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COMMITTEE:PLANNING COMMITTEEDATE:WEDNESDAY, 20 OCTOBER

2021 9.30 AM

VENUE: KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Members		
Conservative	Independent	Labour
Sue Ayres (Vice-Chair)	John Hinton	Alison Owen
Simon Barrett	Lee Parker	
Peter Beer	Stephen Plumb (Chair)	Green
Mary McLaren		Leigh Jamieson
Adrian Osborne	Liberal Democrat	
	David Busby	

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 **DECLARATION OF INTERESTS**

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 PL/21/4 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 06 OCTOBER 2021

To follow

4 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

5 SITE INSPECTIONS

In addition to any site inspections which the Committee may consider to be necessary, the Acting Chief Planning Officer will report on any other applications which require site inspections.

6 PL/21/15 PLANNING APPLICATIONS FOR DETERMINATION BY 5 - 10 THE COMMITTEE

An Addendum to Paper PL/21/15 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a DC/21/04658 LAND BETWEEN POT KILN ROAD AND RAYDON 11 - 20 WAY, GREAT CORNARD, SUFFOLK

b DC/20/04309 SHOTLEY MARINA LTD, KING EDWARD VII DRIVE, 21 - 40 SHOTLEY, IPSWICH, SUFFOLK IP9 1QJ

Notes:

- 1. The next meeting is scheduled for Wednesday 03 November 2021 commencing at 9.30 a.m.
- 2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
- 3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

PUBLIC SPEAKING ARRANGEMENTS

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than two clear working days before the Committee meeting, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.
- Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 3 November 2021 at 9.30 am.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils Youtube page: <u>https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg</u>

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01449 724930 or Email: <u>Committees@baberghmidsuffolk.gov.uk</u>

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

- 1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
- 2. Follow the signs directing you to the Fire Exits at each end of the floor.
- 3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
- 4. Use the stairs, <u>not</u> the lifts.
- 5. Do not re-enter the building until told it is safe to do so.



PL/21/15

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

20 OCTOBER 2021

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
7A	11-20	DC/2104658	Land between Pot Kiln Road and Raydon Way, Great Cornard, Suffolk	EF
7B	21-40	DC/20/04309	Shotley Marina Ltd, King Edward VII Drive, Shotley, Ipswich, IP9 1QJ	RW

Philip Isbell Chief Planning Officer

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Acting Chief Planning Officer, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

- 1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
- 2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
- 3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
- 4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved polices in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <u>http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/</u>

National Planning Policy Framework:

http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
РМ	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
тс	Town Council

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BMSDC COVID-19 – KING EDMUND COUNCIL CHAMBER ENDEAVOUR HOUSE AFTER 19 JUNE 2021

Guidance for visitors to Endeavour House after 19 July 2021

On the 19 July Government legal requirements to wear face coverings and to socially distance in our social lives was lifted. However, in the workplace the onus to maintain safe working arrangements is the responsibility of the employer.

Government guidance is that there is a place for continued Covid-19 control measure when meeting with people who are 'unknown' to you.

In order to protect both our visitors and our staff if you wish to access Endeavour House, please follow these steps:

- Please carry out a lateral flow test beforehand. If this is positive, please self-isolate and do not continue with your visit.
- If you are unwell or have any of the Covid-19 symptoms, please do not continue with your visit.
- Please sanitise or wash your hands before entering the building
- Please wear a face covering before you enter the building and whilst in the building unless you are seated in a meeting and advised by our staff that this may be removed. If you have a health condition, which makes this uncomfortable for you, please advise our staff in advance of your visit.
- Please use the NHS Covid-19 App for track and trace purposes and use this to 'check-in' to our building using the QR code at the door.
- Please socially distance within our building.

Babergh and Mid Suffolk District Councils (BMSDC) have a duty of care to ensure the office and the space used by Members of the Public, Councillors and Staff are COVID-19 Secure and safe. But each person is responsible for their own health and safety and that of those around them.

The BMSDC space within Endeavour House has been assessed and the level of occupancy which is compatible with the updated COVID-19 Secure guidelines reached, having regard to the requirements for social distancing and your health and safety. As a result, you will find the number of available seats available in the Council Chamber and meeting rooms much lower than previously.

You must only use seats marked for use and follow signs and instructions which are on display.

Arrival at Endeavour House (EH) and movement through the building

- Please observe social distancing
- Do not stop and have conversations in the walkways.
- There are restrictions in place to limit the occupancy of toilets and lifts to just one person at a time.
- Keep personal possessions and clothing away from other people.
- Do not share equipment including pens, staplers, etc.
- A seat is to be used by only one person per day.
- On arrival at the desk/seat you are going to work at you must use the wipes provided to sanitize the desk, the IT equipment, the arms of the chair before you use them.
- When you finish work repeat this wipe down before you leave.

Cleaning

- The Council Chamber and meeting rooms at Endeavour House have been deep cleaned.
- General office areas including kitchen and toilets will be cleaned daily.

Fire safety and building evacuation

- If the fire alarm sounds, exit the building in the usual way following instructions from the duty Fire Warden who will be the person wearing the appropriate fluorescent jacket
- Two metre distancing should be observed as much as possible, but may ways not be practical. Assemble and wait at muster points respecting social distancing while you do so.

First Aid

If you require first aid assistance call 01473 264444

Health and Hygiene

- Wash your hands regularly for at least 20 seconds especially after entering doors, using handrails, hot water dispensers, etc.
- If you cough or sneeze use tissues to catch coughs and sneezes and dispose of safely in the bins outside the floor plate. If you develop a more persistent cough please go home and do not remain in the building.
- If you start to display symptoms you believe may be Covid 19 you must advise your manager, clear up your belongings, go home and follow normal rules of isolation and testing.
- Whilst in EH you are required to wear your face covering when inside (unless you have an exemption) in all parts of the building (including the access routes, communal areas, cloakroom facilities, etc.). The face covering can be removed when seated. Re-useable face coverings are available from the H&S Team if you require one.
- First Aiders PPE has been added to first aid kits and should be used when administering any first aid.
- NHS COVID-19 App. You are encouraged to use the NHS C-19 App. To log your location and to monitor your potential contacts should track and trace be necessary.

