



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

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 Conference Room, Riverside, Lowestoft,
on **Monday, 6 June 2022 at 10.30am**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/wx0c5vRrSqE>

An Agenda is set out below.

Part One – Open to the Public

1	Election of a Chairman To elect a Chairman for the 2022/23 Municipal Year	
2	Election of a Vice-Chairman To elect a Vice-Chairman for the 2022/23 Municipal Year	
3	Apologies for Absence and Substitutions	
4	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.	
5	Minutes To confirm as a correct record the Minutes of the Meeting held on 7 March 2022	1 - 11
6	Energy Projects Update To receive a presentation on Energy Projects within East Suffolk from the Deputy Leader and Cabinet Member with responsibility for Economic Development	
7	Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022 ES/1171 Report of the Cabinet Member with responsibility for Planning and Coastal Management	12 - 76
8	Appeals Performance Report – 14 February to 19 May 2022 ES/1172 Report of the Cabinet Member with responsibility for Planning and Coastal Management	77 - 103
9	Enforcement Performance Report – January to March 2022 ES/1173 Report of the Cabinet Member with responsibility for Planning and Coastal Management	104 - 109
10	Planning Performance Report - April 2021 to March 2022 ES/1174 Report of the Cabinet Member with responsibility for Planning and Coastal Management	110 - 188
11	Planning Policy and Delivery Update ES/1175 Report of the Cabinet Member with responsibility for Planning and Coastal Management	189 - 197

12 Strategic Planning Committee's Forward Work Programme

To consider the Committee's Forward Work Programme

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, 7 March 2022 at 10.30am**

Members of the Committee present:

Councillor Paul Ashdown, Councillor David Beavan, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Tom Daly, Councillor Mike Deacon, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Malcolm Pitchers, Councillor David Ritchie, Councillor Craig Rivett, Councillor Kay Yule

Other Members present:

Councillor Peter Byatt, Councillor Rachel Smith-Lyte

Officers present:

Emily Bowman (Senior Building Control Surveyor), Cate Buck (Senior Enforcement Officer), Sarah Carter (Democratic Services Officer), Naomi Goold (Principal Energy Projects Officer), Mark Harvey (Building Control Partnership Manager), Matt Makin (Democratic Services Officer), Bethany Rance (Graduate Town Planner - Energy Projects Planning Officer), Desi Reed (Planning Manager (Policy, Delivery & Specialist Services)), Katherine Scott (Principal Planner), Ben Woolnough (Planning Manager (Development Management))

1 Apologies for Absence and Substitutions

Apologies were received from Councillors Norman Brooks and Jenny Ceresa.

2 Declarations of Interest

No declarations of interest were made.

3 Minutes

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

RESOLVED

That the minutes of the meeting held on 13 December 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.

Councillor Rivett outlined the status of the current Nationally Significant Infrastructure Projects (NSIPs) in East Suffolk, noting that the decision on the Development Consent Order (DCO) for Sizewell C had been delayed to 25 May 2022.

Councillor Rivett provided an update on a site visit that was undertaken to the Viking Link Interconnector (currently under construction) at Bicker Fen, Lincolnshire, on 9 February 2022 and an update on the Offshore Transmission Network Review including contact with the Minister for Business, Energy, and Industrial Strategy.

There being no questions to Councillor Rivett, the Chairman thanked him for his presentation.

5 Member Training on Planning

The Committee received report **ES/1059** of Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on training provided to Members on Planning matters.

Councillor Ritchie introduced the report and considered that it had provided an opportunity to review the Planning training received by Elected Members and identify any further training that was required.

Councillor Ritchie noted that in addition to the importance that all members of the Council's planning committees had up to date training, it was important for all members of the Council to receive Planning training to help them understand Planning issues within their own Wards. Councillor Ritchie invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager said it was important that Elected Members remained up to date on Planning policy and legislation, including on any changes. The Planning Manager explained that over the course of the pandemic officers internal learning had been a positive experience and that "Lunch and Learn" sessions had allowed for training across different services to be delivered. The Planning Manager said that the resources developed could be extended to Elected Members for their own benefit.

The Planning Manager advised that prior to the pandemic it had been the intention to organise a tour of the district for Members to allow them to see a range of sites across East Suffolk. The Planning Manager said that a similar tour was put on for officers when East Suffolk Council was created in 2019 and that it remained an ambition to replicate this experience for Members.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Ashdown suggested that a Rights of Way training session was required for members of the planning committees and noted that a new Rights of Way Officer was joining the Council. Councillor Ashdown asked if such a session could be undertaken

following the conclusion of a committee meeting. The Planning Manager agreed that this was a good suggestion, especially as Rights of Way issues can arise at meetings of the planning committees.

Councillor Blundell asked if training was available on permitted development rights and validations, highlighting a recent example where he had been involved in a conversation on such matters and had not been clear on the issue. The Planning Manager confirmed this topic could be covered. The Chairman suggested that regular training sessions on different topics could be held after each committee meeting.

Councillor Bird sought an up-to-date list of officers in the Planning service detailing who covered what area; the Planning Manager said that this piece of work was already underway as it was intended to have Planning officers dedicated to each Community Partnership area in the district to strengthen the bonds between planners and communities.

Councillor Daly said that as a Member relatively new to Planning it would be useful to receive training on the national and local drivers for plans to be clear in his mind on what influences committee decisions. The Planning Manager suggested that this topic should be broken down into manageable chunks, such as training on Neighbourhood Plans, to be as beneficial as it could be to Members.

Following further comments from Members on the need for a tour of the district, to familiarise themselves with the whole district, the Planning Manager advised that officers intended to replicate the tour they themselves had undertaken in 2019, starting in the centre of the district and covering a range of sites in the district in one day.

It was suggested that a library of short training videos be created for Members to access as independent learning resources; the Planning Manager considered this could be an efficient way to deliver training and suggested that such a library could be stored for shared access via Microsoft Teams.

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

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

RESOLVED

That the contents of the report be noted.

6 Building Regulations Changes 2022 - Part L

The Committee received report **ES/1060** of Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on upcoming changes to Building Regulations.

Councillor Ritchie introduced the report and said it was important that the Committee heard more about Building Regulations, which were set nationally and played an important role in Development Management.

Councillor Ritchie invited the Building Control Partnership Manager and Senior Building Control Surveyor to give a presentation to the Committee on the upcoming changes to Building Regulations, particularly relating to Part L. The officers introduced themselves to the Committee and the Building Control Partnership Manager acknowledged that Building Control had not historically been part of Member training and he was looking to change this and encouraged Members to approach his officers if they had any queries.

The Committee received a presentation which covered the following:

- The role of Building Control in Planning
- The Building Control partnership established with Ipswich Borough Council and its governance
- The key points about Building Control;
 - A self-financing team focused on delivering high-level specialist surveying expertise with the service focused on full cost recovery
 - An 80% market share across the districts of East Suffolk and Ipswich
 - One of the only Local Authority teams who are in competition with the private sector (the competition being called Approved Inspectors)
 - Commercially astute but also enforcers of the regulations, ultimately having to be prepared to say no and then encourage the next submission
 - Working closely with many teams, internally and externally, to provide specialist comment and opinion on all aspects of construction
- What Building Regulations are (outlining the government published Approved Documents)
- The upcoming changes to Approved Documents F, L, O and S
- The Part L changes that would be coming into effect
- Other key changes

The Building Control Partnership Manager highlighted in detail the changes to Approved Document L (Part L) of the Building Regulations, relating to the Conservation of Fuel and Power for new dwellings and non-residential buildings. There would be a moratorium on the changes for applications made before 15 June 2022, lasting until 14 June 2023, with each individual plot on multi-plot sites needing to have commenced development prior to the latter date. Any sites not developed before this date would need to be developed in line with the new Building Regulations.

The Committee was advised the commencement would be seen as major groundworks including foundations, drainage and other services and that developers could discuss this with Building Control on a case-by-case basis. It was noted that developers were reaching out to Building Control ahead of the moratorium date of 15 June 2022.

The Building Control Partnership Manager considered that the changes to Part L would provide better control on changes to construction materials and energy efficiency of new builds. The Senior Building Control Surveyor added that these changes were an

interim uplift, having been delayed from 2020 by the COVID-19 pandemic, with further changes coming forward in 2025 as planned.

The Committee was shown images of the current new homes standard, the new homes standard from 2022 and the planned new homes standard which would take effect in 2025. The Building Control Partnership Manager highlighted the Future Homes Standard 2025 roadmap to the Committee, noting that the principal challenge to this would be having the right quality of people in the design sector that can deliver to this new standard.

The Building Control Partnership Manager concluded that Building Control, as part of the Development Management team, plays a key part in the Council's ambitions to achieve sustainable development and a reduction in carbon emissions on the way towards carbon net zero.

The Chairman invited questions to Councillor Ritchie and the officers.

It was confirmed that the presentation slides would be made available to the Committee after the meeting.

