



**EASTSUFFOLK
COUNCIL**

**East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT**

Strategic Planning Committee

Members:

Councillor Debbie McCallum (Chairman)
Councillor Paul Ashdown (Vice-Chairman)
Councillor David Beavan
Councillor Stuart Bird
Councillor Chris Blundell
Councillor Norman Brooks
Councillor Jenny Ceresa
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Tom Daly
Councillor Mike Deacon
Councillor Andree Gee
Councillor Colin Hedgley
Councillor Mark Newton
Councillor Malcolm Pitchers
Councillor David Ritchie
Councillor Craig Rivett
Councillor Kay Yule

Members are invited to a **Meeting of the Strategic Planning Committee**
to be held in the Deben Conference Room, East Suffolk House,
on Monday, 7 March 2022 at 10.30am

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with East Suffolk Council's coronavirus arrangements and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the

livestream, via the East Suffolk Council YouTube channel instead
at <https://youtu.be/R62AlefSz08>

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to democraticservices@eastsuffolk.gov.uk, of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

Part One – Open to the Public

		Pages
1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Minutes To confirm as a correct record the Minutes of the Meeting held on 13 December 2021	1 - 11
4	Energy Projects Update To receive a presentation from the Deputy Leader and Cabinet Member with responsibility for Economic Development on Energy Projects within East Suffolk	
5	Member Training on Planning ES/1059 Report of the Cabinet Member with responsibility for Planning and Coastal Management	12 - 18
6	Building Regulations Changes 2022 - Part L ES/1060 Report of the Cabinet Member with responsibility for Planning and Coastal Management	19 - 22

		Pages
7	Enforcement Performance Report - October to December 2021 ES/1062 Report of the Cabinet Member with responsibility for Planning and Coastal Management	23 - 27
8	Planning Performance Report - October to December 2021 ES/1063 Report of the Cabinet Member with responsibility for Planning and Coastal Management	28 - 33
9	Appeals Performance Report - 24 November 2021 - 13 February 2022 ES/1061 Report of the Cabinet Member with responsibility for Planning and Coastal Management	34 - 61
10	Planning Policy and Delivery Update ES/1064 Report of the Cabinet Member with responsibility for Planning and Coastal Management	62 - 69
11	Strategic Planning Committee's Forward Work Programme for 2022/2023 To consider the Committee's Forward Work Programme for the 2022/2023 Municipal Year	
Part Two – Exempt/Confidential		Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

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Unconfirmed



Minutes of a Meeting of the **Strategic Planning Committee** held in the Deben Conference Room, East Suffolk House, Melton, on **Monday, 13 December 2021 at 10.30am.**

Members of the Committee present:

Councillor Paul Ashdown, Councillor David Beavan, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Norman Brooks, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Malcolm Pitchers, Councillor David Ritchie, Councillor Craig Rivett, Councillor Kay Yule

Other Members present:

Councillor Peter Byatt

Officers present:

Caroline Clamp (Assistant Planner (Policy and Delivery), Matt Makin (Democratic Services Officer), Andrea McMillan (Principal Planner (Policy and Delivery)), Adam Nicholls (Principal Planner (Policy and Delivery)), Bethany Rance (Graduate Town Planner - Energy Projects Planning Officer), Desi Reed (Planning Policy and Delivery Manager), Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer), Ben Woolnough (Planning Development Manager)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Jenny Ceresa, Andree Gee and Mark Newton.

2 Declarations of Interest

No declarations of interest were made.

3 Minutes

On the proposition of Councillor Ashdown, seconded by Councillor Blundell it was by a unanimous vote

RESOLVED

That the minutes of the meeting held on 4 October 2021 be agreed as a correct record and signed by the Chairman.

4 Energy Projects Update

The Committee received a presentation from Councillor Craig Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development, on current and forthcoming energy projects throughout East Suffolk.

Councillor Rivett outlined the status of the different projects either underway or planned for in East Suffolk; the Committee was advised that the examination of the Sizewell C Development Consent Order (DCO) application had closed on 14 October 2021 and a decision was due from the Secretary of State for Business, Energy and Industrial Strategy (BEIS) by 14 April 2022. Since the closure of the examination, community events on the project had continued to be held.

Councillor Rivett noted that the examinations for East Anglia One North and East Anglia Two Offshore Wind Farms had closed on 6 July 2021 and a decision was due from the Secretary of State for BEIS by 6 January 2022; the Secretary of State had sought additional information from statutory consultees and interested parties on flood risk, offshore ornithology, badgers, and key certified documents. Councillor Rivett highlighted to the Committee that the Secretary of State for BEIS had awarded a DCO to the Norfolk Boreas Offshore Wind Farm on 10 December 2021.

The Committee received summaries on the Nautilus and Eurolink Interconnectors, the Five Estuaries Offshore Wind Farm and the North Falls Offshore Wind Farm. Councillor Rivett spoke of the importance of co-ordination between the two wind farm projects.

Councillor Rivett outlined the Council's participation in recently concluded consultations on proposals for a Future Systems Operator Role, National Policy Statements, BEIS/Ofgem OTNR Enduring Regime and Multipurpose Interconnectors, and the National Infrastructure Planning Reform Programme. Councillor Rivett noted the ongoing consultations on the initial findings of Ofgem's Electricity Transmission Network Planning Review and the Offshore Transmission Network Review and how the Council was participating in these consultations.

The Chairman invited questions to Councillor Rivett.

Councillor Beavan queried the need for HDVC interconnectors and asked why HVAC interconnectors could not be transported. Councillor Rivett said he would seek clarification on this issue and provide an answer to Councillor Beavan in due course.

Note: following the adjournment of the meeting at the conclusion of item 6 of the agenda, Councillor Rivett was able to clarify that the use of HDVC cables for interconnectors was proven to be more efficient for losses and required a much smaller number of cables than HVAC.

5

Authority Monitoring Report 2020/21

The Committee received report **ES/0967** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management, which summarised the Authority Monitoring Report for the period 1 April 2020 to 31 March 2021.

Councillor Ritchie introduced the report and considered the Authority Monitoring Report to be one of the most important pieces of planning work completed each year. Councillor Ritchie highlighted the officers integral to creating the report and noted that it principally reported on the two Local Plans in East Suffolk for the former Suffolk Coastal and Waveney District Council areas, providing a snapshot of what was happening in East Suffolk.

Councillor Ritchie said that this Authority Monitoring Report was the second to be the produced for the whole of East Suffolk and was the first to demonstrate the impact of the COVID-19 pandemic on the delivery of the two Local Plans; Councillor Ritchie considered that the statistics within the report showed that the impact of the pandemic had not been as severe as expected.

The Committee's attention was drawn to information in the report on the proportion of open shops that were charity shops; the highest percentage was in Leiston (10%) and the lowest was in Halesworth (3%).

Councillor Ritchie invited the Principal Planners for the Planning Policy and Delivery Team to give a presentation on the Authority Monitoring Report.

The presentation noted the impact of the pandemic was that a number of information strands and conclusions were not as robust as normal, as the collection of data had been affected along with the closure of building sites during the first lockdown in 2020. Officers considered that the "bounceback" had been stronger than anticipated and housing delivery had not been impacted as much as it had been feared.

It was highlighted that draft Neighbourhood Plans had not been able to progress to referendum until May 2021. The Committee was advised that, overall, it was difficult to ascertain the long-term impact of the pandemic at this time.

The Committee was advised that Environmental Guidance Note, published in November 2020, had been well-received. The draft Sustainable Construction Supplementary Planning Document (SPD) was currently open to consultation and had been drafted to provide better guidance on how developers can meet the sustainable development policy requirements of both Local Plans. The consultation on the draft document was due to close at 5pm on 13 December 2021.

Officers noted that a second consultation on the draft Cycling and Walking Strategy was open, outlined the ongoing work with Great Yarmouth Borough Council, North Norfolk District Council and the Broads Authority on a Coastal Adaptation SPD, and highlighted that preliminary work had commenced on a Healthy Environment SPD.

The Committee was informed that no planning applications had been approved contrary to Environment Agency advice on flood risk in the monitoring period. A significant reduction of vehicle travel had also been noted in the period, due to the pandemic. Officers anticipated that the greater levels of home working seen were likely to be sustained.

Officers summarised the statistics on life expectancy, physical activity, obesity, anxiety, happiness and life satisfaction, noting that some of the changes might be at least partially due to the pandemic.

No new neighbourhood plans had been designated in the monitoring period and three Neighbourhood Plans - Bredfield, Kesgrave and Reydon - had completed their examinations and following referendums, had been made by the Council in May 2021.

The Committee was advised of minor changes to employment land commitments and consents; it was noted that the former BT building at Felixstowe had been demolished and the land would be used for employment purposes. Officers outlined the town centre vacancy rates across the district; it was highlighted that these rates could change further as the pandemic eases.

Officers acknowledged that there had been a drop in the housing completion rate, but levels in both Local Plan areas remained relatively healthy.

The Committee was given an overview on the national policy relating to housing land supply and how a Local Planning Authority's housing land supply was calculated, including what was and was not included in the housing land supply.

Officers confirmed that the housing land supply report had been published in October 2021; the former Suffolk Coastal District Council area had a 6.52-year housing land supply, the former Waveney District Council area had a 5.74-year housing land supply and that the calculation for East Suffolk was 6.17 years.

Officers outlined that the Environment Act was now in place and a requirement for biodiversity net gain was coming in from 2023. It was considered that air quality in the district was beginning to improve and the process to revoke the Woodbridge Air Quality Management Area had begun. The North Lowestoft Conservation Area was considered to be "at risk"; however, good work on the North Lowestoft and South Lowestoft Heritage Actions Zones was continuing.

The presentation concluded by setting out the intention to publish the Authority Monitoring Report by the end of 2021, with raw data being published via the Open Data Portal in early 2022.

The Chairman invited questions to Councillor Ritchie.

Councillor Blundell noted two major allocated sites in his own Ward that had not yet been developed and asked what work was being done to bring these sites forward. Councillor Ritchie said that he would pick up the specific site issues with Councillor Blundell outside of the meeting; he acknowledged that there was a mix of major allocated sites with and without extant planning permission and that officers were working closely with landowners to progress allocated sites without planning permission.

In response to a question from Councillor Bird on the low amount of affordable housing units, the Principal Planner advised that Local Plan policies set out the percentage of affordable housing that sites were required to deliver, but if it was

demonstrated that a lower percentage made the site viable then this could be agreed. The Principal Planner added that sites of ten or fewer dwellings were not required to deliver affordable housing. Officers assured the Committee that there was a robust process to challenge claims from developers to reduce affordable housing on the grounds of site viability.

Councillor Ritchie added that there was a lower percentage of affordable homes required in Lowestoft as the viability of sites was lower; he considered that there had been significant work to get the highest proportion of affordable housing across the district and highlighted that the Council had built its own housing in the monitoring period.

Councillor Beavan sought clarification on the Council's housebuilding targets in relation to the government's own targets, the rate of affordable homes being delivered compared to the national average, and how many sites exceeded the World Health Organisation's air quality limits. Councillor Beavan also expressed concern that affordable housing rates were being impacted by developers who were paying too much for land.

Councillor Ritchie invited the Council's Head of Planning and Coastal Management to address Councillor Beavan's questions. The Head of Planning and Coastal Management noted the well-known case law applicable to this situation and explained that officers did not simply accept viability assessments provided by developers; he highlighted that an independent viability assessment, at the expense of the developer, was required to ascertain if lowering the number of affordable homes was justified to ensure the site's viability and therefore its deliverability.

The affordable housing delivery of 19% in the monitoring period was considered by the Head of Planning and Coastal Management to be good and he highlighted that major sites were starting to come forward; he did not consider it necessary to increase the Council's target of delivering 916 houses per year, as established in the adopted Local Plans, as this was already a positive target to aim for. The Head of Planning and Coastal Management acknowledged that this target was not reached in the monitoring period but stated that officers regularly liaised with major housebuilders, who wanted to work with the Council as it had a positive attitude towards housing delivery.

In response to Councillor Beavan's question on air quality, the Principal Planner said that he would find out this information and report it back to Councillor Beavan after the meeting.

