

**Unconfirmed**



Minutes of a Meeting of the **Strategic Planning Committee** held in the Conference Room, Riverside, Lowestoft, on **Monday, 10 October 2022** at **10.00am**.

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Norman Brooks, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Mark Newton, Councillor David Ritchie

**Other Members present:**

Councillor David Beavan

**Officers present:**

Daniel Bailes (Trainee Planner, Development Management), Martin Clarke (Licensing Manager & Housing Lead Lawyer), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer (Regulatory)), Andrea McMillan (Planning Manager (Policy, Delivery & Specialist Services)), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner (Technical Lead, Development Management)), Alli Stone (Democratic Services Officer (Governance)), Ben Woolnough (Planning Manager (Development Management, Major Sites & Infrastructure))

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Jenny Ceresa, Linda Coulam, Debbie McCallum, Sarah Plummer, Craig Rivett and Kay Yule. Councillor David Beavan attended the meeting as Councillor Plummer's substitute.

**2 Declarations of Interest**

No declarations of interest were made.

**3 Minutes**

On the proposition of Councillor Cooper, seconded by Councillor Hedgley it was by a majority vote

**RESOLVED**

That the Minutes of the Meeting held on 6 June 2022 be agreed as a correct record and signed by the Chairman.

#### **4 Energy Projects Update**

This item was **WITHDRAWN** from the agenda as Councillor Rivett had given his apologies to the meeting.

#### **5 Major Sites Update**

The Committee received a presentation on major development sites in East Suffolk. The Cabinet Member with responsibility for Planning and Coastal Management introduced the presentation and invited the Planning Manager (Development Management, Major Sites and Infrastructure) to address the Committee.

The Planning Manager outlined the structure of the Major Sites and Infrastructure team and announced that recruitment to the vacant position in the team had taken place, which would bring the team to full capacity.

The Planning Manager provided summary updates on the following major development sites:

- North of Lowestoft Garden Village
- Kirkley Waterfront and Sustainable Urban Neighbourhood
- Land South of the Street, Carlton Colville/Gisleham
- Beccles and Worlingham Garden Neighbourhood
- South Saxmundham Garden Neighbourhood
- Brightwell Lakes
- North Felixstowe Garden Neighbourhood

The Planning Manager noted that the Kirkley Waterfront and Sustainable Urban Neighbourhood was reliant on the completion of the Gull Wing Bridge and Lowestoft Tidal Flood Barrier to come forward.

The Committee was advised that Brightwell Lakes was the most advanced major development site in East Suffolk and that visible development on the site was anticipated in 2023, with significant groundwork having taken place on the site to facilitate construction. The Planning Manager advised that the Section 106 Agreement for the development had been modified to remove the requirement for a gas supply for the proposed secondary school on the site, meaning that the site would be electric only with air source heat pump systems. The Committee was informed of the trajectory of house building planned across the site.

The Planning Manager acknowledged that part of the North Felixstowe Garden Neighbourhood site was already being developed as planning permission had already been granted and this had resulted in significant changes to Candlet Road. The Committee was assured that the wider site would be subject to a masterplan and that the current development would be incorporated into this, with two individuals from Public Practice recruited for this and other masterplan work following Full Council agreeing funding as landowner of part of the site.

The Chairman invited questions to Councillor Ritchie and the officers.

The Planning Manager highlighted that masterplanning was about understanding phasing and delivery on a site so that infrastructure can be delivered alongside housing development, and this was achieved through the blend of CIL and Section 106 funding. The Committee was informed that hearings would be taking place on 11 October 2022 to examine the Council's draft CIL Charging Schedule and although the proposed CIL rates would be lower, Section 106 agreements would require developers to deliver infrastructure directly.

In respect of First Homes, officers advised this should be 25% of affordable housing on sites and that occupants would be required to submit extensive information for the Council to assess as the Local Planning Authority to ensure they meet the criteria. The Committee was advised that some First Homes were coming forward as part of an early government programme.