At this point in the meeting, Councillor Kay Yule declared a Local Non-Pecuniary Interest in the item as a quote she had signed off on a listed building she owned had been mentioned the Building Control team.

Councillor Yule asked how the changes affected Listed Buildings. The Senior Building Control Surveyor explained there had always been allowances in the Building Regulations for Listed and Heritage Buildings and that such buildings would not be assessed against the targets for a new build property.

Councillor Daly asked if the changes would require solar panels and heat pumps to be used from 2025. The Senior Building Control Surveyor advised that she could not explicitly say that gas and oil would not be accepted but considered that these heating systems would make it difficult for a scheme to pass a SAPS assessment and that systems such as solar and ground/air source heat pumps would be the best way forward. The Building Control Partnership Manager added that his team tried to provide as many options as possible to meet a client's brief and looked to ensure that developers were using the right things, only looking to take enforcement action as a last resort.

In response to a question on Approved Inspectors working within statutory compliance rules, the Building Control Partnership Manager said he could not comment on individual practices but noted that his work at a regional level had provided examples of competitors not delivering to his team's standards. The Building Control Partnership Manager highlighted that there was good and bad practice from both local authorities and Approved Inspectors.

The Building Control Partnership Manager noted that regulation changes relating to gas-fired boilers would relate to new builds rather than replacement boilers.

Councillor Ashdown praised the presentation and asked what the impact of the changes on already consented sites in the district not beginning development until after June 2023 would be, adding that it would be beneficial for Ward Members to accompany Building Control officers on site visits in their Wards.

The Building Control Partnership Manager said he would be happy to offer Members time on sites with his officers to observe what they do; he stated that his team would be working as hard as possible with major developers in the district to obtain their business to provide Building Control services. The Building Control Partnership Manager considered that his team had a good reputation in the area and was taking a large share of the developments in the district.

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

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

RESOLVED

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

7 Enforcement Performance Report - October to December 2021

The Committee received report **ES/1062** of Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the performance of the Council's Planning Enforcement section between October and December 2021.

Councillor Ritchie introduced the report and noted that there had been more enforcement cases closed than opened in the period it covered. Councillor Ritchie highlighted that the Senior Enforcement Officer was present, who was happy to answer questions from Members.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Ashdown asked about a piece of work that had been started by the Council's former Planning Manager (Development Management) regarding residency on caravan sites; the Senior Enforcement Officer said she had not been involved with this piece of work and would liaise with the current Planning Manager to take it forward.

The Planning Manager noted this piece of work had begun at the start of the COVID-19 pandemic in response to concerns about the lockdown resulting in permanent residence on caravan sites and said that this issue had not materialised. The Planning Manager highlighted that relevant appeals decisions received would influence how these sites would be conditioned in the future and that work would be completed to review the outcomes from these appeal decisions.

Councillor Hedgley gave a special thanks to Dominic Starkey, Assistant Enforcement Officer, for his work on enforcement issues in his Ward.

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

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

RESOLVED

That the contents of the report be noted.

8 Planning Performance Report - October to December 2021

The Committee received report **ES/1063** of Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the performance of the Council's Development Management service between October and December 2021.

Councillor Ritchie introduced the report and acknowledged that there had been a dip in performance over the period measured in the report; he highlighted that the Development Management team had undertaken a significant piece of work to conclude older applications and determining applications already out of time had skewed the performance statistics. Councillor Ritchie was confident that there would be a significant improvement in performance by the time of the next review.

Councillor Ritchie invited the Planning Manager (Development Management) to comment on the report. The Planning Manager outlined the continued improvements being made in the Development Management team and praised the Principal and Senior Planners who had taken on additional responsibility for signing off applications, which had led to clearing a large backlog of applications in recent weeks.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Ashdown congratulated the Development Management team for its hard work, particularly on major applications. The Planning Manager, in response to a question from Councillor Beavan, confirmed the differences between major and minor planning applications.

Councillor Daly asked if there were any qualitative measurements of performance. The Planning Manager explained that the report measured performance quantitatively based on determining planning applications in timescale and acknowledged that this did not always measure the quality of the service provided, as in some cases more time was needed on an application to achieve a more quality outcome. The Planning Manager said that an example of this would be agreeing an extension of time to ensure the best possible outcome.

The Planning Manager advised that the appeals performance report provided a degree of qualitative measurement as it demonstrated how the Council was determining applications in accordance with local and national planning policies.

Councillor Daly asked how public satisfaction in the planning system was measured. The Planning Manager replied that the Authority Monitoring Report, produced on an annual basis and presented to the Committee, looked at the level of policy consistency and decision-making in relation to policies; he added that customer satisfaction was, to an extent, measured through the Council's complaints and comments process.

The Planning Manager outlined that approximately 6,000 planning applications had been received in the last year, so it was not possible to fully gauge customer satisfaction but noted that the Council engaged with planning agents and developers in a range of different ways.

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

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

RESOLVED

That the content of the report be noted.

9 Appeals Performance Report - 24 November 2021 - 13 February 2022

The Committee received report **ES/1061** of Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the quality and quantity of appeal decisions received from the Planning Inspectorate, following refusal of planning permission by East Suffolk Council, between 24 November 2021 and 13 February 2022.

Councillor Ritchie introduced the report and noted that the decisions received in the period covered by the report were more complex than usual and he recommended that Members review the decisions appended to the report in detail. Councillor Ritchie considered that the appeal decisions received were mostly satisfactory and stressed the importance that the Council's planning committees have valid material reasons for deferring or refusing applications.

Councillor Ritchie noted the parallel applications for a major development in Grundisburgh and that one had been appealed on non-determination and approved by the Planning Inspector; Councillor Ritchie considered that this demonstrated that the Planning Committee South's decision to approve the other, identical application had been the correct one.

Councillor Ritchie highlighted that several of the appeal decisions related to policies on clusters and development in the countryside and that the mixed nature of these

decisions highlighted that more clarity on these matters were needed; work on a Supplementary Planning Document for these matters was taking place.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Cooper noted contradictory wording in one of the appeal decisions and asked if this was something Members should be more aware of. The Planning Manager (Development Management) acknowledged this related to the implication of a non-residential dwelling being allocated as an Asset of Community Value and the interpretation of relevant policies. The Planning Manager assured the Committee that officers would look at this decision in detail to see what could be learned from it. Councillor Cooper noted there was also often discrepancies between Planning Inspectors in their decisions on similar matters.

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

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

RESOLVED

That the content of the report be noted.

10 Planning Policy and Delivery Update

The Committee received report **ES/1064** of Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on 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 the Community Infrastructure Levy (CIL), Neighbourhood Plans and housing delivery.

Councillor Ritchie introduced the report and highlighted the busy programme of work being undertaken by the team including the development of SPDs to clarify policies related to clusters and development in the countryside. The Committee was also advised that the Sustainable Construction SPD had reached its final stage and that work continued on the Cycling and Walking Strategy, the latter of which had received a high consultation response.

The Committee was advised that the Southwold Neighbourhood Plan had been made at the meeting of the Full Council on 23 February 2022 and now formed part of the Council's development plan. Councillor Ritchie explained that the Council's specialist planning services were now part of the Planning Policy and Delivery team and thanked the team for its work ethic and commitment.

Councillor Ritchie invited the Planning Manager (Policy, Delivery & Specialist Services) to comment on the report. The Planning Manager drew Members' attention to paragraph 3.14 of the report relating to the government's proposed changes to the

planning system; she highlighted that it appeared the government would be providing a further update in Spring 2022 and that there had been significant speculation in the national press that the changes will be less radical than those set out in the original consultation and would link more with the government's Levelling Up agenda rather than be made through a specific piece of planning legislation.

The Planning Manager added that notwithstanding this there was a clear message from the government that there will be a greater digitisation of planning and a further step change in this regard was to be expected.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Daly asked if the Council monitored performances relative to Neighbourhood Plans in terms of decision making. Councillor Ritchie said that decisions were made in relation to the relevant local plan and neighbourhood plan policies set out in the development plan documents, and if applications departed from these policies there needed to be a demonstrable reason to do so.

Councillor Ritchie highlighted the example of two applications in Reydon, one major and one minor, where the Reydon Neighbourhood Plan includes a principal residence clause for new development. In both cases, the Planning Committee North had determined the applications and for the latter application had decided that it was not appropriate to apply this clause to such a small development. Councillor Ritchie noted that development plan documents were not law and exceptions could be made.

In response to a follow up question from Councillor Daly, the Planning Manager confirmed that the delivery of targets in Neighbourhood Plans was monitored through the Authority Monitoring Report.

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

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

RESOLVED

That the content of the report be noted.

11 Strategic Planning Committee's Forward Work Programme for 2022/2023

The Committee considered its Forward Work Programme.

Councillor Cooper suggested there could be a regular update to the Committee on changes to government policy. The Planning Manager noted that these updates were made to the Local Plan Working Group.