Agenda Item 6a

Committee Report

Item No: 7A

Reference: DC/21/04658 Case Officer: Elizabeth Flood

Ward: Great Cornard Ward Member/s: Cllr Simon Barrett, Cllr Peter Beer, Cllr Mark Newman

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Erection of 5 dwellings and associated works <u>Location</u> Land Between Pot Kiln Road and Raydon Way, Great Cornard, Suffolk

Expiry Date: 27/10/2021 Application Type: FUL - Full Planning Application Development Type: Minor Dwellings Applicant: Babergh District Council Agent: Ms Lucy Smith

Parish: Great Cornard Site Area: 0.23ha

Details of Previous Committee / Resolutions and any member site visit: None Has a Committee Call In request been received from a Council Member: No Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

Babergh District Council is the applicant.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Saved Policies in the Babergh Local Plan (2006):

CN01 - Design Standards HS28 – Infilling or Groups of Dwellings TP15 - Parking Standards - New Development

Babergh Core Strategy 2014:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh CS15 - Implementing Sustainable Development CS18 - Mix and Types of Dwellings CS19 - Affordable Homes

National Planning Policy Framework 2021

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Town/Parish Council

Great Cornard Parish Council

The land in question has historically been where the air ambulance has landed in an emergency. If this area was to be lost, the nearest open space large enough is The Stevenson Centre which would mean ground ambulances would also be necessary to reach local residents. The Parish Council supports the retention of this land as an emergency landing area for the air ambulance service. BDC has previously identified this pocket of land as amenity green space (GC020) in their PPG17 Audit document updated 01/11/2010 (*attached* to supporting email to Planning Officer for reference). The Parish Council supports the retention of any well used amenity green space within the Village.

Over development of the site.

Not in keeping with the surrounding area.

Increase in traffic along a dead-end road.

Potential for new residents and their visitors using Pot Kiln Road/Raydon Way for additional parking, causing obstructions and access issues to existing properties. Vehicles exiting the site would also be able to see directly into some ground floor bedrooms creating a loss of privacy for existing residents.

Loss of established hedgerow and therefore habitat for small species.

County Council Responses

Highway Authority

No objection subject to standard conditions.

Flood and Water No comments.

Internal Consultee Responses

Strategic Housing

No objection but need to confirm the tenure mix.

Confirmation of the intended tenure. If the tenure is yet to be determined, the approach we would usually take to affordable housing on a market-led scheme would be to seek 75% affordable rent and 25% shared ownership, of different sizes according to the local need. However, given that this is a small and 100% affordable scheme, there is limited ability to adjust the affordable housing mix, due to the number of units site size and (potentially) viability constraints. Therefore it is reasonable to take a different approach in this case. There is significant demand for affordable rented properties in Great Cornard. At the time of writing, there are 100 entries on the register with a local connection, of which 21 are aged over 55 and 14 require an adaptation to aid with physical mobility problems. There will also be demand for Shared Ownership properties in the area. The Strategic Housing Assessment has estimated a need for 506 additional Shared Ownership properties across Babergh, between 2018 and 2036. 1 By market-led scheme, this is a reference to 65% open-market housing and 35% affordable housing; the mechanism by which most affordable and open-market housing comes forward. On this basis, with regard to the housing register at the time of writing, the preference would be to mirror the standard approach, with a focus on housing to rent but with one shared ownership dwelling to introduce a mix of tenures on site. However, 100% social or affordable rents would also be beneficial. This can be discussed further, in the context of the constraints of the development.

It is not a planning condition, but the tenure, nomination rights and/or advertising conditions may need to be secured through an obligation.

OFFICER COMMENT – As this is a Council scheme, it would be appropriate to secure these matters through conditions.

Contamination

No objection.

Ecology Place Services

No objection subject to securing ecological mitigation and enhancement measures.

We have reviewed the Ecology report (Wild Frontier Ecology, August 2021), submitted by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority Species & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in Report on the Scoping Survey for the Presence/Absence of Bats and Ecology report (Wild Frontier Ecology, August 2021) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species. In addition, we support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021.

The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy. The strategy should be secured prior to slab level as a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to conditions based on BS42020:2013. Submission for approval and implementation of the details should be a condition of any planning consent.

B: Representations

At the time of writing this report at least three letters/emails/online comments have been received. It is the Officer opinion that this represents three objections. A verbal update shall be provided as necessary.

Grounds of objection are summarised below:-Increased traffic of dead end road Loss of privacy Access/driveway issues Limited on-site parking Loss of green space Noise impact on occupants from play area.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: B/1045/75/OUT	Erection of Hall for religious purposes	DECISION: GRA
		23.01.1975

PART THREE – ASSESSMENT OF APPLICATION

1.0 <u>The Site and Surroundings</u>

- 1.1. The site, comprising grassland, is located in the north-eastern corner of Raydon Way and Pot Kiln Road, within the built-up area boundary of Great Cornard. A hedgerow runs along the eastern boundary (adjoining 102 Pot Kiln Road) and partly along the northern boundary fronting Pot Kiln Road. The site extends to 0.23 ha.
- 1.2. The land is surrounded by residential development, primarily post-war bungalows. Being a corner site, there is only one direct neighbour, the residential property at 102 Pot Kiln Road.
- 1.3. The site is not located within a Conservation Area, nor are there any nearby listed buildings.
- 1.4. The site is in Flood Zone 1.
- 1.5. The site forms an area of proposed designated open space in the Regulation 19 submission of the draft Joint Local Plan.

