

SHOTLEY PARISH COUNCIL

Chair: R Wrinch, Hill House, Wades Lane, Shotley, Ipswich IP9 1EW

Please address all correspondence to the clerk:

Linda Rowlands

33 Orwell View Road, Shotley, Ipswich, Suffolk IP9 1NW

Tel: 01473 788248 Email: shotleypc@btinternet.com

www.myshotley.com



Gareth Durrant
Principal Development Control Officer
Planning Department
Babergh District Council
Corks Lane
Hadleigh
IP7 6SJ

31 October 2007

Your ref:

Our Ref:

Dear Gareth

B/00/01318/RES/GD – Former H.M.S. Ganges, Shotley Gate, Shotley, Ipswich, Suffolk IP9 1QJ – Submission of details under O.P.P. B/88/01560/OUT – the siting, design and external appearance of, the means of access to and the landscaping of the site for a retirement community development of 404 dwellings, nursing home and associated facilities

1 The Shotley Parish Council (the Council) thanks the District Council for consulting it on the above application and it appreciates the opportunity to comment on the reserved matters for this important site. Set out below are the comments and responses of the Council to the above application. The Council would ask that the contents of this letter are conveyed, in their entirety, to the Development Committee Members, before the application is determined.

2 Planning history

The Council will expect to see a detailed justification in the Officers report to explain why the extant permission has not lapsed as no appeal has been made against the non determination of the RM application submitted in 2000. We have seen no written evidence that either the applicant or the District Council have agreed an extension to the time limits that normally apply in determining an application, nor have we seen evidence of any request for further information being sought from the applicant that would justify an extension.

If a credible explanation can be given, we would wish to see a justification given to the Development Committee as to why this matter has been allowed to remain undetermined for such a substantial period. The Inspector at the recent Public Inquiry found that if the extant permission was implemented "*This would lead to an inferior form of developmentthat would bring with it no benefits to the local community by way of contributions and other obligations. The problem of dealing with the remainder of the application site that is not embraced within the fallback scheme would also persist.*" That

a wholly unsustainable proposal has been allowed to remain unresolved for seven years, acting as a barrier to more appropriate and sustainable proposals coming forward, and contributing to the continuing deterioration of this scheduled ancient monument must be of concern to elected members.

We believe that should the committee not satisfy themselves that officers have acted lawfully and fairly on the above two points they may find it difficult to defend their position should this matter come to Judicial Review and or the Ombudsman.

3 The requirement for an Environmental Statement

The applicant has sought Counsel's opinion on the need for an Environmental Statement and the desirability of amending the original application in the light of this requirement. Officers have confirmed to us that they concur with the advice sought by the applicant.

We also broadly agree with the applicant's position. However, we would also contend that as the purpose of an ES is to identify any adverse effect that the development may have it is reasonable not only to seek to amend the original application but also for the LPA to consider mitigation and/or compensation measures by way of further conditions and/or obligations should they consider them to be reasonable.

4 The Amended Reserve Matters Application

We consider that there are two procedural reasons that this application should be not approved:

4.1 The application differs substantially from the extant permission and the 2000 application. The changes go beyond those considered "desirable" to meet the findings of the Environmental Statement. The original permission was for a retirement community, a nursing home and associated facilities. The amended application also includes a club house, leisure facilities, a bowling green, a managers house, public open space and at a future date further recreational facilities and retail space. Further, the positioning of the blocks of housing is very different to those in the plans submitted with the original application and includes four and five bedroom dwellings that were not envisaged in the original description of a "retirement community." The care home is substantially larger than envisaged in the original application.

The opinion of the applicant's Counsel refers to the Inverclyde case at para. 6 of his advice, which requires amendments not to be such as would alter the whole character of the application. We believe that is what these amendments do and they should be treated as an application to amend the original permission. If the Committee agrees this would rule out this application as it has been submitted "out of time".

4.2 We submit that the ES and therefore the application are

inadequate. There is insufficient information or detail for us to make a reasonable judgment of its merits: old and inadequate data on traffic, no health impact assessment, no archeological assessment, no contaminated land report, no detail on foul and surface water drainage for example. Much of the information is confusing; for example in regard to the access road and the separate application for a spine road. The Committee may wish to decide to either reject the application on these grounds or defer until the information is adequate.