The meeting concluded at 11.53am

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Chairman



STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

Subject	Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officers	Ben Woolnough Planning Manager (Development Management) 01394 444681 ben.woolnough@eastsuffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 katherine.scott@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 of the Report and High-level overview

Purpose of Report:

This report provides a review of the work of the Strategic, North, and South Planning Committees, and the operation of the Referral Panel. It sets out the volume of application traffic and level of Ward Member comment. It includes a statistical analysis of the route of determination of all applications. It also makes some suggested amendments to the Referral Panel process.

Options:

Not applicable.

Recommendation/s:

1. That the content of the report be noted.
2. That it be agreed that with effect from 1 July 2022 Ward Members are invited to the Planning Referral meetings to answer questions on factual matters and this process change be reviewed by the Committee in June 2023.

Corporate Impact Assessment

Governance:

None.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

None.

Financial:

None.

Human Resources:

None.

ICT:

None.

Legal:

None.

Risk:

None.

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 checked="" 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 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 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 checked="" 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 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 development management and enforcement section			

Background and Justification for Recommendation

1 Background facts	
1.1	This report provides Members of the Strategic Planning Committee with an analysis of the work of the three planning committees and the Referral Panel for decisions in the year from April 2021 to March 2022. In January 2022 the role of Principal Planner (Technical Lead) was created and Katherine Scott took on this role. This includes a responsibility for monitoring of the referral process and reporting on it. Thanks to increased attention in this role the report is now able to present a more comprehensive set of data for the last year and this will continue going forward.
1.2	This report should be read alongside the reports on planning performance and appeals decision which are being presented to the Strategic Planning Committee.

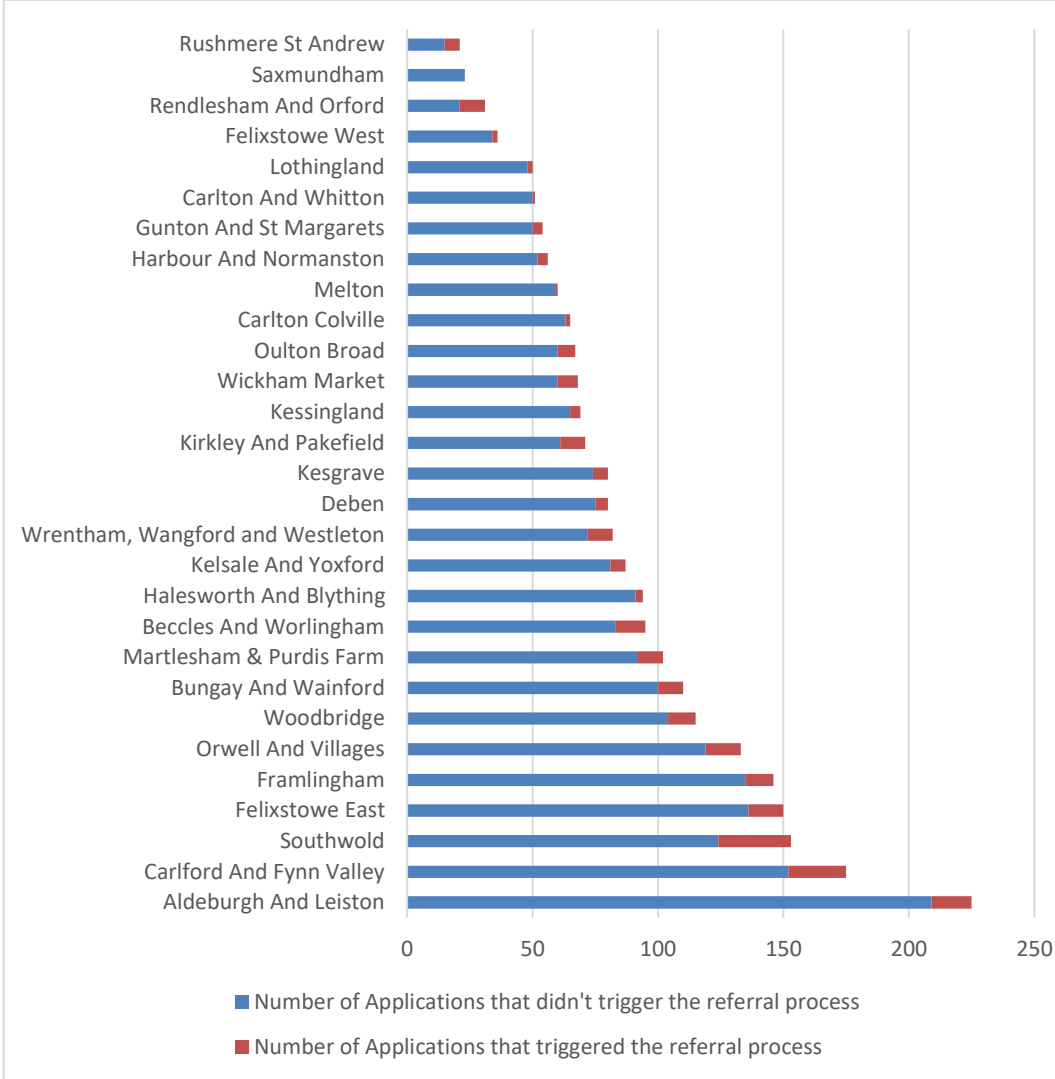
2 Current position	
2.1	In April 2019, East Suffolk Council brought into force a new scheme of delegation aligning the former authorities of Suffolk Coastal District Council and Waveney District Council. This scheme sets out the means by which applications will be determined and seeks to clarify which applications will be determined by the Head of Planning and Coastal Management and which will be referred to the Planning Committee for consideration.
2.2	The scheme of delegation was established following extensive dialogue with former councillors of the Suffolk Coastal and Waveney DC's including reviewing established best practice nationally and it seeks to secure an appropriate balance between efficiency of the service determining applications to meet national targets and securing a robust process that allows public scrutiny in the planning service.
2.3	As part of the work programme of the Strategic Planning Committee it is to review the work of the Committees and the Referral Panel each year. When this has been discussed previously the reports were accepted but is acknowledged that there was some concern from some members about the Referral Panel process and some amendments have been made to improve it. The concerns being raised were relating to the transparency of resolving the determination route and the role of Ward Members in the process. Additionally, the Council has been made aware of concerns from some Town and Parish Councils regarding the Referral Panel process, forwarded to officers by the Suffolk Association of Local Councils.

2.4	<p>The scheme of delegation is laid out in the Council’s constitution and reads as follows:</p> <p>“All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Regulation Impact Assessments (HRA) are delegated to Head of Planning and Coastal Management UNLESS:</p> <ol style="list-style-type: none"> 1. The Planning Application is, in the opinion of the Head of Planning and Coastal Management and/or the Chair and Vice Chair of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect; or 2. The applicant or landowner is East Suffolk Council; 3. The applicant, or agent, is an East Suffolk Councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk Council employee; or 4. The referral process is triggered <p>In which case, if item 4 is invoked, the Planning Application will be referred to the Referral Panel – the panel will discuss with the Head of Planning and Coastal Management (based on planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Coastal Management.”</p>
2.5	<p>The diagrams in Appendix A to this report and Appendix A to the Performance Report (also on this agenda) show, in diagrammatic form, how the referral process is operated. In essence, the referral Panel process is triggered on any planning application where the view of the planning officer is contrary to that of either the Town or Parish Council, statutory party or Ward Member, where they relate to material planning considerations.</p>
2.6	<p>For the process to be instigated those comments need to be received during the prescribed consultation period, unless a formal extension of time has been granted in writing.</p>
2.7	<p>The Planning Service has undertaken training sessions both with Ward Members and representatives from Town and Parish Councils to help the understanding of the process and how to form consultation responses in the best way to aid the Referral Panel in determining the pertinent issues surrounding the application and whether those instigate sufficient weight to justify a round table discussion at Planning Committee. This is in addition to communicating such information by written notes.</p>

