

## **Committee Report**

**Item No: 2**

**Reference:** DC/18/00873

**Case Officer:** John Davies

**Ward:** Berners.

**Ward Member/s:** Cllr Peter Patrick. Cllr Derek Davis.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description 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.

### **Location**

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

**Parish:** Shotley

**Expiry Date:** 18/05/2018

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor All Other

**Applicant:** Mr Craig Mills

**Agent:** Mr James Cann

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following consideration by the Delegation Panel, following a call-in request from Cllr. Davis:

“Consideration was given to the site being within the AONB and whether this and the heritage comments particularly raised significant policy, consistency or material considerations.

On balance the Panel concluded that the application was controversial in nature. There was a level of public interest that could not be discounted albeit that the application had been changed from the time of its submission and further publicity had been undertaken with less public interest than that first experienced.

On this basis the Corporate Manager for Growth and Sustainable Planning concurred that the application is controversial and should be determined at Committee.”

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## **Details of Previous Committee / Resolutions and any member site visit**

A Panel of Members visited the site on the 10 October 2018.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Planning History**

The following decisions are relevant to the current application:

Refusal of prior approval of barn for wine production under B/01/01842 in March 2002- Appeal lodged and dismissed by decision dated 17 October 2002.

Permission granted for a barn on site for purposes of wine production under B/02/01837 in January 2003 (Not Implemented).

### **All Policies Identified as Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

#### **BABERGH LOCAL PLAN (ALTERATION NO.2) 2006**

CR02 - AONB Landscape  
CN01 - Design Standards  
CN06 - Listed Buildings - Alteration/Ext/COU  
EN22- Outdoor Lighting  
EM01- General Employment  
TP15- Parking Standards

#### **BABERGH CORE STRATEGY 2014**

CS01- Presumption in Favour of Sustainable Development  
CS15 - Implementing Sustainable Development  
CS17 - The Rural Economy

### **SUPPLEMENTARY PLANNING DOCUMENTS**

Suffolk Guidance for Parking 2014

### **List of other relevant legislation**

- Human Rights Act 1998

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- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

### **Details of Previous Committee / Resolutions and any member site visit**

A Panel of Members visited the site on the 10 October 2018.

### **Details of any Pre Application Advice**

Advice given that principle of proposals were acceptable subject to provision of supporting information to address potential impacts on landscape, ecology, heritage, highways and AONB.

### **Consultations and Representations**

During the course of the application consultation and representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Original Application Submission**

##### **SCC Flood and Water-**

No comments as Minor application

##### **Highways Authority**

No objection subject to conditions regarding improvements to access and provision of parking and turning areas.

##### **Natural England**

Holding objection on following grounds:

Based on the information provided in support of the application, Natural England's view is that there is currently insufficient information to allow likely significant effects to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site to be ruled out. We also consider that there is insufficient information to rule out adverse effects to the Orwell Estuary Site of Special Scientific Interest (SSSI).

##### **Economic Development**

"We would generally support this application, welcoming additional tourism accommodation in the Shotley Peninsular. The growth of the tourism and leisure industry is a priority for Babergh District Council, the council's current Visitor Destination Plan (amongst many recommendations) emphasises the need to encourage more overnight stays, and for visitors to come all year round. The VDP and other supporting documents can be found on our website.

However, we recognise that this is a sensitive location and restrictions on the noise & lighting levels, number of events and traffic generation may be appropriate."

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## **Dedham Vale AONB and Stour Valley Project**

Objection – “We note that the western boundary is adjacent to the Shotley Royal Naval Cemetery and within close proximity of the church. Advice should be sought from the Commonwealth War Graves Commission in terms of the potential impact on the setting, tranquillity and views associated with the cemetery. It is our view that the granting of permission would result in an intrusion to the setting of the church, the war graves and the associated views over the harbour. The potential impacts on these significant historic and culturally important features do not appear to have been fully considered in the application documents.

We wish to raise concerns regarding the narrow access associated with Frogs Alley - this being a single-track lane with no passing places and unsuitable for event use. There is limited information regarding the frequency or type of events or the proposed management of visitors to the site. Without further information we cannot offer full and considered advice on the likely impacts of the proposal. “

### **Environmental Health - Noise/Odour/Light/Smoke**

Request more information on proposed event hosting.

