

**Unconfirmed**



Minutes of a Meeting of the **Strategic Planning Committee** held remotely via Zoom on **Monday, 14 December 2020 at 10.30am**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Tony Fryatt, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Malcolm Pitchers, Councillor David Ritchie, Councillor Craig Rivett, Councillor Kay Yule

**Other Members present:**

Councillor Peter Byatt, Councillor Ed Thompson

**Officers present:** Liz Beighton (Planning Manager - Development Management), Sarah Carter (Democratic Services Officer), Caroline Clamp (Assistant Planner - Policy and Delivery), Matt Makin (Democratic Services Officer), Adam Nicholls (Principal Planner - Policy and Delivery), Desi Reed (Planning Policy and Delivery Manager), Philip Ridley (Head of Planning and Coastal Management)

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**1 Election of a Chairman**

On the proposition of Councillor McCallum, seconded by Councillor Ritchie, it was

**RESOLVED**

That Councillor Ashdown be elected Chairman for the 2020/21 Municipal Year.

**2 Election of a Vice-Chairman**

On the proposition of Councillor Ashdown, seconded by Councillor Ritchie, it was

**RESOLVED**

That Councillor McCallum be elected Vice-Chairman for the 20120/21 Municipal Year.

**3 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Blundell and Deacon.

Councillor Byatt attended the meeting as a substitute for Councillor Deacon.

#### **4 Declarations of Interest**

There were no Declarations of Interest.

#### **5 Minutes**

##### **RESOLVED**

That the Minutes of the Meeting held on 14 September 2020 be confirmed as a correct record and signed by the Chairman.

#### **6 Judicial Challenges of Planning Decisions - Review and Lessons Learnt**

The Cabinet Member for Planning and Coastal Management introduced report ES/0594 which confirmed that the Council had successfully defended four legal challenges during 2020 against planning decisions the Council had made.

The Cabinet Member for Planning and Coastal Management explained that when an application was refused, the applicant had the right of appeal to the Planning Inspector. If planning permission was granted, objectors would not have the right of appeal. There were no third party rights of appeal but if an applicant thought the Council had not followed the necessary procedures, they could consider seeking a Judicial Review. Three of the four recent cases went to full hearings in the High Court. The Council had been successful in defending all four Judicial Reviews but there were costs involved for the Council to employ Counsel as well as the officers' time. This was all part of the democratic process and scrutiny for the Council. Members were able to read the judges' reports as appended to the report.

The Head of Planning and Coastal Management advised that it was a team effort defending these challenges, with support from Legal and Environmental Health as well as planning colleagues. In each case, there had been detailed interrogation of the reports, YouTube videos and minutes, each of which had been reviewed with significant detail by the claimants and the Court. It was a credit to the officers and Planning Committees that they had been vindicated in that they enacted the required procedures in the decision making. The Strategic Planning Committee (SPC) provided a forum which had not previously existed to review these decisions. It was important to reflect on some elements of the judgements, as necessary, to put in place any necessary improvements to procedures.

With regard to the Bawdsey Manor case, in his review of the case, the judge noted that the site visit undertaken had enabled the Planning Committee to clearly identify potential impacts of the proposal on the ground and the Planning Authority had been able to balance competing issues. One aspect of this challenge was raised with regard to the Update Sheet which Members received 24 hours prior to their Committee meeting. It was important to note that committee reports were drafted two weeks prior to a meeting and in that time, additional information sometimes came forward. That additional information was presented on the Update Sheet for the

Committee and the public when it was published on the Council's website. As presented at Planning Committee North the previous week, Members needed to read the Update Sheet prior to the meeting and the Chairman sought assurances that the document had been read. If appropriate, a meeting might need to adjourn for five minutes to ensure the submissions had been fully read.

In conclusion, the Head of Planning and Coastal Management was pleased that each of the matters had been found in favour of the Council. There were learning points moving forward which would help further develop robust training plans for the Committee and officers.

