

**Unconfirmed**



Minutes of a Meeting of the **Strategic Planning Committee** held in the Conference Room, Riverside, Lowestoft on **Monday, 9 March 2020 at 10.30am**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Graham Elliott, Councillor Tony Fryatt, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Malcolm Pitchers, Councillor Craig Rivett, Councillor Kay Yule

**Officers present:**

Liz Beighton (Planning Development Manager), Sarah Carter (Democratic Services Officer), Andrea McMillan (Principal Planner), Desi Reed (Planning Policy and Delivery Manager), Philip Ridley (Head of Planning and Coastal Management), Ben Woolnough (Major Sites and Infrastructure Manager)

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors J Bond and D Ritchie.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes**

**RESOLVED**

That the Minutes of the meeting held on 9 December 2019 be confirmed as a correct record and signed by the Chairman.

**4 Planning Policy and Delivery Update**

The Assistant Cabinet Member for Planning and Coastal Management explained that report ES/0209 provided an update on the emerging Suffolk Coastal Local Plan and the recently published results of the Housing Delivery Test.

With regard to the Suffolk Coastal Local Plan, the Planning Policy and Delivery Manager reminded Members that the Local Plan for the former Suffolk Coastal area was well progressed and the hearings had taken place in August and September 2019. During the hearings, the Inspector had requested re-wording of policies and text and also took away issues for further consideration. Since then, the Inspector's post hearing letter

had been received on 10 February 2020 which set out his thoughts on those issues. The Inspector had emphasised that the examination was not yet concluded and his comments were without prejudice. Of particular note was that he considered the Plan likely to be capable of being found legally compliant and sound. The letter requested a response from the Council, in particular to the areas that might require further evidence to be prepared, and therefore more time, so he could decide how to take the examination forward. An initial response had been sent stating that the Council anticipated that no further time would be required. Members attention was drawn to paragraph 6 in the report which set out the matters the Inspector had considered further. One significant change related to the proposed removal of the Innocence Farm employment allocation, further details of which were contained in paragraph 7.

The Planning Policy and Delivery Manager explained that the timetable was still subject to the Inspector's views but it was expected that public consultation on the Inspector's Main Modifications would commence at the end of March for at least six weeks and once the Inspector had received and considered responses, he would then publish his Report. Based on current timings, it was anticipated that the Plan would be presented to Full Council in July 2020.

With regard to the Housing Delivery Test, the Planning Policy and Delivery Manager explained that this had been introduced in the National Planning Policy Framework (NPPF) 2018 and was the Government's measure of housing delivery against housing requirements at the local authority level. The second round of results for 2019, based on the former Districts, had been published on 13 February 2020 and showed the Suffolk Coastal area at 127% which was 1% down on 2018 and the Waveney area at 89% which was 17% up on 2018. The Waveney results had triggered two measures, a 20% increase had been added to the housing requirement in the calculation of the 5 year housing land supply and a Housing Action Plan needed to be produced. However, the results just published were as expected and acceptable with regard to meeting housing requirements. The extra buffer on housing land supply was therefore reduced to 5%. However, there was still an obligation to publish a Housing Action Plan within six months of the results, that was by August 2020. Moving forward, from November 2020 onwards, published results would give one figure for the East Suffolk Council area.

The Planning Policy and Delivery Manager drew specific attention to the information in paragraph 3.6 of the report which gave details of the unimplemented planning permissions as at 1 April 2019. The number of dwellings not yet implemented was nearly 10,000, which was the equivalent of 10-11 years supply not yet delivered.

Members raised specific questions with regard to:

- The Inspector's proposal to remove Areas to be Protected from Development from the Local Plan, with particular reference to Martlesham Neighbourhood Plan.
- Housing delivery between now and 2036 and whether the unimplemented dwellings as of 1 April 2019 were included in the figures.

The Planning Policy and Delivery Manager confirmed that Areas to be Protected from Development included a range of sites that had been added to over time since 2001 but did not provide a comprehensive picture and to provide it would be hugely resource intensive. Even if further work was undertaken, the Inspector might still decide to remove the policy. There are other relevant policies in the Local Plan that could be used to assess development proposals in relation to these sites, whether open spaces or for retaining separation between settlements, such as biodiversity, character, landscape, open space and countryside policies. The areas protected through the Martlesham Neighbourhood Plan would continue to be protected and the ideal way forward was for Neighbourhood Plans to include similar Local Green Space policies and that would have equal weight in decision making as the Local Plan policies.

It was confirmed that that the unimplemented planning permissions would contribute to the housing requirement for the period to 2036 and were not over and above.