The Planning Manager outlined what the passivhaus design process was and said that although not a requirement, officers would prefer to see this approach taken by developers it was not a requirement. The Planning Manager considered that East Suffolk Council was leading the way by applying the passivhaus design approach to its development of the former Deben High School site in Felixstowe. The Planning Manager highlighted the forthcoming changes to Buildings Regulations that would improve energy efficiency for new-build houses.

In response to a question on the site at Copperwheat Avenue, Reydon, the Planning Manager was not aware of any evidence of land banking and confirmed that officers had held pre-application discussions with developers, requesting they engage with the community as soon as possible. Officers anticipated that a reserved matters application for the site would be made some time in 2023.

Councillor Deacon sought clarity on part of the Candlet Road development site, within the wider North Felixstowe Garden Neighbourhood site, being fenced off. The Planning Manager noted that this site had an allocated parcel of land for development of a primary school, which was required to be safeguarded as a condition of the Section 106 Agreement. The Planning Manager noted that ongoing discussions were taking place if this site was the best place for a school in the wider context of the North Felixstowe Garden Neighbourhood.

The Planning Manager advised the Committee that officers hoped to have an update on the Police Headquarters site in Martlesham, having recently met with Suffolk Constabulary and its consultants. The Planning Manager noted that statutory consultees continued to hold objections regarding the site.

In response to a question from the Chairman, the Committee was informed that although discussions had taken place on the development of the site off Union Road, Oulton, there was no live application.

## **6 Planning Performance Report - 1 October 2020 to 20 September 2022**

The Committee received report **ES/1302** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the planning

performance of the Development Management Team in terms of the timescales for determining planning applications.

Councillor Ritchie introduced the report and congratulated the Planning team for the performance in the most recent quarter, which was well within the parameters set by the government for the period, noting the hard work of senior officers to sign off a high volume of planning applications determined under delegated authority.

Councillor Ritchie drew the Committee's attention to information in report that highlighted a misinterpretation of statistics where Listed Building Consent applications had been included with minor applications, which had resulted in previous reports to the Committee showing different figures to those which were used by the government in assessing the Council's performance.

The Committee was advised that the number of planning applications in the current two-year period had peaked during the lockdowns and Councillor Ritchie pointed out that the Development Management team was not quite at full capacity in terms of staffing levels. Councillor Ritchie noted the work of the Planning Manager (Development Management, Major Sites and Infrastructure) in reorganising the team and its processes and considered that performance was increasing as a result.

The Planning Manager echoed Councillor Ritchie's thanks and said the whole Planning service, along with other teams in the Council, had all played an important part in the recent performance increase.

The Principal Planner (Technical Lead) summarised the revised figures contained in the update sheet that had been published on 7 October 2022, noting the performance over the two-year period against both the national targets and the Council's own stretched targets. The Principal Planner highlighted that in total, over 10,200 applications had been processed by the Planning service during that period and officers were conscious of making both quality and timely decisions.

The Chairman invited questions and comments to Councillor Ritchie and the officers.

The Head of Planning and Coastal Management, in a response to a question on the impact of officers working from home on performance, considered that flexible working arrangements had benefitted his team and increased its output. The Head of Planning and Coastal Management said officers had been working brilliantly over the last two years and reflected on the changes to processes and the team structure during this time. The Head of Planning and Coastal Management assured the Committee that working arrangements would continue to be monitored going forward.

The Head of Planning and Coastal Management clarified some of the acronyms used in the report and confirmed that the Development Management team was carrying two vacancies, citing the national issues in Planning recruitment and the challenges in being able to recruit experienced Planners.

On the proposition of Councillor Ritchie, seconded by Councillor Deacon it was by a unanimous vote

## **RESOLVED**

That the content of the report be noted.

### **7 Proposals to Improve the Delivery and Performance Monitoring of Planning Enforcement at East Suffolk Council**

The Committee received report ES/1303 of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an overview of the proposed plan of action for resolving issues highlighted within the Audit Report of the delivery of Planning Enforcement.