Members commented on and asked specific questions relating to:

- If criticism was due to the Council's wrong doing.
- Planning decisions at local level not being judged.
- The importance of undertaking site visits.
- Costs involved and officer time.

The Head of Planning and Coastal Management advised that the Council had not acted wrongly but care needed to be taken in presenting information in the Update Sheet for Committees. Site visits, when undertaken, played an important part for Members to enable them to be completely aware of balancing all relevant planning matters. He confirmed the well known principle that legal challenges were not challenging the decision but how it was arrived at. The estimated cost of engaging legal Counsel was around £70,000 as detailed in paragraph 3.3 in the report and that amount had not taken into account the cost of officers' time.

The Cabinet Member moved the recommendation and having been duly seconded, it was unanimously

## **RESOLVED**

That the contents of the report be noted and that, to ensure the Council continues to make sound planning decisions, the matters raised in section 2 of the report, following dialogue with the Cabinet Member and Planning Committee Chairman, be incorporated in to the training plans for Officers and Members.

## **7 Enforcement Performance Report - July to September 2020**

The Committee received report ES/0596 which provided information on the performance of the Enforcement Section covering the period July to September 2020.

The Planning Manager advised that no formal enforcement notes had been served during that period. However, there were a higher number of enforcement cases during the Covid lockdown, the majority of which had been closed due to no breach of planning conditions.

Following a proposal which was duly seconded, to accept the report, it was

## **RESOLVED**

That the report concerning Enforcement Team statistics be received and noted.

## **8 Development Management Performance Report**

The Cabinet Member for Planning and Coastal Management introduced report ES/0597 which related to the planning performance of the Development Management Team in terms of timescales for determining planning applications. He was pleased to note that the department was ahead of both national and local indicators, with the exception of other applications. In that indicator, the Council was at 88.6% ahead of the national target but just short of the 90% stretched target. The Cabinet Member congratulated the Planning Manager and her Team for their good performance.

The Planning Manger updated Members with regard to paragraph 2.1 in the report which showed the figures for Q2 not Q1. There was an increase in the numbers of Other Developments, and those relating to household applications might be due to people reviewing how they lived and worked with so many more people working from home under Covid19.

The Planning Manager expressed thanks to her Team for the performance and she advised that four new members of staff would be joining the Team at the start of 2021; three assistants and one trainee planner. That would provide additional resources in the department and free up some capacity of the planning officers to pick up the more complex applications.

The Chairman invited questions.

Members commented on the good standard that was being provided even with the effects of lockdown, not working from the offices and what lessons had been learnt. The Council's hand had been forced into holding remote meetings and concerns were expressed about social isolation and the effects of not being able to see other people in the offices.

The Planning Manager advised that they had undertaken some re-evaluation on how they worked and there were additional burdens of having to undertake health and safety checks for site visits.

The Head of Planning and Coastal Management advised that the Covid pandemic had resulted in additional work pressures and, nationally, lessons were being learnt. For example, there had been a 50% uplift in enforcement in Essex. The technology had been available to allow remote meetings to take place and using various forms of IT had been a quick response because of the need. Broadcasting the Council's meetings had opened up accessibility to the public too. He confirmed that mental wellbeing procedures were in place and all line managers were speaking to their Teams on a regular basis. It was important for all to switch off their laptops to ensure real breaks were taken at appropriate times.

There being no further debate, it was

## **RESOLVED**

That the content of the Development Management Performance report be noted.

### **9 Planning Appeals**

The Cabinet Member for Planning and Coastal Management presented report ES/0595 which provided an update on all appeal decisions received from the Planning Inspectorate between 25 August and 30 November 2020.

The Cabinet Member highlighted the fact that very few planning refusals were appealed and of those that had, 67.7% of appeals had been dismissed with 33.3% being allowed, good figures which were slightly better than the national average. He reminded Members that there had been changes in both local and national policies and the Inspectors had to take into consideration the policy in place at the time they made their decision. Some had been lost on matters of design. The Cabinet Member expressed thanks to the Team and he advised that he was in fact judging the Quality of Place awards later in the month.