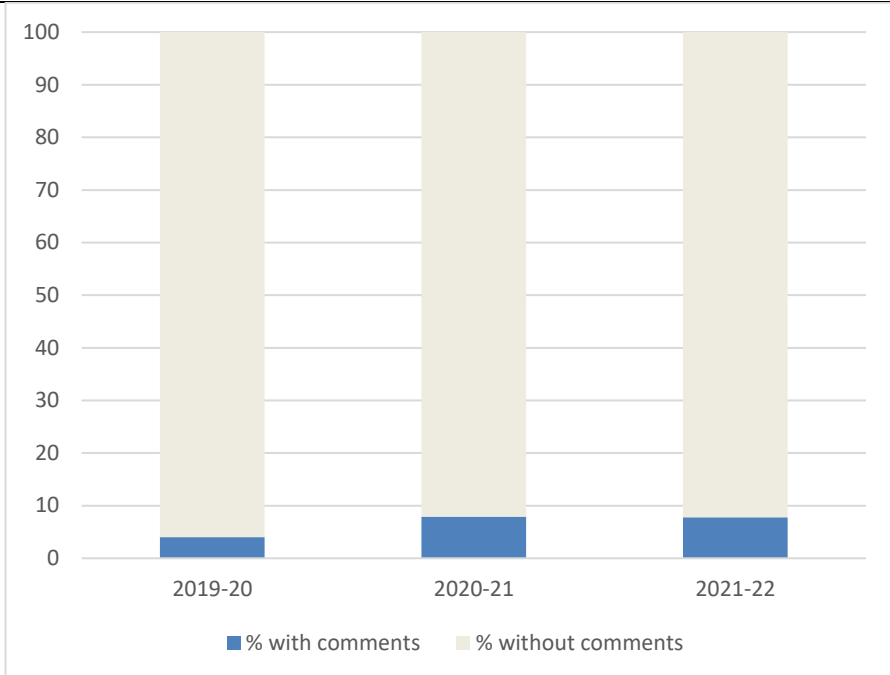
2.8	The Planning Service is committed to continuing working with our Ward Members and Town and Parish Councils. Further Town and Parish training is planned for this summer.
2.9	The potential routes for the determination of applications via the scheme of delegation are illustrated in Appendix A to the Performance Report on this agenda (Application Process Diagram).
2.10	<u>NOTIFICATIONS TO WARD MEMBERS, AND TOWN/PARISH COUNCILS</u> Public Access is set to send out notification alerts to all those registered with a Public Access account within their saved geographical search area. These pre-set notification alerts check if an existing record (i.e. an application) that meets the search criteria has already been included (if not notification will trigger for it) and if the description or status has changed, it then sends out a notification alert.
2.11	All East Suffolk Councillors are set up with Public Access accounts, and as a result, all Ward Members are notified via email alerts from the Public Access System as a minimum when: <ul style="list-style-type: none"> - An application is validated within their ward, and thus available for them to view online and submit comments if they wish, - If the address or description is revised during the application process, - When the application status is changed e.g., when an application is scheduled for a Planning Committee, and - When the application is determined.
2.12	All ward members also receive a weekly message via Teams message on the “Notification of Upcoming Planning Referral Panel meetings” chat, which includes the agenda listing all the items to be considered at the next Referral Panel meeting and requesting them to reply if they wish to attend to observe. Ward members often respond to that weekly message to confirm that they wish to attend the meeting. They are subsequently informed via email from the case officer of the outcome of the Panel meeting.
2.13	Over 90% of Town and Parish Councils have a Public Access account set up through formal clerk email addresses. This is an expectation of Town and Parish Councils since notifications are not sent manually and Clerk’s/Town or Parish Councillors are expected to monitor notifications regularly. Those that have a Public Access are therefore notified via email alerts from the Public Access system as a minimum when: <ul style="list-style-type: none"> - An application is validated within their area, and thus available for them to view online and submit comments if they wish, - If the address or description is revised during the application process, - When the application status is changed e.g., when an application is scheduled for a Planning Committee, and - When the application is determined.

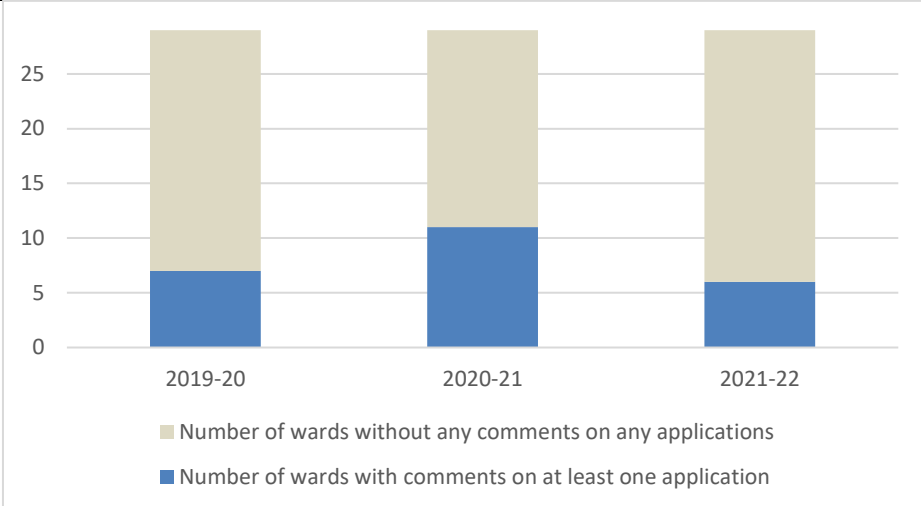
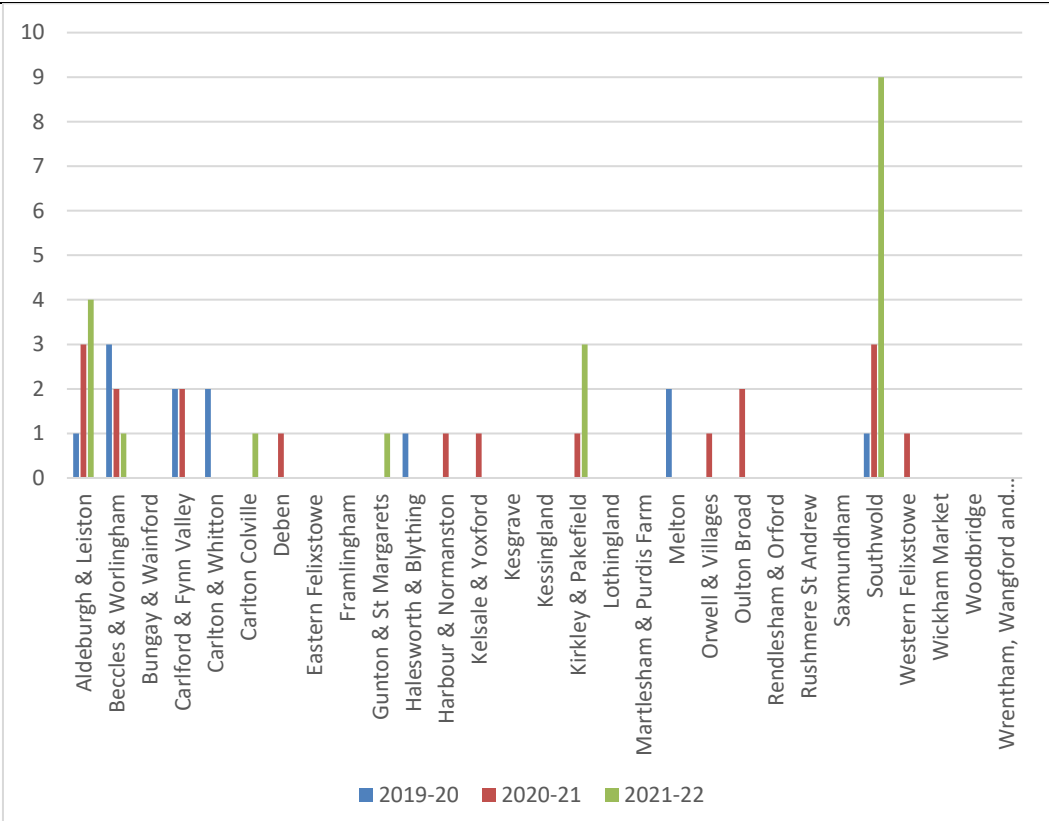
	Town and Parish Councils are also formally consulted on all applications within their area (as required by the Development Management Procedure Order and our Scheme of Community Involvement).
2.14	All other parties (e.g. members of the public) who have signed up to Public Access and saved searches are also notified via Public Access email alerts of applications and updates to applications which meet the search criteria they have inputted and saved, in addition to any of the usual formal consultation processes.
2.15	<u>THE REFERRAL PANEL PROCESS</u> As outlined above the presentation of an application to the Referral Panel can take place as a result of the comments received from either the Ward Member, Town/Parish Council and/or a statutory consultee during the consultation process being contrary to the 'Minded to' recommendation of officers.
2.16	The Referral Panel meet every Tuesday and is made up of both the Chairs and Vice Chairs of the North and South Planning Committees. To aid a decision on the route of determination to be made by the Panel, Members are furnished with both a written report and a detailed visual and verbal presentation of the application by officers.
2.17	All ward members are also notified each Friday afternoon of the items on the agenda of the meeting scheduled for the following Tuesday and are invited to attend to observe they wish. This notification takes place via a Teams message on the "Notification of Upcoming Planning Referral Panel meetings" chat, (which all Councillors are members of).
2.18	All Ward Members, the Town/Parish Council and agent/applicant are also subsequently informed via email by the case officer of the outcome of any relevant items following each Panel meeting. In the case of Ward members this is any applications within their ward and with Town/Parish Councils any applications within their parish.
2.19	In June 2021 the Cabinet Member with responsibility for Planning took a report to the Strategic Planning Committee providing with a recommendation that no changes were made to the scheme. The Committee agreed with the recommendation but requested a further report be presented to the June 2022 Committee with relevant background information on how the Panel is performing.