There being no further questions, the Chairman invited Councillor Ritchie to proposed the recommendations set out in the report.

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

RESOLVED

1. That the East Suffolk Authority Monitoring Report covering the period 1 April 2020 to 31 March 2021 be published.

2. That authority be delegated to the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, to make any necessary minor typographical or presentational changes to the document prior to formally publishing it.

6 Planning Policy and Delivery Update

The Committee received report **ES/0968** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the key elements of the Planning Policy and Delivery Team's current work programme, including preparing Supplementary Planning Documents (SPDs), strategies on specific topics such as cycling and walking, the delivery of infrastructure to support growth through CIL collection and spend, Neighbourhood Plans and housing delivery.

Councillor Ritchie introduced the report and acknowledged that some of its subject matter overlapped with the previous report received by the Committee; he confirmed that this report gave a real-time update on work being undertaken. Councillor Ritchie invited the Planning Policy and Delivery Manager to address the Committee.

The Committee's attention was drawn to the four consultations currently underway, detailed in the report, and their current response rates:

- Draft Sustainable Construction SPD - 12 respondents making 29 comments;
- Draft Affordable Housing SPD - 11 respondents making 18 comments;
- Draft CIL Charging Schedule - 7 respondents making 16 comments; and
- Draft Cycling and Walking Strategy - 109 respondents making 188 comments.

The lower figures for some of the consultations were noted; the Committee was advised that response rates tended to increase significantly immediately before the closure of the consultation and that the draft Cycling and Walking Strategy reached a wider audience and therefore generated a higher response.

The Chairman invited questions to Councillor Ritchie.

Following a question from Councillor Ashdown, it was advised that the Draft Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan was likely to go to referendum around April/May 2022, following an officer review of the examination recommendations and completing all the necessary processes in a lead up to a referendum vote.

Councillor Beavan thanked officers for their assistance with the development of the Southwold, Reydon and Walberswick Neighbourhood Plans.

Councillor Bird noted the significant amount of construction happening in his own Ward and queried the shortage of building materials cited; Councillor Ritchie considered that the significant activity contributed to the ongoing materials shortage, which was related to supply chain issues and the wider national situation.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report.

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

RESOLVED

That the content of the report be noted.

Following the conclusion of this item, the meeting was adjourned for a short break. The meeting was adjourned at 11.28am and was reconvened at 11.39am.

7 Enforcement Performance Report - July to September 2021

The Committee received report **ES/0969** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management, which provided information on the performance of the Enforcement section of the Development Management Team for the period July 2021 to September 2021.

Councillor Ritchie introduced the report and summarised the reasons for closure set out in paragraph 2.2 of the report; he noted that the majority of cases took 41+ days to close and officers were working to reduce this delay.

Councillor Ritchie noted that the Senior Enforcement Officer was present to assist with any questions on the report's contents.

The Chairman invited questions to Councillor Ritchie.

Councillor Brooks sought clarity on how the legal aspect of enforcement cases delayed their resolution. Councillor Ritchie explained that the delay was due to the legal process as a whole and not as a result of the Council's in-house legal team and invited the Senior Enforcement Officer to elaborate.

The Senior Enforcement Officer outlined that where the compliance period of an enforcement notice passed without compliance, the case was passed to the Council's legal team and a detailed process was followed according to the relevant legislation. The Senior Enforcement Officer highlighted the importance of following this process precisely, as any errors could result in further delays or even the requirement to issue a new enforcement notice.

In response to a question from Councillor Hedgley on appeals, the Senior Enforcement Officer confirmed that individuals could appeal an enforcement notice at each stage, and this added to the delays seen in some enforcement cases. Philip Ridley, the Council's Head of Planning and Coastal Management, confirmed that officer teams worked closely to progress enforcement cases as quickly as possible.

There being no further questions the Chairman sought a proposer and a seconder for the recommendation set out in the report.

On the proposition of Councillor Coulam, seconded by Councillor Hedgley it was by a unanimous vote

RESOLVED

That the content of the report be noted.

8 Planning Performance Report - July to September 2021

The Committee received report **ES/0970** of Councillor David Ritchie, 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 noted that although the Development Management Team was meeting national targets it was not meeting the Council's own stretched targets. Councillor Ritchie said that the Development Management Team was doing well but wanted to do better and highlighted the additional pressure brought by the large number of applications being dealt with. Councillor Ritchie encouraged Ward Members to liaise with case officers to better understand delays to individual applications.

There being no questions to Councillor Ritchie, he invited the Planning Development Manager to address the Committee on major sites within the district.

The Planning Development Manager referred to Appendix A to the report, which provided an update on all major allocated sites in East Suffolk; he explained that this update had developed from a request from the Planning Committee North to receive an update on the Woods Meadow site and considered it good practice to provide the Committee with regular updates on major sites.

The Planning Development Manager summarised the information on each site contained within Appendix A to the report; the Chairman invited questions on each site to the Planning Development Manager throughout the summary.

The Committee was advised that a report had recently been received by Suffolk County Council's Cabinet regarding developing the North Lowestoft Garden Village site, of which it was the landowner, through a joint venture.

In response to a question from Councillor Coulam, the Planning Development Manager advised that the development at Woods Meadow had reached the trigger point in the Section 106 agreement for the proposed North Lowestoft Community Centre to be developed. Members were advised that the Council's Assets Team was involved in the delivery of the community centre and there had been an expression of interest from the Church of England to run the centre.

The Planning Development Manager assured members of the Committee that officers would be liaising with the developer to ensure that all phases of the development come forward as planned.

Councillor Beavan queried if the Carlton Colville Neighbourhood Plan would be in place to ensure that the required number of affordable homes was included at Land South of The Street, Carlton Colville. The Planning Development Manager advised that the number of affordable homes was dictated by the relevant site allocation policy in the Local Plan and that any Neighbourhood Plan would address design expectations.

The Planning Development Manager highlighted that the draft Saxmundham Neighbourhood Plan would not cover the part of the South Saxmundham Garden Neighbourhood that would be located within the parish of Benhall; officers would be working with the developer to ensure consistency across the entire development.

Councillor McCallum sought an update on highway matters related to the Brightwell Lakes development. The Planning Development Manager noted that since the outline planning permission had been granted in 2018 the developer had worked closely with the Council and any issues had been resolved. The Planning Development Manager highlighted that a consultation had taken place in 2020 regarding wider highway improvements in the area, beyond what would be delivered by the Section 278 agreement for the Brightwell Lakes development, ahead of the Highways Authority submitting a funding bid for these wider improvements.

In response to a question from Councillor Yule, the Planning Development Manager considered that if the wider improvement funding was not made available, the Brightwell Lakes development would not adversely impact the A12 due to the improvements secured by the Section 278 agreement.

Councillor Deacon expressed concern that there had been no formal engagement regarding creating a masterplan for the North Felixstowe Garden Neighbourhood, noting that the first development for 560 homes was moving at pace. The Head of Planning and Coastal Management advised that he and the Planning Development Manager were liaising regularly with the landowner arm of the Council to ensure that a masterplan was put in place and expected work to begin on this in early 2022.

Following the conclusion of the Planning Development Manager's summary, Councillor Hedgley highlighted the significant work underway and asked if the Development Management Team was adequately resourced. The Head of Planning and Coastal Management considered that it was not at the present time but said this was also due to the impact of national issues such as the demand of new legislation. The Head of Planning and Coastal Management acknowledged that major sites drew heavily on the resources of the Development Management Team and considered that more resources were needed across the entire Planning Service to ensure that planned development comes forward.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report.

On the proposition of Councillor Rivett, seconded by Councillor Ashdown it was by a unanimous vote

RESOLVED

That the content of the report be noted

9

Appeals Performance Report - 20 September to 1 December 2021

The Committee received report **ES/0971** of the Head of 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 between 20 September and 1 December 2021.

Councillor Ritchie introduced the report and outlined that very few appeal decisions had been received in the period covered by the report.

Councillor Ritchie noted some factual errors at paragraph 2.6 of the report and invited the Planning Development Manager to clarify this information. The Committee was advised that of the four appeals for minor application two were dismissed (50%) and not nine, and the single appeal for a householder application had been dismissed rather than allowed.

The Chairman invited questions to Councillor Ritchie.

The Committee's attention was drawn to the summary of the appeal decisions contained within Appendix A to the report, which included any learning points and actions resulting from appeals decision. The Planning Development Manager referred specifically to the appeal decision at North Green Farm, Kelsale-cum-Carlton, which provided learning points regarding policy SCLP5.4 in the Suffolk Coastal Local Plan on clusters.

Councillor Ritchie considered the low number of appeal decisions allowed to be acceptable. The Planning Development Manager informed the Committee that several appeals had been submitted to the Planning Inspectorate recently and highlighted the significant delays at the Planning Inspectorate for written representation appeals coming forward.

The Committee was advised that the Planning Inspectorate had recently issued a communication stating that in light of the current COVID-19 situation informal and public inquiries would be held as fully virtual events; the Public Inquiry for Yarmouth Road, Melton scheduled for January 2022 would be fully virtual.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report.

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

RESOLVED

That the content of the report be noted.

10 Strategic Planning Committee's Forward Work Programme

The committee considered its Forward Work Programme.

It was confirmed that the annual review of the Planning Referral Panel process would be on the Committee's 2022/23 Forward Work Programme and that the Committee would continue to receive regular updates on energy projects in East Suffolk.

The meeting concluded at 12.32pm.

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Chairman



STRATEGIC PLANNING COMMITTEE

Monday, 07 March 2022

Subject	Member Training on Planning
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Philip Ridley Head of Planning and Coastal Management 01394 444432 philip.ridley@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

For Members of the Planning Committees to review their training programme and consider options for future training and development to ensure they can fully contribute to delivering sound planning decisions.

Options:

None.

Recommendation/s:

That the contents of the report be noted.

Corporate Impact Assessment

Governance:

Not applicable.

ESC policies and strategies that directly apply to the proposal:

Not applicable.

Environmental:

Not applicable.

Equalities and Diversity:

Not applicable.

Financial:

Not applicable.

Human Resources:

Not applicable.

ICT:

Not applicable.

Legal:

Not applicable.

Risk:

Not applicable.

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01 Growing our Economy			
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02 Enabling our Communities			
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03 Maintaining Financial Sustainability			
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04 Delivering Digital Transformation			
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05 Caring for our Environment			
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX Governance			
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
To ensure we have well trained Members to enable the Council to fulfil its planning functions.			