### **Commonwealth War Graves Commission**

Express concern that impact on war graves not considered in submission. Cemetery and Cross of Sacrifice enjoys a vista of the estuary to allow quiet contemplation and commemorate casualties of 2 world wars. Concern about visual detriment to the landscape where cemeteries lie. Concern about noise during construction and when visitors to cemetery are present. Access to proposed development not addresses during or after construction. If approved should be screening of development from the cemetery to mitigate visual, audial and wind-blown rubbish. Request that events not take place during remembrance services.

### **Heritage Team**

Consider the proposals would cause moderate level, less than substantial harm to designated heritage assets, due to inappropriate development within the setting of the GII\* church.

Does not support the location of glamping pods or other structures to the west of the site. This would be in close proximity to the War Graves Cemetery and would have a considerable impact on the character and appreciation of this space.

Scale of the proposed outbuilding to the east of the site is considered very large and disproportionate to its rural and undeveloped location. Whilst there would unlikely be any obvious inter-visibility between this area and the church itself, the scale of the outbuilding would be atypical of the location and would be incoherent to the expected outbuilding type of a rural and historic location.

Any access and parking areas proposed must limit the use of black top and suburban road surfaces.

Revised Proposals: April 2018

### **Environmental Health - Noise/Odour/Light/Smoke**

No objection, in principle, to the "Glamping" or erection of an out building but recommend the conditions below. Note provision of more information regarding the types and scale of the events to be hosted and have concerns regarding events to be held outside the proposed outbuilding and have recommended condition 3.

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- All persons using the facility should be made aware of the need to respect neighbouring properties in relation to noise; especially late at night and early morning. This is particularly important if several of the Glamping tents are occupied by one group.
- Any external lighting associated with the development shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.
- Given the likely low background noise levels in the area, especially at night, a noise assessment should be provided. It should detail any noise attenuation scheme to protect the amenity of nearby residents.

## **Place Services-Ecology**

No objection subject to securing: a) a financial contribution towards visitor management measures for the Stour and Orwell SPA/Ramsar site b) biodiversity mitigation and enhancement measures.

## **War Graves Commission**

Advise that concerns have not been met and remind that if approval should be granted request conditions to secure appropriate screening to boundary with cemetery and restriction on any activities at the site when remembrance services are taking place.

## **Heritage Team**

Comment that the additional information provided has not addressed previous Heritage concerns and as such, the initial response is still pertinent and the assessment that the proposed development would cause moderate level, less than substantial harm to a designated heritage asset is maintained.

## **Dedham Vale and Stour Valley Project**

Objection: The AONB team maintain concerns about the introduction of the 2 built structures, particularly the larger outbuilding at this location. The proposal would result in the introduction of a large permanent structure away from Church End hamlet where most of the buildings are concentrated, into a landscape which is free of built structures. As such it would not help preserve the natural beauty or landscape or scenic beauty of this part of the AONB.

AONB team also have concerns about impacts of the proposal on the tranquillity of this part of the AONB, including on the adjacent war graves and on the existing community, from increased noise and traffic associated with the glamping and planned events at the site. The proposal, if approved, has the potential to increase traffic levels on Frogs Alley which is a single use road, thereby increasing disturbance levels locally.

Also have reservations about the suitability of Frog's Alley as the highway access to the site and the proposed level of parking to serve the glamping, weddings and wine-tasting events. The proposed level of parking seems insufficient. The LPA should be satisfied that there is adequate parking to serve the proposals if it is mindful to approve this application.

*(Officer comment- These comments appear to be under the impression that the proposals are for two built structures on the site, which is incorrect as the application submission proposed only one building).*

## **Natural England**

No objection with regards to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site or the Orwell Estuary Site of Special Scientific Interest (SSSI). Subject to the inclusion of conditions to secure each of the mitigation measures outlined in the further information provided (Addendum to planning statement, dated 6th April 2018 and Glamping Management Plan) and summarised on page 2 of their letter.

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### **Highways Authority**

No objection- previous comments apply

### **Place Services-Ecology**

No objection- previous comments apply

### **Commonwealth War Graves**

No objection subject to following conditions:

- That a semi-mature Beech hedge is planted in the autumn of 2018 on the boundary edge of the proposed site, immediately to the rear of the Commission Cross of Sacrifice. This is to further screen the site and limit noise pollution to any visitors to our graves. The design and layout of this should be agreed in advance with the commission.
- That the applicant limits the events to 6 per annum, and that these events do not take place on key commemorative or remembrance dates.
- That entertainment in the form of music that could be during any event is limited to acoustic.

