**MINUTES** of the **PLANNING & ENVIRONMENT COMMITTEE** meeting held at Felixstowe Town Hall on **Wednesday 27 January 2016** at **9.15am**

**PRESENT:** Cllr Jon Garfield (Vice-Chairman) Cllr G Newman
Cllr S Bird Cllr D Savage
Cllr S Gallant Cllr S Wiles
Cllr Jan Garfield Cllr K Williams

**OFFICERS:** Mr A Tadjrishi (Town Clerk)
Mrs R Jones (Estates Officer)

**IN ATTENDANCE:** Mr R Scrimgeour (Senior Conservation Officer, SCDC)
Mr A Derrick (The Architectural History Practice
1 Member of the public

**In the absence of the Chairman, Vice-Chairman Cllr Jon Garfield in the chair.**

## 401. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Chairman, **Cllr A Smith** and **Cllr N Barber**.

Apologies for lateness were received from **Cllr K Williams**.

## 402. DECLARATIONS OF INTEREST

| Member(s) | Minute No. | Nature of Interest |
|---|---|---|
| Cllr S Bird<br>Cllr S Gallant<br>Cllr D Savage | All | Local Non-Pecuniary (as Members of Suffolk Coastal District Council) |
| Cllr G Newman | All | Local Non-Pecuniary (as a Member of Suffolk County Council) |

## 403. REQUESTS FOR DISPENSATION

There were none.

## 404. CONFIRMATION OF MINUTES

**It was RESOLVED that the Minutes of the Planning & Environment Committee Meeting held on 13 January 2016 be signed by the Vice-Chairman as a true record.**

**At this point Cllr K Williams joined the meeting.**

## 405. FELIXSTOWE CONSERVATION AREA APPRAISAL

The Vice-Chairman welcomed Mr R Scrimgeour and Mr A Derrick to the meeting.

Mr Scrimgeour presented the Felixstowe Draft Conservation Area Appraisal document which had been prepared by Mr Derrick to accompany a review of the existing Felixstowe Conservation Area and its boundaries, forming part of a programme of updated Conservation Area Appraisals being prepared by Suffolk Coastal District Council as Supplementary Planning Guidance.

Members were advised that the methodology used to review the Felixstowe Conservation Area was designed to preserve and enhance the character and appearance of Felixstowe's unusually complete Late Victorian and Edwardian coastal resort.

Mr Derrick outlined the rationale for several changes which had been initially proposed to the conservation area boundary.

Committee considered the draft document and some minor changes for the next draft were recommended at this stage.

Members thanked the officers for attending the meeting.

**RESOLVED that Mr Scrimgeour and Mr Derrick be invited to attend a future meeting of the Planning & Environment Committee; subsequent to Members' initial comments being considered for inclusion in the next draft.**

## 406. QUALITY OF PLACE AWARDS 2016

Committee noted that Suffolk Coastal District Council was seeking nominations for its Quality of Place Awards 2016. The awards recognise and encourage an interest in the quality of the built environment within the District and promote awareness for the need for high standards in all forms of design, including planning, architecture and sustainable development.

Members considered several local schemes which could qualify for these awards and agreed that three should be put forward - Martello Park, the Spa Gardens and, separately, the Town Hall Gardens with Shelter.

**RESOLVED that Martello Park, the Spa Gardens and the Town Hall Gardens with Shelter be nominated by Felixstowe Town Council for the Quality of Place Awards 2016.**

## 407. PLANNING APPLICATIONS

**Committee considered the following planning applications received since the last meeting and RESOLVED to submit the following observations to Suffolk Coastal District Council:**

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| **a** | **DC/16/0126/FUL \|** Extension and alteration works to the detached single dwelling house including; first floor side extension, new pitched roof to the garage, enlarged porch, enlarged front window and rear single storey extension **27 Westmorland Road** |
| | **Committee recommended APPROVAL.** |

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|---|---|
| **b** | **DC/15/4120/FUL \|** Change of use of the shop from (A1) retail to (A3 & A5) restaurant and hot food takeaway. **\| 18A Undercliff Road West** |
| | **Committee noted that the application had been incorrectly registered at 18A Undercliff Road West but in fact related to a property at 8 Undercliff Road West. In view of the fact that no detail had been provided to Committee on any proposals for extraction, opening hours and signage as part of this application, which was within the conservation area, or any corresponding impact on residential amenity, Committee was unable to make a recommendation at this time.**<br><br>**The application was NOTED and Committee request that SCDC provide the missing detail at the earliest opportunity in order that Committee may consider the application properly at the next meeting.** |

