

SHOTLEY – SHOTLEY MARINA, KING EDWARD VII DRIVE

Application A B/06/00606/ROC – Removal of conditions 04, 05 and 06 attached to planning permission B/91/00723/OUT (residential development for 150 dwellings including public open space and access road to B/1456) to allow commencement of development without the construction of new roundabout junction to B1456, a new link road from the roundabout junction to King Edward VII Drive via Laundry Hill and roadways from the dwellings to the link road.

Application B B/06/00607/FUL – Improvements to King Edward VII Drive to include 6.0 metre wide carriageway and maximum 3.0 metre wide promenade, retaining wall and 3 no. cantilevered viewing platforms. Erection of mast and lifebuoy station. As amended by drawing no. 3378/41 A received on 16 May 2006.

Application C B/06/00608/FUL - Improvements to King Edward VII Drive to include 6.0 metre wide carriageway and 3.0 metre wide promenade, retaining wall and 3 no. cantilevered viewing platforms. Erection of mast and lifebuoy station.

Applicant: Shotley Marina Ltd.

Case Officer: Clare David

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**BACKGROUND**

**Members will recollect that these applications were deferred from consideration at this Committee on 21 June 2006 to enable outstanding legal issues to be resolved.**

**A panel of Members visited the site on 30 May 2006 in order to assess the visual impact of the proposed development and the highway and resultant residential impact of the proposal on Bristol Hill.**

**The following represents the previous report to Committee on 21 June 2006 with updates printed in bold italics.**

**SITE**

1. The application site areas extend over much of Shotley Marina, Bristol Hill, Queen Victoria and King Edward VII Drive. King Edward VII Drive is a road used as a public path (RUPP) and together with Queen Victoria Drive provides pedestrian and vehicular access to Shotley Marina. King Edward VII Drive is generally less than 5.5 metres wide, without a footway and without any guard on the seaward side.
2. The site lies outside of but in close proximity to the Suffolk Coast and Heaths AONB. The Stour and Orwell Estuaries are designated as a site of special scientific interest (SSSI), Special Protection Area (SPA) and Ramsar site, because of the bird life that they support, and are therefore considered to be of international importance.

3. There is a Martello Tower within the application site on higher ground at the northern end. This structure is Scheduled as an Ancient Monument. To the south of the Martello Tower are the remains of a C19 fort, the majority of which lies outside the application site. A small part of the north-east corner of the fort is within the application site. This fort is a Scheduled Ancient Monument.

## PROPOSAL

4. See report heading. For ease of reference the three applications that form the subject of this report are referred to as Application A, B and C.
5. Application A seeks planning permission for the removal of conditions 04, 05 and 06 of the original outline planning permission granted for the erection of 150 dwellings (B/91/00723 refers).

6. Condition 04 states

*Before any part of the hereby permitted development is commenced, details of the new roundabout junction with the B1456 – including layout, levels, gradient, surfacing, landscaping and means of surface water drainage – shall be submitted to and be approved in writing by the Local Planning Authority in consultation with the Highway Authority. No other work forming part of the implementation of this development (including the delivery of materials) shall take place until the roundabout junction has been formed (inclusive of cleared land within the visibility splays).*

The reason for the condition was

*To ensure an adequate vehicular and pedestrian access is provided to the development and in the interests of road safety.*

7. Condition 05 states

*Before construction of any of the hereby permitted dwellings is commenced, details of the new road (the "Link Road") from the new B1456 roundabout to King Edward VII Drive via Laundry Hill -including layout, levels, gradients, surfacing, landscaping and means of surface water drainage and also including the related improvement of King Edward VII Drive at its junction with Laundry Hill-shall be submitted to, and be approved in writing by, the Local Planning Authority in consultation with the Highway Authority.*

8. Condition 06 states

*Before construction of any dwelling is commenced, details of the roadway(s) affording access from it to the Link Road referred to in condition 5 above - including layout, levels, gradients, surfacing, landscaping and means of surface water drainage - shall be submitted to, and be approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The roadway(s) shall be provided up to and including base course level before the first occupation of any of the dwellings served by it/them.*