### **Economic Development**

Support - consider that the revisions and additional information provided, show that this will be a small-scale development to support the existing vineyard and provide a small number of glamping pods for tourists to stay in this rural area. We suggest that conditions are imposed that limit the number and timing of events, noise levels and hours of operation to minimise the impact on the surrounding area.

### **Environmental Health**

Confirm with regard to noise and other environmental health issues that previous comments still apply.

Noted that the applicant intends to have up to 6 wedding events per year in a marquee. Advise that such events usually attract loud amplified music as part of evening celebration and would effectively be in the "open air" if held in a marquee and that the fabric of this type of structure offers nil or marginal resistance to the passage of sound and if entertainment noise is not properly controlled, may cause a statutory nuisance. Without any noise impact report on this aspect no further advice can be provided and there is no support for this aspect of the application. Note that the applicant advises that having 6 wedding events per year does not require planning permission but suggests an informative should permission be granted to the effect that should this Council be satisfied that a statutory nuisance exists or is likely to occur/recur the Council will be under a legal compulsion to serve an abatement notice.

**Heritage Team** - Considers the previous comments made are still relevant as the issues of heritage concern have not been sufficiently addressed. Therefore, the amended proposal would cause a low to moderate level of less than substantial harm to the designated heritage asset; the grade II\* listed Church of St Mary.

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The isolated, rural setting of the church and the sweeping landscape beyond contributes to the significance of the listed building and the way in which the asset is experienced. The Heritage Team recommends that by providing an amended scheme which addresses the massing of the proposed barn – which perhaps could be provided in the form of two smaller, but differing scales of building – could break up the mass but allow an equivalent floor area to that currently proposed in one building. This would give some variation and interest to the structures and enable the use of traditional proportions to complement the existing small scale buildings in the rural environment and setting of the church which positively contributes to the significance of the listed building.

**Natural England - No objection**

### **Dedham Vale and Stour Valley Project:**

Further Comments:

- Due to the reduced scale and the location of the proposed building on lower lying land, we no longer consider that this building will impact on the local character of this part of the Shotley Peninsula or on the wider Suffolk Coast & Heaths AONB.
- Consider that information is still limited about the wedding events proposed at the site. No additional information has been provided about the intended maximum number of visitors per wedding, wedding entertainment that would be considered acceptable or time restrictions
- More information should also be requested about acceptable wedding entertainment and times to ensure that the potential impacts on the special qualities of the AONB and residents have been fully considered
- Section 3 of the Management Plan specifies Arrival and departure times proposing Arrivals on Monday, Friday or Saturday after 3pm with departures on Thursday or Sunday by 10am Departures. It also states that visitors may come and go by car, bike or on foot with no car movement after 10.30pm or before 7.30am. Given the lack of facilities locally, visitors will inevitably leave the site to explore the area and to access local facilities. The AONB team have some unresolved concerns about how enforceable the time restrictions in the Glamping Management Plan will be.

### **B: Representations**

#### **Original Proposals**

Shotley PC strongly recommend the refusal on the following grounds:

- 1- Contrary to the NPPF and Babergh's policies, as well as the principles that safeguard the integrity of this Suffolk Coasts and Heaths AONB, SSSI and Ramsar sites.
  - 2- Extreme proximity to the Grade II listed St. Mary's Church, the parish cemetery and the Commonwealth War Graves Cemetery.
  - 3- The point of access is a Class C single track country lane, exposed to the harsh weather of a coastal village and not maintained. It is partly privately owned and is not only unsuitable for such an undertaking, it is also discouraged from use due to its proximity to the adjoining SSSI and Ramsar site.
  - 4- No provision for organised waste disposal/refusal collection or sewerage disposal.
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- 5- Planning is being sought for events 365 days a year with little or no clarification on number of visitors/patrons, pet arrangements, numbers per tent or per event, parking arrangements in excess of suggested 10, types of events proposed, management/supervisory arrangements for the events, measures to mitigate incidents of public nuisance/order, risk assessments or emergency plans due to location.
- 6- Health and Safety principles do not seem to have been taken into account in this mix of agricultural and tourism activities on the same site (spraying of crops, agricultural traffic, flammable materials, social gatherings of unknown quantity, possible lighting of fires, etc).
- 7- mix of materials and size/type of structures proposed, as well as some of the potential activities on the site are not in keeping with the surrounding area and will have an adverse impact on local amenities and heritage.
- 8- settlement area around the Church, War Graves and existing vineyards is extremely peaceful, tranquil and unspoiled with beautiful views over the river Orwell. The proposal to open the area to overnight camping with associated facilities and organised events all year round will be in serious detriment to the area. Landscaping scheme will detract significantly from the existing views.
- 9- Although the applicant does not provide traffic generation or management data, the proposed development would greatly increase highways safety concerns, as currently the access from the B1456 is only used by the small number of residents that live there and the usual service providers. Parking provision (10 spaces) is inadequate and additional traffic movements and congestion which would result from the various activities would exacerbate safety concerns for vehicles and pedestrians alike, as well as dangerously limit accessibility to emergency vehicles.
- 10- There appear to be some discrepancies in some of the evidence provided, such as the Ecological Appraisal and the proposals considered at a previous site visit. There is no noise impact assessment included nor restrictions to the size and nature of events.