5. If the application is not to be struck out on any or more of the grounds we have outlined then the Council recommends that it be **NOT APPROVED** on the following grounds:

The requirement for an EIA at the Reserved Matters stage is to enable an LPA to identify and assess the effect of a proposed development on the environment where this did not happen at the outline application stage. It is our view that were the EIA to identify negative impacts that are so substantial that they cannot be resolved through amelioration or compensatory measures then the application must be rejected.

At the Inquiry it was found that the extant permission "*Poorly serves up to date policy objectives with no provision to lessen the profound negative impacts it would bring.*" The applicant has brought forward only one major amendment to the original application to mitigate the effect of the development - the re-routing of the access road.

In regard to the effect on the road infrastructure, the measures proposed amount to a few cosmetic additions to those that accompanied the application for 325 dwellings and which were found to be inadequate by the Secretary of State. Since the Inquiry there have been further developments that impact on the B1456 so that the cumulative impact will be greater. It is important to recall that there was concurrence amongst all parties to the Inquiry that the traffic impact of the 404 and the 325 would be the same.

In the Local Plan the community of Shotley is identified as being an unsustainable community and as such development should only take place on infill and small windfall sites. The application should fail because it does not adequately address the issues of sustainability and the nature of the development would make Shotley even more unsustainable. In order for the proposed development to become sustainable it would need to address the tests of sustainability as described in Policy HS02 of the Local Plan, CR01 and also HS39 and HS40 in respect of the care home.

We referred to the inadequacy of the ES at paragraph 4.2 but of the following are particular concerns of residents

- Lack of employment and economic development opportunities
- The impact on health services in the area - no Health Impact Assessment has been carried out and no mitigation is proposed including poor response time of the emergency services and the difficulty of access when the road is blocked
- The impact on community facilities that are already at capacity

- Inadequate measures to protect and enhance the SPA and the meager proposals to mitigate those effects contrary to policy EN01 (Protection of SPAs), EN03 (Protected species), EN04 (Green wedges and corridors), EN0 6 and7 (Habitat creation) and EN08 and CR02 (the strict control of development on the Orwell Estuary).
- The loss of a substantial part of the playing field with no compensatory or mitigation measures contrary to Policy HS31
- No affordable housing provision contrary to Local Plan Policy HS09
- The effect on the Public Footpath Marsh Lane contrary to Local Plan Policy TP02

6 Should the Committee be minded to approve then we would seek the following conditions and obligations to lessen the impact of the development:

- Affordable housing on site and a commuted sum for off site provision
- Contributions to adult education provision
- Preservation of historic monuments
- Highway improvements and increased pedestrian and cycling provision including:
 - Implementation of remaining elements of Shotley School Travel Plan
 - Bristol Hill foreshore – pavement and road repairs, “Bus Turning” signage, and provision of proper parking bays, relocation of bus stop with bus shelter and loading bay
 - The adoption and resurfacing of Old School House Lane
 - The resurfacing and widening of the footpaths from East View Terrace to Cherry Gardens and the provision of a pedestrian crossing
 - An increase in the number of parking bays along Shotley Street and East View Terrace (with compensatory tree planting)
 - Provision of bollards to deter parking in unauthorised places
 - Grants to individual householders on The Street and at the Corner Garage area to provide hard surfacing for off road parking and/or other safety measures (with compensatory tree planting)
 - Improvements to sight lines and improved signage at Old School House Lane, Shotley Rangers, Old Hall Lane, Corner Garage, Erwarton Hall Lane, Church Walk, The Boot and Wades Lane.
 - Measures to alleviate surface water flooding at the top of the Street and on Ipswich Road
 - Provision of bus stop bays at Orwell View Road, Shotley Street Post Office, the top of The Street (eastbound), The Boot and Wades Lane (both directions). Provision of bus shelters at Wades Lane and The Boot (subject to planning and local consent)
 - A feasibility study and a commuted sum to pay for say a significant proportion of the cost of a dedicated cycle way from Shotley Gate to Wherstead roundabout

- A police base within the development
- Contributions to enhance the healthcare provision in the locality including a Community Paramedic
- Contributions to the improvement of the Shotley/Harwich/Felixstowe ferry
- The production and implementation of a travel plan to the standards as set out in Appendix One
- A contribution towards the enhancements of Community Facilities in the Parish
- The production and implementation of a construction management plan including:
 - Times of working
 - Times of vehicle movements
 - Noise and vibration
 - Dust suppression
 - Wheel and road washing
 - Vehicle routes (using the Marina for some less bulky deliveries)
 - Housing of the workforce on site
 - Site security
 - Measures to protect public during remediation of contaminated land
 - Protection of monuments and mast during demolition and construction phase
 - An emergency plan
 - Local liaison meetings
 - Monitoring and sanctions
 - Pollution control (land, water and air) and the safe handling and storage of pollutants
- Measures to manage the impact of an increased local population on the Special Protection Area
- Provision and maintenance of public open space, habitats and cliff
- Recycling facilities
- Renewable energy sources including micro and local generation

We look forward to hearing from you in due course.

Yours sincerely

Linda Rowlands
Parish Clerk

Appendix One

Checklist 1: Measures/issues to be considered for residential travel plans (depending on site assessment)
A: Site design
Permeability for pedestrians and cyclists
Highways safety measures/traffic calming/pedestrian and cycling friendly infrastructure
Site speed limits
Restrictions on car movements within the site
Parking restraint (or potential for car-free site)
Minimising intrusion from parking (where applicable)
Areas for social exchange, recreation, seating, play, and biodiversity
Cycle parking
Cycle shower and changing facilities in site workplaces (if applicable)
Bus routing: ensuring the road design allows the bus to reach all parts of the development and that it connects well with the surrounding area.
Bus infrastructure such as stands, stops, shelters, bus gates and real time information (where services will be entering the site)
Adoption of home zone principles or home zone features (option to be considered)
B: Improvements to off-site access (as required in the light of existing provision)
Road safety improvements to highways infrastructure serving the site
Creation and enhancement of cycling and walking links serving the site
Provision of off-site bus infrastructure/priority on routes serving the site
C: Facilities that reduce the need to travel (as required in the light of existing provision)
Health
Education / childcare
Shopping /home delivery - e.g. convenience store; cool storage areas for collection of groceries
Employment - e.g. mixed residential/office use or live/work accommodation, broadband, tele-centre
Leisure
Community
D: Public transport improvements (as required, in the light of existing provision)
New or enhanced bus services
New or enhanced rail services
Facilities to improve interchange (e.g. cycle parking/ lockers at stations)
E: Car club
Service established on site
Parking bays allocated
F: Other services to support sustainable travel (options to be considered)

Taxis
Cycle centre
Broadband access and provision of office space in houses
Car share scheme
Home delivery grocery service and refrigerated drop-off points on site
G: Parking management scheme (recommended if parking demand exceeds supply)
Allocation of on-site parking
Control of off-site parking (e.g. yellow lines or CPZ)
H: Promotion and awareness raising package (selection from the following options should provide financial incentives for use of sustainable travel and include face-to-face engagement with new residents)
Travel plan training for sales/marketing staff
Induction sessions for new households and follow up visits
Travel welcome packs
Free/discounted use of public transport
Free/discounted cycles and cycle equipment
Free/discounted use of car club
Cycling/walking maps
Public transport information
Personal travel advice
Information about access to other services and facilities
Cycle training
Community travel web site
Community travel notice-board
Community travel events
Community travel forum
Bicycle user group / buddy scheme
I: Measures to support complementary travel plans, on site and off site (as appropriate)
Schools
Workplaces
Leisure facilities
J: Delivery of the travel plan (covering all of the following)
Resources and arrangements for implementation, co-ordination and day to day management of measures
Appropriate management structures for ongoing decision-making and implementation
Time frames
Handover arrangements

Monitoring arrangements
Targets
Arrangements for ongoing input from the local authority
Provision for enforcement in event of non-delivery

Making Residential Travel Plans Work: Guidelines for new development,
Department for Transport 2005