2.0 The Proposal

2.1. The application seeks full planning permission for five two-bedroom affordable dwellings. All dwellings are single-storey, two are detached and three are link-detached with carports. Finishing materials comprise facing (red) bricks, plain-tiled roofs and anthracite grey fenestration.

- 2.2. The vehicle access utilises an existing access forming a small area of hard surfacing from Pot Kiln Road. The access road extends into the site to provide a turning head to the west, and access to parking spaces for all of the proposed dwellings. Two on-site parking spaces are provided for each dwelling, with two additional visitor spaces.
- 2.3. The hedging to Pot Kiln Road is replaced in order to achieve required visibility splays. A frontage hedgerow is proposed to Raydon Way. The eastern hedgerow is retained. Pockets of landscaping are proposed within the site, including areas of soft landscaping to the site entrance and to the front of the dwellings.
- 2.4. A small area of public open space is provided to the west of the site, right on the corner of Pot Kiln Road and Raydon Way, with three proposed specimen trees and soft landscaping proposed.

3.0 Policy Context

- 3.1. Babergh has a five-plus-year residential land supply. This position does not engage NPPF paragraph 11(d).
- 3.2. The most important policies relevant to the assessment of the application in the Local Plan are Policies CN01, HS28 and TP15. Policy CN01 is a broad policy concerning the design, layout and effects of development, consistent with the NPPF and so is not out-of-date. Policy HS28 sets out circumstances in which infill housing should be refused. The Council has recently defended this policy at appeal as being up-to-date. Policy TP15 considers development accessibility by means other than the car and offers flexibility in considering parking standards, it is consistent with the NPPF and is not out-of-date.
- 3.3. The most important policies in the Core Strategy for determining the application are Policy CS1, CS15, CS18 and CS19 of the Core Strategy.
- 3.4. Policy CS1 is consistent with the principles of sustainable development set out at NPPF Paragraph 8. This policy is not out-of-date. Policy CS15 broadly accords with the NPPF, this policy is up-to-date. Policy CS18, advocating for a mix of dwelling types, is up to date. Policy CS19 is out-of-date as it requires affordable housing to be provided in all residential schemes, whereas the NPPF indicates that it should be sought from major developments only. This, however, is of no relevance as the scheme is compliant with Policy CS19 in any event.
- 3.6. The draft Joint Local Plan has not yet been examined, which significantly reduces the weight which may be afforded to it. It does not play a determinative role in the assessment of the application.
- 3.7. The NPPF does not specifically determine whether the titled balance applies when 'one of' or 'any of' the most important policies are out of date. However *Wavendon Properties Ltd v SSHCLG* [2019] *EWHC 1524 (Admin)* has made it clear that the most important policies should be viewed together and an overall judgement made whether the policies as a whole are out of date. Taken as a whole, the most important policies referred to above are not out-of-date. It follows that the tilted balance at NPPF paragraph 11(d) does not engage.
- 3.8. The key issues, therefore, relate to determining the impacts of the development on local character, residential amenity, highway safety and biodiversity values. Given the grounds of objection, a particular issue to be considered is the loss of open space.

4.0 Design and Layout

- 4.1. The site is currently undeveloped and been used historically by local residents for informal recreation. In addition to the recreational value, its open setting offers an 'open character' value, as observed by some objectors. The open character contributes to the setting of the wider estate. This is reflected in the open space designation of the site in the Regulation 19 submission of the New Joint Local Plan. The development of the site for residential purposes will clearly result in a marked change for local residents, both in terms of a character change as well as a loss of recreational land. In respect of the latter, there is recreational public open space directly opposite the site and so the effect of the loss of this informal recreational land would not be significant.
- 4.2. Saved Policy HS28 state that infilling or groups of dwellings will be refused where the site should remain undeveloped as an important feature in visual or environmental terms. There may be material considerations which indicate that, when considered in the round, development of a site delivers a sustainable outcome even where it might result in the loss of undeveloped land that otherwise plays an important feature in visual terms. Any material conflict with Policy HS28 is not, of itself, fatal to the application.
- 4.3. The applicant has deliberately sought to retain some element of public open space, a direct response to Officer advice provided at the pre-application stage. The open space pocket proposed to the corner frontage maintains, to some degree, a sense of the open character. Largely though, the giving over of the majority of the site for domestic development will result in much of the open character being diminished, and in so doing will harm local character. This is a policy conflict.
- 4.3. The development is single-storey, comprising modest bungalows set centrally within the site. The extent of the site covered by buildings (site coverage) is very low; the proposal does not represent an overdevelopment of the land. The vehicle accessway and parking areas are essentially internalised, limiting their visual impact on the street-scenes of Pot Kiln Road and Raydon Way. The bungalows are of traditional form and appearance, adopting pitched roofs and red brickwork to external walls. The design of the dwellings clearly takes its cue from the local building stock that surrounds the site. Officers do not agree with the Parish Council who are of the view that the development is not in-keeping with the surrounding area.
- 4.3. The pocket of open space to the corner frontage, including the introduction of three specimen trees, provides an attractive focal point for the corner. It will enhance the setting of the development. The overall landscape theme, with additional hedgerow planting to the southern frontage adjoining Raydon Way, complements the character of the estate. The loss of hedgerow to Pot Kiln Road is acceptable given that a replacement hedgerow is proposed. Landscaping details can be secured by planning condition.

5.0 Impact on Residential Amenity

5.1. The bungalows are set a sufficient distance from the eastern boundary so as to not unacceptably impinge upon the amenity enjoyed by the occupants of 102 Pot Kiln Road. Limited to single storey, there will not be any direct overlooking of this adjacent eastern property. An objector opposite the proposed site entrance is concerned with a loss of privacy. The dwellings on Pot Kiln Road are set well back from the road frontage. The properties incorporate horse shoe driveways with vehicles parking to the front of dwellings. It is difficult to envisage how privacy levels would be any more impacted by the subject development than by passers-by utilising Pot Kiln Road.