28 responses from surrounding area objecting to the proposals on the following grounds:

- Increased traffic on Church lane and narrow lane leading to site
  - Lane serving the site is narrow, un-made, potholed, steep sided with few passing places
  - Harm from service vehicles accessing the site
  - Noise from events and functions
  - Harm to peace and tranquillity of the AONB
  - Light pollution from activities on the site
  - How are waste and sewerage to be treated?
  - Harm to setting of Commonwealth War Graves
  - Proposed building too large for the area
  - Harm likely to Orwell Estuary SSSI and Ramsar site
  - Not enough parking proposed
  - What is meant by 'event hosting'?
  - Concern about fire risk in hot weather
  - Concern about trespassers on fields
  - No details of management of campsite
  - Conflicts and health and safety concerns between campers and farm vehicles/activities on site
  - Impacts of structures on top field
  - No public transport to the site and all visitors will come by cars
  - Noise and light emissions detract from residential amenity of 9 residences who share use of Frogs Alley
  - No sewerage proposals
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- Proposed landscape scheme would detract from character of the area
- Unspecified events on any day of the year will affect users of the Church
- Marquee and pods adjacent to cemetery are inappropriate
- Adverse impact on breeding birds in the estuary
- Impact of café and wine tasting on surrounding area

**Stour and Orwell Society:** Object on grounds of impact on AONB, employment generation not justified, harm to ecology, impact on listed Church, inappropriate access, increase in traffic, lack of parking and residential amenity.

#### **Responses to April 2018 amendments:**

3 responses objecting on following grounds:

- Harm to AONB from noise, lighting, traffic
- Access track inappropriate to serve development as narrow with no passing places
- Lack of adequate information on proposed events
- Increase in traffic
- Harm to Church and War graves

**Parish Council** - No objection and comment as follows:

“Following the recent submission of a management plan by the applicant which appears to address the concerns previously raised, the Parish Council would like to now recommend the approval of this planning application.”

#### **Responses received to July 2018 amendments:**

**Parish Council-** Comments received from 5 parish councillors expressing views with 4 against the proposal and 1 in support.

7 responses from neighbours objecting on the following grounds:

- Impacts from events
- Traffic on narrow lanes and access is poor
- Adverse impact on AONB from visitors and activities
- Adverse impacts on visitors to the Church and graveyards
- Potential danger from campers mixing with agricultural machinery on the site
- Lack of information on refuse disposal
- Insufficient car parking
- No limit on outdoor events
- Use of lane by large construction lorries
- Adverse impact on Commonwealth War Graves

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The overall plot is a rectangular shaped parcel of land which is divided into three sections. Currently the middle part of site is used for grapevines with western and eastern parts used as pasture and these are the subject of the application.
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- 1.2 Frogs Alley is a single width private track running along northern boundary of the site. It is also a PROW and forms part of an extensive footpath network in the area.
- 1.3 Each plot has its own access from Frogs Alley.
- 1.4 There is a significant fall in ground levels from west to east. The eastern site is partly within Flood Zones 2 and 3.
- 1.5 The Site is close to the grade II\* listed Church of St Mary and two areas of Commonwealth War graves forming part of the curtilage of the Church. One and the larger of the two is located on the north-west side of Frogs Alley to the rear of the Church and the other is on the south-east side of Frogs Alley and adjoins the western application site.

There are two locations close to the land adjacent to Frogs Alley, Shotley, IP9 1ER where there are war graves. At Shotley Royal Naval Cemetery there are 133 war graves, and at Shotley (St. Mary) Churchyard there are 353 war graves.

- 1.6 The sites fall within the Coasts and Heaths AONB and adjacent to a Special Protection Area (SPA) /RAMSAR site of ecological importance.