The reason for conditions 05 and 06 is

*To ensure an adequate vehicular and pedestrian access is provided to the development, in the interests of road safety and the safety and amenity of pedestrians using King Edward VII Drive.*

9. The outline planning permission granted consent in 2000 for the erection of 150 dwellings. These are to be accommodated generally in two areas. The 'Marina Frontage' part of the development is to accommodate a total of 67 dwellings vis:
  - 33 No. 1 bed apartments
  - 29 No. 2 bed apartments
  - 5 No. 3 bed apartments
10. The apartments are to be accommodated in four blocks behind the marina basin at the base of the cliff, and immediately below the Scheduled fort and comprise accommodation over three to four floors.
11. The second area of development is at the northern end of the marina basin, including development on the promontory that extends into the basin This 'Peninsula Housing' part of the development is to accommodate 83 dwellings vis:
  - 44 No. 2 bed apartments
  - 16 No. 2 bed houses
  - 23 No. 3 bed houses
12. This part of the development is essentially three storeys in height.
13. The design of the proposed development is very contemporary. The external materials proposed include, facing brickwork, render and horizontal timber cladding, together with powder coated steel detailing. Significant areas of glazing are also proposed. A mixture of roofing materials is proposed, including natural slate and profiled sheet roofing.
14. The application also includes an area of public open space around the Martello Tower, extending to 0.987 ha.
15. Access to the dwellings was required by that permission to be provided from a new roundabout junction with the B1456 and a new link road running across the former HMS Ganges playing fields before joining King Edward VII Drive via Laundry Hill (see conditions 04, 05 and 06 above).
16. The effect proposed by Application A would be to allow access along King Edward VII Drive to the first 70 of the 150 dwellings, thus avoiding the need to construct the new roundabout and access road across the former playing fields.
17. Applications B and C seek planning permission to improve King Edward VII Drive in order to provide improved pedestrian and vehicular access to serve Shotley Marina and the first 70 dwellings. The highways infrastructure required by outline conditions 04, 05 and 06 are provided (namely the roundabout, link and estate roads) would then need to be provided to enable the remaining dwellings to be constructed.

18. Application B proposes to achieve these improvements by constructing a cantilevered platform over the existing sea wall revetment and constructing a length of new seawall in the form of sheet piles. The area between the existing seawall and proposed sheet piles would then be back filled. The scheme would also require a short length of new retaining wall on the landward side of King Edward VII Drive but for the most part would comprise of regarded embankment. The proposal also includes three viewing platforms at regular intervals along the footpath/cycleway.
19. Application C proposes to achieve similar improvements but proposes to achieve the improved carriageway and footpath/cycleway width by excavating the landward side embankment. The extent of the required retaining wall would run for much of the length of the improved King Edward VII Drive. The scheme also includes three viewing platforms.
20. Applications B and C represent alternative schemes and as such only one will be implemented if approved.

### RELEVANT HISTORY

21. There is a long and complex planning history relating to the site. The marina was developed between 1986 and 1988, relying upon Queen Victoria and King Edward VII Drives as its sole means of vehicular access. Enforcement action by the Council that sought to bring about the closure of the marina in the absence of a proper access was unsuccessful.
22. In October 2000, outline planning permission (B/91/00723/OUT) was granted for the erection of 150 dwellings including public open space and access road to the B1456. There is a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 relating to that development, which broadly provides for:
  - the construction and timing of the access road to the B1456 ; and
  - the securing of any guarantee, charge or bond which is necessary to ensure the above.
23. In January 2005 reserved matters approval (the siting, design and external appearance of the dwellings) were approved (B/03/01744/RES refers).
24. Members will also be aware that detailed planning permission was granted in 2003 for a mixed use development at the former Peninsula Boatyard. This development proposes 9 no dwellings with groundfloor office use, 3 no. flats with groundfloor workshop use and 4 no. B1 business units. It also involved improvements to Queen Victoria Drive and part of King Edward VII Drive to bring these up to adoptable standards and the construction of a new length of sea wall.
25. In addition, Members will of course be aware of the outline proposal to redevelop the HMS Ganges site for the erection of 325 Dwellings (including affordable housing and starter homes), local retail (Classes A1-A3) and employment units (Classes B1a - C), Public Open Space, access and internal roads. Development Committee considered this application in June of last year wherein members were minded to approve the application. The application was referred to the Secretary of State and following a call in was heard at Public Inquiry in February of this year. A decision is expected by end of July.