6.0 Site Access, Parking and Highway Safety Considerations

6.1. The Highway Authority does not raise an objection to the proposed vehicle access arrangement from Pot Kiln Road. Visibility splays are standard-compliant.

- 6.2. Some local residents are concerned about the potential increase in on-street parking demand. There is concern about the potential for additional parking to cause obstructions and access issues to existing properties. The latter concern, essentially a parking enforcement matter, is not a relevant planning consideration. In respect to the former concern, the proposed on-site parking provision (including visitor parking) complies with the Suffolk Parking Standards and is therefore consistent with saved Local Plan Policy TP15. There is direct access to the rear gardens of each plot to allow for cycle storage facilities.
- 6.3. There is an absence of highway safety grounds sufficient to resist the grant of planning permission.

7.0 <u>Biodiversity</u>

7.1. The Council's ecology consultant has reviewed the supporting ecology report, prepared by Wild Frontier Ecology and dated August 2021, and agrees with the findings and supports the mitigation measures and biodiversity enhancements that are proposed. Whilst the loss of amenity grassland will impact local biodiversity values, the enhancement measures compensate for the loss of ecological value and will deliver net gain benefits to local wildlife. Proposed enhancements include native and fruit bearing tree planting and the installation of three bird nesting boxes, two bat boxes and two bug boxes.

8.0 <u>Planning Obligations</u>

- 8.1. The development comprises 100% affordable housing, there is no private housing proposed. As noted by the Strategic Housing Officer, the tenure is not specified however this can be secured. As this is the Council's own scheme, it is appropriate to use conditions.
- 8.2. The provision of five affordable dwellings in a highly accessible location is a compelling public benefit. This element of the scheme weighs heavily in favour of it.

9.0 Parish Council Comments

9.1. The concerns raised by the Parish Council are addressed in the above assessment. The use of the site for the landing of the air ambulance is likely to be an infrequent occurrence and there are other areas of open space with Great Cornard, including the Stevenson Centre where the air ambulance can land during an emergency.

PART FOUR – CONCLUSION

10.0 Planning Balance and Conclusion

- 10.1. The basket of policies most important in determining the application are up to date and the Council benefits from a five-plus-year housing supply. The tilted balance at NPPF paragraph 11(d) therefore does not engage.
- 10.2. The undeveloped site, located within the built-up area boundary, represents a sustainable location for housing. The design and layout of the infill proposal is sympathetic to the character of the area, in accordance with saved Policy CN01. The development will enhance local townscape quality (loss of open space aside) consistent with the NPPF. The infill housing scheme does not cause heritage harm and therefore does not conflict with any local or national heritage-related policies.

- 10.3. Whilst the built form and landscaping is consistent with the nearby development pattern, there is some landscape harm caused by the loss of open space. The loss of open space is tempered, to some degree, by the retention of a small pocket of landscaped open space at the corner frontage. The level of harm is therefore moderated.
- 10.4. Matters relating to ecology, residential amenity and highway safety are either acceptable or able to be managed effectively by way of planning conditions. The application does not turn on these matters.
- 10.5. The provision of a fully affordable development scheme delivers a significant public housing benefit which is attached great weight.
- 10.6. The affordable scheme can be delivered without compromising, to an unacceptable extent, local character or amenity enjoyed by local residents. In the round, the residential infill scheme therefore accords with the basket of policies in the development plan most important in determining the application, as well those national policies relevant to it.

RECOMMENDATION

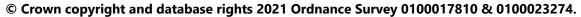
- (1) That Planning permission be granted subject to the following conditions:
- Time limit
- Approved Plans (Plans submitted that form this application)
- Highway Authority conditions
- Ecology conditions
- Landscaping details
- Construction Plan to be agreed.
- Affordable Housing
- (3) And the following informative notes as summarised and those as may be deemed necessary:
- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles

Application No: DC/21/04658

Parish: Great Cornard

Location: Land between Pot Kiln Road and Raydon Way





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Agenda Item 6b

Committee Report

Item No: 7B

Reference: DC/20/04309 Case Officer: Rose Wolton

Ward: Ganges. Ward Member/s: Cllr Derek Davis

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application under S73a for removal or variation of conditions relating to B/13/01384/FUL dated 07/03/2016. Town and Country Planning Act 1990. - To Vary Condition 2 (Approved Plans and Documents) - The proposal seeks to amend the layouts but retain the quantum of development (19 residential units) and reflects the overall scale of the previous approval and falls within the same site location, as per revised drawings received 2nd October 2020.

Location

Shotley Marina Ltd, King Edward VII Drive, Shotley, Ipswich Suffolk IP9 1QJ

Expiry Date: 26/02/2021 Application Type: FUW - Full App Without Compliance of Condition Development Type: Major Small Scale - Dwellings Applicant: Shotley Marina Ltd, Towercrest Ltd Agent: Wincer Kievenaar

Parish: Shotley Site Area: no change Density of Development: Gross Density (Total Site): no change Net Density (Developed Site, excluding open space and SuDs): no change

Details of Previous Committee / Resolutions and any member site visit: None Has a Committee Call In request been received from a Council Member No Has the application been subject to Pre-Application Advice: No