## **2. The Proposal**

- 2.1. The application proposals as originally submitted can be summarised as follows:

- Continued use of central part of site for wine growing
- Use of west and east parts of site for camping (maximum of 6 canvas bell tents)
- Camping on site from April to October (inclusive) only
- Western section of site available for siting of marquees for occasional event hosting (area of 15m x15m earmarked for this purpose)
- Outbuilding proposed to be used in connection with wine growing and glamping. To include space for showers and wcs; wine tasting room; café; office; storage for maintenance equipment. Size of building proposed to be 25m long by 10m wide and 5 m high
- Car parking area at east end of site with spaces for 10 cars
- Campsite to provide employment for 2 full time employees

- 2.2 Revised plans received in April 2018 showed the following changes to the scheme and additional information was provided comprising a Glamping Management Plan and an Addendum to the Planning Statement:

- Number of tents reduced from 6 to 4 and located only at eastern end of the site
  - Inclusion of hedgerow screening along boundary with War Graves cemetery
  - Submission of Glamping Management Plan for campsite covering the following matters:
    - 1. Quiet site
    - 2. Communication with visitors before, during and after their stay, including restrictions & noise control
    - 3. Movement of visitors around the site, including arrival and departure times
    - 4. Recreational awareness and surrounding area impact mitigation
    - 5. Facilities for visitors onsite
    - 6. Maintenance of the site
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2.3 Revised plans and additional information received in July 2018 covered the following points:

- Size of outbuilding reduced by 20% from 250sqm (25m x 10m) to 160sqm (20m x 8m) and removal of café element.
- Use of events on western site area for weddings only and maximum of 6 per year.
- All other events linked to wine production/local produce comprising wine tours, wine tasting sessions, supper clubs and food/drink workshops.
- Use of barn for events limited to Thursday, Friday, Saturday and Sunday.
  - Proposed Hours- 11.00- 22.00 during Spring and Summer and between 11.00- 20.00 during Winter and Autumn
- All events pre-booked and arrivals and departures time controlled
- Wine tours and tastings:
  - 2 x per day in Spring/Summer (Max 20 per tour)
  - 1 x per day on Sat/Sun in Winter/Autumn.
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- Food and drink workshop- 1 x per month and maximum of 30 guests.
- Camping between April-October only and maximum of 4 tents at any one time
- Tents located at eastern end of site only
- External lighting would consist of two down lights on sensors located near the car park and the proposed building
- All music on site to be acoustic only

### **3. The Principle of Development**

- 3.1 Paragraph 83 of the NPPF is supportive of sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 3.2 Policies CS15 (Implementing Sustainable Development in Babergh) and CS17 (The Rural Economy) are also relevant. Policy CS17 recognises Shotley as an important location for tourism within the Babergh District and the policy is supportive of sustainable tourism and leisure-based businesses (including those offering a diverse range of visitor accommodation, activities or experiences).
- 3.3 Policy CS15 requires all new development to demonstrate the principles of sustainable development and i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views and ii) make a positive contribution to the local character, shape and scale of the area in which the development is being proposed. Proposals for development must ensure that adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs. and also, local features and habitats that fall outside these identified areas.
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In particular, it notes that proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.

- 3.4 As the site falls within the Suffolk Coast & Heaths AONB the proposal also needs to be considered against paragraph 172 of the National Planning Policy Framework (NPPF) and saved Policy CR02, which requires the landscape of the AONB to be safeguarded through the strict control of development.
- 3.5 Local Plan Policy RE06 supports proposals for small and medium scale recreational facilities in the countryside subject to no adverse impact on the character of the locality, road safety, Best and Most Versatile Agricultural Land, forestry, landscape character, particularly in Areas of Outstanding Natural Beauty and Special Landscape Areas; heritage assets, biodiversity or sites of geological/geomorphological interest and residential amenity. It highlights that proposals will not be permitted where they introduce new buildings which detract from the area or give rise to noise, light or other intrusive characteristics that detract from residential amenity or the general enjoyment of the countryside.
- 3.6 Whilst small scale tourism facilities are in principle appropriate in rural areas and especially areas identified as tourist locations such as Shotley, it is necessary to assess the likely impacts on various matters including the environment, highways, residential amenity and heritage and reach a conclusion as to whether the proposal represents sustainable development. The following assessments consider these and other impacts further.