Background and Justification for Recommendation

1 Background facts	
1.1	The Council places significant importance in having trained and informed Councillors to enable them to contribute to the work of the Council they represent. This is set out in the Member Development Strategy 2019-23. The forward to this document states the " <i>Council wishes to ensure that all Members, including any Co-opted Members, have the necessary skills and knowledge to best serve their community. This is very important, at a time of ongoing changes in local government, as we support our communities in dealing with the COVID-19 pandemic.</i> "
1.2	The Council's Constitution at Paragraphs 3.15 and 3.16 Part 2 Functions and Responsibilities states only Members (and substitutes) who have undertaken the appropriate training in accordance with the Code of Good Practice/Guidance for Members - Planning and Rights of Way may be appointed to any of the planning committees.
1.3	<p>The Code of Good Practice/Guidance Planning and Rights of Way in the Constitution states in relation to training at Section 11</p> <p>11 TRAINING</p> <p><i>11.1 To facilitate the effective working of the planning system, all Members of the Council are expected to undertake training in the principles of the planning system, rights of way and the procedures followed by the Council in determining applications. The precise contents of this training will be determined from time to time by Officers in consultation with Members.</i></p> <p><i>11.2 The Suffolk Public Rights of Way website provides details on rights of way principles and legislation, particularly as relevant to the Council's rights of way role and is updated regularly.</i></p> <p><i>11.3 Members of the Planning Committee will be expected to have undertaken training on current planning and rights of way procedures and the principles of the planning system. When significant changes to the planning system or policy applicable to the District occurs updated information or training as appropriate will be provided to all Members of the Planning Committee – information / training which all Members of the Council will be invited to benefit from if they so wish.</i></p> <p><i>11.4 A programme of training will be available each year, covering issues of current importance as well as updating knowledge. From time to time, specialist training will be provided to cover particular topics or to look at matters in greater depth.</i></p> <p><i>11.5 Members who have not participated in appropriate training cannot be Members of the Planning Committee. Only in the most exceptional cases when there are no trained Members available and a Planning Committee meeting would be potentially inquorate, should a Member who has not received training take part in making a decision on a planning or rights of way application. A record of Member training in planning will be maintained.</i></p> <p><i>11.6 As part of the annual monitoring role of the Strategic Planning Committee, the training and provision of information undertaken and provided each year will be reviewed.</i></p>
1.4	This report confirms that all Members, and Substitutes of the planning committees have had the required training, and sets out the context of that training, and identifies a need for a discussion on options for the year ahead to maintain the

	quality of the decision making of the planning functions, and in particular, the planning committees, going forward.
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2 Current position

2.1	The planning system in England is complex. Local Planning Authorities are tasked with both preparing the Development Plan that applications will be assessed against and making planning decisions. The National Planning Policy Framework must be taken into account in preparing the Development Plan and is a material consideration in planning decisions.
2.2	The determination of a planning application is a formal administrative process involving: <ul style="list-style-type: none"> • the application of national and local planning policies • reference to legislation, case law and rules of procedure • rights of appeal and an expectation that local planning authority will act transparently, reasonably and fairly.
2.3	Planning decisions are based on balancing competing interests and making an informed judgement against the local and national policy framework in the wider public interest. The government is also currently seeking to review the planning system and is rightly emphasising the need for high quality design, as well as enhancing our biodiversity contributions. Planning affects people's lives and land and property interests, particularly the financial value of landholdings, and the quality of their settings. Opposing views are often strongly held by those involved.
2.4	Whilst Councillors must take account of these views, they should not favour any person, company, group or locality, or appear to be doing so. Decisions need to be taken in the wider public interest on what can often be controversial proposals. It is therefore, against this background that the Council needs to have trained and informed Councillors to ensure the Council is operating an effective planning system and the communities have confidence in it too.
2.5	East Suffolk Council was formed in 2019 and training on planning matters was included as part of the corporate programme for all Councillors to support Members of the new Council.
2.6	Since that original training programme, the current pandemic has had a significant impact on the ability to have in place a more structured approach for ongoing training on planning issues. However, it is positive to note that all Councillors, who are either a Member of one of the Planning Committees, or an identified substitute, have undertaken the generic planning training that is provided for all councillors, either through the 2019 programme, or through the updates provided for new Members, or those who have subsequently requested it.
2.7	It should also be noted that during the last two years in addition to the generic planning training there have been separate sessions on Rights of Way, CIL and Local Plan preparation. The detailed log of this training, and who attended, is kept by the Democratic Services team. It should be noted that there are still some members of the Council who have not received any of the arranged generic planning training.
2.8	This generic training, which has been provided to members in recent training sessions, has been recorded and is now available by video and can therefore be more easily shared. Recently this has been used to train new Members who were elected in by-elections and a 1 hour follow up meeting with the Planning Manager has been provided to cover any remaining questions or learning needs. The use of

	video recording to enable members to undertake training when convenient is also being put in place. It should also be noted that with the recording of all Committee Meetings, these too can be used for training purposes and the use of Zoom and MS Teams will make it easier to instigate training opportunities.
2.9	Training does take place in many forms in addition to the generic planning training referred to in Para 2.2 above. Each meeting of the Strategic Planning Committee has standard items including a report on the resolution of appeal decisions and whether there are any learning points or trends to note. Each year this committee also has a report on the review of Complaints the service has received (including those considered by the Local Government and Social care Ombudsman), the Annual Monitoring Report and other aspects of the service, all of which enable members to be updated on current best practice and whether the planning system at the Council is helping to deliver the council's objectives. Members will also recall that after the occasional Strategic Planning Committee the Chairman has asked for a short briefing on issues which officers have provided.
2.10	In addition, the work of the Local Plan Working Group, chaired by the Cabinet Member for Planning and Coastal Management reviews emerging documents and policy proposals the Council is considering taking forward, as part of the formal process, which includes the reasoning for producing such documents and their intended outcomes. All this provides an opportunity for Members to question the background and the reasoning for potential courses of action which all informs and strengthens the knowledge and understanding of the planning functions.
2.11	The Planning Service also provides training for Town and Parish Councils, as well as Agents/Developers, to which District Councillors are also invited. The Planning Team are now also producing a bi-monthly newsletter for these groups which also goes to District councillors, updating on relevant planning topics as required. The Council's website also has a wealth of planning related topics for review, as well as access to all documents.
2.12	Since the formation of East Suffolk Council and having regard to the Member Development Strategy and the requirements of the Constitution, following discussion with the Head of Planning and Coastal Management, it is considered that the training provided for councillors has been satisfactory, but it has been restricted over the last two years by the pandemic.
2.13	Further to the member training highlighted, Officers have collectively developed a successful programme of officer training and knowledge sharing through regular "Lunch and Learn" sessions. This has involved training within the team, from other council teams and from external stakeholders. We have now collected a substantial resource of presentations and can utilise these for future member training material too.

3 How to address current situation

3.1	Having regard to the conclusions in 2.12 above it is considered that with restrictions because of the pandemic easing, there is an opportunity to put in place a programme of specific training and development events in addition to those ongoing meetings referred to in Section 2 above. This should include putting in place specific training events, the topics for which could be identified for consideration by Members of this Committee. It is also considered that it is essential that a site visit programme be identified to consider learning points from developments that have been finished.
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3.2	These options can be delivered, primarily by the team, especially with the current recruitment of additional colleagues into the Specialist Services team, but if required external support could be brought in. There is also the opportunity for sending Members on external training events organised by the profession, or the Local Government Association. However, it is not clear whether these types of events will be re-establishing themselves in the short term. There are a number of training opportunities which will arise from the future adoption of Supplementary Planning Documents. Officers will make the Cabinet Member aware when any become available.
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4 Reason/s for recommendation

4.1	To note the contents of this Report and confirm that the training undertaken by the Members and Substitutes of the Planning Committees meets the requirements of the Code of Good Practice/Guidance for Members - Planning and Rights of Way in the Constitution.
4.2	Following receipt of suggestions received from the Members of this Committee the Head of Planning and Coastal Management, in discussion with the Cabinet Member for Planning and Coastal Management, creates a programme of training events for the municipal year 2022/23.

Appendices

Appendices:

None.

Background reference papers:

None.



STRATEGIC PLANNING COMMITTEE

Monday, 07 March 2022

Subject	Building Regulations Changes 2022 – Part L
Report by	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Mark Harvey Building Control Partnership Manager Mark.harvey@eastsuffolk.gov.uk 07768423887

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To provide a brief overview of the building control functions of the council in a presentation and then to provide an update for Members of the upcoming regulatory changes, which come into effect on 15 June 2022, in line with future homes standards on improving the efficiency of property.

Options:

Not applicable.

Recommendation/s:

That the overview of the building control service provided by the Council and the proposed changes coming into effect in June 2022 be noted.

Corporate Impact Assessment

Governance:

Not applicable

ESC policies and strategies that directly apply to the proposal:

Not applicable

Environmental:

Not applicable

Equalities and Diversity:

Not applicable

Financial:

Not applicable

Human Resources:

Not applicable

ICT:

Not applicable

Legal:

Not applicable

Risk:

Not applicable

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01 Growing our Economy			
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02 Enabling our Communities			
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03 Maintaining Financial Sustainability			
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04 Delivering Digital Transformation			
P15	Digital by default	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05 Caring for our Environment			
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX Governance			
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
The changes to the Building Regulations sets a new standard in legislation for all to achieve across the public sector, private sector and the wider public. The new regulatory standards are national regulatory standards.			

Background and Justification for Recommendation

1 Background	
1.1	The Council provides a Building Regulation service to ensure that buildings are built to the latest regulatory requirements on health and safety. The Building Control team provide their service in competition with the private sector. The service is run efficiently but needs to ensure that it recovers its full costs but cannot make a profit. The Building Regulations are highly technical documents approved by government. Having skilled professional surveyors to provide advice and guidance, as well as interpret and enact the Regulations when submissions are made, is key to ensuring development is constructed to the highest standards. Aspects of the regulations in respect of energy efficiency and sustainability are changing in June this year. These are important and significant changes and align with the priorities of the Council's Strategic Plan and the wider work of the planning service.
1.2	This report is to highlight, in brief, the work of the team, and explain these changes in the Regulations that will be set out in a presentation that will be provided at the meeting. This will provide an opportunity for Members to be informed of their work, and to ask questions regarding the changes that will be forthcoming.

2 Current position	
2.1	Not applicable.

3 How to address current situation	
3.1	Not applicable.

4 Reason/s for recommendation	
4.1	That Members note the work of the Building Control Service and note the changes coming to Part L of the Regulations.

Appendices

Appendices:
None.

Background reference papers:
None.



STRATEGIC PLANNING COMMITTEE

Monday, 07 March 2022

Subject	Enforcement Performance Report – October to December 2021
Report by	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Cate Buck Senior Planning & Enforcement Officer cate.buck@eastsuffolk.gov.uk 01394 444290

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To provide information on the performance of the enforcement section of the Development Management Team.

Options:

Not applicable.

Recommendation/s:

That the contents of the report be noted

Corporate Impact Assessment

Governance:

Not applicable

ESC policies and strategies that directly apply to the proposal:

East Suffolk Council Enforcement Policy

Environmental:

Not applicable

Equalities and Diversity:

Not applicable

Financial:

Not applicable

Human Resources:

Not applicable

ICT:

Not applicable

Legal:

Not applicable

Risk:

Not applicable

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
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P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02 Enabling our Communities			
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03 Maintaining Financial Sustainability			
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04 Delivering Digital Transformation			
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05 Caring for our Environment			
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX Governance			
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How does this proposal support the priorities selected?			
To provide information on the performance of the enforcement section			

Background and Justification for Recommendation

1 Background facts	
1.1	Following the adoption of the new Local Enforcement Plan in March 2019 and the formation of the new East Suffolk Council section it was decided that a report be presented on a quarterly basis from August 2019.
1.2	Between October and December, one enforcement notice was served.

2 Current position																																					
2.1	<p><u>Cases Received and Closed October to December 2021</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Month</u></th><th style="text-align: center;"><u>Cases Received</u></th><th style="text-align: center;"><u>Cases Closed</u></th></tr> </thead> <tbody> <tr> <td>October</td><td style="text-align: center;">37</td><td style="text-align: center;">65</td></tr> <tr> <td>November</td><td style="text-align: center;">38</td><td style="text-align: center;">78</td></tr> <tr> <td>December</td><td style="text-align: center;">38</td><td style="text-align: center;">37</td></tr> </tbody> </table> <p>*Please note all new complaints are logged, site visited and then triaged in accord with the appropriate risk assessment.</p>	<u>Month</u>	<u>Cases Received</u>	<u>Cases Closed</u>	October	37	65	November	38	78	December	38	37																								
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	<u>Total</u>	65	78	37	
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2.4 Enforcement Notices Served October to December 2021

<u>Type of Notice</u>	<u>Address</u>	<u>Breach</u>	<u>Compliance period</u>
Enforcement Notice	Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions 2,4 and 8 of DC/18/0335/FUL	Various

3 How to address current situation

- 3.1 Quarterly monitoring

4 Reason/s for recommendation

- 4.1 That the report concerning Enforcement Team statistics be received

Appendices

Appendices:

None

Background reference papers:

None



STRATEGIC PLANNING COMMITTEE

Monday, 07 March 2022

Subject	Planning Performance Report – June to September 2021
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Ben Woolnough Planning Manager (Development Management) 01394 444593 Ben.woolnough@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides an update on the planning performance of the Development Management Team in terms of the timescales for determining planning applications.

Options:

Not applicable.

Recommendation/s:

That the content of the report be noted.