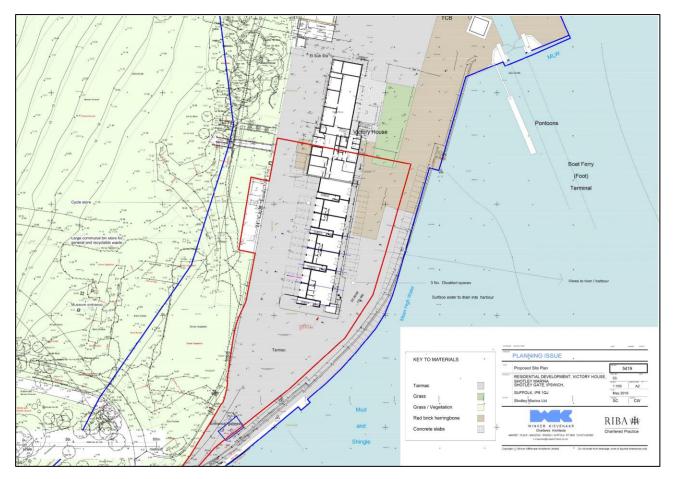


figure 1: Site Area



figure 2: Site in Context - aerial

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

This is a Major application, in excess of 15 residential units.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF National Planning Policy Framework 2021

Babergh Core Strategy 2014:

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS3 Strategy for Growth and Development
- CS15 Implementing Sustainable Development in Babergh

Saved Policies in the Babergh Local Plan (2006):

- CN01 Design Standards
- CN06 Listed Buildings
- CN08 Conservation Areas
- CR02 AONB Landscape

Dedham Vale AONB and Stour Valley Management Plan (2016-2021)

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Town/Parish Council

Shotley Parish Council Approve.

National Consultee

Historic England

Historic England (HE) had initially objected to the scheme on the basis of harm to the setting of the conservation area and listed buildings.

However, given the amendments which have been received, HE has now withdrawn its objections as follows:

Thank you for consulting on the amendments and further information submitted for application DC/21/04309, Victory House and Shotley (drawings dated 23/07/2021).

The revision to decrease the height of the proposed amendment to the consented scheme reduces the visual intrusion from views from the fort. We therefore do not object to the applicant's conclusion (cover email dated 23rd August 2021) that the level of harm to the significance of the monument is no longer greater than that of the consented scheme B/13/01384. We welcome also the provision of an updated suite of views to and from the monument, and discussion of views from further afield.

We would continue to advise that the application should be determined in accordance with paragraph 196 of the NPPF. However, we withdraw our objection to the scheme in its revised form, as per drawings submitted.

Thank you to the applicant, their agent and BMSDC for working to address our concerns and to safeguard the significance of the setting of the fort at Shotley.

The cross section below highlights the minute difference between what has been approved and what is now proposed.

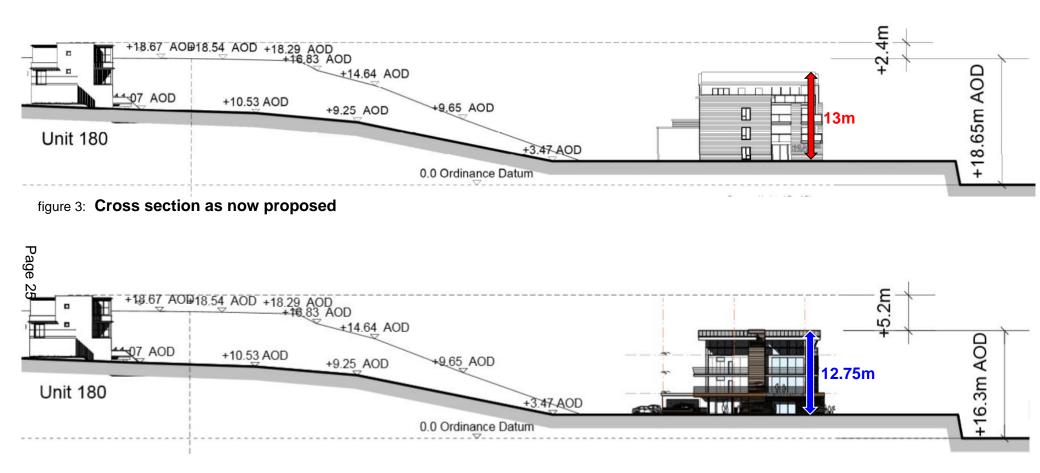


figure 4: Cross section as previously approved



PROPOSED SIDE ELEVATION 1:100

PROPOSED SIDE ELEVATION 1:100

figure 5: Current proposal on submission

figure 6: Current proposal following amendment

Natural England No comment.

County Council Responses (Appendix 5)

Highways No objection.

Flood and Water Approve.

Developers Contributions No comments.

Internal Consultee Responses

Heritage

Our Heritage consultant initially had concerns that the proposal did not demonstrate that it did not break the eyeline from the fort and that there were inconsistencies in the submitted documents.

Enforcement

No current enforcement cases.

Public Realm

No comment.

Ecology

No objection subject to securing:

a) measures to avoid adverse effects on site integrity for the Stour and Orwell Estuaries SPA/Ramsar, including a proportionate financial contribution towards visitor management measures in line with the Suffolk Coast RAMS;

b) ecological mitigation and enhancement measures.

Land Contamination

No comments.

Strategic Housing

Providing the site will deliver what was recommended in the strategic housing response of 25th May 2014 for 6 x 2bedroom 3p flats @ 70sqm we do not have an objection.

Waste Services

No comment.

Infrastructure

No objection.

<u>Other</u>

Suffolk Coasts and Heaths Project No objection.

Dedham Vale and Stour Valley Project No objection.

Anglian Water

No comments.

B: Representations

At the time of writing this report at least one comment has been received. It is the officer opinion that this represents one objection. The objection is based on the impact of increased traffic resulting from the development.