Councillor Ritchie introduced the report and outlined the current structure of the Enforcement team within the Council's Planning service. Councillor Ritchie highlighted the Council's wish to have a first-rate Enforcement service and was pleased to be able to present the proposals to the Committee. Councillor Ritchie expressed gratitude to the Scrutiny Committee for its input on this issue and its positive feedback on the proposed changes to the Enforcement service, as well as to the Council's Internal Audit team for its recommendations.

The Planning Manager (Development Management, Major Sites and Infrastructure) provided a case study of an Enforcement case at land adjacent to Oak Spring, Darsham, which had concluded at the High Court the previous week. The Committee received an outline of the enforcement history on the site and the breaches of planning control between 2017 and 2022 and the actions taken and available to the Council. The Planning Manager confirmed that an injunction had been sought and this was granted by the High Court, with the Council being awarded costs of £8,000.

The Chairman invited questions on the enforcement case study.

Several questions were asked by members of the Committee in relation to retrospective planning applications and the options available to the Council. Officers empathised with Members' frustrations about retrospective applications but were clear that the Council, as the Local Planning Authority, was required to consider all planning applications on their merits and cannot penalise applications that are retrospective. The Planning Manager noted that retrospective applications were made at the applicant's risk, as if planning permission should not be granted, they would be required to restore the site to its original condition.

The Licensing Manager & Housing Lead Lawyer was able to advise the Committee that the injunction granted by the High Court required the site at Darsham to be restored to its original condition by 6 March 2023; the Committee was advised that if the site owner does not meet the injunction, they may be liable to sanctions including a fine and/or a custodial sentence.

The Committee received a presentation on the proposals to improve Planning Enforcement from the Principal Planner (Technical Lead), who summarised the key actions as being caseloads and resources, use of software and digitisation, the signing off process, reporting of updates on cases to Members, and questions from Members

on enforcement cases not included in the case update reports to the Planning Committees North and South.

The Principal Planner outlined how the new document management system (DMS) would assist in simplifying processes and how officers will be able to accurately identify the current number of breaches at a given time. The new system would also produce more statistics and provide an accurate portrait of how officer time is spent on enforcement cases. The Principal Planner detailed that the new systems would automatically prompt cases for sign off, reducing the risk of cases being overlooked.

Officers summarised the changes to the case update report presented to the Planning Committees North and South, particularly the change to the report template that would provide information in a clearer manner. The Principal Planner also set out the protocol for asking questions on cases not included in these reports, so to avoid prejudicing cases at an early stage in a public forum.

The Chairman invited questions and comments to Councillor Ritchie and the officers.

The Planning Manager set out where the four and ten-year rules were applicable on dealing with planning breaches and explained that cases of highest priority were not allowed to reach this point. The Planning Manager advised that on rare occasions, low priority cases where it was considered not to be beneficial to act would result in these time limits passing and lawful use being achieved on those sites. Members were advised that there was less control on the occasions where breaches only come to the Council's attention shortly before the expiration of these time limits.

The Planning Manager confirmed that the Planning service had been working with the Council's ICT department, including the Head of Digital and Programme Management, on implementing the new systems detailed in the presentation. The Committee was informed that this action was a key part of the proposed improvements and that the new DMS would be more user-friendly and flexible.

The Head of Planning and Coastal Management was of the view that an additional Planning Enforcement Officer and the addition of administrative support would be sufficient and would have a positive impact on the team's workload. The Head of Planning and Coastal Management welcomed comments from Members on the efficiency of officers in the team.

On the proposition of Councillor Ritchie, seconded by Councillor Bird it was by a unanimous vote

#### **RESOLVED**

That the content of the report be noted.

## **8 Enforcement Performance Report - April to June 2022**

The Committee received report **ES/1304** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided information on the performance of the enforcement section of the Development Management Team.

Councillor Ritchie introduced the report, considering the figures to be satisfactory and noting that more enforcement cases had been closed than opened in the last quarter. The Committee was advised that the most significant reason for closure was lack of a planning breach, followed by compliance being achieved or planning permission being granted for the existing use. Councillor Ritchie highlighted that the number of complex enforcement cases was fewer than it had been.

There being no questions or debate it was on the proposition of Councillor Ritchie, seconded by Councillor Brooks and by a unanimous vote

**RESOLVED**

That the content of the report be noted.