In terms of lapsed planning permissions, the Planning Policy and Delivery Manager advised that a rate for lapsed planning permissions was not built into the housing delivery figures. The potential for lapsing or delay was to some extent dealt with by over allocating land for housing in the Local Plan. Other measures included monitoring and managing housing supply, such as through close engagement with developers to understand delivery and related issues, which in turn informed the preparation of the annual 5 year housing land supply position. In response to a Member's reference to the fact that there were areas where builders did not want to build, the Planning Policy and Delivery Manager advised that more detailed figures on lapsed planning permissions would be obtained and circulated to Members for information. There being no further discussion, it was

## **RESOLVED**

That the content of the report on the emerging Suffolk Coastal Local Plan and the Housing Delivery Test be noted and endorsed.

### **5 Enforcement Performance Report - October to December 2019**

The Committee received report ES/0322 which provided information on the performance of the Enforcement Section. This quarterly report covered the period October to December 2019 during which time three enforcement notices had been served.

The Planning Development Manager drew attention to paragraph 2.1 in the report which gave a detailed analysis of the enforcement cases and information on the three enforcement notices that had been served during the three month period.

A Member commented on the notice that had been served against Harmony Hall and expressed disappointment that he had found out about the case after the event. Some people did not have the ability or funds to go to a planning adviser and it was important to involve Members at an early stage as they might be able to assist and provide support before an enforcement notice was actually issued. The Head of Planning and Coastal Management explained that care had to be taken with regard to confidentiality and Members were involved at the appropriate time. The Harmony Hall case involved a number of partners including housing, fire authority and building

control as it was considered that the property was unsafe. Should there be any incident or accident, it was considered that the Council should not be authorising a dwelling that was considered to be uninhabitable. The Head of Planning and Coastal Management explained that once he became aware of the circumstances, it was his decision to withdraw the Committee report in December. This particular case was not considered to be heavy handed enforcement; apart from the building, there were also concerns over the resident. The local Member confirmed that he was raising this due to his concerns over the mental and physical health of the resident. The Head of Planning and Coastal Management confirmed he would undertake discussions with the two Planning Chairmen with regard to reviewing early notification of enforcement matters.

## **RESOLVED**

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

## **6 Planning Appeals Report**

The Assistant Cabinet Member for Planning and Coastal Management introduced report ES/0324 which provided an update on all appeal decisions received from the Planning Inspectorate between 22 November 2019 and 21 February 2020.

The Planning Development Manager drew attention to paragraph 2.1 in the report which showed that 25 decisions had been received, with half being allowed and half being dismissed. She was of the opinion that numbers had been skewed because three of the decisions related to one site. Costs had been allowed on the Orford appeal but, overall, there was nothing particularly alarming with regard to the application of the Council's policies.

A Member commented on the Orford case and was of the opinion that the Committee had made the right decision even if costs had been awarded.

Members raised questions relating to:

- Improvements in the number of appeals dismissed
- Delegated authority decisions
- Planning Referral Panel

The Head of Planning and Coastal Management advised there was no cause for concern as, overall, more appeals were dismissed than allowed. The adopted Local Plan supported the decision making process. Councils were measured on a two year programme and there would be an update on appeals at the Committee's next meeting. The Government was expecting a 90% delegation rate on decisions. He reminded the Committee that the Planning Referral Panel did not make decisions and was therefore not included in the report.

The Chairman of the Committee advised that, as a Member and Ward Councillor, members were welcome to attend any referral panel to see how it worked. Only recently, the Leader and the Assistant Cabinet Member for Planning and Coastal Management had attended to observe the procedure and in view of recent comments from one Town Council, the Chairmen and Vice-Chairmen of PCN/S were willing to

attend a town or parish meeting to explain the process. In terms of quantity, the Panel did not consider a large number of applications. There was an element of public perception and the Vice-Chairman of the Committee explained that the Panel was not taking power away from the Committee; it looked at the applications presented on planning merit. It was difficult to understand some of the reasoning when parishes just objected to an application without giving a reason. Ward Members should come forward to advise accordingly if there were problems with a particular application so that relevant evidence was available for consideration.

The Planning Development Manager advised that the sessions for Town and Parish Councils being held the following week would be providing assistance and give guidance on understanding the process.

The Head of Planning and Coastal Management confirmed that a review of the process was being undertaken and would be reported back to Committee after the first year of operation.

There being no further discussion, it was

## **RESOLVED**

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

## **7 Development Management Performance Report**

The Assistant Cabinet Member for Planning and Coastal Management introduced report ES/2323 which provided an update on the planning performance of the Development Management Team in terms of timescales for determining planning applications.

The Planning Development Manager drew particular attention to paragraph 2 in the report which set out performance statistics for the first three quarters in 2019, that was April through to end of December 2019. The statistics gave an indication of the huge volume of work during that period with 1277 applications having been determined. The Council was maintaining a high approval rate and proactively looked to support development where policy permitted as well as working with applicants and agents to secure appropriate schemes. She referred to the separate Appeals Report on the Agenda which demonstrated confidence that applications were being refused correctly and, for the most part, upheld at appeal.

Members commented on, and welcomed, the information being provided on public access and the list of people being notified including the parish council consultation letters being available on the website. In response to a question regarding paper notifications to parish councils, the Planning Development Manager confirmed the proposal to cease this would commence in April.

The Head of Planning and Coastal Management expressed his thanks to the officers for the excellent performance and advised that, although application numbers had dropped, he was not unduly concerned as the level of income from fees was acceptable.

## **RESOLVED**

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

### **8 Agents, Town and Parish, and Forum Update**

The Assistant Cabinet Member for Planning and Coastal Management advised the Committee that the Head of Planning and Coastal Management would provide a report on the outcomes and next steps resulting from engagement with Applicants and Agents, Town and Parish Councils and the Conservation Forum.

The Head of Planning and Coastal Management advised that the Agents' Forum, held on 31 January 2020, had been attended by 44 agents. That meeting was followed by a Design and Conservation Forum with key members of the team providing updates on their working practices, key projects, the Heritage Action Zone, Listed Buildings and Conservation Area reviews. The Town and Parish Forums had taken place on 24 January at East Suffolk House and 27 January at Riverside, with a combined attendance of around 140 representatives. The main issues covered were:

#### **Agents' Forum**

##### CIL

- Review of charges
- Sensitivity testing area
- Consulting with agent/developer
- Who sets the rates
- Review rates annually
- Big concerns on CIL charges (£195.50 sqm = £14,000 CIL charge)
- Sites not happening because of CIL
- Review to look at instalment policy\_

##### Pre-Application

- Cost is prohibitive
- Length of time of providing advice
- Inconsistencies between advice and decision
- View of Suffolk County Council to be included in response
- PPAs can create 2-tier system

##### Application Determination

- Referral process unhelpful
- 8-13 week determination set by Government but might change to reflect complex nature of applications
- Seek extension of time
- Concern over lack of dialogue
- Agents not being advised of consultation responses
- Delays with site notices

- Delays can prevent sites coming forward

### **Town and Parish:**

#### CIL

- Access CIL for local spend
- How to solve funding for additional infrastructure
- Infrastructure gap

#### Electronic Consultations

- Welcomed by many
- Some need paper copies due to IT and community requests

#### Development Management

- Referral Panel and delegated decisions
- Material and non-material considerations
- Involvement and notification of pre-application process
- 21 day consultation difficult as too short a period of time
- Positive view that calls were answered promptly and professionally

### **Actions:**

- Next Town and Parish Forum in July 2020
- CIL sessions
- Hold 2 Town and Parish sessions on planning applications
- Meet Agents re development management
- Pre-application focus group to meet
- Changes in legislation
- Website changes to include 'final response' date
- Letter to MCHLG re determination timescales
- Referral Process to be reviewed

### **Ongoing:**

- Team Leaders to review extensions of time
- Development Team approach to enable cross-planning/Council views on applications

The Head of Planning and Coastal Management expressed his thanks to the Teams for holding and participating in these very successful sessions.

Comment was made that, under the referral process, the Ward Member(s) was not fully on board and the electronic system for parishes needed to be linked to the Ward Member too. There being no further discussion, it was

### **RESOLVED**

That the content of the report and the oral presentation be noted.

## **9 Strategic Planning Committee's Forward Work Programme**

The Head of Planning and Coastal Management advised that the Committee would need to set out future items for its consideration in the new municipal year. He was proposing that Complaints and Ombudsman Cases be looked at and there be a Review of the Referral Panel. There would be a review of the whole Planning Function of the Committees to see how things had worked after the first year of the new East Suffolk Council. In addition, the Work Programme would include a standing item for any new significant planning applications required to be determined by the Strategic Planning Committee.

In response to a request for an update on Melton Hill, the Head of Planning and Coastal Management confirmed this would be picked up later.

If Members had any further items they wished to discuss for consideration, they could contact the Head of Planning and Coastal Management direct.

### **RESOLVED**

That the report be noted and the Work Programme be updated accordingly.

The meeting concluded at 11.47am.

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Chairman