Corporate Impact Assessment

Governance:

Not applicable

ESC policies and strategies that directly apply to the proposal:

Not applicable

Environmental:

Not applicable

Equalities and Diversity:

Not applicable

Financial:

Not applicable

Human Resources:

Not applicable

ICT:

Not applicable

Legal:

Not applicable

Risk:

Not applicable

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
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XXX Governance			
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How does this proposal support the priorities selected?			
To provide information on the performance of the enforcement section			

Background and Justification for Recommendation

1 Background facts	
1.1	This report provides details on the determination timescales for all planning applications at East Suffolk Council when tested against the government set timescales as well as the East Suffolk Council stretched targets.
1.2	The Key Performance Indicators (KPIs) are reported on a quarterly basis and included within the East Suffolk Council performance report and tested against the Council's Business Plan.

2 Current position	
2.1	<p>At the beginning of the quarter there were 2111 cases on hand and at the end of the quarter there were 2070.</p> <p>The breakdown for Q3 (September 2021 to December 2021) compared with the previous quarters (Q1 and 2) are reported as follows (% rounded up):</p>

	Current Quarter		Previous Quarters				
	Q3 Percentage	Q3 Total	Q2 Percentage	Q2 Total	Q1 Percentage	Q1 Total	
Major Development	89%	8/9	64%	7/11	64%	9/14	60% national 65% stretched
Minor Development	53%	79/149	76%	103/136	72%	92/127	65% national 75% stretched
Other Development	60%	287/482	85%	474/560	76%	446/586	80% national 90% stretched

2.2	<p>The figures for Q3 of the financial year show a continued high number of application submissions with a total of 649 submissions but we are seeing a reduction back to normal levels.</p> <p>Following an improvement in the last quarter there has been a fall in the percentage of applications determined in time for Minor and Other development. This was anticipated and is largely as a result of the continued high case load. It is also due to a recent push for officers to issue longstanding applications in their caseloads which may not benefit from extensions of time. Factors such as considerable accrued annual leave being taken by officers along with a significant back log in the signing off of applications have also had an effect. The latter point has presented itself as a challenge in recent months. Some changes in the way this is spread across the team, as the final stage of the application process, has caused it to become a dominant task for Senior and Principal Planners. The Planning Manager has had to step away from this task in recent months to address other essential improvements to the service and some under resourcing in place over the previous quarter.</p>
2.3	<p>As a positive influence on this, the team gained a third Principal Planner at the start of this year through Marianna Hall joining the team. This has added capacity to the team covering signing off responsibilities and further support for other officers. Considerably work is also taking place to increase efficiencies in the determination process and the use of the planning software to enable swifter decision making. This is already presenting benefits including optimisations in the signing off process. We anticipate that the slight decline in performance in the last quarter will be evened out to meet national targets on an annual position.</p>
2.4	<p>The Development Management Team have also been appropriately using the extension of time mechanism to ensure that appropriate discussions can take place with applicants/other parties to secure high quality sustainable developments. Occasionally, due to the delay in signing off applications, the ability to secure extensions of time has been hindered.</p>
2.5	<p>The Council maintains a high approval rate across all types of applications and proactively look to support development where policy permits and work proactively with applicants and agents to secure appropriate schemes.</p>
2.6	<p>Where applications are refused Officers seek to defend those refusals robustly. Members will note the separate appeals report on the agenda which demonstrates confidence that applications are being refused correctly and those decisions are for the most part upheld at appeal.</p>
2.7	<p>Officers continue to work proactively with agents to promote the pre-application service to seek to ensure that where applications are submitted they have the right level of information accompanying them to enable swift decisions on applications to be made. The Planning Manager is currently engaging with a range of agents to understand their needs and expectations of the team to factor into further improvements.</p>

3 How to address current situation

3.1 Quarterly monitoring

4 Reason/s for recommendation

4.1 That the report concerning the performance of the Development Management Team in terms of the speed of determining planning applications is noted.

Appendices

Appendices:

None.

Background reference papers:

None.



STRATEGIC PLANNING COMMITTEE

Monday, 13 December 2021

Subject	Appeals Performance Report – 24 November 2021 to 13 February 2022
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Ben Woolnough Planning Manager (Development Management) 01394 444593 Ben.woolnough@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides 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.

Options:

Not applicable.

Recommendation/s:

That the content of the report be noted

Corporate Impact Assessment

Governance:

Not applicable

ESC policies and strategies that directly apply to the proposal:

Not applicable

Environmental:

Not applicable

Equalities and Diversity:

Not applicable

Financial:

Not applicable

Human Resources:

Not applicable

ICT:

Not applicable

Legal:

Not applicable

Risk:

Not applicable

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01 Growing our Economy			
P01	Build the right environment for East Suffolk	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02 Enabling our Communities			
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03 Maintaining Financial Sustainability			
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04 Delivering Digital Transformation			
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T05 Caring for our Environment			
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX Governance			
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How does this proposal support the priorities selected?			
To provide information on the performance of the enforcement section			

Background and Justification for Recommendation

1 Background facts	
1.1	The report is presented to Members as rolling reporting mechanism on how the Council is performing on both the quality and quantity of appeal decisions received from the Planning Inspectorate.
2 Current position	
2.1	A total of 23 planning appeal decisions have been received from the Planning Inspectorate since the 24 November 2021 following a refusal of planning permission from East Suffolk Council, and one planning appeal decision have been received in relation to appeals for non-determination.
2.2	A summary of all the appeals received is included in an Appendix to this report
2.3	The Planning Inspectorate monitor appeal success rates at Local Authorities and therefore it is important to ensure that the Council is robust on appeals, rigorously defending reasons for refusal. Appeal decisions also provide a clear benchmark for how policy is to be interpreted and applications considered.
2.4	Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% appellant success rate for major applications, 27% success rate for minor applications and 39% success rate for householder applications.
2.5	Twenty of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management and two decisions were determined through the Planning Committee contrary to Officer's recommendation. There was also one appeal against non-determination, which related to a case that was deferred at Planning Committee.
2.6	<p>Of the planning appeals, fourteen of the decisions were dismissed (61%), eight of the decisions were allowed (35%) by the Planning Inspectorate, and one was withdrawn prior to a decision being issued by the Inspectorate.</p> <p>Three of the appeals were for Major Applications, with two allowed (66.6%) and one withdrawn (33%). One application which was allowed had been recommended for approval at Planning Committee, but the committee voted to refuse those application. The other allowed appeal was an appeal against non determination following a deferral at from its first Planning Committee. The withdrawn appeal had also been refused contrary to the officer's recommendation; however, it was withdrawn because a subsequent application was later approved.</p> <p>Twelve of the appeals were for minor applications with four were allowed (33.3%) and eight dismissed (66.6%).</p> <p>Eight of the appeals was for householder/other applications with two allowed (25%) and six dismissed (75%).</p>

	<p>There were too few appeals relating to Major applications (just three) during this quarter to draw any significant conclusions. In terms of appeal decisions relating to Minor applications, the percentage allowed (33.3%) was higher than the national level (27%) but not to such a significant degree for a single quarter, as to raise significant concern.</p> <p>The percentage of householder/other applications which were upheld on appeal this quarter is positive. At 75% the percentage dismissed is significantly above the national average 61% (i.e. there were just 25% allowed this quarter compared to the national average of 39%).</p> <p>The summaries of the appeals include a section on key issues and any lessons which could be learnt.</p>
2.7	There are no significant issues arising with the planning appeals which have been allowed, summaries cover the learning points of all appeals.
2.8	<p>Members will note that two claim of costs against the Council have been received, one of which was upheld with the Inspector concluding that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated.</p> <p>The other claim of costs was refused on the grounds that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.</p>

3 How to address current situation

3.1 Quarterly monitoring

4 Reason/s for recommendation

4.1 That the report concerning the appeals decisions received is noted

Appendices

Appendices:

Appendix A Summary of all appeal decisions received

Background reference papers:

None.

Appendix A

The following appeal decisions have been received. The full reports are available on the Council's website using the unique application reference.

Planning Appeals

Application number	DC/20/3514/FUL
Appeal number	APP/X3540/W/21/3267667
Site	Admirals Head Inn, Sandy Lane, Little Bealings
Description of development	Change of use of a vacant public house to residential use
Committee / delegated	Delegated
Appeal decision date	03 December 2021
Appeal decision	Allowed
Main issues	Whether the change of use of the public house to residential use would be justified having regard to local and national policy.
Summary of decision	<p>The site is the former Admirals Inn public house. Its upper floor is in residential use with the ground floor being the area associated with the public house, including a kitchen, dining and bar areas. It ceased trading in 2012 and was nominated as an Asset of Community Value (ACV) in February 2018.</p> <p>Policy SCLP8.1 (Community Facilities and Assets) indicates that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. The policy does not otherwise set out any means via which evidence can be submitted to change the use of a designated ACV. It was on this basis that DC/20/3514/FUL was refused.</p> <p>Conversely, the supporting text of SCLP8.1 clearly indicates that the designation of an ACV does not provide protection against the change of use or redevelopment of an asset.</p> <p>Evidence contained within a feasibility report submitted by the applicant showed that the Admirals Head has not positively contributed to the local economy as a viable business since 2012.</p> <p>Based on available evidence, the Inspector found there would be significant challenges in seeking to reopen the pub again after such an extended period of closure and against the backdrop of very strong levels of local competition within its catchment.</p>

	<p>It was also found that attempting to retain the public house in anticipation of a commercially viable business being re-established would not be justified and the Inspector attached significant weight to the evidence in this regard.</p> <p>The community exercised a right to bid during the marketing period; however, their offers were not accepted by the owners as they were not sufficiently close to the marketed price.</p> <p>Therefore, while the NPPF generally seeks to retain public houses, given the lack of viability, length of closure and scale of investment required to re-establish the pub, it would not be justified to seek to retain the site as a pub that would be unlikely to viably trade and contribute to the economy in the foreseeable future.</p> <p>As a result, the Inspector concluded that there was no realistic prospect that the site is going to be reused as a public house and the other material considerations justified taking a decision not in accordance with the development plan.</p>
Learning point / actions	<p>There is a perceived contradiction between the wording of policy SCLP8.1 and the supporting text as to its intentions, particularly in relation to the supporting text's description of the role of ACV legislation which does not provide protection against change of use or redevelopment.</p> <p>There may be evidential circumstances where it is justified to take a decision contrary to policy SCLP8.1 despite its wording indicating that proposals to change the use or redevelop an ACV will not be permitted and no provision within the policy as to the means via which evidence can be submitted to change the use of a designated ACV that has become unviable.</p>

Application number	DC/21/0261/FUL
Appeal number	APP/X3540/W/21/3275223
Site	Hungate Court, Beccles, Suffolk, NR34 9TR
Description of development	Change of use from B1 to 2 bedroom flat.
Committee / delegated	Delegated
Appeal decision date	14 December 2021
Appeal decision	Allowed with conditions
Main issues	The main issue in this appeal was the effect of the proposed development on the living conditions of adjoining occupiers at Hungate Court and future occupiers of the proposed flat with particular regard to privacy.

Summary of decision	The inspector concluded that there was no substantive difference in overlooking between the existing office use and proposed flat, and that future and current occupiers would have expectations for privacy, including that it may be prudent at times to take the normal precaution of closing blinds or curtains.
Learning point / actions	That without substantive limitations the overlooking from office space and residential is similar, and that expectations of overlooking on future occupiers is a consideration.