## POLICY

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

### **PPG16 – Archaeology & Planning**

26. PPG16 (published November 1990) sets out extensive Government guidance on all planning matters relating to archaeology. It also provides guidance relating to development and ancient monuments.

27. Paragraph 16 states:

The desirability of preserving an ancient monument and its setting is a material planning consideration in determining planning applications whether that monument is scheduled or unscheduled. Developers and local authorities should take into account archaeological considerations and deal with them from the beginning of the development control process....”

28. Paragraph 5 of Annex 3 states:

“Once a monument has been scheduled, the consent of the Secretary of State is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument. The scope of the control is therefore both more extensive and more detailed than that applied to listed buildings. Consent can be granted only for detailed proposals and unlike planning permission there is no provision for the granting of outline consent....”

### **PPS 9- Biodiversity and Geological Conservation**

29. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests that cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

## **PPG20 – Coastal Planning**

30. Paragraph 2.11 states:

“The developed coast, by contrast, may provide opportunities for restructuring or regenerating existing urban areas, thereby improving their appearance and the environment. This approach can be particularly beneficial in areas of significant architectural or historic interest. Opportunities also exist for reclaiming derelict land. Where new development requires a coastal location, the developed coast will usually provide the best option, provided that due regard is paid to the risks of erosion or flooding....”

## **PPG25 – Development & Flood Risk**

31. PPG25 states that local planning authorities should adopt a risk-based approach to proposal for development in or affecting flood risk areas. The assessment of risk should take account of:

- The area liable to flooding;
- The probability of it occurring, both now and over time;
- The extent and standard of existing flood defences and their effectiveness over time;
- The likely depth of flooding;
- The rates of flow likely to be involved;
- The likelihood of impacts to other areas, properties and habitats;
- The effects of climate change; and
- The nature and currently expected lifetime of the development proposed and the extent to which it is designed to deal with flood risk.

32. The following adopted Development Plan policies provide the framework against which this application should be judged.

### **Suffolk Structure Plan 2001**

- Policy CS1 (Economic and Social Well being of Suffolk)
- Policy ENV1 (Setting of Conservation Areas and Listed Buildings)
- Policy ENV3 (Design Standards)
- Policy ENV4 (Protection of the Countryside and Coast)
- Policy ENV7 (Protection of AONB's)
- Policy ENV15 (Sea Defences)
- Policy ENV18 (Conservation and Ecological Assets)
- Policy ENV22 (Archaeology)

**Babergh Local Plan Alteration No.2 (2006)** *the policy references below relate to the adopted version of the Local Plan - the policy numbers in some cases differ from those in the second deposit draft. Where this is the case, the previous reference number is given in brackets*

- Policy EN01 (CR12) (SPA's, cSACs, Ramsars, NNRs, SSSIs)
- Policy EN03 (CR14) (Protected Species)
- Policy EN04 (CR15) (Semi Natural Habitats)
- Policy EN08 (CR19) (Stour and Orwell Estuaries)

- Policy CR01 (Landscape Quality)
- Policy CR02 (AONB Landscape)
- Policy CN01 (Design Standards)
- Policy CN06 (CN10 (Listed Buildings)
- Policy CN16 (CN26) (Ancient Monuments)
- Policy CN17 (CN27) (Archaeology)

## OBSERVATIONS

### **Application A.**

33. Application A, which seeks to remove the conditions of the outline planning permission, has been the subject of two consultation exercises. The application was originally advertised as ‘Removal of Conditions 04, 05 and 06 of p.p. B/91/00723/OUT’. This description of the proposal did not make reference to what these conditions referred to and as such the description was amended to that at the head of the report and the application was readvertised. The following comments relate to the initial and subsequent consultation exercise. It should be noted however that there has been no amendment to the proposal.

