

**Philip Isbell - Chief Planning Officer**  
**Sustainable Communities**

**Babergh District Council**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)



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## **PLANNING PERMISSION**

### **TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Wincer Kievenaar Architects Ltd  
2 Market Place  
Hadleigh IP7 5DN

**Applicant:**

Shotley Marina Ltd.  
King Edward VII Drive  
Shotley  
Ipswich IP9 1QJ

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**Date Application Received:** 16-May-19

**Application Reference:** DC/19/02394

**Date Registered:** 17-May-19

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**Proposal & Location of Development:**

Application under Section 73 of the Town and Country Planning Act B/03/00074 without compliance with condition 1 of associated non-material amendment DC/19/01076 to allow for changes to approved drawings raising roof levels of units 4,5 and 9 and ground floors of units 1-9 in line with changes in updated 1 in 100 year flood level.

Former Peninsula Boatyard, King Edward VII Drive, Shotley, Suffolk

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 1:1250 received 16/05/2019 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:

Application Form - Received 16/05/2019  
Flood Risk Assessment - Received 13/08/2019  
Plans - Proposed 5292\_14D - Received 05/03/2019  
Plans - Proposed 5292\_15B - Received 05/03/2019  
Defined Red Line Plan 1:1250 - Received 16/05/2019  
Elevations - Proposed 5292\_13D - Received 16/05/2019  
Block Plan - Proposed 5292\_10F - Received 16/05/2019  
Proposed Plans and Elevations 5292\_11E - Received 16/05/2019  
Floor Plan - Proposed 5292\_12D - Received 16/05/2019

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**Section B:**

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

2. No development shall take place until:

(i) A strategy for investigating any contamination present on site has been submitted for approval by the Local Planning Authority;

(ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.

(iii) A written report shall be submitted detailing the findings of the investigation referred to in (2) above, and an assessment of the risk posed to receptors by the contamination, for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required.

(iv) Any remediation work shall be carried out in accordance with the approved Remediation Scheme.

Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from any land contamination.

3. There shall be no residential accommodation located at ground floor level.

Reason: For avoidance of doubt as to the scope of this permission and because this site is within a floodzone.

4. Flood proofing measures shall be incorporated within the design of both commercial and residential buildings in line with the DTLR publication "Preparing for Floods". The development shall include the flood alleviation recommendations set out in the Flood Risk Assessment that accompanies the application. Flood proofing measures shall apply to levels of buildings below 4.6 metres AODN. Demountable flood defences shall be provided for the protection of the commercial buildings in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate flood protection as this site is within a floodzone.

5. Prior to the first occupation of any part of the hereby permitted development, flood warning notices shall be erected in numbers, positions and content that shall previously have been submitted to and approved in writing by the Local Planning Authority. The notices shall be kept legible and clear of obstruction at all times.

Reason: To assist with evacuation measures as this site is within a floodzone.

6. The use shall not commence until the area within the site shown on Drawing No. 3257/10A for the purpose of manoeuvring and parking of vehicles has been provided and thereafter it shall be retained and used for no other purpose.

Reason: In the interests of highway safety and the visual amenity, character and appearance of the area.

### **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CN01 - Design Standards

NPPF - National Planning Policy Framework

### **NOTES:**

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/19/02394

**Signed: Philip Isbell**

**Dated: 4th September 2019**

**Chief Planning Officer  
Sustainable Communities**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## 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.