Application number	DC/21/0781/OUT
Appeal number	APP/X3540/W/21/3274709
Site	Kersey Croft Kennels, Strugglers Lane, Witnesham IP6 9HS
Description of development	The development proposed is described as an “outline planning application (all matters reserved) for the erection of one dwelling at Kersey Croft Kennels, Strugglers Lane, Witnesham IP6 9HS
Committee / delegated	Delegated
Appeal decision date	16 December 2021
Appeal decision	Allowed
Main issues	The main issue in this appeal is whether the appeal site is an appropriate location for the development having regard to the development plan and accessibility to services, facilities and sustainable transport options.
Summary of decision	<p>The Inspector considered this application under policy SCLP5.4 in terms of clusters.</p> <p>The previous Inspector stated at paragraph 8 that the five properties do not constitute a cluster as they are accessed from Strugglers Lane and The Street, and that there is a very limited sense of connectivity between the site and the properties along The Street. However, the Inspector stated that previous appeal decision did not state unequivocally that the group of properties did not form a cluster and notwithstanding the limited sense of connectivity stated within the previous appeal, it is evident that the group of properties identified by the appellant adjoin one another by its respective garden area.</p> <p>Whilst the Inspector notes that the properties forming this cluster adjoins the settlement boundary of Witnesham, given that the five dwellings denoted as a cluster are beyond the settlement boundary it constitutes a cluster.</p> <p>The Inspector noted that there was nothing to suggest that the properties all need to form a cluster in their own right or that</p>

	<p>they need to be sited along the same highway, rather than they are a close group of existing dwellings adjacent to an existing highway and contains five or more dwellings.</p> <p>It was concluded that the development was an infill given that development exists to the north in the form of Long Acre and to the east in the form of Kersey Croft and would not extend beyond the existing building up area of the surrounding countryside.</p> <p>The decision acknowledged that Strugglers Lane is not ideal for pedestrians and cyclists, given the banking on one side and the lack of refuge areas for those with low mobility, those with children, and cyclists. However, there are bus stops in the vicinity and a footpath on The Street into Witnesham which one could reasonably walk to. Furthermore, although as a small village it does not offer a broad range of services and facilities, there are nonetheless opportunities to walk to those that do exist and opportunities to maximise sustainable transport options to access areas where such facilities do exist.</p>
Learning point / actions	Interpretation of cluster policy SCLP5.4.

Application number	DC/21/0745/FUL & DC/21/0746/LBC
Appeal number	APP/X3540/Y/21/3275101 & APP/X3540/W/21/3275102
Site	34 The Street, Brandeston
Description of development	Proposed single storey rear extension
Committee / delegated	Delegated
Appeal decision date	21 December 2021
Appeal decision	Dismissed
Main issues	The main issue in both appeals is whether the proposal would preserve the Grade II listed building known as 34 The Street or any features of special architectural interest that it possesses.
Summary of decision	<p>The existing cottage was deemed to function adequately as a dwelling with a pleasant flow and different internal spaces. Whilst it may not have met the needs of the appellant, who was seeking a family sized home, it was not demonstrated that the property had not been undesirable to others because of its size.</p> <p>The proposal was unnecessary to secure the use of the building as a dwelling or to improve substandard accommodation.</p> <p>When giving considerable importance and weight to the desirability of preserving the listed building, the Inspector found that the serious overall harm that would arise from the proposal</p>

	<p>would not be outweighed by its limited public benefits. It was also considered that, there would be a conflict with Paragraph 200 of the Framework as harm to a designated heritage asset would not have clear and convincing justification.</p> <p>The proposal was considered to fail to preserve the listed building and that there were no other considerations or public benefits that would outweigh this harm. The proposal was deemed to fail to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant.</p>
Learning point / actions	None

Application number	DC/20/3362/FUL
Appeal number	APP/X3540/W/21/3280171
Site	Land West of Chapel Road, Grundisburgh
Description of development	Erection of 70 dwellings, including affordable dwellings, together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure.
Committee / delegated	Committee/Non determination Appeal
Appeal decision date	21st December 2021
Appeal decision	Appeal allowed and planning permission granted subject to conditions.
Main issues	<p>Whether or not the proposal would harm the settlement pattern of the area with regard to local and national policies for housing; and</p> <p>Whether or not the proposal would have an unacceptable impact on highway safety or have a severe cumulative impact on the road network.</p>
Summary of decision	<p>The proposal would not harm the settlement pattern of the area with regard to local and national policies for housing. The proposal accords with policy SCLP12.51 of the SCLP and Section 5 of the NPPF which supports the Government's objective of significantly boosting the supply of homes.</p> <p>The proposal would not have an unacceptable impact on highway safety or have a severe cumulative impact on the road</p>

	<p>network, and complies with policy SCLP7.1 of the SCLP and paragraphs 110 and 111 of the NPPF.</p> <p>The proposal complies with the locational site allocation policy SCLP12.51 and with other relevant policies including affordable housing policy SCLP5.10, sustainable transport policy SCLP7.1, biodiversity policy SCLP10.1, and design quality policy SCLP11.1. Whilst there was considered to be a limited conflict with NDHA policy SCLP11.6, the Inspector concluded that the proposal accords with the development plan when taken as a whole.</p>
Learning point / actions	Significant weight should be given to Local Plan in decision taking.

Application number	DC/21/3697/FUL
Appeal number	APP/X3540/D/21/3285944
Site	9 Gunton Church Lane, Lowestoft NR32 4LE
Description of development	Front garage extension
Committee / delegated	Delegated
Appeal decision date	04 January 2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposed garage extension on the character and appearance of the locality.
Summary of decision	<p>The overall scale and massing of the extension would result in a bulky and conspicuous projection forward of the relatively uniform building line.</p> <p>This would result in a jarringly awkward visual effect, harmfully interrupting and eroding the otherwise open character at the front of dwellings in this part of Gunton Church Lane. Given the position of the appeal site close to the principal junction with Yarmouth Road, the harmful impact of the garage in the street scene would be highly conspicuous.</p>
Learning point / actions	Using Policy WLP8.29 and valuing the importance of responding to the local context and the form of surrounding buildings in terms of layout and the relationship between buildings and spaces and the wider street scene. In addition, conflict with the fundamental objectives of the planning and development process to create high quality places and secure developments that add to the overall quality of an area, as set out at paragraphs 126 and 130 of the National Planning Policy Framework.

Application number	DC/20/1666/FUL
Appeal number	APP/X3540/W/21/3273329
Site	Former Itron Factory, Carr Road, Felixstowe IP11 2ER
Description of development	The development proposed is demolition of ancillary buildings and plant and the change of use and subdivision of main building from B1I business use to mixed business uses, including B1(a) office, B1(c) light industrial, B8 storage and ancillary A3 café. Creation of new vehicular access onto Carr Road, new car parking and alterations to elevations to existing building to create new openings.
Committee / delegated	Committee
Appeal decision date	6 January 2022
Appeal decision	Allowed
Main issues	The main issue is the suitability of the location for the proposed B8 storage use, with particular regard to development plan policies concerning such uses; and, related to this, the effect on the living conditions of nearby residents related to heavy goods vehicle (HGV) movements to and from the appeal site.
Summary of decision	<p>The B8 element accounts for 28% of the total floorspace and the units would be used as trade counters, where the primary use is storage with an ancillary trade counter element. Trade counter warehouses are generally stocked with materials, tools or similar supplies and service local trades which typically have accounts and order online and collect. Stock is replenished mostly in vans and occasionally by lorry. Based on the amount of floorspace and by comparison with similar operations elsewhere, it is estimated that typically one to three HGV movements each week might be expected.</p> <p>The Inspector gave weight to the history of HGV movements to and from the site during its previous use; it was noted that the Highway Authority did not object and the Inspector considered that the limited number of HGV movements would not be of sufficient frequency to result in material harm through noise, disturbance or other inconvenience to local residents or other road users, including those related to nearby tourist locations.</p>
Learning point / actions	Policy background for SCLP12.9 is unclear where it directs B8 use to land allocated under Policy SCLP12.4 which discusses residential development.

Application number	DC/21/1902/OUT
Appeal number	APP/X3540/W/21/3277757
Site	Land adjacent to 295 High Road, Trimley St Martin IP11 0RJ
Description of development	The development proposed is residential development with associated works.

Committee / delegated	Delegated
Appeal decision date	6 January 2022
Appeal decision	Dismissed
Main issues	The main issues are the effect of the proposal on the character and appearance of the surrounding area; and the effect on the living conditions of future occupiers of the proposed dwelling on Plot 1, with regard to privacy.
Summary of decision	<p>The Inspector discusses the general character and appearance of the surrounding area and found that the proposal was in contrast to that noting that the two proposed dwellings would be sited on much smaller plots with little set-back from the plot frontages. Both dwellings would also be sited close to the side boundaries, resulting in a cramped and overdeveloped appearance, both in their own right and particularly by comparison to the layout of properties in the surrounding area. Moreover, both dwellings would be positioned considerably further forward than the neighbouring dwellings with frontages on High Road and the access road behind the appeal site. The Inspector confirmed that the any landscaping would not sufficiently screen the site to mitigate against its impact.</p> <p>The Inspector agreed that the living conditions of the proposed plots would be impacted by the relationship with No.295 whose first-floor bedroom windows face into the site at close proximity. It was concluded that the proposal is contrary to Policy SCLP11.2 where it would harmfully compromise the reasonable use and enjoyment of the proposed dwelling's garden through the loss of privacy.</p>
Learning point / actions	None

Application number	DC/20/4555/FUL
Appeal number	APP/X3540/W/21/3276252
Site	Land south of Low Road, Hasketon IP13 6JG
Description of development	Erection of 3no. new dwellings and associated shared vehicular access and driveway
Committee / delegated	Delegated
Appeal decision date	7 January 2022
Appeal decision	Dismissed
Main issues	The main issue is the suitability of the location for the proposed dwellings, with particular regard to the development plan's spatial strategy, access to local services and facilities, and the effect on the character and appearance of the appeal site and surrounding area.

Summary of decision	<p>The Inspector considered this application under policy SCLP5.4 in terms of clusters.</p> <p>As Hasketon is a designated small village, it follows that the existing dwellings within the settlement cannot be classified as part of a cluster. The only dwellings that could form part of a cluster as defined in Policy SCLP5.4 are the property immediately to the west, Lantern House, and those north of the appeal site. It is not clear that this small number of dwellings amount to 5 in total and would, therefore, numerically constitute a cluster. Furthermore, the extent of the substantive gap between these dwellings, particularly Lantern House and the next property to the north, Paddock View, means that they cannot reasonably be described as being located in a continuous line or close group. Rather, these dwellings represent a loose-knit and informal grouping of dwellings that has occurred over time outside the more tightly-defined built form of the settlement.</p> <p>The Inspector found above that the proposal constitutes development in the countryside and, as such, it would undermine the planned spatial strategy in the development plan.</p> <p>It was found that the appeal site in its undeveloped form made a positive contribution to the surrounding area by marking the distinct settlement edge and provided separation from the limited development outside the boundary. The proposal would continue the linear residential development along the south side of Low Road, harmfully extending the village's built form into the countryside.</p>
Learning point / actions	Interpretation of cluster policy SCLP5.4

Application number	DC/20/4000/OUT
Appeal number	APP/X3540/W/21/3270208
Site	Land adjacent Newstead, The Street, Pettistree IP13 0HP
Description of development	outline planning permission for 1no. dwelling and vehicular access
Committee / delegated	Delegated
Appeal decision date	10 January 2022
Appeal decision	Dismissed
Main issues	Whether the appeal site is an appropriate location for the development having regard to the development plan, and,

	The effect of the development on European designated sites.
Summary of decision	<p>The Inspector considered this application under policy SCLP5.4 in terms of clusters.</p> <p>The majority of properties that surround the appeal site are within the settlement boundary of Pettistree and thus, are not within the countryside as defined by Policy SCLP3.3. The properties to the east, whilst outside the settlement boundary are dispersed and separated by fields and open areas as such do not constitute a close group.</p> <p>Given the Inspector found the proposal contrary to SCLP5.4 a) it was not considered necessary to see if it complied with the remaining policy criterion.</p> <p>The Inspector drew on similarities of the Kelsale appeal where it was sited beyond its defined settlement boundary and relied upon dwellings within the settlement boundary to form a cluster.</p>
Learning point / actions	<p>Interpretation of cluster policy SCLP5.4</p> <p>Properties located within the settlement boundary cannot be counted as part of the cluster. All five properties must be located outside the settlement boundary.</p>

Application number	DC/20/2953/FUL
Appeal number	APP/X3540/W/21/3272411
Site	Land Adjacent Dormy House, Peace Place, Thorpeness, IP16 4NA
Description of development	Erection of single storey dwelling with associated landscaping
Committee / delegated	Delegated
Appeal decision date	10 January 2022
Appeal decision	Dismissed
Main issues	<p>Whether the development would preserve or enhance the character or appearance of the Thorpeness Conservation Area and the setting of surrounding listed buildings, and</p> <p>The effect of the development on Protected European Sites.</p>
Summary of decision	The development would fail to preserve or enhance the character and appearance of the Thorpeness Conservation Area. It would be in conflict with Policy SCLP11.5 and paragraphs 199 and 202 of the NPPF which seek, amongst other things, to

	<p>ensure that developments preserve or enhance the character and appearance of a conservation area.</p> <p>As Appeal was dismissed the Inspector did not consider whether RAMS payments could be subject of a negatively worded condition.</p>
Learning point / actions	Protection of character and appearance must be given utmost significance in Conservation Area.

Application number	DC/21/2191/FUL
Appeal number	APP/X3540/D/21/3280180
Site	329 London Road South, Lowestoft, NR33 0DY
Description of development	Change front windows
Committee / delegated	Delegated
Appeal decision date	18 January 2022
Appeal decision	Dismissed
Main issues	Whether the development would preserve or enhance the character or appearance of the Lowestoft Conservation Area and the setting of surrounding character area and any listed buildings
Summary of decision	<p>The inspector assessed the application against Policy WLP8.39, section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF. The Conservation Area in this location is characterised by residential properties, whilst some timber sash windows have been replaced with non-timber products for instance aluminium and UPVC, timber windows of a sliding sash design are a predominant feature in the area. Timber sash windows play a role in defining the historic character of the area which is part of the Conservation Area's significance as a heritage asset.</p> <p>The appellant indicated that replacement and maintenance costs associated with timber windows are prohibitive, however this was not presented with demonstrable evidence to support this. The appellant considers that the replacement of windows with UPVC will have carbon reduction benefits, whilst this maybe the case they were not provided with demonstrable evidence which would persuade the inspector that the replacement with UPVC is the only solution for improvements to thermal performance. There are no public benefits which would outweigh the harm caused by the proposed development.</p>

Learning point / actions	Protection of character and appearance must be given utmost significance in Conservation Area.
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Application number	DC/21/1817/FUL
Appeal number	APP/X3540/D/21/3280092
Site	7 Anchor Way, Carlton Colville, Lowestoft, Suffolk NR33 8GR
Description of development	Two storey front extension plus single storey front extension to garage
Committee / delegated	Delegated
Appeal decision date	19 January 2022
Appeal decision	Dismissed
Main issues	The main issues in this appeal are the effect of the proposed development on (i) the character and appearance; and (ii) highway safety.
Summary of decision	<p>The existing property is set forward from the adjacent property, No. 5 Anchor Way). Due to this relationship, along with the road layout and building orientation the existing property is prominent within the streetscene. The proposed two storey extension would add further mass to this prominent elevation.</p> <p>The proposed single storey extension to the garage is inconspicuous and would not be a dominant addition to the property. Notwithstanding this I find that the proposed development would be incongruous to the streetscene and would harm the character and appearance of the area.</p> <p>No demonstrable evidence confirming the exact extent of the proposed driveway and therefore not confident that adequate parking could be achieved. The proposed development would lead to vehicles overhanging the shared access drive which would be detrimental to the safety of other highway users which conflicts with the Technical Guidance.</p>
Learning point / actions	The remaining driveway would be less than the 6m required by the Suffolk Guidance for Parking, Technical Guidance (May 2019) relating to the development of garages with parking spaces in front. The appellant contends that this does not account for roller shutter doors and that the driveway could be reduced in this situation. Noted that the Technical Guidance at section 4.1.2 (1) does reference a reduction of 0.5m when a roller shutter door is installed on a garage. Whilst this relates to deterring inappropriate parking the Inspector saw no reason why this reduction could not apply to the appeal site, yet still

	concluded the development would be harmful to highway safety.
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Application number	DC/21/1523/FUL
Appeal number	APP/X3540/D/21/3276346
Site	14 Borrow Lane, Lowestoft, NR32 3PN
Description of development	Rear extension and replacement attached garage
Committee / delegated	Delegated
Appeal decision date	19 January 2022
Appeal decision	Dismissed
Main issues	The overdevelopment of the residential site and its impact on visual appearance and residential amenity
Summary of decision	The inspector concluded that the proposed development would harm the living conditions of the occupants of No. 12 Borrow Road. There is conflict with Policy WLP8.29 of the Local Plan which seeks amongst other things to protect the living conditions of the occupants of neighbouring properties. There is also conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.
Learning point / actions	Significant weight should be given to Local Plan in decision making, especially in relation to residential amenity.

Application number	DC/21/2652/FUL
Appeal number	APP/X3540/D/21/3285169
Site	Heath Farm Barn, London Road, Kessingland, NR33 7PQ
Description of development	Proposed single, two storey and first floor extensions.
Committee / delegated	Delegated
Appeal decision date	26 January 2022
Appeal decision	Allowed
Main issues	The main issue is the effect of the proposed extensions on the character and appearance of the host dwelling and surrounding area, as well as overdevelopment and overlooking.
Summary of decision	<p>The existing dwelling has a relatively large footprint but is of modest height. The proposed extensions would add to the footprint to a limited extent, while the principal change would be to the height of the building.</p> <p>The two storey elements would materially change the dwelling's character and appearance by creating a substantially larger building of greater bulk and mass.</p>

	<p>However, while not unattractive, the existing building has little architectural merit in its own right and the drawings show that the proposed extensions would result in a proportionate and well-designed dwelling using materials matching the original.</p> <p>In these circumstances, despite the change in height, there would be no conflict with one of the principal purposes of Policy WLP8.9, which is to ensure that there is no adverse effect on the character and appearance of the building.</p> <p>Heath Farm Barn is set well back from the road frontage behind the dwellings with which it forms a group. Views of it from the public realm are only available between the large, detached dwelling, Poppy Dale Farm, and the four dwellings that comprise Heath Terrace. Both buildings are two storey and of substantial size. As such, the extended dwelling would be seen as characteristic of the predominant built form in the small group. Moreover, its overall size seen in passing views from the road frontage would be diminished by its distance behind the buildings framing it to either side.</p> <p>The appeal property is set within a large residential curtilage with an extensive garden to the rear. Consequently, the extended building would not be readily visible from open land beyond this.</p>
Learning point / actions	Weigh up the harm of massing against separation distances of buildings and location in relation to being obscured from the public realm

Application number	DC/21/0749/VOC
Appeal number	APP/X3540/D/21/3275974
Site	Pakefield Caravan Park, Arbor Lane, Lowestoft, NR33 7BE
Description of development	Variation of Condition No 2 of W8089/7 - Use of approx 7.1 acres as static holiday caravan site and the construction of roads, drains and hardstandings for reorganised layout ("The Bushes Site") - Allow 12 month, all year round holiday occupation
Committee / delegated /	Delegated
Appeal decision date	3 February 2022
Appeal decision	Allowed
Main issues	That the removal of a closed period would be contrary to policy WLP8.15, and reduce the effectiveness of officers to monitor for year round occupation.

Summary of decision	The inspector concluded that given the context with part of the site already having year occupation, the part of the site subject to this permission have a closed period policy lower than policy dictating, and that policy WLP8.15 did not expressly seek to retain a closed period, that the allowance of year round occupation would not be harmful. They were also not satisfied that substantive evidence to persuade them otherwise that a closed period offers the only or most efficient and effective way to control non-residential use of the site.
Learning point / actions	That variation of condition of a closed period would not directly conflict with the requirement of policy WLP8.15, which seeks to apply a closed period to only new tourist accommodation.

Application number	DC/20/1036/FUL
Appeal number	APP/X3540/W/21/3279958
Site	Land East & West of the Square, Eagle Way, Martlesham Heath, Suffolk, IP5 3SL
Description of development	Construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development.
Committee / delegated	Committee
Appeal decision date	3 February 2022
Appeal decision	Withdrawn
Main issues	n/a
Summary of decision	n/a
Learning point / actions	n/a

Application number	DC/21/1716/FUL
Appeal number	APP/X3540/D/21/3281691
Site	Wilmar, Market Lane, Blundeston, NR32 5AW
Description of development	Proposed external stair and creation of first floor balcony, along with associated balustrade and privacy screening
Committee / delegated	Delegated
Appeal decision date	4 February 2022
Appeal decision	Dismissed
Main issues	The main issue in this appeal is the effect of the proposed staircase on the living conditions of the occupants of the neighbouring property, Philcot
Summary of decision	The Inspector concluded that the proposed development would harm the living conditions of the occupants of the neighbouring property, Philcot.

	<p>There is conflict with Policy WLP8.29 of the Local Plan which seeks amongst other things to protect the living conditions of the occupants of neighbouring properties.</p> <p>There is also conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.</p>
Learning point / actions	Liaison with Building Control was a relevant factor in this particular case and can have a bearing on the planning decision.

Application number	DC/21/0352/FUL
Appeal number	APP/X3540/W/21/3282800
Site	Orwell Park Gardens, Church Road, Nacton, Ipswich, IP10 0EP
Description of development	Erection of a new 3-bed detached bungalow with detached double garage.
Committee / delegated	Delegated
Appeal decision date	7 February 2022
Appeal decision	Dismissed
Main issues	Principle of development in the countryside. Possible cluster
Summary of decision	<p>Appeal dismissed as site was not considered to be within a cluster as there were only two other dwellings close by (not five as required by the policy). The school buildings opposite were not considered to form part of the group as they are not dwellings.</p> <p>The site is walkable to Nacton village however in the absence of pavements and streetlights would not provide a safe route. The limited range of services and facilities would mean suture occupiers would likely be reliant on the private car to access many day to day needs.</p> <p>The modest economic and social benefit of one additional dwelling is not considered sufficient to permit the proposal contrary to the Local Plan.</p>
Learning point / actions	<p>Non-residential buildings do not 'count' as being within a cluster.</p> <p>The Local Plan takes into consideration limited public transport provision in more rural areas and the overall strategy addresses this, in line with the NPPF.</p>

Application number	DC/21/1781/FUL
Appeal number	APP/X3540/D/21/3284073
Site	16 Lakeside Avenue, Thorpeness, Aldringham Cum Thorpe, IP16 4NJ
Description of development	Proposed alterations and extensions
Committee / delegated	Delegated
Appeal decision date	7 February 2022
Appeal decision	Allowed with conditions
Main issues	The effect of the proposal on the living conditions of its occupants and adjacent occupants; and its design.
Summary of decision	<p>The Inspector concludes that because the dwelling is about 1.5m lower than the nearest part of the adjacent garden and that the height of the extension would be limited to 1.5 storeys and that it would be 5m from the boundary, it would not be dominant or overbearing in relation to the neighbouring dwelling or its garden (Mill House).</p> <p>The Inspector concluded that the relationship between the development and that dwelling would avoid unacceptable overlooking of it, due to the separation distance (27m) and offset positioning.</p> <p>The Inspector acknowledged that the rear facing window would overlook the neighbours garden, stating that it is usual that overlooking of gardens in residential areas cannot be avoided altogether, and given the size of the rear garden of Mill House, the proposed first floor windows would not represent an unacceptable level of overlooking.</p> <p>The Inspector also considered that the relationship between the proposed window facing 18 Lakeside Avenue was acceptable due to the separation distance.</p> <p>The Inspector also concluded that due to the raised bank within the area of the garden proposed to accommodate the additions, the scheme would not unacceptably reduce the amount of useable private garden area at the appeal property.</p> <p>In terms of the design, the Inspector considered that the proposal central extension and gabled elements would be in keeping with the existing building and the Arts and Crafts style of the locality. The flat roofed element would be on the rear and not on a prominent elevation, so the Inspector concluded the projection above the eaves level would not be unacceptably</p>

	disruptive to the original design; or the character of the Conservation Area; or nearby Listed Buildings; or the AONB.
Learning point / actions	This appeal was determined on matters of judgement relating to residential amenity and visual amenity. Each proposal and each site is different and therefore it is difficult to draw conclusions that can be directly applied elsewhere, other than to say that careful consideration should be given to overlooking whilst accepting that some overlooking is accepted in residential areas, and therefore it is not always appropriate to refuse a scheme where there is a significant back to back separation distance between the proposal and neighbouring dwelling.

Application number	DC/20/5052/OUT
Appeal number	APP/X3540/W/21/3280779
Site	Land north of Snipe Farm Road, Clopton, IP13 6SQ
Description of development	The development proposed is for the erection of 2no. dwellings with cart lodges.
Committee / delegated	Delegated
Appeal decision date	8 February 2022
Appeal decision	Dismissed
Main issues	The main issues in this case are whether the site is suitable for new housing and the effect of the development on biodiversity.
Summary of decision	<p>The development is proposed under Local Plan Policies SCLP5.3 (b)and SCLP5.4 for new residential development in clusters in the countryside. The Inspector also notes that whilst not directly mentioning it, the appellant's case also suggests that it would meet exception (g) of LP Policy SCLP5.3 which allows residential development consistent with the National Planning Policy Framework in regard to housing in the countryside.</p> <p>There are a number of buildings nearby to the appeal site, including some residential dwellings. However, these are predominantly separated from each other, and from the appeal site, by fields or otherwise open land. In particular, the appeal site is separated by what appears to be an equestrian paddock from the closest dwelling on Snipe Farm Road. There are two dwellings on the opposite side of Manor Road which are close to the appeal site, and the Inspector considered their proximity close enough to contribute towards a cluster. However, as they comprise only two dwellings, they cannot be considered a cluster for the purposes of Policy SCLP5.4 of the LP. As such, the appeal site is not within a cluster of dwellings and does not meet exception (b) of Policy SCLP5.3. Therefore, even if the proposal were to meet the requirements set out in points (b) to</p>

	<p>(d) of Policy SCLP5.4 it would still not be an exception as Policy SCLP5.4 requires that all points are met. The Inspector did not review the proposal against the other criteria of SCLP5.4 due to non-compliance in principle.</p> <p>The Inspector also concluded that due to the limited services and facilities in Clopton, future residents would likely be heavily reliant on the use of private motor vehicles to satisfy their daily needs. For this reason, the site would not meet any exception within the development plan, it is not within a suitable location for a new dwelling and future occupants would not support the local community. The proposal is contrary to the locational strategy set out in policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4 of the LP. It would also be in conflict with the housing strategy set out under Section 5, including Paragraph 79, of the Framework.</p> <p>The appellant's Preliminary Ecological Assessment (PEA) identifies a number of species, including bats, nesting birds, reptiles and great crested newts, which could make use of the site to varying degrees. The PEA therefore requested that additional surveys were undertaken in order to determine the presence of protected species, which were not undertaken as part of the application. Officers did not request additional information/surveys at the applicant's expense given the 'in-principle' conflict with the Local Plan Policies for housing. The Inspector noted the applicants willingness to provide the additional information by condition should the appeal be allowed, however this would result in permission being granted before it is established that either significant harm to wildlife and biodiversity would not occur or an appropriate level of mitigation would be possible. The proposal would therefore conflict with LP Policy SCLP10.1 which requires that development maintains, restores or enhances existing green infrastructure or, where harm is found, the benefits outweigh the biodiversity loss. The proposal would also conflict with Section 15, including Paragraph 174, of the Framework which, amongst other matters, seeks to protect and enhance the natural environment.</p>
Learning point / actions	<p>Each 'cluster' site must be considered on its own merits and setting rather than on previous decisions, as different circumstances are relevant to each site.</p> <p>Additional ecological surveys should always be submitted upfront to ensure that there is no harm to protected species or habitats through the creation of new development.</p>

Application number	DC/21/2171/FUL
Appeal number	APP/X3540/W/21/32881862
Site	Archway Piggeries, Butts Road, Playford, IP6 9DP
Description of development	Erection of a detached dwelling
Committee / delegated	Delegated
Appeal decision date	9 February 2022
Appeal decision	Dismissed
Main issues	Whether the fallback position of a Class Q permitted conversion, followed by approval for full planning permission for the conversion and extension of the building with all conditions discharged was sufficient to justify a 'replacement dwelling' located elsewhere on the site.
Summary of decision	<p>Although the existing approval had discharged all relevant conditions such that the development could commence (the applicant stated that it had commenced although this point was not discussed), the building was clearly not a dwelling such that the 'replacement dwellings' reference in SCLP5.3 applied.</p> <p>The proposed curtilage, design and siting of the new dwelling would result in the dwelling more prominent from the public footpath and would result in landscape harm contrary to SCLP10.4.</p> <p>Although some benefits were referenced e.g. design of new dwelling, siting away from neighbouring boundaries and some public access, this wasn't considered to outweigh the conflict with the development plan as a whole.</p>
Learning point / actions	An existing permission cannot be considered to be a dwelling/fallback position for consideration as a replacement dwelling if the dwelling does not yet exist.

Application number	DC/21/2292/ROC
Appeal number	APP/X3540/W/21/3281828
Site	Meadow View, Wash Lane, Beccles, NR32 8TP
Description of development	Removal of Condition Nos 1, 2 and 3 of W14887/1 - Construct new farmhouse Valley Farm Wash Lane London Road Beccles.
Committee / delegated	Delegated
Appeal decision date	11 February 2022
Appeal decision	Dismissed
Main issues	The main issue in the appeal is whether or not condition 2 (conditions 1 and 3 were not relevant to the consideration of the removal of the agricultural workers restriction) meets the

	tests set out in the National Planning Policy Framework (the Framework) with particular reference to the test of necessity.
Summary of decision	<p>Outline permission was granted in 1990 for a farmhouse, which was subsequently built. Condition 2 of that permission restricts its occupation to a person employed in the locality in agriculture or forestry, their dependants or a widow or widower of such a person. The house was occupied by a farmer until 2018; it has since been occupied by his widow who now requires alternative accommodation due to health problems. Most of the farm holding was sold in 2006. The property has been with an estate agent since 2017.</p> <p>Policy WLP1.2 of the LP restricts residential development in the countryside but Policy WLP8.8 allows for rural workers dwellings. That policy requires that occupancy is restricted by condition, but it also sets out requirements in respect of applications to remove occupancy conditions. Although the property has been with an estate agent since 2017, no details have been provided in respect of any marketing that has been undertaken. The agent has stated that only one person, who had no agricultural connection has expressed an interest. However, no information has been provided regarding any period(s) of active marketing, of the methods used, sales particulars, asking price or any discount applied to reflect the occupancy restriction. Neither is there any submitted evidence that the dwelling has been made available to Registered Providers in accordance with the policy.</p> <p>For these reasons the requirements of Policy WLP8.8 have not been met and it has not been adequately demonstrated that there is no longer a need for the dwelling to house a rural worker. The fact that the dwelling is no longer on a farm holding does not alter this planning policy requirement.</p>
Learning point / actions	Whilst the Inspector gave consideration to the current occupants needs, it was considered that these do not outweigh the need for affordable rural workers housing. The removal of condition 2 would be in direct conflict with WLP8.8 and guidance in appendix 4 of the Local Plan.

Costs Decisions

Application number	DC/20/4555/FUL
Appeal number	Costs application in relation to APP/X3540/W/21/3276252
Site	Land South of Low Road, Hasketon, IP13 6JG
Description of development	Erection of 3no. new dwellings and associated shared vehicular access and driveway.

Committee / delegated	Delegated
Appeal decision date	7 December 2021
Appeal decision	Allowed
Main issues	Ascertain whether the council has behaved unreasonably, and such behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
Summary of decision	<p>The Council's alleged unreasonable behaviour with regard to its refusal of planning permission following advice to the applicant that created a reasonable expectation that permission would be granted.</p> <p>The council noted within its delegated report on one of the previously refused application that a reduction in number of dwellings on the site would be acceptable. It also noted that the site was considered to be a cluster as identified within policy SCLP5.4. This was confirmed in further pre-app advice.</p> <p>The Inspector found the advice given on a number of separate occasions was consistent, clear and unequivocal in that an application as submitted would be supported, this application was then subsequently refused, due to a change in the approach to the interpretation of SCLP5.4 in view of appeal decisions on other sites within the district.</p> <p>The Inspector accepted the applicant's contention that the application was submitted in good faith and with a reasonable expectation that permission would be granted based on advice given by the Council in its delegated report and subsequent emails. Had that advice not been given, the applicant may well have not submitted the application and avoided any expenses by testing the Council's position through an appeal.</p> <p>The Inspector granted the full costs of the appeal proceedings, but also dismissed the associated appeal.</p>
Learning point / actions	<p>Whilst the approach taken by the LPA in their final decision was accepted by the Inspector as they dismissed the appeal on the basis that the site did not form part of a cluster, this change in approach to the interpretation of SCLP5.4 left the Local Planning Authority open to costs.</p> <p>Therefore, the key learning point is to ensure consistency in approach to the application of planning policy. However, it must also be recognised that the interpretation of planning policy should be informed by relevant appeal decisions. The LPA must adapt and thus not seek to pursue a particular interpretation of</p>

	a policy if it has been found to be inappropriate during relevant appeal decisions elsewhere in the district.
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Application number	DC/21/1523/FUL
Appeal number	Costs application in relation to APP/X3540/D/21/3276346
Site	14 Borrow Lane, Lowestoft, NR32 3PN
Description of development	Rear extension and replacement attached garage
Committee / delegated	Delegated
Appeal decision date	19 January 2022
Appeal decision	Dismissed
Main issues	Ascertain whether the council has behaved unreasonably by not applying provided shadow diagrams, and such behaviour has directly caused another party to incur unnecessary or wasted expense.
Summary of decision	<p>The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.</p> <p>The applicant believed that the Council failed to apply its own guidance documents to the application and therefore acted unreasonably and that this behaviour has caused them unnecessary expense.</p> <p>In the associate appeal decision the Inspector agrees with the Council and that there were sufficient grounds for refusing planning permission on grounds relating to the effect of the proposal on the living conditions of the occupants of a neighbouring property.</p> <p>The Inspector found that the Council had reasonable concerns about the effect of the proposed development which justified its decision. As a result, it was found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.</p>
Learning point / actions	This decision confirms that if the LPA has reasonable and justifiable reasons for refusing consent, on the basis of an assessment of the proposals, and it has not acted unreasonably in any other respect, an award of costs to the appellant would be unreasonable.



Agenda Item 10

ES/1064

STRATEGIC PLANNING COMMITTEE

Monday, 07 March 2022

Subject	Planning Policy and Delivery Update
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Desi Reed Planning Manager (Policy, Delivery & Specialist Services) Desi.Reed@eastsuffolk.gov.uk 01502 523055

Is the report Open or Exempt? **OPEN**

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides an update on key elements of the current work programme, including preparing Supplementary Planning Documents (SPDs), strategies on specific topics such as cycling and walking, the delivery of infrastructure to support growth through the Community Infrastructure Levy (CIL), Neighbourhood Plans and housing delivery.

Since the last report in December, the planning specialist services of Design and Conservation, Landscape and Arboriculture (including Rights of Way) and Ecology have moved from being managed as part of the Development Management structure to become part of the Planning Policy and Delivery Team. Therefore, this report also provides updates on key aspects of the work of the specialist services. Major Sites and Infrastructure are now part of Development Management but it is anticipated that this report will continue to highlight progress on CIL spend and the Exacom data transparency project which includes improved customer access to CIL and Section 106 information.

Options:

This report is for information only.

Recommendation/s:

That the content of the report be noted.

Corporate Impact Assessment

Governance:

The Local Plan Working Group oversee the preparation of many of the documents referred to in this report.

ESC policies and strategies that directly apply to the proposal:

A range of Local Plan policies for East Suffolk.

Environmental:

No impact.

Equalities and Diversity:

This report is for information only, so no equality impact assessment is required. However, undertaking an assessment is an integral element for most of the projects in the work programme.

Financial:

The work of the Team is undertaken within existing budgets, with grant income generated through support provided on Neighbourhood Planning.

Human Resources:

No impact.

ICT:

No impact.

Legal:			
No impact.			
Risk:			
The work programme of the team is significant and crucial to the delivery of many aspects of the Strategic Plan. There is an acknowledgment that staff capacity, particularly in the specialist planning services has been stretched and with the growing work programme to address the changing national planning agenda recruitment is currently taking place to ensure we have a resilient and quality team to deliver on our objectives.			

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

The Planning Policy and Delivery work programme makes a significant contribution to the delivery of the Strategic Plan, cutting across all 5 themes. The primary priority and 11 secondary priorities identified reflect the wide range of projects in the work programme.

The primary priority of building the right environment for East Suffolk (P01) is underpinned by having up to date Local Plan coverage for the whole District, with the secondary priorities reflecting the delivery of the Local Plans through the current work programme.

The preparation of the Affordable Housing Supplementary Planning Document (SPD) and development briefs support the Economy theme, including the delivery of the right supply of housing (P01), and along with the review of Conservation Area Appraisals and Management they also seek to maximise the unique selling points of the district (P03). The preparation of the Community Infrastructure Levy (CIL) Charging Schedule, collection and spend of CIL also support the Economy theme, through investment in the district for healthy and sustainable economic growth (P01 and P05).

The support for Neighbourhood Planning, the Affordable Housing SPD and the Cycling and Walking Strategy all support the Enabling Communities theme, including taking positive action on what matters most (P07), community pride through a shared sense of purpose (P09) and maximising health and well-being (P08). The Healthy Environment SPD will also support the latter priority (P08).

The Sustainable Construction SPD will support the Caring for our Environment theme. It supports all 4 priorities of leading by example (P20), encouraging the reuse of materials (P21), supporting the growth of renewable energy (P22) and protecting, educating and influencing care for our environment (P23). The Cycling and Walking Strategy also has a key role to play in protecting our natural environment (P23).

Background and Justification for Recommendation

1 Background facts

1.1	This report provides an update on the current work programme including progress being made on the preparation of Neighbourhood Plans and housing delivery. With full and up to date Local Plan coverage for the whole District, the work of the Planning Policy and Delivery Team continues to focus on the delivery of these plans.
1.2	There are a number of key projects in the current work programme (next 12 months) that support the delivery of the Local Plans and the East Suffolk Strategic Plan. These focus on providing guidance to support the implementation of planning policies through Supplementary Planning Documents (SPDs) including development briefs, strategies on specific topics such as cycling and walking, and projects that support the delivery of infrastructure to support growth through CIL collection and spend. In addition, the Design and Conservation service has a programme of projects including Conservation Area Appraisal and Management Plan reviews. The team also support a wide range of external projects plus corporate and regeneration projects across the District that are not reported to this committee.

2 Current position

2.1	Since the last report to the Strategic Planning Committee 13th December 2021 the following key milestones have been met:
2.2	<p>With respect to Neighbourhood Plans:</p> <ul style="list-style-type: none"> • Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan – The Independent Examiner issued his report on the 1st February. • Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan – Regulation 14 pre-submission consultation will conclude on 11th March 2022. • Saxmundham Neighbourhood Plan – Regulation 14 pre-submission consultation began on 1st November and concluded on 22nd December. • Southwold NP – The plan successfully passed the referendum on 3rd February and was formally made by East Suffolk Council on 23rd February 2022. • Worlingham Neighbourhood Plan – Regulation 16 publication of the final draft of the plan concluded on 21st February 2022. • Guidance on reviewing ‘made’ neighbourhood plans has been published on the Council’s website.
2.3	Consultation on the draft Sustainable Construction Supplementary Planning Document closed on 13 December 2021. All responses to the consultation are being considered and a final version is being prepared, prior to being presented to Cabinet for adoption in April 2022.
2.4	Consultation on the draft Affordable Housing Supplementary Planning Document closed 13 December 2021. All responses to the consultation are being considered and a final version is being prepared, prior to being presented to Cabinet for adoption in May 2022.
2.5	Consultation on the draft Cycling and Walking Strategy closed on 10 January 2022. There were over 1200 responses, with the majority being made using the interactive map. These are now being considered and a final version of the Strategy is being prepared, for adoption in early summer.
2.6	Consultation on the draft Community Infrastructure Levy Charging Schedule for East Suffolk closed on 23 December 2021. Comments received are being considered prior to submission of the Charging Schedule for independent Examination.
2.7	Work has commenced on preparing a Supplementary Planning Document to provide additional guidance on the implementation of the Housing in Clusters in the Countryside (SCLP5.4) and Small-Scale Residential Development in the Countryside (WLP8.7) polices of the Suffolk Coastal and Waveney Local Plans, respectively.
2.8	Following consideration of the annual Authority Monitoring Report 2020/21 , by this committee in December, the AMR was published on the Council website, including an interactive summary in January 2022. Information was also published on the Open Data Portal .
2.9	<p>Design and Conservation:</p> <p>It is important in relation to the protection and enhancement of the historic environment that Conservation Areas and their Appraisals and Management Plans are kept under review.</p> <ul style="list-style-type: none"> • A new Bungay Conservation Area Appraisal and Management Plan was adopted by Cabinet on 4th January 2022. • A new South Lowestoft / Kirkley Conservation Area Appraisal and Management Plan was also adopted by Cabinet on 4th January 2022. This work was initiated through the Heritage Action Zone work and taken forward in collaboration with the Design and Conservation Officers.

	<ul style="list-style-type: none"> Consultation on a draft Local List of Historic Parks and Gardens covering 5 proposed sites in the north of East Suffolk, to add to the current Local List for the district, thereby giving them greater protection in the planning system, as non-designated heritage assets, closed on 17 December 2021. The 5 sites are Benacre Park, North Cove Hall, Redisham Hall, Sotterley Park and Worlingham Hall. Consultation on a review of the Thorpeness Conservation Area Appraisal and Management Plan commenced on 31st January and will close on 11th March 2022. Reviews of the Southwold and Southwold Harbour and Walberswick Quay, and the Halesworth Conservation Area Appraisal and Management Plans are also underway.
2.10	<p>CIL Collection and Spend:</p> <ul style="list-style-type: none"> For the financial year 2021-22 to date we have received just over £5.25m in total CIL. The volume of CIL chargeable development has continued to increase over the last 12 months. The Latest Infrastructure Funding Statement (2020-21), showing Developer Contribution Reports and the latest Infrastructure List was published before 31 December 2021. Infrastructure Funding Statement (IFS) » East Suffolk Council
2.11	<p>Housing Delivery - The annual anticipated housing delivery figure for East Suffolk is 916 dwellings. For the first 9 months of this financial year (April to Dec) 493 dwellings were delivered (c40 dwellings up on the figures for this time last year), of which 150 were affordable (already exceeding the total for the whole of 2020/21). At the end of December there were 977 dwellings under-construction so delivery is anticipated to pick up before the end of March this year. Although intelligence indicates that there are still some material supply and cost issues for developers to contend with.</p>

3 How to address current situation

3.1	During the next 3/4 months, some of the key project milestones will include:
3.2	<p>With respect to Neighbourhood Plans:</p> <ul style="list-style-type: none"> Bungay neighbourhood plan – Regulation 16 publication of the final draft of the plan will take place in spring 2022. Carlton Colville Neighbourhood Plan – Regulation 14 pre-submission consultation is expected to take place in the spring. Great Bealings are commencing a review of their 'made' neighbourhood plan. Halesworth neighbourhood plan - submission to the Council and Regulation 16 publication on the final draft of the plan will take place in spring 2022. Lound with Ashby, Herringfleet and Somerleyton NP – The Decision Statement will be issued in spring and a referendum is expected in early summer of 2022. Rushmere St Andrew Neighbourhood Plan – Regulation 16 publication of the final draft of the plan is expected to take place in spring 2022. Wickham Market - Regulation 14 consultation carried out in Spring 2019, and now working towards Submission of the Final Draft to the Council. Worlingham Neighbourhood Plan – Examination will take place in spring 2022, with a referendum later in the year. Guidance for neighbourhood plan groups on delivering new housing through their plans will be published in 2022.

3.3	Adoption of the Sustainable Construction Supplementary Planning Document in April 2022.
3.4	Adoption of the Affordable Housing Supplementary Planning Document in May 2022.
3.5	There is still considerable work to do given the scale of the consultation response to the draft Strategy but it is anticipated that good progress will have been made on producing a final version of the Cycling and Walking Strategy , with a view to it being presented to Cabinet for adoption in early summer.
3.6	Following consideration of all the consultation responses to the draft Community Infrastructure Levy Charging Schedule the Charging Schedule will have been submitted to an Examiner for independent scrutiny, with a view to Full Council adopting a final version for implementation later in the year.
3.7	Work will have progressed on development briefs for sites allocated for housing in the Local Plans.
3.8	An initial consultation, focusing on the nature of the content for the Healthy Environment Supplementary Planning Document , will have been completed.
3.9	Early initial consultation/engagement will have been completed for the Housing in Clusters in the Countryside (SCLP5.4) and Small-Scale Residential Development in the Countryside (WLP8.7) policies Supplementary Planning Document which is being prepared to support the implementation of these policies and good progress will have been made on preparing the draft SPD.
3.10	Design and Conservation: The additions to the Local List of Historic Parks and Gardens will have been presented to Cabinet in May 2022 for adoption. In addition, work currently underway on the Thorpeness, Southwold/Southwold Harbour/Walberswick Quay, and Halesworth Conservation Areas Appraisals and Management Plan reviews will have made good progress.
3.11	Ecology: The Council's Senior Ecologist is co-ordinating a response from East Suffolk Council to the Government's (DEFRA) Biodiversity Net Gain consultation on how mandatory Biodiversity Net Gain (BNG) for new developments will be regulated and implemented. The consultation sets out the Government's proposals for this and asks questions about how biodiversity net gain will be applied to Town and Country Planning Act development, and, at a higher level, Nationally Significant Infrastructure Projects. Responses to the consultation will be used to help shape the developing legislation, processes and guidance. The consultation runs from 11th January to 5th April 2022 and it is anticipated that the mandatory biodiversity net gain will apply in England by amending the Town & Country Planning Act and is due to be implemented in 2023.
3.12	CIL Collection/Spend and Exacom: <ul style="list-style-type: none"> Neighbourhood CIL (NCIL) payments are due to be made to Parishes by 28 April 2021. These will be for the period 1 October 2021 to 31 March 2022. The Exacom data transparency project (relating to the management of CIL, Section 106 and RAMS payments) continues to make steady progress with 86% of s106 agreements loaded into the system. Once all s106 agreements have been loaded, all the financial data relating to any s106 contributions received, allocated or spent will be updated and the financial position reconciled to the Finance System. The Exacom system has recently undergone a major technical update for all areas which will also go towards improving the way the data will be presented in the future once the project is completed and able to switch to live mode via the Council's Developer Contributions webpages.

3.13	<p>Housing Delivery - The picture moving forward continues to remain optimistic, given that Local Plan site allocations, including many of the major sites, are either under discussion with Planning Officers, undergoing developer/landowner led community consultation, are current planning applications or have already been consented. As of 31 March 2021, the latest figures available, there were 7767 consented dwellings either under construction (979) or not started (6788). The Major Sites team continue to support and steer master-planning work on key sites across the District, including North of Lowestoft, Beccles/Worlingham, South Saxmundham and North Felixstowe; with master-planning being a key policy driver to provide certainty and a coordinated approach to delivery.</p>
3.14	<p>Planning White Paper update – Members will recall that the Planning White Paper, that posed some fundamental changes to the planning system, was published for consultation in August 2020. The analysis of the consultation response was expected last autumn, to be shortly followed by a new Planning Bill. This is still awaited. However, the latest (Feb 2022) Department for Levelling Up, Housing and Communities (DLUHC) ‘Planning Newsletter’ highlights the recent publication (2 Feb 2022) of the Levelling Up White Paper and the important role that planning has to play, with the key planning changes including:</p> <ul style="list-style-type: none"> • The simplification of local plans ensuring they are transparent and easier to engage with. • The consideration of new models for a new infrastructure levy. • A number of policies and powers to enable planning to better support town centre regeneration. • Improving democracy and engagement in planning decisions. • Supporting environmental protection through planning. <p>The Newsletter goes on to state that, ‘We will be providing a further update on our approach to changes in the planning system in the Spring. This will provide further detail on how we will take forward measures to create a modernised and effective planning system that empowers communities to support, and local authorities to deliver, the beautiful, environmentally-friendly development this country needs.’</p>

4 Reason/s for recommendation

4.1 This report is for information only.

Appendices

Appendices:

None

Background reference papers:

None