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| **c** | **DC/16/0044/FUL \|** Dining room extension to rear elevation<br>**1 Westleton Way** |
| | **Committee recommended APPROVAL.** |

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| **d** | **DC/15/5153/FUL \|** Single storey rear extension and insulation/rendering of existing house. **\| 4 Western Avenue** |
| | **Committee recommended APPROVAL.** |

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|---|---|
| **e** | **DC/15/5133/FUL \|** Siting a 45ft container to house a 240kw biomass system, buffer vessels, automated feed system and flues. underground district heating pipe. the application is of moderate scale versus existing buildings on the site. Co2 emissions would reduce by 84 tonnes per annum. **\| Felixstowe Beach Holiday Park Walton Avenue** |
| | **Committee recommended APPROVAL.** |

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|---|---|
| **f** | **DC/16/0009/TPO \|** T11 Yew - Reduce crown by 30% and clean basal growth. T5 Holm Oak - Lift low canopy to clear fence and garden. Works to be repeated on 4-5 year repeating cycle. **\| The Garden House 22 Cloncurry Gardens** |
| | **Committee recommended APPROVAL subject to all work taking place under the supervision of the District Council's Arboricultural Officer.** |

## 408. PLANNING DECISIONS

**Committee NOTED the decisions received from Suffolk Coastal District Council since the date of the previous agenda and up until the date of the agenda for this meeting.**

## 409. APPEAL NOTICE

Committee considered a Notice of Appeal (Reference APP/J3500/W/15/3138710) which had been made to the Secretary of State by Christ Church Land & Estates (Felixstowe) Ltd against the decision of Suffolk Coastal District Council to refuse planning permission for Application DC/15/1128/OUT for Outline Planning Permission for up to 560 dwellings, including a Local Community Centre, a 60 Bedroom extra Care Home and 50 Assisted Living Units, 2 small Business Units and open space provision with associated Infrastructure at Land at Candlet Road, Felixstowe, IP11 9RD.

It was noted that the Secretary of State had, with the consent of the parties concerned, agreed to determine the appeal at a Public Inquiry, the date for which was still to be arranged.

Committee reviewed its earlier recommendation, made on 22 April 2015, that the application should be refused.

Committee endorsed its original recommendations and resolved to submit supporting information and evidence to the Planning Inspector in respect of this appeal.

**Committee RESOLVED that:**

**i. the Clerk, in consultation with the Chairman, be delegated the authority to make any arrangements deemed necessary to represent Felixstowe Town Council at the appeal hearing; and,**

**ii. submit the following representation in advance of the hearing to the Planning Inspector:**

REPRESENTATION ON BEHALF OF FELIXSTOWE TOWN COUNCIL

1.0 INTRODUCTION

This matter was considered at a meeting of the Council's Planning and Environment Committee on Wednesday 27th January 2016. The Committee has delegated powers to make comments and representations on all Planning issues on behalf of the Council. (The same was true of the Council's previous Plans Committee, prior to an update of the Council's constitution effective from May 2015).

We request that the Inspector takes full account of the views of Felixstowe Town Council as recorded by the Committee as follows.

The Committee fully considered all relevant issues in the original planning application, subsequent correspondence and published documents; including the emerging Felixstowe Area Action Plan, and in the Applicant's Appeal Statement.

2.0 RECONSIDERATION OF RESPONSE TO PLANNING APPLICATION

The Committee confirmed and re-asserted its original view, recorded in the minutes of the 22nd April 2015 Plans Committee when the original planning application was considered, as follows: (Main points numbered here for reference below)

1. Committee strongly recommended outright that this application be REFUSED.

2. It is clear that it contravenes the Planning Authority's existing Local Plan and the underlying policies in the NPPF. In particular the Committee rejects the applicants' contention that, by a calculation which is in our view spurious, Suffolk Coastal District Council has a housing supply of only 1.7 years. It follows from that, that the requirement for new housing in the district – in particular the allocation to the Felixstowe peninsula area – can be satisfied by sites already identified by the SHLAA process and the emerging Felixstowe Peninsula Area Action Plan.