PLANNING HISTORY

REF: DC/18/02734	Discharge of Conditions Application for B/13/01384 - Condition 5 (Levels) and Condition 9 (Materials)	
REF: DC/20/04309	Application under S73a for removal or variation of conditions relating to B/13/01384/FUL dated 07/03/2016. Town and Country Planning Act 1990 To Vary Condition 2 (Approved Plans and Documents) - The proposal seeks to amend the layouts but retain the quantum of development (19 residential units) and reflects the overall scale of the previous approval and falls within the same site location, as per revised drawings received 2nd October 2020.	DECISION: PCO

REF: B/15/00902	Removal of 4 No. windows to be replaced with doors, removal of 1 No. external staircase and additional balcony infill to first floor.	
REF: BIE/15/00953	Removal of condition limiting construction to 70 dwellings following alterations of the spine road route	DECISION: PCO
REF: B/15/00647	Application under section 73 of the Town and Country Planning Act (1990) to vary conditions attached to planning permission B/06/00607/FUL (Residential development of 150 dwellings) - Removal of planning condition 2 - Limiting the use of King Edward VII Drive.	DECISION: GRA 31.03.2016
REF: B/15/00641	Application under section 73 of the Town and Country Planning Act (1990) to vary conditions attached to planning permission B/06/00606/ROC (Residential development of 150 dwellings) - Removal of planning conditions 1, 2, 3 - Limiting the use of King Edward VII Drive.	
REF: B/15/00648	Application under section 73 of the Town and Country Planning Act (1990) to vary conditions attached to planning permission B/06/00608/FUL (Residential development of 150 dwellings) - Removal of planning condition 2 - Limiting the use of King Edward VII Drive.	
REF:	Erection of mixed use building comprising 19 residential flats (to replace 19 of the units approved under B/91/00723) with office, leisure and launderette facilities (part demolition of Victory House).	DECISION: GRA 07.03.2016
REF: B/06/00608	Improvements to King Edward VII Drive to include 6.0 metre wide carriageway, 3.0 metre wide cantilevered promenade and 3 No. cantilevered viewing platforms. Erection of mast and life bouy station.	DECISION: GRA
REF: B/06/00607	Improvements to King Edward VII Drive to include 6.0 metre wide carriageway, maximum 3.0 metre wide promenade, retaining wall and 3 No. cantilevered viewing platforms. Erection of mast and life bouy station. As amended by drawing no's.	DECISION: GRA

3378/40; 3378/41B and 3378/42 received on 12/06/2006.

- REF: B/06/00606 Variation of Conditions 04, 05 and 06 attached to P. P. B/91/00723/OUT (Residential development for 150 dwellings including public open space and access road to B1456) to allow commencement of development without the construction of new roundabout junction to B1456, a new link road from the roundabout to King Edward VII Drive via Laundry Hill and roadways from the dwellings to the link road.
- **REF:** B/05/00532 Erection of toilet facilities, as amplified by **DECISION:** GRA agents letter dated 24/04/05.
- **REF:** B//00/00327 Retention of boat hardstanding **DECISION:** GRA
- REF: B//98/00723 Application for Advertisement Consent DECISION: GRA Erection of two non illuminated single sided pole signs
- REF: B//89/01873 HOLIDAY HOUSING (130 DWELLINGS) DECISION: WDN ASSOCIATED FACILITIES AND ACCESS ROADS INCLUDING NEW ROUNDABOUT JUNCTION AT B1456
- REF: B/88/01628PART SUBMISSION OF DETAILS UNDER
O.P.P B/665/84 PROPOSAL FOR A
RETIREMENT COMMUNITY (404
DWELLINGS, CARE HOSTEL,
ASSOCIATED FACILITES AND COASTAL
OBSERVATION AREADECISION: WDN
13.02.1998
- REF: B/88/01653 PART SUBMISSION OF DETAILS UNDER DECISION: WDN O.P.P B/924/84 - HOLIDAY HOUSING (130 13.02.1998 APARTMENTS) AND ASSOCIATED FACILITIES
- REF: B//88/01561RENEWAL OF O P B/924/84 HOLIDAYDECISION: WDNHOUSING (130 APART- MENTS) AND13.02.1998FACILITIES ASSOCIATED WITH MARINA &
PROPOSED RETIREMENT COMMUNITY
- REF: B//89/01874PROPOSALFORRETIREMENTDECISION: WDNCOMMUNITY(405DWELLINGS)CARE13.02.1998HOSTEL, COASTAL OBSERVATION AREA,
ASSOCIATEDFACILITIESACCESS
ROADS AND CONSTRUCTION OF NEW

ROUNDABOUT JUNCTION ON B1456 AND IMPROVEMENT TO CALEDONIA ROAD

- REF: B/91/00723 Outline Residential development for 150 dwellings including public open space and access road to B1456 as amended by letter dated 05/09/91 and plan 1485.07A received 08/09/92 and by letter dated 7 March 2000 and plan 2642.01A received 8.3.2000
- REF: B/84/00924 OUTLINE MARINA (350 BERTHS) AND DECISION: GRA HOLIDAY HOUSING (130 APARTMENTS) 25.11.1985 AND FACILITIES ASSOCIATED WITH EXISTING EUROSPORTS VILLAGE AND PROPOSED RETIREMENT COMMUNITY
- REF: B//87/01201 PART SUBMISSION OF DETAILS UNDER DECISION: GRA O.P.P. B/924/84 - ERECTION OF ABLUTIONS BLOCK TO SERVE MARINA BERTHS
- REF: B//87/01467 INSTALLATION OF SELF CONTAINED DECISION: GRA SEWAGE TREATMENT PLANT SERVING 16.03.1988 MARINA
- REF: B//87/01119 CONVERSION OF FORMER SCHOOL DECISION: GRA BUILDING INTO MARINA AMENITY BLOCK 14.11.1990 INCLUDING SHOPS, BARS, CLUBROOM, RESTAURANT AND CLOAKROOM FACILITIES
- REF: B//87/00972 DISMANTLING OF EXISTING BOAT DECISION: GRA HANGAR AND RE-ERECTION ON NEW 16.10.1987 POSITION ON SAME SITE (AS AMENDED BY LETTER DATED THE 17TH AUGUST 1987)
- REF: B//87/00710 CONSTRUCTION OF COASTAL DEFENCES TO PROTECT AN EXISTING SEA WALL (AS AMENDED/AMPLIFIED BY AGENT'S LETTER OF 05/08/87 WITH DRAWING NO 268/SPM/CD/31A AND LETTER OF 05/08/87 RELATING TO ACCESS)
- REF: B/87/00596 PART SUBMISSION OF DETAILS UNDER DECISION: GRA O.P.P. B/924/84 - ERECTION OF LOCK 14.11.1990 CONTROL BUILDING INCLUDING LAYOUT OF LANDSCAPING AND CAR PARKING