The Planning Manager confirmed she would pass on thanks to the officers and confirmed that they were maintaining a strong record in the determination of applications, as well as being robust in defending reasons for refusal. There were no areas of concern raised in any of the appeals. The majority of decisions which had been allowed were on the grounds of a difference of opinion on design and were not in relation to any significant applications.

Rendlesham had been determined by public inquiry and two other appeals via the hearing process. The Planning Manager referred to paragraph 2.9 in the report and the fact that two decisions had provided the Council with some clarification of the new policy on clusters contained in the Suffolk Coastal Local Plan and learning points going forward.

The Committee raised no specific questions and it was unanimously

## **RESOLVED**

That the content of the report relating to Planning Appeals be noted.

### **10 Annual Monitoring Report 2019/20**

The Cabinet Member for Planning and Coastal Management introduced report ES/0598 which provided details of the Annual Monitoring Report (ARM) which the Council was legally required to produce each year. The report provided progress against the Local Plans and covered the year up to 31 March 2020. In view of the Covid19 pandemic, there was likely to be many differences when compared to next year's report. The document was a most useful record, being produced each year, and gave a valuable overview of the Council's work. He thanked all the officers for their hard work and made particular reference to Caroline Clamp and Robbie Cook for collating the information and producing such a good design.

The Principal Planner provided an overview of the Annual Monitoring Report which was produced each year to show progress on producing and implementing Local Plans and provided monitoring information against a number of indicators. The presentation covered the following:

#### Local Plans

- in place since September 2020

#### Neighbourhood Plans

- progress on areas designated and plan examinations
- one plan for Mutford made in December 2019

#### Employment Land

- floorspace including increases and losses
- new floorspace created in the enterprise Zone

#### Town Centre

- vacancy rates, in numbers not percentages
- struggles against online shopping and under Covid

#### Housing

- completions
- affordable housing completion
- plots for self or custom build
- housing supply land
- housing delivery test results
- dwellings with planning permission
- housing affordability ratio overall 7.85

#### Climate Change

- renewable energy
- applications granted in coastal change management area
- 7 relocation plots for houses lost due to coastal erosion
- no planning applications approved against Environment Agency advice

#### Health and Wellbeing

- life expectancy
- physical activity
- obesity
- anxiety, happiness and life satisfaction

#### Publishing Data on the website

- what is available
- search facilities
- map features

Members thanked the officer for an very informative presentation and there being no further discussion, it was unanimously

**RESOLVED**

1. That the East Suffolk Authority Monitoring Report covering the period 1 April 2019 to 31 March 2020 be published by the Council.
2. That the Cabinet Member for Planning and Coastal Management, in conjunction with the Head of Planning and Coastal Management, be given delegated authority to make minor typographical or presentational changes to the document.

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

The Committee noted its Forward Work Programme.

The Democratic Services Officer advised that there was an addition to the document since its publication; Members had been notified that there was to be an Extraordinary Strategic Planning Committee meeting on Wednesday, 21 January 2021 to consider a planning application in relation to Sizewell B. That meeting was to start at the earlier time of 9.30am.

Members commented on the number of changes being proposed with regard to planning matters and their need to understand the proposals coming forward including those in the recent White Paper.

The Head of Planning and Coastal Management advised that there was the use Classes Order, converting town centre buildings into residential, Judicial Reviews and an Energy White Paper had just been published. As a result, it was likely that there would be further questions and briefings and training would be provided to Members. A comment was made that it would be beneficial for such sessions to be for the whole Council. The Head of Planning and Coastal Management confirmed he would be consulting with the Cabinet Member to work out the content of these sessions and it was important to work with the Town and Parish Councils and developers to ensure proper engagement. The Cabinet Member advised that some proposed changes were out for consultation and everyone would be kept up to date according to what the Government legislated.

There being no further amendments, Members agreed to note the Forward Work Programme as updated.

The meeting concluded at 11.44am.

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Chairman