**9 Appeals Performance Report - 20 May to 19 September 2022**

The Committee received report **ES/1305** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the planning performance of the Development Management Team in terms of the quality and quantity of appeal decisions received from the Planning Inspectorate following refusal of planning permission by East Suffolk Council.

Councillor Ritchie introduced the report and highlighted that the majority of appeals had been in the Council's favour, with learning points being taken from appeals upheld by Planning Inspectors. Councillor Ritchie noted that one appellant had sought a Judicial Review of an appeal refused by the Planning Inspectorate; the application for the review had been refused and the Council's decision upheld.

There being no questions or debate it was on the proposition of Councillor Ritchie, seconded by Councillor Gee and by a unanimous vote

**RESOLVED**

That the content of the report be noted.

**10 Planning Policy and Delivery Update**

The Committee received report **ES/1306** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on key elements of the current work programme, including the preparation of Supplementary Planning Documents, Neighbourhood Plans and strategies on specific topics such as cycling and walking, and on housing delivery.

Updates, as appropriate, were also included for specialist services (Design and Conservation, Arboriculture and Landscape (including Rights of Way) and Ecology) that form part of the Planning Policy and Delivery Team. An update was also provided on the delivery of infrastructure to support growth through the Community Infrastructure Levy (CIL).

Councillor Ritchie introduced the report and noted recent appointments to the Specialists Services section of the team, which brought more specialist services in-house and reduced the Council's reliance on external consultants. The Committee was advised that the Lound with Ashby, Herringfleet & Somerleyton Neighbourhood Plan had been made by the Full Council and that the inspection of the Draft Bungay Neighbourhood Plan had been completed and was moving to the referendum stage.

The Planning Manager (Policy, Delivery and Specialist Services) considered that her team had a significant work programme. The Planning Manager noted that several neighbourhood plans had reached an advanced stage and this reflected the hard work of the communities involved, and noted that since the publication of the report the Decision Statements had been issued for the Worlingham Neighbourhood Plan, which was a significant milestone.

The Planning Manager announced that the Cycling and Walking Strategy had been adopted by the Cabinet at its meeting on 4 October 2022 and that a presentation would be made to the Full Council at its meeting on 23 November 2022 to ensure all Members are aware of the information within the document. The Planning Manager said this was a culmination of a significant piece of work and that officers will now be working to implement the Strategy.

The Committee was updated on the development of the Housing in Clusters and Small Scale Residential Development Supplementary Planning Document (SPD) which had been to public consultation and would be presented to Cabinet for adoption on 1 November 2022.

The Planning Manager highlighted that the hearing on the Council's Draft Community Infrastructure Levy (CIL) Charging Schedule was being held at East Suffolk House, Melton, on 11 October 2022, and also explained that several projects were underway in the Design and Conservation Team, with Aldeburgh Conservation Area proposals going to public consultation in due course.

The Chairman invited questions and comments to Councillor Ritchie and the officers.

In response to a question on the number of SPDs produced or planned for, the Planning Manager advised that SPDs were produced where there was a specific need and were designed to be concise documents to support the planning decision-making process. All consultation responses were taken into account during the process.

Officers confirmed that Felixstowe did not have a Neighbourhood Plan and therefore received CIL from developments at a lower rate. The Planning Manager (Development Management, Major Sites and Infrastructure) highlighted that 3% of CIL collected was being set aside to fund projects in rural areas where there was a need to develop infrastructure in advance of possible future development.

*NOTE: At this point in the meeting, Councillor Stuart Bird declared an Other Registerable Interest in the item as both a member of Felixstowe Town Council and Chairman of that local authority's Planning & Environment Committee.*

On the proposition of Councillor Ritchie, seconded by Councillor Cooper it was by a unanimous vote

**RESOLVED**

That the content of the report be noted.

**11 Strategic Planning Committee's Forward Work Programme**

The Committee considered its Forward Work Programme.

It was noted that an update on major development sites would be received by the Committee every six months and that the Forward Work Programme would be updated to reflect this.

The meeting concluded at 11.40am.

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Chairman