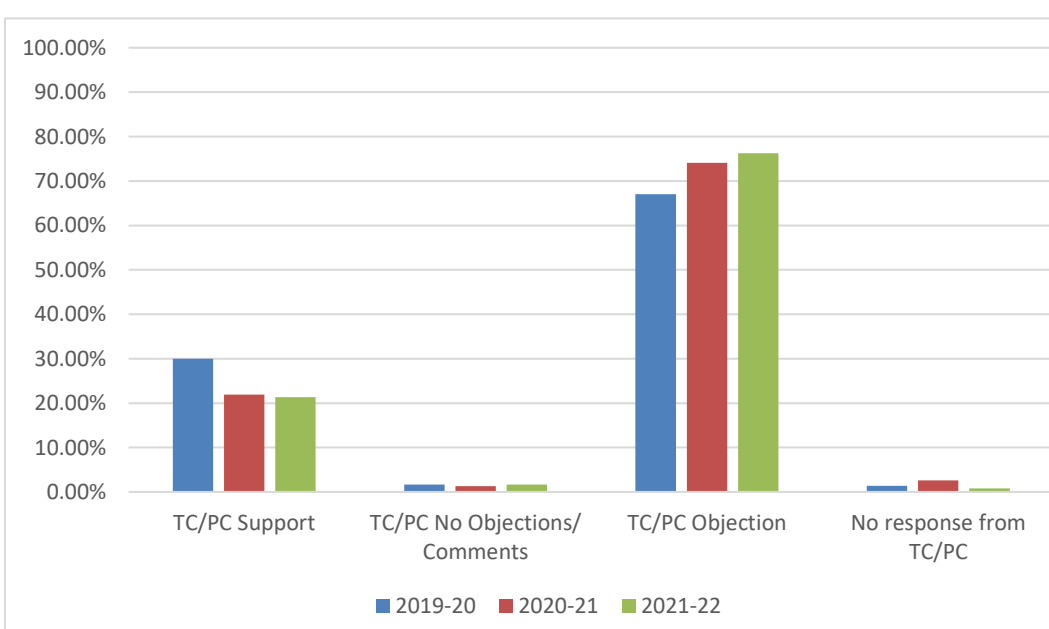
2.20	<p>Between 1 April 2021 to 31 March 2022, East Suffolk Council has determined a total of 2714 formal planning applications* required on Government Quarterly returns, 289 more than the same period on the preceding year (2425 in 2020/2021 period). The detail surrounding the performance of such is laid out in the planning performance report tabled at the Strategic Planning Committee.</p> <p><i>(* Planning applications in this context being householder/other, minor and major applications and other forms of applications that grant formal consent such as prior notification applications and those for Listed Building Consent. This total does not include other forms of application such as discharge of conditions and non-material amendments)</i></p>
2.21	<p>During the same period, there were 2560 applications of a type that could have potentially triggered the Referral Process. For reference:</p> <ul style="list-style-type: none"> • In the preceding year, 1 April 2020 - 2021, 2,327 applications that could have potentially triggered the referral process were received, and • During the year 1 April 2019 – 1 March 2020, 2,529 applications that could have potentially triggered the referral process were received.
2.22	<p>From the 1 April 2021 until the 31 March 2022 a total of 244 planning applications have presented to the Referral Panel. For reference:</p> <ul style="list-style-type: none"> • in the preceding year, 1 April 2020 - 31 March 2021, 230 applications were presented, and • during the year 1 April 2019 - 1 March 2020, 295 applications were presented to the panel.
2.23	<p>Figures 1 and 2 in Appendix G show the number of items at the Referral Panel between 1 April 2021 and 31 March 2022, split into Major, Minor and Other, application scale types. There are more ‘Others’ at Referral Panel than ‘Minors’ or ‘Majors’. This is to be expected as more of this scale of application are submitted. The number of ‘Majors’ is significantly lower than ‘Minors’ or ‘Others’, however, this could be explained by two potential factors, there are less applications of that scale submitted, and many ‘major’ cases have been called directly to committee (see Appendices B and C)</p>
2.24	<p>In terms of the geographical spread across the district, between 1 April 2021 and 31 March 2022, there were an equal number of applications within north area and south area (the geographical areas that feed into those Planning Committees), with 122 in each. This is a significant change from the preceding two years, during which there were significantly more north area items than south area items (Appendix F).</p>
2.25	<p>It is also interesting to note that 28 (95.6%) out of the 29 wards had at least one item at the referral panel during 1 April 2021 – 31 March 2022. The spread of items at the Referral Panel across the wards is shown in Appendices I and J, and in Figure 1 below.</p>

	 <p>Figure 1: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)</p>
2.26	<p>There are a significant number of parishes within these wards, which have not had an item at the Referral Panel (see Figures 1 in Appendix K). However, this may be in part because many of these parishes are relatively small and therefore have not have many applications (Figures 2 and 3 Appendix K).</p>
2.27	<p>As shown in the graphs in the appendices, there are also particularly parishes which appear to have had a larger proportion of their applications triggered to the referral panel.</p>
2.28	<p>Of the 244 reports presented, the Referral Panel determined that 214 could be delegated to the Head of Planning and Coastal Management for determination and 29 applications were referred to the Planning Committee. The rate of delegation for these applications sits at 87.7%. For comparison, the delegation rate in the preceding year was 81% (2020-2021) and 85% for 2019-2020. A slightly lower percentage of applications are therefore being referred to the</p>

	Planning Committee. These figures are illustrated in the graphs/charts in Appendix R.
2.29	However, the percentage of items at the referral panel that are delegated/referred to committee should not be considered in isolation. It is important to bear in mind that the determination process route of an application decided by the panel is based to a significant degree upon the comments received from the Ward Members, Town/Parish Council and statutory consultees on that application, and whether the issues they raise are material planning issues that warrant referral to Planning Committee for debate and the determination of the application.
2.30	<u>Ward Member comments</u> All Ward Members are set up on the Public Access System, so they receive notifications via email on all valid applications received within the geographical area of their ward. All members are therefore made aware of all applications within their ward and have the opportunity to review and comment on the application.
2.31	In order to influence the referral process, Ward Members should comment within the consultation period, the dates for which are published on Public Access for all to see, and therefore accessible online to Ward Members for all applications within their wards.
2.32	Where written comments are received from Ward Members which are contrary to the 'minded' to recommendation of officers, the Referral Process is triggered (i.e.. Ward Member Objection, and officer minded to support or Ward Member in Support and Officer minded to Refuse).
2.33	However, written comments are received from ward members on relatively few applications presented to the referral panel.
2.34	In the last financial year (1 April 2021 – 31 March 2022), only 19 of the 244 applications at referral panel had comments from Ward Members, a percentage of 7.8% of the applications before the panel (0.4% Support, 4.1% Objection, 3.3% No Objections/comments neither objecting or supporting), with 225 applications (92.2%) of the applications at the panel having no response from a ward member). These figures are set out in more detail in Appendix M.
2.35	In the preceding financial year (1 April 2020 - 31 March 2021), only 18 of the referral panel applications had comments from Ward Members. This is a percentage of 7.9% of the applications before the panel (1.3% Support, 5.8% Objection, 0.9% No Objections/comments neither objecting or supporting). These figures are set out in more detail in Appendix L .
2.36	In the year prior to that (1 April 2019 to 31 March 2020, only 12 of the 299 applications had comments from Ward Members, a percentage of just 4%. These figures are set out in more detail in Appendix L .

2.37	As shown in figure 2 below, over the past three financial years there has consistently been a relatively low proportion of applications at the referral panel with comments from the ward members.												
	<div><table><thead><tr><th>Financial Year</th><th>% with comments</th><th>% without comments</th></tr></thead><tbody><tr><td>2019-20</td><td>~4</td><td>~96</td></tr><tr><td>2020-21</td><td>~8</td><td>~92</td></tr><tr><td>2021-22</td><td>~8</td><td>~92</td></tr></tbody></table></div> <p>Figure 2: Percentage of those applications at Referral Panel with and without comments from Ward Members</p>	Financial Year	% with comments	% without comments	2019-20	~4	~96	2020-21	~8	~92	2021-22	~8	~92
Financial Year	% with comments	% without comments											
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2020-21	~8	~92											
2021-22	~8	~92											
2.38	It is also interesting to note that the comments received are not spread across all of the wards/the district as a whole. During the past year (1 April 2021 - 1 March 2022) the comments received from ward members only came from 6 of the 29 wards. This means that in 79% of wards no comment has been received from a ward member in relation to an application at the referral panel. These figures are illustrated on figure 3 below and on the diagram in Appendices L and M which set out geographically the percentage of items at the Referral Panel on which written comments had been received from the ward member.												
2.39	In the preceding year (1 April 2020 - 31 March 2021) the Ward Members comments came from 11 out of the 29 wards. This meant that 62% of wards had no comments from a ward member in relation to an application at the referral panel.												
2.40	In the first year (1 April 2019-2020) the 12 comments from Ward Members comments came from 7 different wards. This meant that 76% of wards had no comments from a ward member on an application at the referral panel.												