- REF: B//88/01820 ERECTION OF HOLIDAY HOUSING (130 DECISION: WDN APARTMENTS) AND ASSOCIATED 15.12.1989 FACILITIES
- REF: B//88/01462 INSTALLATION OF FOUL PUMPING DECISION: GRA STATION, RISING MAIN AND GRAVITY 09.12.1988 SEWER
- REF: B//91/00401REMOVAL OF CONDITION 15 ATTACHED
TO O.P.P. B/0924/84 TO ALLOW HOLIDAY
HOMES TO BE OCCUPIED BY ANY ONE
PERSON FOR MORE THAN SIX MONTHS
PER YEARDECISION: GRA
24.04.1992
- REF: B/A/94/01072 Application for advertisement consent DECISION: GRA retention of mooring buoy for use as information panel associated with Shotley Marina
- **REF:** B//94/00741 CHANGE OF USE FROM SHOPS TO **DECISION:** GRA MUSEUM
- **REF:** B//96/00156CHANGE OF USE OF SAIL LOFT TO
MUSEUM**DECISION:** GRA
21.03.1996
- REF: B/03/01478 Duplicate Application Variation of Condition 01 of P.P. B/91/00723/OUT Residential development for 150 dwellings including public open space and access road to B1456 as amended by letter dated 05/09/91 and plan 1485.07A received 08/09/92 and by letter dated 7 March 2000 and plan 2642.01A received 8.3.2000 without compliance with Condition 01 to allow period of the submission of reserved matters to be extended to 11th October 2005.
- **REF:** B/03/01477Variation of Condition 01 of P.P.
B/91/00723/OUT Residential development
for 150 dwellings including public open space
and access road to B1456 as amended by
letter dated 05/09/91 and plan 1485.07A
received 08/09/92 and by letter dated 7
March 2000 and plan 2642.01A received
8.3.2000 without compliance with Condition
01 to allow period for the submission of
reserved matters to be extended to 11th
October 2005.**DECISION:** WDN
19.03.2007
- REF: B/AD/88/70034 APPLICATION FOR ADVERTISEMENT DECISION: GRA CONSENT - ERECTION OF NON-ILLUMINATED SIGN

REF: B//88/00200 ERECTION OF 16 FOOT HIGH BEACON IN **DECISION:** GRA CONNECTION WITH ARMADA 88 22.03.1988 NATIONAL CELEBRATIONS AND ITS RETENTION FOR USE ON OTHER **HISTORIC OCCASIONS REF:** B/03/01744 **DECISION:** GRA Part submission of details under O.P.P. B/91/00723/OUT - the siting, design and external appearance of and the means of immediate access to for the residential development of 150 dwellings including public open space, as amplified by drawings received on 07/06/2004 and further amplified by letter dated 17/06/2004.

PART THREE – ASSESSMENT OF APPLICATION

1.0 <u>The Site and Surroundings</u>

- 1.1. The site forms part of the Shotley Marina, located at the northern end of King Edward VII Drive east of the settlement of Shotley Gate. The site is occupied by a single-storey, flat-roofed building adjoining Victory House, occupied by a collection of commercial uses including the HMS Ganges Museum. Vehicle accessways and car parking flank the building on both the western and eastern sides, with these hardstand areas also used for the stationing of boats.
- 1.2. To the north is the marina and northeast is the Harwich Harbour Ferry terminal. East of the terminal is the Orwell Estuary SSSI. To the west is the scheduled monument of Shotley Battery, included on the National Heritage List for England and the only surviving example of a mid-19th century defensive battery in East Anglia. Further west, beyond the Shotley Battery, is the settlement of Shotley Gate. The site is in close proximity to the Shotley Gate Conservation Area which is located just west of the site.

2.0 The Proposal

- 2.1. The application seeks to vary the design of the development approved pursuant to planning permission B/13/01384/FUL. The original permission allowed for partial demolition of Victory House and the erection of 19 residential units over ground floor commercial floor space, including a (replacement) museum. A s106 agreement forms part of the original permission restricting, amongst other matters, the occupation of the residential units to persons in possession of a berth at Shotley Marina. The consented scheme has an overall building height of **16.3m AOD**.
- 2.2. The revised proposal essentially is an alternative architectural response which reflects the built forms recently constructed at Admiralty Pier and Shotley Lodge. The key difference is an increase in the overall building height by 245mm [9³/₄ inches], resulting in a new

height of 16.545m AOD. It is to be noted that the applicant originally proposed an overall building height of 18.65m AOD. The reduction in building height has been made by the applicant following direct engagement with Historic England.

2.3. The previously approved mix of uses, layout, density, unit orientation, car parking, vehicular access and amenity arrangements remain unchanged from that originally approved.

3.0 The Principle of Development

3.1. The principle of a residential/commercial redevelopment of the site has been established by the grant of planning permission B/13/01384/FUL. Given the proposed revisions relate to cosmetic elements only, the key tests are determining the impact of the alternative architectural response on the character and appearance of the area and the setting of the nearby scheduled monument of Shotley Battery. Matters relating to residential amenity and highway safety (including car parking) need not be considered further.