3. Specifically this application for a major new housing site, with very large consequential requirements for infrastructure and other major impacts is clearly in contravention of a number of Core Strategy policies, notably:

4. SP1A – Presumption in Favour of Sustainable Development. This site does not satisfy the additional criteria therein with regard to sustainable development.

5. SP19 – Settlement Policy. We believe that the district has clearly defined policies which fully describe the settlement areas as being within the defined physical limits of the town.

6. SP21 – Felixstowe with Walton and the Trimley Villages. This application is in clear contravention to policy SP21.

7. SP29 – Countryside. The application site, immediately adjacent to the existing physical limits of Felixstowe, is a critical and valued asset in terms of a green area of great visual and recreational importance. Equally, the application clearly contravenes SP17 as a green space including its use as a

golf driving range. Furthermore, it is in clear and direct contravention to retained policy AP208 with regards to the Felixstowe Urban Fringe.

## 3.0 EVIDENCE IN RESPECT OF THE COUNCIL'S MAIN POINTS

The Planning & Environment Committee provides the following additional evidence in support of its original comments:

*1. Committee strongly recommended outright that this application be REFUSED.*

In summary, this application is currently against existing Local Policies (as detailed below) and is premature in attempting to pre-empt future evolution of those polices by due process. It presents flawed arguments in respect of those issues, and is thereby also in conflict with national policy which supports Local Policies where an appropriate Local Plan is in place capable of delivering demonstrated housing needs. We believe the latter is the case, both in respect of Suffolk Coastal District as a whole and, clearly and self-evidently, for the Felixstowe Peninsula Area. For those reasons, and more widely in respect of a number of local issues, we believe the proposal is neither in accordance with policy nor the interests of Felixstowe as a community at this time.

2. *It is clear that it contravenes the Planning Authority's existing Local Plan and the underlying policies in the NPPF. In particular the Committee rejects the applicants' contention that, by a calculation which is in our view spurious, Suffolk Coastal District Council has a housing supply of only 1.7 years. It follows from that, that the requirement for new housing in the district – in particular the allocation to the Felixstowe peninsula area – can be satisfied by sites already identified by the SHLAA process and the emerging Felixstowe Peninsula Area Action Plan.*

This matter has been further reinforced during the intervening period, in that:

- SCDC's most recent annual review demonstrated a full 5 years' housing supply;
- Since that time a significant number of new permissions have been granted within the District, including in the AAP area;
- The emerging Felixstowe Area Action Plan has been subject to widespread local consultation through the Issues and Options and the Preferred Options stages;
- The Town Council has been very closely involved in that process, has suggested many elements for inclusion therein, through both the formal and informal parts of that process, and endorsed the final Preferred Options draft subject only to a number of minor updates; and,
- The AAP clearly demonstrates that the housing numbers required in the Felixstowe Area can be delivered within the plan period on sites either

having existing permissions in place, or, identified through both the SHLAA and AAP processes, as suitable and available.

The applicant accepts that the Core Strategy requirement can be met by current processes, represented by the emerging AAP. He however attempts to put forward a case that additional housing is required at this time in excess of the adopted Core Strategy. The essence of that case by the applicant is at paragraph 4.11 of the applicant's document "*Full Objectively Assessed Need and Housing Land Strategy*", prepared by the Pegasus Group. Namely that, based on new external data cited by Pegasus, it is claimed that *"the Issues and Options document should be seeking to achieve the current FOAN*"; specifically the 11,000 identified by the Core Strategy Inspector as the longer term need for SCDC. This is clearly spurious, in that the Inspector endorsed the Core Strategy including the net requirement for 7,900 new homes, as the appropriate current policy. He stated, and SCDC accepted, that the future need should be assessed in a review of the Core Strategy commencing in 2015; which SCDC has indeed commenced.

The Committee strongly supports that approach, as in our view it is essential that future needs for both SCDC and in particular the Felixstowe Peninsula are identified and provided for in a holistic way as part of an integrated planning approach. We believe this concept to be at the core of the Government's policy as expressed in the NPPF. This must not be prejudiced or pre-empted by piecemeal developments conceived in isolation as in this current case.