	 <p>Figure 3 – Number of wards with and without any comments on at least one application at the Planning Referral Panel.</p>
2.41	<p>Over the three-year period (1 April 2019 – 31 March 2022) there has also been uneven distribution of comments received from each ward on applications at the Referral Panel, as illustrated in Figure 4 below.</p>
	 <p>Figure 4: The number of applications with comments from the Ward Member at the Referral Panel shown by Ward</p>
2.42	<p>Based upon Figure 4 above, a significantly higher number of the comments on applications have been received from the Southwold Ward (Reydon, Southwold, Walberswick) (one ward member), Aldeburgh and Leiston Ward (three ward members) and Kirkley and Pakefield Ward (three ward members). A number of the wards have had no comments at all. This includes some larger wards such as Eastern Felixstowe, Kesgrave and Woodbridge.</p>

2.43	Based upon the data, it appears that whilst some ward members are submitting written comments on at least some planning applications within their area, a significant number of Ward Members do not appear to be submitting any comments. Although this statement should be caveated by the fact that if a member submits comments on an application which accord with the recommendation of officers, and there are no contrary views from the Town/Parish Council or a statutory consultee, the referral process would not be triggered and therefore such applications do not show within the figures above.																				
2.44	<u>Town and Parish Council Comments</u> The majority of cases at referral panel have comments from the relevant Town or Parish Council. This has been the case not only for March 2021 – April 2022, but also the preceding two years.																				
2.45	The Towns and Parishes across the district vary significantly in size and there are also known to be variations in the way in which the Town/Parish Councils review and respond to consultations on applications. For example some have planning boards or planning committees who advise or provide the responses on behalf of the Town/ Parish Councils, or have other panels and/or an officer who assists with and advises the Town/Parish Council on planning matters. This appears to be reflected in the level of detail provided and the nature of the objections or support within the comments provided by the Town/Parish Councils.																				
2.46	Over the three-year period there has been a gradual increase in the percentage of cases at the Referral Panel on which Town/Parish Councils have made Objections and a decrease in the proportion of cases they have supported (as illustrated in Figure 5 below and in Appendix N).																				
	<div><table><thead><tr><th>Response Category</th><th>2019-20 (%)</th><th>2020-21 (%)</th><th>2021-22 (%)</th></tr></thead><tbody><tr><td>TC/PC Support</td><td>30.00</td><td>22.00</td><td>21.00</td></tr><tr><td>TC/PC No Objections/Comments</td><td>2.00</td><td>1.00</td><td>2.00</td></tr><tr><td>TC/PC Objection</td><td>67.00</td><td>74.00</td><td>76.00</td></tr><tr><td>No response from TC/PC</td><td>1.00</td><td>3.00</td><td>1.00</td></tr></tbody></table></div> <p>Figure 5: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020, 1 April 2020 – 31 March 2021, and 1 April 2020 – 31 March 2021.</p>	Response Category	2019-20 (%)	2020-21 (%)	2021-22 (%)	TC/PC Support	30.00	22.00	21.00	TC/PC No Objections/Comments	2.00	1.00	2.00	TC/PC Objection	67.00	74.00	76.00	No response from TC/PC	1.00	3.00	1.00
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2.47	During the 2021-2022 financial year, the highest number of 'planning applications' per parish were received within the parish area of Lowestoft, which received 220 applications. It had 18 items which triggered the Referral Panel process (8.2%).
2.48	The second highest number of 'planning applications' per parish were received within the parish area of Felixstowe, which received 188 applications. It had 16 items which triggered the referral panel process (8.5%).
2.49	Woodbridge received the third highest number of 'Planning Applications' at 110, and 12 triggered the process (11%). Aldeburgh received the fourth highest number of 'Planning Applications' at 99, and 5 triggered the referral process (5%),
2.50	Lowestoft and Felixstowe being the parish areas in which the largest number of 'planning applications' is to be expected as they are the largest settlements within the district. They also had a comparable percentage of items triggering the Referral Panel Process.
2.51	The overall percentage of 'Planning Applications' triggering the Referral Process during the period was 9.9%. Therefore, both Lowestoft and Felixstowe were slightly below this average.
2.52	In comparison, the parishes with the highest percentage of applications triggering the Referral Process were Aldringham-cum-Thorpe, Redisham, and Wrentham at 100% triggering the Referral Process. However, it should be noted that those parishes only received 3 or less 'Planning Applications' each during the period, and therefore they are not directly comparable with larger parishes where a greater number of 'Planning Applications' were received.
2.53	As illustrated in the figures within Appendix O , the next highest Referral Rate by parish were the parishes of Iken and Wissett, each at 50%. However, they also only received a small number of 'planning applications' at just 6 and 2 respectively for the period. There are also a number of parishes where no applications triggered the Referral Process, but they had relatively few 'planning applications' (e.g. Saxtead, Benacre etc) or they received no 'planning applications' at all (e.g. Sotherton, Great Glemham etc).
2.54	<p>The parishes of significant note are those which received a larger number of 'planning applications' and either had a small percentage triggering the referral process or a larger percentage triggering the referral process. For example, during the 2021/2022 period:</p> <ul style="list-style-type: none"> • Melton received 50 'Planning Applications', but none triggered the referral process. • Southwold received 69 'Planning Applications' and 11 triggered the process (16%), • Waldringfield received 21 Planning Applications' and 8 triggered the process (38%), and • Walberswick received 31 Planning Applications' and 12 triggered the process (38.7%).

2.55	The above patterns in the figures can be seen in the graphs/charts within Appendix O , and geographically in Appendix O .
2.56	<p><u>Statutory Consultees</u></p> <p>Unfortunately, the data collected for the past three financial years, does not include information on the number of items at the referral panel meeting which have been triggered by the comments/views of statutory consultees being contrary to the minded to recommendation of officers, and therefore a direct numerical comparison between the years and how that may have affected the number of items at the referral panel cannot be set out here.</p>
2.57	However, anecdotally based upon experience of reviewing many of the reports for the referral panel over this time, only a very small number of applications are triggered to the referral panel by the comments of a statutory consultee and in the few instances when they are, often the application has also been triggered to the panel by the comments from the Town or Parish Council.
2.58	This data is being collected for the financial year 1 April 2022 – 31 March 2023, so it can be provided within the report in June 2023, in a numerical format.
2.59	<p><u>NORTH & SOUTH PLANNING COMMITTEES</u></p> <p><u>Routes to Planning Committee</u></p> <p>Planning Applications are triggered directly to either the North or South Planning committee by one of the following:</p> <ul style="list-style-type: none"> - The Planning Application is, in the opinion of the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to members, due to its significance in some other respect; or - the applicant or landowner is East Suffolk Council; or - the applicant, or agent, is an East Suffolk councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk councillor or East Suffolk Council employee; or - the application is referred by the Planning Referral Panel
2.60	<p>In terms of the applications determined by either North or South Planning Committee during the last financial year, there were 111 agenda items (97 applications, as some were deferred and returned to later meetings). As illustrated in Figure 1 in Appendix C, the reasons items were at committee were:</p> <ul style="list-style-type: none"> - 34.2% were taken to Planning Committee directly by the Head of Planning and Coastal Management or the Chairman/Vice chairman of the Planning Committee, - 36.9% were at Planning Committee due to an East Suffolk Council connection (i.e. the applicant or landowner is East Suffolk Council; or the applicant, or agent, is an East Suffolk councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk councillor or East Suffolk Council employee) <p>And</p>

	- 28.8% were referred to Planning Committee via the Planning Referral Panel.
2.61	There was some variation in the proportion of items at committee for each reason per month but not to significant degree as to warrant concern, especially when the variation in the total numbers at committee each month is also taken into consideration (Figure 2 in Appendix C).
2.62	There is also some variation for the reasons items were taken to committee across the wards, as illustrated in Figure 4 in Appendix C .
2.63	The proportion of items taken to Planning Committee due to an East Suffolk Council connection within the Eastern Felixstowe ward appears to be particularly higher. However, this included a significant number of applications relating to beach huts, that were considered in March 2022, and thus potentially inflates the figures for that ward.
2.64	The proportion of items taken to committee due to being taken directly by the Head of Planning and Coastal Management or the Chairman/Vice chairman of the Planning Committee also appears high within the Carlford and Fynn Valley Ward. However, the above the graph in Figure 4 in Appendix C shows the number of agenda items, rather than individual applications, and includes the duplicate applications within Grundisburgh that were taken to committee by the Head of Service, and then were on the agenda numerous times as they were initially deferred for a site visit and further information, following which an appeal against non-determination was submitted and so the applications returned to committee for a decision on whether to defend the appeal and the determination of the other application.
2.65	There is also variation in the scale of applications going to committee. Appendix B illustrates the proportions of Majors, Minors and Others presented to North / South Planning Committees between 1 April 2021 and 31 March 2022. Figure 2 in the Appendix shows that 49% of cases at North/South Planning Committee are 'Minors', with 27 % of items being 'Majors' and 24% being others.
2.66	The split between Majors, Minors and Others at Planning Committee also varies geographically across the district. Figure 4 in Appendix B shows the proportions of Majors, Minors and Others within each ward.
2.67	<p><u>Public Speaking at Planning Committee</u></p> <p>As illustrated in Figure 1 in Appendix E, in terms of the levels of public speaking on all items at North or South Planning Committee:</p> <ul style="list-style-type: none"> - The Town or Parish Council spoke on 30.6% of items, - A third Party spoke on 28.8% of items, - The applicant or their agent spoke on 64% of items, and - The ward member is specifically referred to in the meeting minutes as speaking as the ward member on 19.2% of items (i.e. excluding a member of the Planning Committee who spoke during debate as a member of the committee rather than as the ward member) <p>-</p>

