

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

Babergh District Council

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REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Wincer Kievenaar Architects Limited
2 Market Place
Hadleigh
Ipswich
Suffolk
IP7 5DN

Applicant:

Shotley Heritage Charitable Community
Benefit Society Ltd
Shotley Pier
Queen Victoria Drive
Shotley Gate
Shotley
IP9 1PY

Date Application Received: 29-Mar-18

Date Registered: 30-Mar-18

Application Reference: DC/18/01384

Proposal & Location of Development:

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

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

Section A – Plans & Documents:

This decision refers to drawing no./entitled PA01 received 29/03/2018 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan PA01 - Received 29/03/2018

Block Plan - Proposed PA11 - Received 29/03/2018

Proposed Site Plan PA20 - Received 29/03/2018

Elevations - Proposed PA30 - Received 29/03/2018

Ecological Constraints Assessment: Report Reference No. 3005,GI,EC,FR/ECA/TC,RF,KL/01-03-2018/V1 Issue 1; dated 1 March 2018 - Received 29/03/2018

Flood Risk Assessment Report Reference No. 3005,GI,EC,FR,TO/PC,SG/09.03.18/; Issue Date 09 March 2018. - Received 10/04/2018

Design and Access Statement - Received 29/03/2018

Ecological Impact Assessment and Mitigation Strategy: Report Reference No.

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. Policies CN01, RE06, RE14, and CS15 of the development plan, alongside Paragraph 127 of the NPPF, require new development to respect and conserve the landscape qualities of an area (and in this instance the Stour and Orwell estuaries), and to provide an acceptable standard of design in that respect.

The development would, by virtue of its siting, scale, and form, harm the landscape character of the area, public views in and out of the area, and the character of the Stour and Orwell estuaries, contrary to the aforementioned policies and where the harm identified would not be outweighed by the benefits of the development.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

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

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

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

This relates to document reference: DC/18/01384

Signed: Philip Isbell

Dated: 23rd August 2018

**Corporate Manager
Growth & Sustainable Planning**

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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