### **Application A – Original Consultation**

34. PC – Object, not in favour of these conditions being removed.
35. CHA – *The highway authority has no objection in principle to 70 units being served via the improved King Edward VII Drive. Consequently we do not object in principle to amending conditions 04, 05 and 06 of B/91/00723/OUT to require highway infrastructure referred to in each of the conditions to be provided before the 71<sup>st</sup> dwelling is commenced. We do object to the deletion of the conditions in their entirety.*
36. EH – No comment received.
37. SWT – This proposal does not appear to have any impact upon protected species or designated habitat or priority Suffolk Biodiversity Action Plan habitats or species.
38. English Nature – No objection.
39. Adjoining Local Authorities (Suffolk Coastal D.C. and Tendring D.C. ) – No comment received.
40. SCC (Archaeology) – No objection.
41. EA – Offers advisory comments.
42. HSE – No comments to make.
43. SCC (Fire Officer) – Offers advisory comments.
44. AWS – No comments received.
45. Suffolk Coast and Heaths Project – No comment received

46. The Ramblers – In a letter dated 9 May 2006 - nothing specific that we wish to comment on. Our primary concern is always public safety and enjoyment of public rights of way. The King Edward VII Drive vehicular access development will no doubt include a safe ‘off road’ pedestrian walkway and we hope existing views will not be diminished.

In a letter dated – 19 May 2006 – since last writing and after seeing the site we are appalled that anyone could seriously consider using this route as the sole access to a building development site in addition to the existing marina. The limited width of the route, a blind bend, with a drop on one side and a vertical wall on the other makes it exceptionally dangerous for vehicular traffic and suicide for anyone daring to walk along it. Warning notices will not be adhered to. If the new roundabout junction were considered necessary originally then now it must be more so. We would like more information on the proposed improvements.

47. HoES – No adverse comments.

48. Letters – 24 received objecting for the following summarised reasons:

- An attempt to pre-empt the Planning Inspectorate’s decision at the HMS Ganges site.
- The highway improvements must be made to the B1456 at the developer’s expense and not by the tax payers
- The highway improvements must be made before the development starts and not as an after thought
- The planning permission for the marina was granted on the basis that the developers would provide a suitable alternative means of access. The additional traffic and construction traffic on Bristol Hill will be intolerable
- If the conditions of the outline planning permission were complied with, then the prom would not need to be improved
- The application has been poorly advertised without sufficient supporting information
- Loss of amenity to the residents of Bristol Hill
- The B road and Bristol Hill are not suitable for large construction vehicles
- The potential increase in traffic as a result of the development and existing visitors would bring traffic to a stand still
- Whatever difficulty the developers are having in negotiating the originally approved access should not outweigh the additional traffic problems that Bristol Hill would suffer
- If approved this would give unlimited access to the development and the marina along King Edward VII Drive via Bristol Hill and there would be no incentive for the developer to complete the roundabout junction
- King Edward VII Drive is already unsuitable for walkers additional traffic would make this even worse.
- Additional traffic on Bristol Hill would be dangerous for the children living here

## **Application A – Reconsultation**

49. PC – Strong opposition due to the burden of traffic to and from the marina wholly via Bristol Hill and King Edward VII Drive. There appears to be nothing to prevent all 150 dwellings being constructed before the roundabout is provided. The application should be accompanied by a Traffic Impact Assessment and should include compensation and amelioration measures.
50. CHA – Discussions are taking place with the Highway Authority and any views received will be reported to the meeting.
51. EH – *No objections to the proposals however, it is recommended that previous advice concerning the need to safeguard the setting of the Martello Tower and Fort in connection with the previous scheme should be taken into account..*
52. SWT – No comment received.
53. English Nature – No objection.
54. Adjoining Local Authorities (Suffolk Coastal D.C. and Tendring D.C. ) – No comment received.
55. SCC (Archaeology) – No comment received.
56. EA – No comment received.
57. HSE – No comments received.
58. SCC (Fire Officer) – Offers advisory comments.
59. AWS – No comments received.
60. Suffolk Coast and Heaths Project – No comment received
61. The Ramblers – No comment received
62. HoES – No adverse comments.
63. Letters – **42** received objecting for the same reasons as previously reported plus:
  - Damage by construction vehicles to road surfaces
  - The proposed improvements to the prom include a footpath on the riverside. The vertical sea defence will not break the force of waves as the angled wall does and will not allow walkers to use the path in bad weather
  - Would hamper access for emergency vehicles
  - Noise pollution