#### **4. Site Access, Parking and Highway Safety Considerations**

- 4.1 The Highway Authority comments indicate no objection to the proposals subject to specified conditions relating to the design of the access, although it is not made clear whether it applies to either or both and to ensure the provision of on-site parking and turning space. It is assumed that it applies to the access at the eastern site where the glamping tents are proposed, and the parking is provided.
  - 4.2 The two parts of the site each have a vehicular access and the proposed plans show alterations to the access to the eastern site comprising a new set back gate leading to a driveway and nearby to which 10 no. parking spaces are indicated. It is clear that there is space on site for additional parking if required, which could be either in the form of additional bays or informally parked on the site.
  - 4.3 Frogs Alley is a narrow private single-track lane with no passing places and enclosed by steep banks. It predominantly serves residences in Frogs Alley and farm traffic. The lane is not well maintained as is rutted and potholed. It is less than ideal as a suitable access for the additional traffic likely to be generated by the proposed uses on the site namely, the glamping, wine tasting, weddings and other events. However, it is not considered that additional use would be harmful to highway safety given the limited existing use of the lane nor is it considered that additional traffic would be significantly detrimental to residential amenity. The proposed glamping would be limited to 4 tents and is therefore a modest level of camping activity. In addition, it is not considered that additional trips by service vehicles would be significant.
  - 4.4 The Highway Authority has not raised objection to the proposals. This must reflect that Frogs Alley is a private road and not public, but it is clear that insofar as the proposals affect the public highway network they do not see the proposals as giving rise to harm to safety.
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- 4.5 The site is not accessible by public transport and therefore visitors will predominantly use cars to access the site although the Applicants do offer options for collection of visitors without cars from nearest rail and bus stations and offer use of bicycles for use by visitors to explore the countryside which along with walking are sustainable alternatives to touring by car. Bus services linking Shotley and Ipswich are accessible on the B1456 about a mile walk from the site.

## **5. Design and Layout**

- 5.1 The NPPF advises (Paragraph 124) that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.2 Saved Policy CN01 requires all new development to be of appropriate scale, form, detailed design and construction materials with particular regard to surrounding development, external materials, local features, landscaping and open spaces.
- 5.3 The main design issue in this case is the proposed out building which is multi-functional providing storage for equipment associated with the existing wine growing activity, washing/ WC and other services for the camping activity, and a wine tasting event venue. The building has been reduced in size from that originally proposed and no longer contains a proposed café. It is located on the south side of the eastern site backing onto an existing established hedgerow. It would be faced in black weatherboarding, a red tile roof and aluminium windows and doors with a black graphite finish.
- 5.4 Permission was previously granted for a building to be used in connection with the wine growing activity in B/02/01837 in January 2003, but it was not implemented.
- 5.5 The proposed building, as reduced in footprint, is considered not to give rise to harm to landscape character within the AONB nor to affect the setting of the Church given its location at the eastern end of the site, hedgerow screening and traditional design. It is acknowledged that the Heritage Team maintain an objection to the building and would prefer to see two smaller buildings as an alternative in order to 'break up' the massing of the single building. The Applicant is unwilling to alter the scheme in this way and your Officers are not convinced that two buildings with the same floorspace area would necessarily be less intrusive.

## **6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 6.1 There are no TPO trees on or adjacent to the site and the site is not within a Conservation Area. The application is supported by a Landscape and Visual Assessment Study, which concludes overall that the area is able to accommodate the proposed development. The area is judged as having High sensitivity to change due to its positive landscape condition, but the proposals are at a scale that causes a low magnitude of change having regard to the existing screening of the site and is low level. Overall the report concludes that the development would give rise to a low magnitude of change and cause a moderate/slight effect on landscape change in the long term.
- 6.2 Additional landscape planting mitigation is recommended comprising tree and hedge planting along the NE boundary and tree planting along the west boundary. This could form the basis of a landscape scheme to be required by condition.
- 6.3 The application is supported by a Preliminary Ecological Appraisal by Greenlight Environmental Consultancy Ltd, November 2017 that assesses likely impacts of development on Protected & Priority habitats and species.
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The Ecological Survey identifies habitats on the site as being of low ecological value and no significant ecological constraints. It sets out mitigation and enhancement measures for badgers, bats and birds.