4.0 Character Impact

4.1. The revised architectural design represents an acceptable design response given the character of the area. The modern apartment block, extending over four storeys like the original proposal, retains its principal eastern elevation oriented to the harbour. This elevation features glazed balconies to all floors, providing a good degree of articulation to the façade. The design approach is contemporary and in-keeping with the recently constructed developments at Admiralty Pier and Shotley Lodge. The proposed finishing materials are not detailed on the plans, so it is not clear as to how they may differ from those originally approved pursuant to planning permission DC/18/02734. This cosmetic detailing can be adequately managed by planning condition.



PROPOSED SIDE ELEVATION 1:100 SOUTH

figures 3: As currently proposed



PROPOSED SIDE ELEVATION 1:100 NORTH

figures 4: As previously approved



figures 5: As currently proposed



PROPOSED WEST (REAR) ELEVATION 1:100



PROPOSED EAST ELEVATION 1:100



4.2. The proposal does not adversely impact the setting of the nearby Shotley Gate Conservation Area. It is to be noted that the revised scheme does not attract an objection from the Dedham Vale AONB and Stour Valley Project Officer.

5.0 <u>Scheduled Monument Impact</u>

- 5.1. The key issue brought about by this application is the impact of the proposed negligible increase in building height on the scheduled monument of Shotley Battery, located west of the site. More specifically, the issues relate to how the development impacts: (a) the view from the monument to the horizon; (b) the views from Harwich harbourside toward the monument; and (c) views from Landguard Fort, 3.7km southeast of the site, toward the monument.
- 5.2. The application is supported by a Heritage Assessment and a set of visualisations demonstrating the effect of the revised scheme on the views referred above. It is also to be noted that he applicant's Heritage Consultant has engaged extensively with Historic England through the life of the application.
- 5.3. The supporting visualisations demonstrate that the revised scheme would not obscure the horizon when viewed from the top of the battery, would retain views of the battery on the bluff when looking from the harbourside and would not impact in any way the view of the monument from Landguard Point because it is not appreciable in views currently from this vantage point.
- 5.4. The heritage consultant considers the difference in height between the consented and revised proposal, a mere 245mm, to be negligible. Officers agree, and Historic England has confirmed that "the level of harm to the significance of the monument is no longer greater than that of the consented scheme B/13/01384."
- 5.5 As before, the public benefits associated with a mixed use residential/commercial scheme of the scale proposed readily outweigh the low level of identified heritage harm (which this scheme does not increase).
- 5.6 The public benefits outweigh this harm. As before, these benefits include: a contribution to the housing supply as per Paragraph 60 of the NPPF and the wealth creation of the build phase and contribution of future residents to the local economy.

6.0 <u>Biodiversity</u>

6.1. As noted by the ecology consultant, a financial contribution towards visitor management measures in line with the Suffolk Coast RAMS is required. It is recommended that, in the event that Members are minded to agree the recommendation, then conditions be applied to secure biodiversity enhancements. These requirements are supported and can legitimately be addressed by planning conditions.

PART FOUR – CONCLUSION

7.0 Planning Balance and Conclusion

- 7.1. The principle of redeveloping the site for residential/commercial mixed use purposes has been established by the grant of planning permission B/13/01384/FUL. The current application merely seeks to provide for an alternative architectural response, resulting in a building height increase of 245mm.
- 7.2 The change to the scale of the building and cosmetic alterations does not adversely affect the character of the area, the setting of the neighbouring Conservation Area or the setting of the scheduled monument of Shotley Battery.
- 7.3 Views to and from the Shotley Battery are retained and remain entirely appreciable, with the very marginal difference in building height being barely perceptible from any vantage points.
- 7.4 Any identified heritage harm, which will be very low and is no different to that already permitted, is readily outweighed by the public benefits that the residential/commercial development will deliver locally. These are as previously established and the weighting has not changed.
- 7.5 The density, layout, unit orientation, car parking, vehicular access and amenity arrangements are unchanged from that originally approved.
- 7.6 The scheme is a variation on one which already has permission and is seen in a wider context of improvement and regeneration in the wider Shotley area.
- 7.7 The revised scheme delivers an acceptable planning response and is supported.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to

1. negotiate the completion of a Section 106 Deed of Variation on terms to the Chief Planning Officer's satisfaction, to ensure the obligations attached to the original application Section 106 are carried forward appropriately:

THEN

2. subject to the execution of an appropriate Section 106 Deed of Variation on terms to his satisfaction, to GRANT planning permission with all the previously applied conditions, together with any other conditions he thinks fit including those below EXCEPT FOR the change to condition 2 of the original permission to authorise a change to the appearance of the building as described within these submitted plans.

ADDITIONAL CONDITIONS :

- restrict maximum building height to no greater than 16.545 AOD
- require further approval of the materials

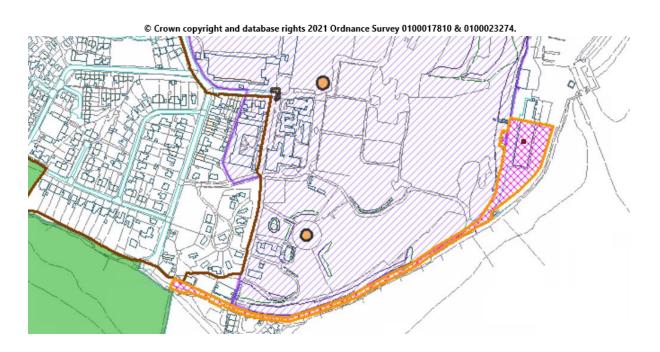
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Application No: DC/20/04309

Parish: Shotley

Location: Shotley Marina Ltd, King Edward Vii Drive





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