## ***Application A***

64. *Members are advised that two letters have been received from solicitors acting on behalf of Haylink Limited (the owners of the former HMS Ganges site). The letters are as summarised:*

- *The notice was not served at Haylink Limited's correct address and as such the required 21 days notice has not been complied with.*
- *Objection is raised to the decision of the Marina application being taken at this time. The HMS Ganges Masterplan showed a linkage in from the Marina application to HMS Ganges and if the called-in application is granted the Section 106 Agreement shows that link and the current application (at the Marina) need not be determined.*
- *The application is for a reserved matter which is out of time. A new application would have to be submitted which would necessitate a Section 106 Agreement. It appears that this application is being made solely on the grounds to avoid making any contributions to the public via a Section 106 Agreement.*
- *All the applications should be considered together although it is accepted that formal notice from the owner for the other applications (ie. applications B and C) was not necessary as they do not involve land in the ownership of Haylink Limited, but notification in terms of advertisements was not received. Queries the validity of the application (application A) on this basis.*

## **Application B**

65. Application B proposes improvements to King Edward VII Drive to provide an alternative means of access to the first 70 dwellings to be constructed at the marina. The application has been amended since it was first advertised to include a new stretch of seawall in order to alleviate the need to excavate the bank and provide extensive retaining works. The following represents a summary of the original and reconsultation responses.

### **Application B – Original Consultation**

66. P.C. – support in principle subject to an archaeological investigation; ecology assessment; no objection from EA; traffic calming on Bristol Hill after consultation; and provision for cyclists
67. CHA – *The highway authority has no objections in principle to 70 units being served via the improved King Edward VII Drive subject to the conditions below. Using the large dwelling trip rate agreed for the HMS Ganges application 70 units would generate a maximum of 64 traffic movements in the morning peak hour, the small dwelling rate would generate 52 movements. The afternoon peak would be less for both. This means that approximately one vehicular movement a minute would be experienced. However, unlike the Ganges application occupation of this development is tied to ownership of a berth at the marina and my view is that will result in lower peak hour flows.*

*The following 3 conditions are recommended:*

- *No more than 70 dwellings shall be served by the improved King Edward VII Drive.*
- *Before the occupation of any residential unit on the approved site of B/91/00723/OUT the proposed new road at King Edward VII Drive and the existing Bristol Hill shall be provided with a scheme of traffic calming to be agreed by the local planning authority in consultation with the highway authority.*

- *Before the development is commenced, details of the road and footpath, (including full design and calculations for the retaining and supporting structures, layout, levels, gradients, lighting, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.*

67. EH – *No objections to the proposals however, it is recommended that previous advice concerning the need to safeguard the setting of the Martello Tower and Fort in connection with the previous scheme should be taken into account.*
68. SWT – *This site lies directly adjacent to the foreshore. We therefore request that care is taken during the construction stage to limit building work within the boundaries of the development site and not encroach on the foreshore. The temporary storage of building materials should not be on the foreshore.*

*Reptiles are considered likely in this area. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and as such are a material consideration in any planning application.*

*If planning consent is granted, work should proceed with caution. We recommend that the following best practice should occur:*

- *Undertaken vegetation clearance work when reptiles are active, during warm sunny weather.*
- *Use hand held machinery to cut back vegetation, rather than heavy ‘driven’ machinery.*
- *Cut back vegetation in stages, working from the centre of the site outwards, to prevent standing.*
- *Dismantle log and rubble piles by hand.*

*If reptiles are discovered during the course of site clearance then work should cease and a reptile survey undertaken to estimate the size of the population and appropriate mitigation.*

69. English Nature – Object in the absence of survey work relating to breeding birds and reptiles.
70. SCC (Archaeology) – no objection subject to a programme of archaeological work being approved.
71. EA – No objection on flood risk grounds. The EA is not responsible for flood defences adjacent to King Edward VII Drive but their consent will be required for the works.
72. HSE – No reason to object.
73. Letters – 1 received of objection. Members are advised that whilst many letters of objection refer only to the reference number for Application A, the content obviously refers to Applications B and C too.

