- In the interests of protecting the amenity of the area which is highly environmentally sensitive being within the AONB and also having regard to impacts on the highway network and residential amenity.

13. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED
DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- the two sites the subject of the application shall not be used for any purpose for up to 28 days in a calendar year with the exception of use for wedding receptions on up to 6 times in a calendar year and those

events listed in the vineyard events management plan approved pursuant to Condition 17 except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

14. ONGOING REQUIREMENT- ACOUSTIC MUSIC ONLY

No music other than acoustic music shall be played at the site at any time.

Reason- In the interests of protecting residential amenity having regard to the proximity of residents living near the site.

15. ACTION REQUIRED- APPROVAL OF REFUSE STORAGE ARRANGEMENTS

Details of arrangements for the on site storage and collection of refuse waste 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.

Reason- in order to ensure that the refuse arrangements are satisfactory in the interests of safeguarding the amenity of neighbours and the appearance of the site.

16. ONGOING REQUIREMENT- NO WEDDING EVENTS DURING KEY COMMEMORATIVE OR REMEMBRANCE DATES

No wedding events shall take place at the site during key commemorative or remembrance dates held at the Church and /or Grave yards which are listed as follows:

11 November - Remembrance Day
Remembrance Sunday (November)
25 April - Anzac Day
ANZAC Sunday (April)

Reason- In the interests of protecting the special character and solemnity of important remembrance services and events held at the Church and Grave yards each year.

17. ACTION REQUIRED BEFORE COMMENCEMENT- VINEYARD EVENTS MANAGEMENT PLAN

Prior to the commencement of the approved uses a vineyard events management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out details of the number, frequency, hours and nature of proposed visitor events at the site. The use shall be carried out in accordance with the approved details.

Reason- In the interests of safeguarding the residential amenity of neighbours and the peace and tranquility of the area.

18. ACTION REQUIRED PRIOR TO COMMENCEMENT OF CAMPING USE- FLOOD ALERT AND EVACUATION STRATEGY

The use shall not commence until details of a flood alert and evacuation strategy for campers on the site has been submitted to and approved in writing by the Local Planning Authority. The camp site shall be operated in accordance with the approved details.

Reason- Part of the site lies within an area at high risk of flooding and therefore an appropriate strategy for alerting campers and moving them to safety in a flood event needs to be in place.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy
CR02 - AONB Landscape
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
EN22 - Light Pollution - Outdoor Lighting
EM01 - General Employment
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
TP15 - Parking Standards - New Development

NOTES:

1. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

2. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

3. **Public Rights of Way Note**

The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it without the proper authority having been first obtained. The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed. Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Suffolk County Council).

4. **Condition Precedent Note**

This permission includes a condition precedent. Your development is potentially at risk of enforcement if you do not comply with the terms of any condition which requires you to do something before you commence development / start work. Development which is commenced in breach of a condition is normally unlawful and may not constitute a valid implementation of the permission. We strongly advise you to allow reasonable time for the preparation, and consideration of, any conditional matters before the time limit on this applications requires.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/18/00873

Signed: Philip Isbell

Dated: 26th October 2018

**Corporate Manager
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.