- 6.4 Place Services (Ecology) raise no objection subject to securing:
- a) a financial contribution towards visitor management measures for the Stour and Orwell SPA/Ramsar site
  - b) biodiversity mitigation and enhancement measures
- 6.5 Place Services confirm there is sufficient ecological information available for determination and it provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable biodiversity enhancements that should also be secured by a condition.
- 6.6 The site lies within the 13km Zone of Influence (ZOI) for the Orwell & Stour Estuaries SPA/Ramsar site so Natural England's advice to ensure new residential development and associated recreational disturbance mitigation for designated site impacts is compliant with the Habitats Regulations 2017 applies. The LPA is therefore advised that a contribution should be sought from each residential development within the 13 km ZOI specified. The LPA will also need to prepare a HRA record to secure the development contribution for this application.
- 6.7 A Habitats Regulations Assessment Screening Record has been issued which means that This project can be screened out from any requirement for further HRA assessment.

## **7. Impact on the AONB**

- 7.1 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and which have the highest status of protection in relation to these areas together with the conservation and enhancement of wildlife and cultural heritage. It goes on to say that the scale and extent of development should be limited and that major development, as defined by the decision maker, should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The NPPF sets out three tests that should be considered in assessing major proposals in an AONB which are summarised as follows:
- Need for the development and impact on the local economy?
  - Whether development could take place outside the AONB?
  - Any detrimental effects on the environment, landscape and recreational opportunities and potential mitigation?
- 7.2 The application is not a Major application as defined by the Planning Regulations nevertheless given the discretion in the NPPF for the decision maker to decide what is a 'major application' it is relevant to apply these questions to the current proposals. The proposal is a commercial enterprise forming part of a diversification of the existing vineyard business on the site and therefore can be viewed as supporting the expansion and widening of the business with the expectation of local employment growth. The use as a glamping site and visitor attraction also supports the tourist offer and expands the Range of accommodation available in the area which is a high priority in the Council's economic strategy. The development is proposed here because the vine growing areas are located here and the visitor attraction is linked to wine production and associated local produce. The glamping activity is specifically located in the AONB to take advantage of the landscape quality and tranquillity of the area. This report seeks to identify and address all relevant impacts of the proposals on the environment, landscape and recreational opportunities and its findings are set out at the end of the report.
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## **8. Heritage Issues**

- 8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 8.2 Case law has indicated that decision makers should give 'considerable importance and weight' to the desirability of preserving the setting of a listed building when carrying out the balancing exercise as set out at Paragraph 196 of the NPPF between a proposal considered to give rise to less than substantial harm as against the public benefits of the proposal.
- 8.3 Paragraph 190 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.4 The Heritage Team commented in response to the original proposal stating that the proposals would cause moderate level, less than substantial harm to designated heritage assets, due to inappropriate development within the setting of the Grade II\* church. Their objection to the size of the outbuilding remains notwithstanding the reduction in its size and removal of the café element.
- 8.5 The location of the proposed outbuilding is approximately 260m from the Church and at a much lower level with significant intervening tree and hedgerow screening. Therefore, views of the structure from the Church would be very limited and whilst it is acknowledged that the setting of a listed building comprises more than just visual impact, it is not considered in this case that less than substantial harm identified by the Heritage Team is outweighed by public benefits. It is necessary to weigh the harm against any public benefits and in so doing to give considerable importance and weight to the preservation of the listed building. This will be carried out at the end of the report.

## **9. Impact on Residential Amenity**

- 9.1 The proposals have been assessed having regard to impacts on the living conditions or residential amenity of immediate neighbours with regard, in particular, to noise and disturbance impacts from camping activities on the site and proposed wine tasting and other events including wedding functions.
  - 9.2 It is evident that the location is at present a quiet and tranquil location which nearby residents presently enjoy, and the above policies seek to protect in the interests of residential amenity. The proposed camping, wine-tasting events, and other unspecified events including weddings have great potential to cause noise and disturbance especially at night time. The large number of comments from neighbours expressing these concerns is evidence of this. The Dedham Vale and Stour Valley Project have raised similar concerns about the frequency, number, hours, times and nature of events and how agreed details of these can be properly controlled and enforced. It is clear that the Applicant is mindful of these concerns and has proposed mitigation measures as set out in the submitted Glamping Management Plan and other submissions. These express limits on the number, days, times of events are set out earlier at Para. 2.3 of the report and are reflective of the care and consideration of the Applicants to safeguard the amenity of neighbours and promote the use of the site as a low key, 'quiet' glamping and visitor centre linked to the wine growing business. It is considered that these details of the types, dates, duration and numbers of events should be incorporated into a Vineyard Events Management Plan, or similar entitled document which should be prepared by the Applicant and submitted to and agreed as a condition of planning permission and Officers will expect the development to be operated fully in accordance with the approved details and other relevant conditions.
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- 9.3 Under Class B (temporary use of land) of Part 4 of the General Permitted Development Order land can be used for any purpose for not more than 28 days in total in any calendar year. The applicants confirm that they have the intention of holding wedding functions on the western site utilising a temporary marquee with the benefit of this provision. The LPA has no control over this as it would be permitted development but the Applicant has agreed to limit the number of weddings to a maximum of 6, which can be controlled by condition thus limiting those permitted development rights.
- 9.4 The views of Environmental Health set out earlier confirm they have no objections to the glamping use or the visitor events and that their main concern is wedding events and the potential for late night noise and amplified music. They recommend conditions regarding a noise survey and controls on external lighting and advise that they have powers to control noise where it is deemed a statutory nuisance by serving an abatement notice. These powers are a further safeguard for nearby residents in addition to planning controls.
- 9.5 With regard to waste disposal the applicants will facilitate weekly bin runs to ensure that all bins are taken to the nearest collection point on Frogs Alley. A septic tank on site will be used for sewerage disposal.