## **Application B – Reconsultation**

74. At the time of writing this report the only comments received have been those of English Nature. The updated comments are that there is no objection provided that the proposed works are carried out between October and February. No species survey will be required if the works are carried out at this time.

## **Application C**

75. P.C. – support in principle subject to an archaeological investigation; ecology assessment; no objection from EA; traffic calming on Bristol Hill after consultation; and provision for cyclists
76. CHA - Discussions are taking place with the Highway Authority and any views received will be reported to the meeting.
77. EH – *No objections to the proposals however, it is recommended that previous advice concerning the need to safeguard the setting of the Martello Tower and Fort in connection with the previous scheme should be taken into account..*
78. SWT – *This site lies directly adjacent to the foreshore. We therefore request that care is taken during the construction stage to limit building work within the boundaries of the development site and not encroach on the foreshore. The temporary storage of building materials should not be on the foreshore.*

*Reptiles are considered likely in this area. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and as such are a material consideration in any planning application.*

*If planning consent is granted, work should proceed with caution. We recommend that the following best practice should occur:*

- *Undertaken vegetation clearance work when reptiles are active, during warm sunny weather.*
- *Use hand held machinery to cut back vegetation, rather than heavy ‘driven’ machinery.*
- *Cut back vegetation in stages, working from the centre of the site outwards, to prevent standing.*
- *Dismantle log and rubble piles by hand.*

*If reptiles are discovered during the course of site clearance then work should cease and a reptile survey undertaken to estimate the size of the population and appropriate mitigation.*

79. English Nature – Originally objected in the absence of survey work relating to breeding birds and reptiles. On receipt of additional information offer no objection provided that the proposed works are carried out between October and February. No species survey will be required if the works are carried out at this time.
80. SCC (Archaeology) – No objection subject to a programme of archaeological work being approved.

81. EA – No objection on flood risk grounds. The EA is not responsible for flood defences adjacent to King Edward VII Drive but their consent will be required for the works.
82. HSE – No reason to object.
83. Footpaths Officer – RUPP 18 must remain unobstructed and SCC must give consent for the works proposed.
84. Letters – 1 received of objection. Members are advised that whilst many letters of objection refer only to the reference number for Application A, the content obviously refers to Applications B and C too.

*A letter has also been received from Tim Yeo MP in relation to all three applications urging the Committee to take into account the very strong views of local residents.*

## ASSESSMENT

85. The issues to be considered with these applications are broadly as follows:
  - Landscape impact, particularly on the landscape character of the AONB;
  - Impact on ancient monuments and archaeology;
  - Wildlife impact;
  - Flooding and sea defences
  - Highway safety.
  - Other issues

### **Landscape Impact**

86. This part of the Shotley Peninsula is part of a large-scale physical environment, characterised by substantial structures. The historic structures (Martello Towers, Ganges ceremonial mast and the recently rediscovered 19C fort on the former HMS Ganges site) are all large scale. The modern industrial landscape at the Port of Felixstowe, (and to a lesser degree at present, Harwich) although quite different in character, is also large scale. This port and large-scale industrial character may well increase with further expansion of the Felixstowe terminal being planned. Harwich and Parkeston Quay also contribute to this large-scale environment, and again, this will be further emphasised when the proposed development at Bathside Bay commences.
87. It is not considered that the works to the seawall, the retaining wall and King Edward VII Drive will be of such a significant scale that they will be so out of keeping with their surroundings that comprise of existing sea defences, retaining works, marina buildings and locks. They will be viewed largely against the backdrop of the cliff and high ground immediately to the west of the marina basin.
88. The application lies outside the AONB, but consideration must be given to any potential landscape impact that the proposed development may have.
89. The proposed development will, for the most part, be viewed against the backdrop of Shotley Cliff and when viewed from the water will generally read as part of Shotley Gate settlement. As previously stated this is a large-scale environment and it is considered that there will be not be such significant adverse impact on the landscape character of the AONB that a refusal is warranted.

## **Ancient Monuments and Archaeology**

90. One of the key issues is to ensure that the proposed development will not have any physical impact on the Martello Tower or C19 fort, or on their setting. Both structures are scheduled ancient monuments. The degree of separation between the proposed development and these structures is such that there should be no physical impact on either of them.
91. The Suffolk Archaeological Unit has offered no objection subject to a programme of archaeological work being approved.

## **Wildlife Impact**

92. English Nature originally have objected to Applications B and C due to the lack of survey work relating to breeding birds and reptiles. *(Discussions between the applicant and English Nature have established that provided works are restricted to the months outside of the breeding season there is no objection.)*

## **Flooding and Sea Defences**

93. The Environment Agency raises no objection but consent will be required to undertake the works proposed to King Edward VII Drive. There is no evidence to suggest that the scheme would result in an adverse impact on the defences.

## **Highways**

94. The principle of the residential development is already established by the grant of the outline planning permission. The principle of how the development was to be accessed was considered at that stage i.e. by the construction of a new link road to the B1456 through the adjoining HMS Ganges development. There is a Section 106 legal agreement as well as conditions attached to the outline planning permission to ensure that this access is secured.
95. The highway related issues to be considered under this application relate to the removal of those planning conditions requiring the new access arrangements in respect of the first 70 of the total number of 150 dwellings. The majority of objections relate to this particular application (Application A) and the increase in traffic via Bristol Hill and the lack of any apparent restrictions on the future use of the access for all 150 dwellings.
96. *The CHA has confirmed no objection to the applications subject to the imposition of conditions requiring the highway infrastructure to be provided before the 71<sup>st</sup> dwelling is commenced; that no more than 70 dwellings are served via King Edward VII Drive and a scheme of traffic calming is agreed.*

## **Other Issues**

97. *The validity of application A has been queried on two counts by solicitors acting on behalf of Haylink Limited. Firstly, the solicitors state that notice was served incorrectly by the applicant. Secondly, the solicitors contend that the details required by conditions 04, 05 and 06 of outline planning permission constitute reserved matters and the time period for submission of such matters has expired.*

98. *It is my opinion that the application is valid: nonetheless, the applicant has served a fresh notice on Haylink Limited at the correct address and the 21 day period attached to this expired on 10 July 2006.*
99. *The details required to be submitted in relation to conditions 04, 05 and 06 are not reserved matters and as such are not limited by the timescale imposed by Condition 1 of that permission. The details relate to the technical engineering specifications of the highway infrastructure and not the means of immediate access agreed at outline stage. The application is therefore also valid on this count.*

## RECOMMENDATION

### APPLICATION A

- A. The Solicitor to the Council be authorised to secure a supplementary Planning Obligation under Section 106 of the 1990 Act to secure satisfactory access arrangements after construction of 70 dwellings
- B. On securing that obligation, the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:
- No more than 70 dwellings to be constructed under p.p. B/91/00723/OUT until highway improvements provided in the form of the roundabout junction, link road and estate road.
  - As recommended by CHA
  - Completion of improvement works to King Edward VII Drive (either Application B or C)
  - **Works to take place** between the months of October and February
- C. Otherwise Refuse planning permission as recommended by CHA

### APPLICATIONS B and C

- A. That subject to the satisfactory revision to the Section 106 Obligation, the Head of Planning (Control) be authorised to grant planning permission subject to the following conditions:
- Details of retaining works, including facing materials
  - Details of sea wall, including facing materials
  - Hardsurfacing materials
  - Landscaping
  - Completion of improvement works to King Edward VII Drive (either Application B or C)
  - **Works to take place** between the months of October and February
  - As recommended by CHA
- B. Otherwise refuse planning permission as recommended by CHA

## DECISION

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