That principle, while widely applicable, is particularly stark in this case in that it extends development of Felixstowe across a very clearly defined boundary on Candlet Road. Any such move must clearly only occur, if ever, in the context of a much wider process both clearly analysing any such need and also taking into account a wide range of issues, not the least of which is access to the main road system. The current proposal would clearly destroy at a stroke the ability for that to occur. The provision of services, road access, community infrastructure and many other aspects of any such approach would be prejudiced by the current proposal, should it ever be concluded that any such development was appropriate.

*3. Specifically this application for a major new housing site, with very large consequential requirements for infrastructure and other major impacts is clearly in contravention of a number of Core Strategy policies, notably:*

*4. SP1A – Presumption in Favour of Sustainable Development. This site does not satisfy the additional criteria therein with regard to sustainable development.*

Sections of policy SP1 which are contravened by the proposals include:

SP1(b) This proposal is clearly outside the current Settlement Hierarchy applied within the Core Strategy in the context of infrastructure in its widest sense.

SP1(c) The proposal fails to demonstrate that it contributes to the balance between employment, housing growth and environmental capacity in such a way as to justify it as a departure from existing policy which we believe has achieved those ends currently.

SP1(d) The proposal fails to contribute to appropriate infrastructure. Indeed in the case of ad-hoc road access to Candlet Road it directly prejudices that potential in future.

SP1(k) The proposal fails to demonstrate that it maintains or enhances a sense of place: rather it would create an isolated and out of context development lacking any meaningful context in or relationship to the existing strong community of Felixstowe, while not itself generating a 'new place' in any significant way.

SP1(l) Similarly the proposal fails to demonstrate that it would either create or promote the inclusive urban community which Felixstowe is fortunate to possess to an increasing degree.

*5. SP19 – Settlement Policy. We believe that the district has clearly defined policies which fully describe the settlement areas as being within the defined physical limits of the town.*

It is clear, and indeed not contested by the applicant, that the proposal is in conflict with existing settlement policy, in that the site is as a matter of fact outside both the existing settlement boundary and, critically, the emerging policy in the AAP which accounts for the required provision of housing on sites elsewhere. We have stated our view above on the absence of validity of the argument that it is inappropriate at this time to base any decision on data outside of that process.

*6. SP21 – Felixstowe with Walton and the Trimley Villages. This application is in clear contravention to policy SP21.*

SP21 implements the principles of SP19 in the specific context of Felixstowe, so similar issues apply as in paragraph 5 above.

Beyond that, SP21, (para. 5), clearly outlines the current policy for Felixstowe in the short and medium term as being one of *"organic and evolutionary growth …. Immediately abutting existing built up areas*". It thereby clearly conflicts with this proposal, while leaving open the issue of the longer term development of the town. As stated above, we do not believe that the applicant has established any justification for moving beyond that policy at this point in time.

*7. SP29 – Countryside. The application site, immediately adjacent to the existing physical limits of Felixstowe, is a critical and valued asset in terms of a green area of great visual and recreational importance. Equally, the*

*application clearly contravenes SP17 as a green space including its use as a golf driving range. Furthermore, it is in clear and direct contravention to retained policy AP208 with regards the Felixstowe Urban Fringe".*

SP29 is consistent with the other above policies of the Core Strategy in establishing the prima facie case for resisting development in the countryside, which is again clearly the case with this proposal. Again, similar logic applies in supporting that policy in this instance, as in paragraphs 5 and 6 above.

Beyond that generality, the proposal for the site also conflicts with SP17 as its current role, as an open green space in the immediate vicinity of the town with a unique and valued role as a recreational space, is significant in the overall context of the town. The loss thereof is again not justified in the context of any demonstrated overriding need for the housing and other facilities proposed.

Furthermore, Saved Policy AP 28 states: *"Development will not normally be permitted where it would materially detract from the character and appearance of ... other sites ... and spaces which make an important contribution in their undeveloped form to a Town ... its setting, ...or the surrounding landscape or townscape."* The proposal site clearly does make such a contribution, in an exceptionally visible and prominent way. Its loss would accordingly be significant in these terms, and should properly be resisted, in the absence of a demonstrable need for additional allocations at this time. A similar concept is also contained in the emerging AAP document and will be expected to replace AP28 in due course when finally adopted.

## 4.0 ADDITIONAL ISSUES ARISING SINCE SUBMISSION OF THE APPLICATION

### 4.1 The emerging Felixstowe Peninsula Area Action Plan

It will be observed that we have had occasion to refer to this a number of times in the above evidence. Considerable time has been spent preparing the Felixstowe Peninsula Area Action Plan and it is in the final stages of its preparation before being presented to Secretary of State for formal adoption. Therefore, it has a very significant role in the matters under consideration, in that it clearly demonstrates the possibility of achieving the required housing provision without a major departure from policy to the degree and on the scale proposed by the subject application. It has now completed public consultation on the Preferred Options stage, after very significant evolutions in its content during that process, including a wide measure of consensus on its housing proposals.

As such, it is a significantly more mature document than at the time of preparation of the applicant's application documents and accordingly we strongly refute and dismiss the view therein that the AAP is inappropriate and/or inadequate for its purpose.

We urge the Inspector to consider the Felixstowe Peninsula Area Action Plan positively as evidence of the validity and feasibility of SCDC's current housing delivery process, which therefore excludes the need for, the proposed subject site.

4.2 Access or accesses to Candlet Road for future development.

During consideration of both a previous planning application for land north of Walton High Street (referred to in that application as Walton Green North), and the development of that concept during the evolution of the AAP, it has become clear that there is a need and an essential role for a new link road between the High Road and Candlet Road to the east of the A14 overbridge. This would have a major role in reducing congestion and amenity issues in High Street Walton and the High Road in the eastern parts of Trimley. It would also be required to service any development of land north of Walton High Street, and indeed to mitigate the traffic impact of the extant permission for the application for the site referred to as Walton Green South. This is proposed to access onto Candlet Road some 300 metres east of the Dock Spur Roundabout. This concept is now included in the Preferred Options version of the AAP

A second access onto Candlet Road proposed as an essential part of the subject proposals would be in serious conflict with the Link Road access, providing a second interference with the free flow of traffic within a short distance. This is a stark illustration of the need to avoid piecemeal proposals for major developments in this area until such time as that can be done in a holistic way, if needed, as part of future strategic planning for this area.

We therefore believe that this matter provides a further significant reason for this application to be dismissed, on both the detail and strategic aspects of this issue.

5.0 THE APPLICANT'S STATEMENT OF CASE FOR THE APPEAL

5.1 The Committee have had sight of the Appellant's Statement of Case in respect of this appeal. It took the following views:

5.2 At paragraph 2.2 the Appellant states: *"the main issues for the Council is whether the proposals constitute sustainable development for the town".*

This statement is derived from the Appellant's view that the Core Strategy is flawed in respect of identifiable Housing Need, as evidenced in the Appellant's documentation and Statement of Case.

The Committee fundamentally challenge that assertion. It took the view that the identified need for housing in the District and the Felixstowe Area in particular can be, and is being, achieved within the current Local Plan Core Strategy as approved by the Inspector in 2012. That is the fundamental stance on which the AAP is being prepared. Future evolution of housing policy for the

District and for Felixstowe is to be considered via the Review of the Local Plan, on which SCDC has already commenced work.

It therefore follows that major developments outside of current policy should be refused, in accordance therewith.

5.3 At paragraph 2.2 the Appellant states that SCDC accepts that it does not have a 5 year housing supply. However the Planning Committee at SCDC has since been informed that more up to date figures do show that a 5 year supply currently exists. Within the Felixstowe Area that is certainly the case, as evidenced by the data in the AAP as at March 2015.

5.4 At paragraph 2.10 the Appellant refers to their submission to the AAP at the Issues and Options stage. He refers here and in several other contexts (e.g. paragraphs 2.20 and 2.29) back to the 2008 consultation by SCDC on the Core Strategy. He is effectively proposing therein that options identified at that stage (but not adopted in the final document at that time) and endorsed by the Inspector in 2012, should now replace current policy. The Committee is emphatically of the view that it is not for this or any other individual to suggest unilaterally a fundamental change to policy. That process is, as stated above for future due processes of Local Plan evolution to consider.

In summary, the Committee take the view that the Appellant's case is thereby fundamentally flawed in its core underlying concepts, and hence is without validity. The Appeal should therefore be rejected and we strongly urge the Inspector to take that view.

## 410. CORRESPONDENCE

There was none.

## 411. CLOSURE

The meeting was closed at 1.19pm. The date of the next meeting was noted as being Wednesday 10 February 2016, 9.15am at Felixstowe Town Hall.

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Date: _____ Chairman: _____