## **10. Flood Risk**

- 10.1 Part of the eastern site falls within Flood Zones 2 and 3 and are at a medium/high risk of flooding. The positions of the 4 proposed tents are not precisely positioned on the site and are therefore capable of being positioned on the site in positions of low flood risk and with a dry 'escape' to safety in the event of a flood event. It is recommended that a condition be imposed requiring the submission of a flood evacuation strategy and plan.

## **11. Land Contamination**

- 11.1 The Councils Environmental Protection Team have reviewed the information and raises no objection to the proposal with respect to risks associated with potentially contaminated land. Officer consider the proposal is thereby acceptable in this regard.

## **12. Planning Obligations / CIL**

- 12.1 The site is located within the Stour and Orwell SPA/Ramsar site wherein proposals for new residential development must provide for mitigation in accordance with the emerging joint (Draft) Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy. This mitigation is expected to be provided by 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.

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# **PART FOUR – CONCLUSION**

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## **13. Planning Balance and Conclusion**

- 13.1 The principle of development for tourist related business development comprising small scale camping and an events venue limited to a fixed number of wedding events and visitor events linked to wine growing and food produce of the area is acceptable and accords with employment and tourist policies in the NPPF and local plans.
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The site is, however, highly sensitive most notably for being within the AONB and in close proximity to the Orwell Estuary SPA where there are highly significant landscape and ecological assets and also its proximity to the Grade 2\* St Mary's Church and Naval War Graves. Whilst the nature of the access is less than ideal it is not unacceptable to support a low key, small scale tourist facility and it is not considered that additional traffic generation would be detrimental either to highway safety or amenity. The proposals include details of the types, dates, duration and numbers of events and these can be incorporated into a Vineyard Events Management Plan which should be agreed as a condition of planning permission.

- 13.2 The proposed outbuilding is judged as giving rise to a moderate to low level of less than substantial harm to the setting of St Mary's Church. As such, if minded to approve, Officers must weigh this against any public benefits of the proposal. In this case these are considered to be the benefits of the development for tourist growth in the area supporting the local rural economy and local employment creation as part of a rural diversification plan by the vineyard. The growth of the tourism and leisure industry is a priority for the Council and the current Visitor Destination Plan emphasises the need to encourage more overnight stays, and for visitors to come all year round. The proposals are considered to be acceptable with respect to impacts on landscape, trees, ecology and contamination. All matters considered it is recommended on balance that planning permission is granted subject to conditions as listed below.

## **RECOMMENDATION**

- (1) That the Corporate Manager – Planning for Growth be authorised to Grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Corporate Manager:**

- Standard time limit (3yrs for implementation of scheme)
  - Approved Plans (Plans submitted that form this application)
  - Details of facing materials to be agreed
  - Improvements to access to eastern site
  - Provision of parking area to eastern site
  - Landscape enhancement details
  - Landscape implementation
  - Ecology enhancement measures
  - Ecology mitigation
  - Details of external lighting
  - Duration of glamping season (April to October inclusive)
  - Maximum of 4 glamping tents on site
  - Maximum of 6 wedding events per calendar year on western site
  - Construction Management Plan to be submitted and agreed
  - No events to take place during Church services or services at the War Graves
  - Refuse management arrangements
  - Limit music at weddings and outdoor events to acoustic only
  - Submission and approval of a Vineyard Events Management Plan
  - Flood alert and evacuation strategy
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**(2) And the following informative notes as summarised and those as may be deemed necessary by the Corporate Manager:**

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles