

Committee Report

Item No: 1

Reference: DC/18/01384
Case Officer: Lynda Bacon

Ward: Berners.

Ward Members: Cllr Peter Patrick. Cllr Derek Davis.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Alterations to the Pier including provision of two buildings for Community/Volunteer facility.

Location

Shotley Pier, Queen Victoria Drive, Shotley, Ipswich Suffolk IP9 1PU

Parish: Shotley

Expiry Date: 25/05/2018

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Shotley Heritage Charitable Community Benefit Society Ltd

Agent: Wincer Kievenaar Architects Limited

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to Planning Committee for the purposes of public transparency.

A Member of the Council had requested that the application be determined by the appropriate Committee and the request was made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

The Delegation Panel met on 11 June 2018 to consider the Ward Member's request to refer this planning application to Planning Committee. The Panel considered the comments of Councillor Davis who attended the Panel meeting. It was noted that the Pier had previously been the subject of relevant planning history albeit to a planning permission for a different design and layout, involving a lesser built structure and extent. After discussion, the Panel considered that this scheme was not likely to introduce significant new policy, consistency or other material considerations in the context of that history. It was nevertheless recognised that the application is of local significance, that opinions are strongly being voiced locally and that grant funding by BDC is not a planning consideration. The Panel concluded, having regard to the planning history, that the application did not involve significant policy issues, matters of consistency or other material considerations. A decision on the application was not felt to be of more than local significance. On that basis it was agreed that the application would proceed to be determined under delegation.

However, it was subsequently agreed with the Assistant Director – Planning for Growth, that the application should be reported to Planning Committee for the purposes of public transparency. This is on the basis that significant amounts of officer time (largely from the Communities team), and a grant of £20,000, have been provided by the Council towards the broader project. This falls outside of the kind of consideration that the Delegation Panel would have regarding whether it has wider policy implications, and as such a decision to send it for reasons of transparency would not undermine the decision of the panel.

Details of Previous Committee / Resolutions and any Member site visit

The application was subject to a Committee site visit on the 15th August 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres
CS17 - The Rural Economy
CN01 - Design Standards
EM20 - Expansion/Extension of Existing Employment Uses
RE06 - Small and Medium - Scale Recreation
RE14 - Stour & Orwell Estuaries
TP15 - Parking Standards - New Development

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

Shotley Parish Council

Parish Council members are unable to support the application in its current state but are willing to consider it again once the issues raised were looked into and addressed; it was resolved to reserve judgement until new design parameters were provided, as the current design was excessively modern when preference was clearly for a Victorian style pier; there were still concerns about the length/scale which was bigger than anticipated and parking was a major concern, as it was not possible to envisage at this point how that could be attenuated or extended.

Suffolk Wildlife Trust

The application site is partly within the Stour Estuary which is designated as part of the Stour and Orwell Estuaries Special Protection Area (SPA), Stour and Orwell Estuaries Ramsar site and the Stour Estuary Site of Special Scientific Interest (SSSI), however as both Natural England and the ecology team from Essex Place Services are advising you on this matter we are happy to defer comments to them on this occasion.

Ecology - Place Services - Initial comments:

Holding objection - insufficient information to support HRA Screening report for likely significant effects on the Stour and Orwell Estuaries SSSI and SPA/Ramsar.

Ecology - Place Services – Subsequent comments:

No objection subject to;

- a) Natural England being satisfied with the HRA Appropriate Assessment prepared by the LPA for likely significant effects on the Stour and Orwell Estuaries SSSI and SPA/Ramsar
- b) Securing ecological mitigation and enhancement.

Natural England – Initial comments:

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

Natural England – Subsequent comments:

Objection withdrawn.

Following receipt of further information on 24/05/2018, Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved. However, this is subject to a satisfactory appropriate assessment being provided by Place Services.

We therefore consider that the identified impacts on Stour and Orwell Estuaries SPA/Ramsar site and Stour Estuary SSSI can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw our objection. We agree with the conditions suggested by Place Services in their letter dated 07/06/2018.

The Environment Agency - Initial comments:

The Environment Agency have inspected the application, as submitted, and are raising a holding objection as they do not have sufficient information to assess the impact on designated sites. Advice on flood risk is also offered.

The Environment Agency – Subsequent comments:

Have reviewed the Ecological Impact Assessment and Mitigation Strategy prepared by Geosphere (May 2018) and have removed their holding objection as they are satisfied that most of the impacts on the designated sites are being considered.

The applicant states that the Stour Estuary SSSI and Stour and Orwell Estuaries SPA/Ramsar is 'adjacent' to the development site, however the largest new building is actually proposed to be built over the footprint of part of these designated sites. This would constitute a permanent shading impact of a small proportion of the site which doesn't yet appear to have been assessed.

The decision over the Appropriate Assessment is not one which the EA will be leading on but are satisfied that one is being carried out and being submitted to Natural England.

Wish to see the mitigation proposed (including timing of construction works) and enhancements suggested such as a 'green roof' become required conditions in any Planning Permission granted in order to make this proposed development as ecologically friendly as possible in this sensitive location.

SCC - Highways

The current proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the grant of permission.

Economic Development & Tourism

No objection.

Heritage Team

The Heritage Team has no comments to provide on the application.

SCC - Archaeological Service

No comment received, the consultation period has now expired.

Suffolk Coasts & Heaths Project

Shotley Pier lies outside but adjacent to the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB). At its closest point the Pier is located approximately 750m east of the current AONB boundary and is therefore considered to be located within the setting of this nationally designated landscape.

The length of the proposed buildings is noted. Shotley Pier is a historic feature in the area and its significance as a local landmark is recognised. Views across the estuary from Bristol Hill/King Edward VII Drive are presently uninterrupted by development and therefore it is important that any built structures introduced to the area contribute to the enhancement of the character of the area.

Paragraph 2.3.7 of the Suffolk Coast & Heaths AONB Management Plan recognises open and extensive views as one of the special qualities of the AONB. When determining this application, the LPA should be satisfied that the potential impact of the proposed new buildings on the character of the area have been fully considered.

The boundary of the Suffolk Coast & Heaths AONB is currently subject to review by Natural England. If this extension area is approved by the Secretary of State, Shotley Pier will fall just within the Suffolk Coast & Heaths AONB boundary. We would therefore recommend that a precautionary approach is adopted when determining this application.

Health & Safety Executive

No comment received, consultation period has now expired.

B: Representations

Support the renovation of the Pier to the 'Victorian pier status'. Do not support the huge buildings proposed for the 1st part of the pier. The scale is out of all proportion with the existing surroundings and structure. The Shotley Pier charity was set up to renovate the Victorian pier, but this proposal, if allowed, will permanently change the aesthetics of both the pier and the Shotley waterfront for the worse.

The DAS has not provided any appraisal of the demand for the buildings or how it is affected by other developments. The development at Ganges includes buildings for commercial usage and economic viability is essential for the success of this key brownfield site, particularly if important heritage assets are to be protected.

The view of the river will be severely restricted for the Sailing club and the Bristol arms and Tea shop. The scale and size of the development proposed will destroy the unique beauty of Shotley Gate. Visitors and users of the area experience a broad sweep of views across the Stour Estuary and westward along it. There is a sense of openness to the area in contrast to the port activity on the other side. The buildings at the size proposed would enclose and constrain the scene.

This is a substantial change to the character of the area and loss of visual amenity to other users such as customers of the Bristol Arms, users of the sailing club as well as those who use the footpaths or simply park to watch the scene. The DAS shows photographs of the area, but no photomontages have been produced to demonstrate the significance of the effects, nor reference to the landscape character of the area. There is no reference in the Statement of the Joint Babergh & Mid Suffolk District Council Landscape Guidance 2015.

The applicant has not provided evidence to show that the effects have been adequately considered nor given the decision makers sufficient information to demonstrate that the development will not cause harm and is sustainable development as defined by the National Planning Policy Framework.

Restaurant is not needed as there is not enough custom for the other 4 eateries over the winter months, will affect existing businesses. This is a vehicle for planning for a restaurant instead of for a facility for everyone to enjoy, be they residents or visitors

Insufficient parking, where will the visitors park. Impact of the proposed development on local traffic and parking has not been considered. Parking at the sailing club is already at a premium, this proposal will only make the situation worse, furthermore members of the club regularly tow their boats along the road with extra traffic and pedestrians these manoeuvres would become more dangerous. There are limited parking spaces already, visitors to the area park on Bristol Hill and the less sensible drivers obstruct access to property.

Impact on the safety of sailors/ junior sailors as the Sailing Club must be able to view the members on the river but this development would block the required view from the safety officer and race officials. The DAS has not considered the effects on the users of the area or how effects might be mitigated.

The Pier should be restored to its original glory as a Victorian Pier not create a commercial enterprise using charitable funds for monetary gains. As a share-holder this was not what I signed up for. I expected the restoration would be in keeping with the original pier and not on the scale put forward. I also expected the share-holders to be involved in the planning before it was put before the council.

The amount of available space that will be required for the construction site should be considered. There is no space in front of the pier, and it cannot be cordoned off without affecting the access to queen Victoria drive.

Potentially negative impact on the environment from additional vehicles, noise and refuse.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The Pier is located off Queen Victoria Drive to the south end of the B1456 Bristol Hill. To the north, facing the Pier is The Bristol Arms Public House and Shotley Sailing Club. There are designated public car parking spaces either side of the Pier on Queen Victoria Drive. The Pier extends out into the Stour estuary from the sea wall by approximately 180 metres.
 - 1.2. The site is located within the countryside for the purposes of the Development Plan; it is also adjacent to, (and within the consultation zone for), a Site of Special Scientific Interest. It also abuts the RAMSAR site and is within a Special Protection Area. The pier is outside the Shotley Gate Conservation Area and the designated Area of Outstanding Natural Beauty and Special Landscape Area.
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- 1.3. The safety zone (explosives) for Felixstowe includes this site and the initial section (northern extent) of the pier is within Flood Zones 2 and 3, and it is also within an archaeological buffer zone.
- 1.4. Historically, the site has been used as an estuary Pier giving pedestrian access to commercial and leisure marine craft. Formerly, a kiosk for the sale of fish stood at the entrance to the Pier, this has now been demolished.

2. The Proposal

- 2.1. The proposal is to provide 2 no. buildings of approximately 40sqm and 150sqm in floor area atop the existing pier to support the renovation of the pier structure as a community/charity project. The buildings will be mono-pitched single-storey structures situated to either side of the existing pier. The buildings will be sited on a new platform structure with a raised height of approximately 500mm above the existing pier. The raised deck provides a platform for the building structures and forms an external seating deck area. These deck areas will be either side of the 3-metre-wide access of Shotley Pier. The maximum height of the buildings above the pier will be 4.5 metres.
 - 2.2. The larger of the two buildings will be located on the western side of the pier and will be 27.5 metres long and approx 5 metres wide, situated on a new platform that is 42.1 metres long by 7.4 metres wide. This larger building will accommodate the Visitor Centre including WC facilities, office, kitchen, servery and seating area. The proposed hours of operation are between 8am and 8pm Mondays to Saturdays and from 10am to 4pm on Sundays and Bank Holidays.
 - 2.3. The smaller of the two buildings will be located on the eastern side of the pier and will be 10 metres long and 4 metres wide, situated on a new platform that is 19 metres long by 7 metres wide. This smaller building will accommodate an office, store and maintenance workshop facility for the use by volunteers carrying out repairs to the pier.
 - 2.4. The submitted Design & Access Statement (D&A) explains: Shotley Charitable Community Heritage Society Ltd purchased the pier in 2017. It is proposed to provide two new buildings on the site: the first being a visitor centre with café, the second being a workshop facility required for the on-going maintenance and restoration of the pier.
 - 2.5. The D&A also explains that: The long-term use of the Pier for access to marine craft will not change. The proposed kiosk buildings will provide 2 no. units for Class D1 with community use. The facilities will also benefit from the tourist trade and the attraction of Shotley as a destination to view the Orwell and Stour Estuaries and the Felixstowe and Harwich Ports. The foot ferry currently operates from Shotley Marina but early discussions have taken place to relocate the foot ferry to Shotley Pier when it has been fully restored.
 - 2.6. In terms of flood risk mitigation, the submitted Flood Risk Assessment (FRA) states: *'The subject site forms part of the tidal foreshore of the River Stour and as such is subject to flooding approximately twice per day, approaching high tide. The site is also recorded as being partially vulnerable to surface water flooding, associated with runoff from the north, and groundwater flooding'*. Based on the above, the application proposes raising the pier structure above maximum flood levels, which represents a 1 in 200 (20%) flood event. A level of 3.96mAOD has been provided by the Environment Agency for such an event and the level of the pier is therefore set above this level, ensuring safe access/egress will be available at all times. However, when considering a climate change event, with modelled flood levels of up to 4.96mAOD, the area will be subject to flood warnings, allowing the pier to be safely closed to public access prior to a flood event.
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The Submitted FRA recommends that relevant stakeholders sign up to the Environment Agency's 'Flood Warning Information Service' and that a plan is put in place to ensure that this can be undertaken whenever necessary. The FRA concludes that the proposed development is not considered likely to have a negative impact on flooding either on site or further downstream.

3. The Principle of Development

- 3.1. The National Planning Policy Framework (NPPF, 2018) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
 - 3.2. Paragraph 83 supports a prosperous rural economy and states '*planning policies and decisions should enable, inter alia, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*'.
 - 3.3. Paragraph 84 goes on to explain that '*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable*'.
 - 3.4. In general terms, sustainable growth and expansion of all types of business and enterprise in rural areas is supported and this theme is echoed in Core Strategy Policies CS15 and CS17. Policy CS15 outlines a number of qualifying criteria for the implementation of sustainable development and Policy CS17 explains that coastal villages such as Chelmondiston and Shotley play an important role in tourism and leisure within the district, and encourages sustainable tourism and leisure based businesses, including those offering a diverse range of visitor accommodation, activities or experiences.
 - 3.5. Saved Policy RE06 states small or medium-scale proposals for recreation facilities and change of use to recreation in the countryside may be acceptable, subject to no adverse impact on (inter alia): the character of the locality; road safety; landscape character and biodiversity or residential amenity. Policy RE06 further explains recreational uses and facilities will not be permitted if they introduce new buildings, structures or landscape features which would detract from the character of that particular tract of countryside or which would detract from residential amenity, the quiet enjoyment of other users of the countryside and any buildings and structures should be directly related to the proposed recreational use of the land.
 - 3.6. Saved Policy RE14 states that "*Water-based and associated land-based facilities of an appropriate scale will only be permitted on the Stour and Orwell estuaries where these are compatible with landscape characteristics, biodiversity, agriculture, access and river safety constraints. A sustainable development approach will be of the utmost importance on both estuaries.*"
 - 3.7. Saved Policy EM20 supports proposals for the expansion or extension of an existing employment site or premises, provided there is no material conflict with residential and environmental amenity or highway safety.
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- 3.8. Historically, the pier provided pedestrian access to commercial and leisure marine craft and an employment/business use formerly stood at the pier entrance. The pier therefore benefits from a mixed use incorporating both commercial and leisure elements. The application proposal will provide community volunteer and visitor facilities with a café and external decked/viewing area. The workshop is required to provide facilities for volunteers to carry out the necessary repairs to the pier. The proposal is therefore considered, in principle, to be an appropriate leisure based use in this rural location, which also offers a community benefit in terms of the renovation of the pier.
- 3.9. Material to the consideration of the current application is the grant of planning permission under Ref B/13/00234 for the construction of two kiosk buildings for use as a Class A1 shop, Class A3 cafe or Class A5 takeaway uses together with an enlarged timber deck on the pier however, that permission was not implemented and has now lapsed and is therefore afforded a very limited weight. The principle of a café/takeaway use on the pier has therefore previously been considered acceptable but no fall-back position is available to the applicant. The use of current proposal differs from that previously approved as the café use applied for is within the proposed visitor centre and is therefore integral and ancillary to the main use of the site as a community/volunteer and visitor facility; it has therefore been treated on its own merits for the purposes of this report.
- 3.10. The previous approval comprised two contemporary styled buildings of equal size situated either side of the existing 3 metre wide pier, each measuring approximately 3 metres wide by 10 metres long and with a combined floor area of 61.3 square metres. The previous approval also included the widening of the existing pier to approximately 13.5 metres for the first 27 metres of its length, albeit of a tapering design. A servery and seating area was proposed within each building along with associated external seating on the enlarged pier deck.
- 3.11. The physical form of the current application proposal differs from that previously permitted in so far as the maintenance workshop proposed to be situated on the eastern side is one metre wider than that approved before whilst the proposed Visitor Centre on the western side is two metres wider and 17 metres longer. Although configured differently, the external seating area currently proposed is of a similar size to the total of the two areas previously approved.
- 3.12. The material physical difference between the previously approved scheme and the current proposal is therefore the length of the Visitor Centre building, which at 17 metres longer extends further along the length of the 180 meters pier however, as the previously approved kiosk building was to be situated some 3.5 metres further back from the entrance to the pier than the current proposal, the current proposal actually extends about 13.5 metres beyond that approved before. This additional length of built form is not however, considered to materially harm the character of the pier itself or its setting within the landscape given that the proposed building will occupy the front fifth of the pier structure only, the length of open pier remaining beyond the building and the overall width and scale of the Stour Estuary at this point.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. Public parking spaces are available on Queen Victoria Drive adjacent to Shotley Pier. There will be no vehicular access onto the Pier itself. There is a public footpath that passes adjacent to the Pier.
- 4.2. The County Council as Highway Authority have reviewed the application and do not wish to restrict the grant of permission as the proposal is not considered to have any severe or unacceptable impact on the highway network in terms of vehicle volume or highway safety.
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5. Design and Layout

- 5.1. Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 explains that planning policies and decisions should ensure that developments; will add to the overall quality of the area for the lifetime of the development; are visually attractive and sympathetic to local character, history and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being.
- 5.2. At a local level, policy CS15 requires that proposals for development must respect the local context and character of the different parts of the district and should (*inter alia*): make a positive contribution to the local character, shape and scale of the area. Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location.
- 5.3. The buildings will be clad in horizontal and vertical larch or cedar natural boarding. The glazed screen and doors will be powder coated aluminium, sliding timber security panels will be provided. The roof will be a standing seam composite roof sheet coloured grey. The buildings will have vaulted roof forms with *brise soleil* over high level glazing. Photo voltaic panels are proposed to be used on the inward facing roof slopes. The design and layout is considered appropriate for its context and location and the development does not detract from the character of the surrounding countryside is therefore considered to accord to the design principles of the NPPF, and to policies CS15, CN01 and RE06 of the development plan.
- 5.4. Para 6.3 of the submitted Ecological Impact Assessment and Mitigation Strategy suggests the provision of a 'green roof' would provide additional habitat for seabirds however, the applicant's agent has confirmed that a 'green roof' will not be incorporated as it would prohibit the use of PV panels on the scheme and therefore decrease its environmental sustainability.

6. Landscape Impact, Ecology, Biodiversity and Protected Species

- 6.1. Paragraph 170 of the NPPF explains that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value; recognising the intrinsic character and beauty of the countryside; maintaining the character of the undeveloped coast, while improving public access to it where appropriate and minimising impacts on and providing net gains for biodiversity.
 - 6.2. The application site is not within the Area of Outstanding Natural Beauty or the Special Landscape Area and the pier itself is an existing landscape feature. A small dilapidated fish kiosk was formerly stationed at the entrance of the pier and its removal has improved the visual appearance of the locality.
 - 6.3. A Habitats Regulations Assessment Appropriate Assessment has been prepared for the development to enable the Local Planning Authority to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017.
 - 6.4. The range of potential impacts on the Stour and Orwell Estuaries Special Protection Areas (SPA) /Ramsar site and various mitigation measures have been considered and assessed. The mitigation package includes a Construction Method Statement, to be secured by condition, with a restriction on timing of construction, avoiding Nov-Feb inclusive and some works limited to ebb or low tide. There will be a requirement to implement the detailed piling and deck installation method statement when approved.
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This may also include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 6.5. A further planning condition will also be imposed – if Members are minded to grant planning permission – to secure provision of a visitor information board to ensure that implementation of the development avoids a likely significant effect on the Stour and Orwell Estuaries SPAs/Ramsar site. This therefore demonstrates Babergh District Council's compliance with the Conservation of Habitats and Species Regulations 2017.
- 6.6. Natural England have confirmed that based on the information provided in the Habitats Regulations Assessment (HRA, the proposal is unlikely to lead to adverse effects on the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site. Natural England also consider that the proposal is unlikely to adversely affect the Stour Estuary Site of Special Scientific Interest (SSSI) and therefore have no objections, subject to the inclusion of planning conditions to secure the mitigation measures outlined in the HRA.
- 6.7. It is therefore concluded that, provided the mitigation proposals described above are implemented in their entirety, this project will have no adverse effects on site integrity for the Stour and Orwell Estuaries SPA/Ramsar sites, either alone or in combination with other plans and projects.

7. Flood Risk

7.1. Sequential and Exceptions Test

- 7.2. Environment Agency maps show the site (at its northern extent) lies within tidal Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for alterations to the Pier including provision of two buildings for a Community/Volunteer facility, which is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass both parts of the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).
 - 7.3. The NPPF indicates that, in determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development in areas at risk of flooding should only be considered where, informed by a site-specific flood risk assessment (FRA) following the Sequential Test (and if required the Exception Test), it can be demonstrated (*inter alia*) that the development is appropriately flood resistant and resilient; any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
 - 7.4. National planning guidance offers advice in the application of the Sequential Test to individual planning applications; it suggests that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The guidance also suggests that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, the guidance explains that when considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.
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7.5. Sequential Test:

Part one – *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future):*

The application proposal is somewhat unique as it seeks permission for development that will be situated on top of the pier structure that the community/charity is seeking to renovate. Because the proposed development and the pier renovation project are inextricably linked, and on taking the pragmatic approach advocated in the planning guidance, it is evident that the development is required to be in very close proximity of the pier itself and therefore a limited catchment for alternative sites is appropriate and in this instance, there are no more suitable alternative sites available with a lesser flood risk in the immediate vicinity of the site.

7.6. Part two – *Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere:*

The Flood Risk Assessment (FRA) submitted with the application explains that the site is located within Flood Zone 3 for tidal flooding and that a limited risk also exists for flooding by groundwater and surface water.

7.7. It further explains that a modelled flood level of 3.96mAOD has been provided by the Environment Agency for a 1 in 200 year design event and therefore it is proposed that the level of the pier will be set above this level and that for more extreme flood events, and when considering climate change events, a plan should be put into place to ensure that the pier is closed to access prior to any extreme flood event, upon receipt of a flood warning from the Environment Agency's 'Flood Warning Information Service'.

7.8. The FRA concludes that the proposed development is not considered likely to have a negative impact on flooding either on site or further downstream. The Submitted Design and Access statement further comments that the buildings will be set at a higher level than the Queen Victoria Drive which provides access to the Sailing Club, Shotley Lodge and Shotley Marina and that the buildings are not domestic and will not be opened where extreme tides are forecast.

7.9. The Environment Agency (EA) consultation response advises that the Agency has no objection to this planning application on flood risk grounds, providing that flood risk considerations have been taken in to account, which is the responsibility of the LPA. To assist the LPA in making an informed decision about flood risk, the EA has identified the following key points from the submitted FRA:

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
 - The site does benefit from the presence of defences. The defences are below the 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is at actual risk of flooding in this event. The pier is in fact in front of the line of defence, and therefore they provide no benefit to the pier.
 - The level of the pier has been proposed at 3.96m AOD. This is raised from the existing pier of approximately 3.5-3.6m AOD, but this is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.96m AOD and therefore at risk of flooding by 1m depth in this event.
 - In order for the pier to be sustainable in the future we advise that the level of the pier is raised to the 0.5% (1 in 200) annual probability flood level with climate change, to a level of 4.96m AOD
 - Flood resilience/resistance measures have not been proposed
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- Floor levels of the pier have been proposed at 3.96m AOD and therefore there is not refuge above the 0.1% (1 in 1000) annual probability flood level. However, it is expected that the pier would not be accessible and be shut upon receipt of a flood warning and prior to any flooding affecting the area.
- The site level on the access road Queen Victoria Drive is 3.5m AOD and therefore flood depths along the access/egress route are 1.46m in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore assuming a velocity of 0.5m/s the flood hazard is: A danger to most people (e.g. there will be danger of loss of life for the general public) in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because a Flood Plan is proposed by the applicant, as detailed in Section 6 of the FRA and in the conclusion states “a plan should be put into place to ensure that the pier is closed to access prior to any extreme flood event, upon receipt of a flood warning from the Environment Agency’s ‘Flood Warning Information Service’.” However, you should determine its adequacy to ensure the safety of the occupants
- Compensatory storage is not required.

7.10. In response to the above, officers consider that it would be inappropriate to raise the level of the pier by 1 metre to sit at the 0.5% (1 in 200) annual probability flood level (with climate change) as the pier is an existing structure that extends to 180m in length. Flood resilience/resistance measures such as adopting a water entry strategy, appropriate construction materials and positioning services and fittings above the predicted 1 in 200yr flood level within the building can be secured by condition. With regard to a safe means of access in the event of a flood it is important to note that the EA do not object on flood risk access safety grounds as the application proposes a Flood Plan, which includes the closure of the development prior to a flood event and which can be secured by condition.

7.11. In view of the above, it is therefore considered that the Sequential Test for other available properties and sites at a lower risk of flooding has been adequately made, and that the proposal would be safe for its lifetime and would be appropriately flood resilient and resistant. It is therefore considered that the proposed development would not conflict with the Framework, and is in any event acceptable in terms of flood risk and mitigation.

7.12. Exception Test:

The development is classified as ‘less vulnerable’ development by national guidance and is also classed as ‘appropriate development’ using the flood risk vulnerability and flood zone compatibility table. Therefore the exception test is not required for the development.

8. Heritage Issues [Including the Impact on the Character and Appearance of the Conservation Area and on the Setting of Neighbouring Listed Buildings]

- 8.1. The Shotley Gate Conservation Area is centred on HMS Ganges to the north east of the application site and the main interest for the conservation area is its four listed 'buildings'. These comprise the set of gates, piers, railings and lamp standards at the entrance to HMS Ganges along with its ceremonial mast and two Martello Towers within the grounds. HMS Ganges is positioned above the cliffs and is therefore at a higher level than the application site.
Given the intervening distance and the change in levels it is considered that there is no adverse effect on designated heritage assets and that their significance would be preserved.

9. Impact on Residential Amenity

- 9.1. The development is considered to be sufficiently distant from residential properties in the vicinity of the site to not materially impact on residential. The proposed hours of use are also considered reasonable.

10. Applicant's response to Representations received.

The applicant has sought to address the comments received during the consultation period as below;

- 10.1. The proposal is for a volunteer / visitor centre, not an 84-seater restaurant. Consideration was given to a traditional timber structure, but with the completion of the Marina Flats on King Edward IV Way and the impending modernistic development on the former boatyard site it was decided that a contemporary design would be more in keeping with the evolving foreshore development.
The proposed height of the volunteer / visitor centre is no higher than that previously approved.
- 10.2. Criticism has been made as to the length of the building. It is proposed that the volunteer /visitor centre should be a community building which will have to provide space for displays of historic artefacts and pictures, hold community events such as history research, painting and photographic groups as well as provide welfare facilities for the volunteers. The length of the building is thus dictated by its function.
- 10.3. The building protrudes approximately 30 metres from the shore and there will be some 150 metres of original pier showing in elevation beyond the seaward end of the volunteer / visitor centre. It should be noted that the pier was originally built as a railway pier for the transfer of mail.
- 10.4. Both the volunteer / visitor centre and the workshop are to be built adjacent to the pier with the only alteration to the pier being to raise the deck to provide ramps for disabled access to the two buildings. After the ramps there will be 150 metres of pier remaining for promenading, crabbing and the like. The new buildings have higher floor levels than the existing pier deck because of flood risk considerations.
- 10.5. The development under construction on the old boatyard site will change the nature of the foreshore. However, the proposed volunteer / visitor centre and workshop will not protrude as far across the foreshore as this residential development. The volunteer / visitor centre is also considerably lower in height than the lowest building in that development such that the proposed development will not significantly adversely alter the ambiance of the foreshore.
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- 10.6. An abstract from the Admiralty Chart has been submitted to demonstrate that the pier volunteer / visitor centre will not obstruct the view of water-borne craft on the main river from of the Sailing Club's Starting Box. The only area of obstruction to visibility caused by the proposed volunteer / visitor Centre is that of the immediate foreshore adjacent to the cliff. Sailing dinghies could only venture into this area half an hour each side of high water because the necessary depth of water to float is only available during this period.
- 10.7. A Land Registry Title plan has been submitted to show that the volunteer / visitor centre does not encroach onto land owned by Shotley Marina.
- 10.8. It is not the Society's intention for the foot ferry to permanently relocate to the pier. If requested at a later stage, then additional ferry calls together with river trips from the pier could be made subject to the necessary facilities being provided.
- 10.9. The proposed development includes a workshop, not because it wishes to compete with the former boatyard development, but because it will need a workshop to train timbermen volunteers to renovate and maintain the pier into the future. The workshop has been sized to take the longest practical timber member which might need to be worked upon.
- 10.10. For easy reference the development proposed has a foot print of 444m² of which buildings cover 192m² (Workshop of 42sqm with platform area 133sqm; Volunteer/Visitor Centre of 150sqm with platform area 311sqm).
- 10.11. Reference is made to a "84-seater restaurant". This is because the submitted drawing shows as many tables and chairs as could be accommodated on the platform and in the activity room of the volunteer/visitor centre. However, the proposed galley is only 3m by 3m which will be adequate for the purpose intended, which is to provide refreshments for the volunteers and visitors.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1. The principle of renovating the existing pier and bringing it back into an appropriate use is supported. The proposed volunteer and visitor centre is a community-led project that will offer combined opportunities for recreation, leisure and community facilities for the wider benefit of the area whilst also supporting the on-going repair and maintenance of the pier structure itself, which is an established feature within the landscape.
 - 11.2. A contemporary design approach incorporating the use of traditional materials is supported in this location given the range of built forms in the vicinity and the non-designated status of the landscape. The scale, design and layout of the proposed development is considered appropriate for its context and the development does not detract from the character of the surrounding countryside is therefore considered acceptable.
 - 11.3. The proposal, subject to the suggested conditions, satisfactorily mitigates flood risk and ecological impacts in this environmentally sensitive area.
 - 11.4. The current proposal represents sustainable development that accords with the development plan and should be granted without delay, in accordance with the presumption in favour of sustainable development. The application is therefore recommended for approval.
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RECOMMENDATION

That authority be delegated to Corporate Manager – Growth and Sustainable Planning to grant planning permission subject to conditions including:

- Standard Time Limit
 - Approved Plans and Documents
 - As per Ecological Impact Assessment
 - Agreement of Construction Method Statement
 - Agreement of External Lighting
 - Agreement of Materials
 - Restriction on Use – Class D1
 - Agreement of Extraction/Ventilation Equipment
 - Restriction on Hours of Operation.
 - As per Flood Risk Assessment
 - Agreement of flood resistance/resilience measures
 - Visitor Information Board
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