2.68	It is also interesting to understand the proportion of public speaking on items for each of the potential reasons they were determined at Planning Committee. Figures 7, 8 and 9 below show the proportion of speakers on items for each of the three reasons items were at committee.
2.69	In terms of the proportions of speaking on items at Planning Committee that had been referred by the Planning Referral Panel (illustrated in Figure 2 in Appendix E): <ul style="list-style-type: none"> - The Town/Parish Council spoke on 10 of the 32 Items, - A third party spoke on 11 of the 32 Items, - The Applicant/Agent spoke on 23 of the 32 Items, and - The Ward Member(s) spoke on 6 of the 32 Items.
2.70	In terms of the proportions of speaking on items at Planning Committee due to direct referral by the Head of Service or Committee Chairs (illustrated in Figure 3 in Appendix E): <ul style="list-style-type: none"> • The Town/Parish Council spoke on 18 of the 38 Items, • A third party spoke on 16 of the 38 Items, • The Agent/Applicant spoke on 30 of the 38 Items, and • The Ward Member(s) spoke on 30 of the 38 Items,
2.71	In terms of the proportions of speaking on items at Planning Committee due to an East Suffolk Council connection (illustrated in Figure 4 in Appendix E): <ul style="list-style-type: none"> • The Town/Parish Council spoke on 6 of the 41 Items, • A third party spoke on 3 of the 41 Items, • The agent/applicant spoke on 19 of the 41 Items, and • The Ward Member(s) spoke on 3 of the 41 Items,
2.72	In terms of items referred to Planning Committee by the Referral Panel, the Town or Parish Council spoke on just 31.25% of items, which is disappointing when the majority of the cases going via this route were referred to Referral Panel as a result of the comments from the Town or Parish Council. We will continue to monitor this level of participation to review.
2.73	It is also unfortunate that few ward members attended on applications referred to Planning Committee by the Referral Panel, with ward member speaking being just 18.75% of such cases.
2.74	The proportion of Town or Parish Councils speaking on items which were taken direct to Planning Committee by the Head of Service and/or the Planning Committee Chairs, is higher (47%) than that for items taken via the referral panel (31%).
2.75	The proportion of items which were taken direct to Planning Committee by the Head of Service and/or the Planning Committee Chairs, that the Ward Members spoke on (34%) is also higher than for items referred by the Referral Panel (18.75%).

2.76	The proportion of items with third party speaking was also higher on items taken direct to Planning Committee by the Head of Service and/or the Planning Committee Chairs (42%) than for items referred via the Referral Panel (34.38%) and those within and ESC connection (7.32%).
2.77	<u>Planning Committee Outcomes</u> In terms of the proportions of applications at North / South Planning Committee that are Approved or Refused, in comparison with those that are delegated, during 1 April 2021 – 31 March 2022, details are provided in Appendix K of the Performance Report . In terms of applications determined at Planning Committee 12% were refused and 88% were approved.
2.78	<u>Timeliness of Determination</u> It is important to note that when determining the determination route on individual applications, all applications that trigger the Planning Referral Process are taken to the Planning Referral Panel and at those meetings when the Panel decide on the determination route, consideration is only given to whether there are material issues that require or justify referral to Planning Committee for debate, they do not consider the timeframe implications for the determination of the application.
2.79	However, as this report is examining the Referral Panel Process and the Planning Committee process as a whole, it is important to understand both the democratic process and the potential implications upon the timeliness of decisions when items travel via the Planning Referral Panel and/or Planning Committee process. Therefore, this section of the report sets out the timeframe implications of the different determination routes.
2.80	The Referral Process can add to the determination timeframe for the determination of a Planning Application because after the expiry of the consultation period, there is a lead in time for the drafting of the report and the presentation of the item at the weekly panel meeting, and then if delegated the completion of the decision process, or if referred to Planning Committee, the reporting to committee process. Generally taking an application to referral panel will add 1-2 weeks to the determinations process, whereas taking an application to the Planning Committee can add 4-6 weeks to the application process.
2.81	The statutory time periods for determination of planning applications are: <ul style="list-style-type: none"> - 8 weeks for other/minor applications - 13 weeks for Major applications - 16 weeks for applications accompanied by an Environmental Statement (EIA development)
2.82	These time periods can all be extended with an agreed extension of time (EOT) from the applicant and for the purpose of government returns on application statistics, applications with EOTs are deemed to be determined 'within time'. Generally, the majority of applicants/agents will agree EOTs however this is less likely to be agreed on refusals or applications which have generated concerns over delays. A minority of agents will not agree EOTs as a matter of principal, in some cases they believe that it misrepresents the performance of the Council.

2.83	As illustrated in the figure 2 within Appendix I of the Performance Report , in terms of applications passing through the Referral Panel and then delegated to officers for determination just 17% were determined within the government targets, 41% were determined within an agreed extension of time and 42% were out of time.
2.84	In comparison the overall figures for applications that are delegated to officers without triggering the referral process, are significantly higher in terms of the proportions in time, as illustrate but a visual comparison of figures 2 and 5 within Appendix I of the Performance Report .
2.85	As illustrated on the figure 4 of Appendix I of the Performance Report , in terms of applications determined via North / Planning Committee just 4% were determined within the government targets, 59% were determined within an agreed extension of time and 37% were out of time.
2.86	<u>OPTIONS FOR CONSIDERING FURTHER IMPROVEMENTS</u> Based upon the figures for the period 1 April 2019 to 31 March 2022, the Councils planning service is determining application mainly within government determination targets, but it is noted that the figures for Minor and Other applications are only marginally above the set national targets in a number of quarters and were lower within the last two quarters (Appendix G of the Performance Report). Workloads also remain high (Appendices B, C, D and F of the Performance Report).
2.87	It should also be noted that in terms of the national picture for all councils, East Suffolk Council is lower quartile for its speed of determining applications. Whilst this is acknowledged, and it is being managed, regard needs to be had to the size of the council area and the many differing constraints that have to be taken in to account to ensure we deliver quality development, or if an application is refused, to successfully defend the position.
2.88	Therefore, having regard to the speed of determination statistics and the rates of delegation it delivers outcomes which are above the threshold of the governments targets. Any further added processes into the system at the council will reduce the outputs and potentially put pressure on the council if it is deemed to be a poor performing council by the government. The sanction for this would be to allow applicants to make planning applications directly to the Planning Inspectorate for determination. This risk needs to be avoided otherwise local determination will be removed.
2.89	Therefore, whilst acknowledging the above are there any other improvements that could be introduced which would provide added value into the system and provide greater public confidence in the planning service we provide.
2.90	Of the concerns that have been raised the majority relate to the operation of the Referral panel. Acknowledging that this Committee have supported its operation in recent years there has again been a number of parishes raising concerns. These relate to the transparency of the process and whether the material

	planning issues being raised are properly understood by the panel ahead of them determining the determination route.
2.91	The report has provided significant amounts of data on the participants in the panel process and whilst it can be seen there is mainly limited participation it may be that that participation is limited due to the inability to actively participate in the process. It is therefore recommended that ward Members are invited to the panel to be able to answer questions and provide factual updates on matters that have been raised regarding the locality of the proposal and its relationship with neighbours. In proposing this it must be understood that the panel are not considering the outcome of the application but the appropriate route for its determination (i.e. if there are sufficient material planning considerations to justify referral to planning committee). If accepted this amendment will be introduced from July 1 st 2022 and will be subject to review again in June 2023.
2.92	It is also noted that the Council's Scrutiny Committee, in its work programme, is also wanting to review the planning service and in particular the determination process. It is to consider this at its meeting in March 2023. In discussing this with the Chair of the Scrutiny Committee it is suggested if the changes to the Referral panel are introduced in July then it will be able to consider the impact of those changes and make recommendations that can feed in to the meeting of this Strategic Planning Committee to be held June 2023 when it again considers the work of the Planning Committees and referral panel.
2.93	There has also been concern raised that the length of time available for public speaking at meetings is too short a time for participants to get their key messages across. Three minutes is allowed for all participants which must be seen alongside a detailed written report, officer presentation and the ability of members to ask speakers questions such that when debate on the application commences a full understanding of the material issues has been presented. As always there needs to be a balance between providing a robust process for determining planning applications and efficiently using council time. It is considered that three minutes enables this to be done and the Chairman and members have the ability with further questioning to seek further clarification. Most councils allow for three minutes of public speaking and this is understood to be the norm across Suffolk. Many Councils also do not allow questions to be asked of public speakers as is established here. This additional process is considered to be highly beneficial to the committee process and provides a thorough insight for members wishing to gain a deeper understanding of proposals and issues. It should also be noted that for the most complex of applications the Chairman has discretion to lengthen the speaking time where appropriate.
2.94	<p><u>CONCLUSION</u></p> <p>The Council operates at a high delegation rate which enables the Planning Committee's to look at those applications that warrant wider debate in the public arena, hear the views of interested parties and allow public scrutiny of those important and significant applications. It is important that Planning Committees are not overburdened with volume of applications, and that</p>

	appropriate time is allowed for full and proper debate on those applications what warrant such.
2.95	Equally it is important to avoid overburdening officers with planning committee items since they can be incredibly time consuming, requiring more detailed reports, comprehensive PowerPoint presentation preparation and time attending the committee and associated prior meetings. Officers can find that time which can be applied to their delegated caseload can be compromised considerably in months when they have multiple planning committee items.
2.96	Overall, it is clear from this report that both the weekly scheduled 1.5 hour Referral Panel meetings and the monthly 3.5 hour North and South Planning Committees are not short of business. Considerable officer and member time is already committed to these meetings and the opportunity to add any greater amount of business to those meetings is limited without extra weekly Referral or monthly Committee meetings.
2.97	Officers are committed to working closely with our Town and Parish Council's and will provide further guidance and assistance to enable enhanced dialogue in the planning application process. It is intended that this report will provide a clear picture to communities of the scrutiny the Council already gives its applications and the significant influence Town and Parish Councils have on the decision making process, particularly the time given to cases through the Referral Panel process.
2.98	It is also important to note that there is limited communication from Ward Members on applications, which sits at just 19 applications of a total of 244 (7.8%) that were presented to the Referral Panel. All Ward Members are notified of all Planning Applications received within their ward, and contrary views of Ward Members is one of the key triggers of the Referral Process. Officers would welcome enhanced dialogue with Ward Members on planning applications.

3 How to address current situation

3.1	Yearly monitoring and reporting to Strategic Planning Committee
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4 Reason/s for recommendation

4.1	That the contents of the report are noted
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Appendices

Appendices:	
Appendix A	Diagram explaining the process through which Planning Applications can trigger the Referral Process and reach the Planning Referral Panel.
Appendix B	Major, Minors and Others at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.
Appendix C	The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.
Appendix D	The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, by ward on a map of the district.
Appendix E	Public Speaking on items at North and South Planning Committees between 1 April 2021 and 31 March 2022.
Appendix F	The proportions of North and South areas at the Referral Panel between 1 April 2019 and 31 March 2022.
Appendix G	The numbers and proportions of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.
Appendix H	The timeliness of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.
Appendix I	The number and proportions of 'Planning Applications' by ward, at the Referral Panel between 1 April 2021 and 31 March 2022.
Appendix J	The proportions of 'Planning that were at the Referral Panel between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
Appendix K	Details by Parish of the number and proportions of 'Planning Applications' at the Referral Panel between 1 April 2021 and 31 March 2022.
Appendix L	Referral Panel items with comments from Ward Members between 1 April 2019 and 31 March 2022.
Appendix M	Referral Panel items with comments from Ward Members between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
Appendix N	Referral Panel items with comments from Town/ Parish Councils between 1 April 2019 and 31 March 2022.

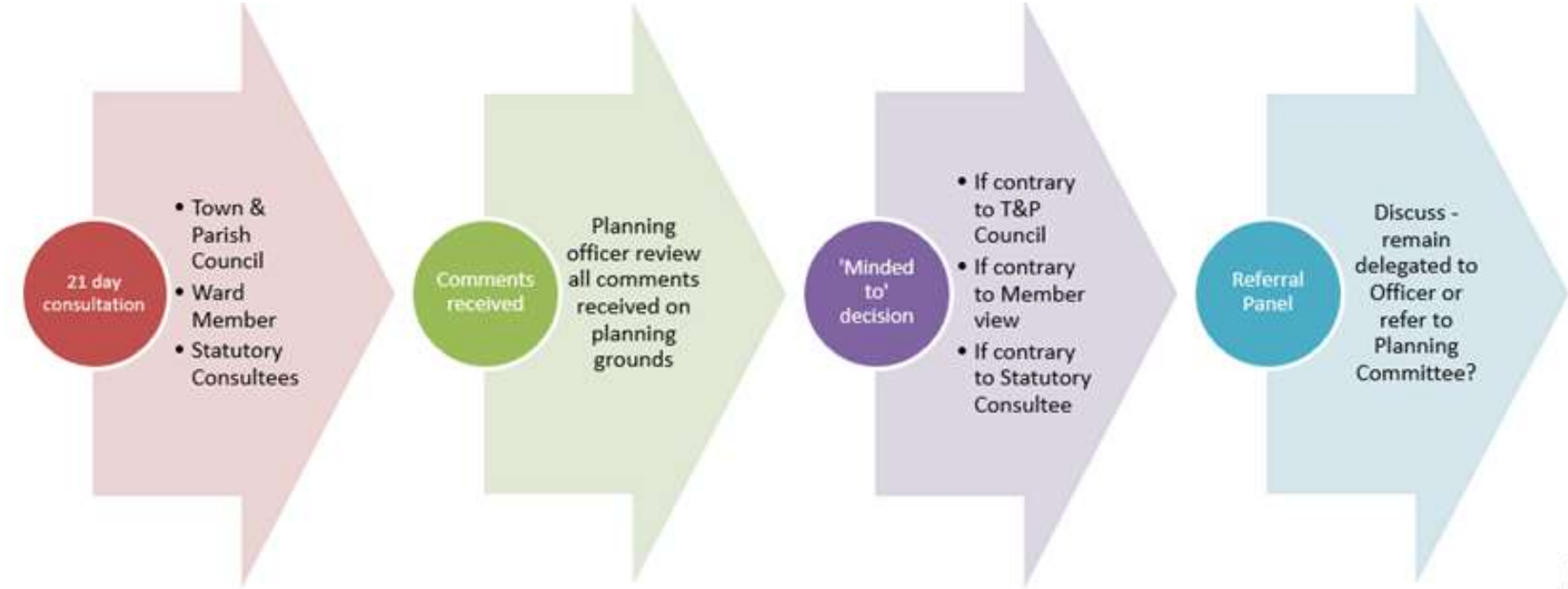
Appendix O	Numbers and Proportion of Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by Parish.
Appendix P	Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
Appendix Q	The overall number of items at the Referral Panel with comments from Ward Members or the Town/Parish Council between 1 April 2019 and 31 March 2022.
Appendix R	The outcomes of Referral Panel between 1 April 2019 and 31 March 2022.

Background reference papers:

None.



Referral Process



Appendix B: Major, Minors and Others at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.

Figure 1: Number of Majors, Minors and Others items at North/South Planning Committee between 1 April 2021 and 31 March 2022.

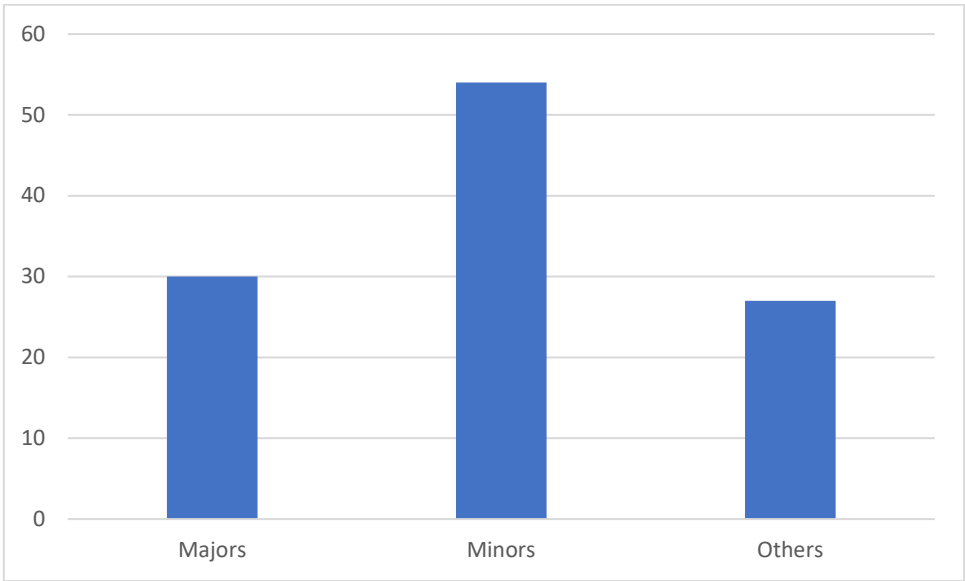


Figure 2: Items at North / South Planning Committees between 1 April 2021 and 31 March 2022, in terms of the proportion of Majors, Minors and Others

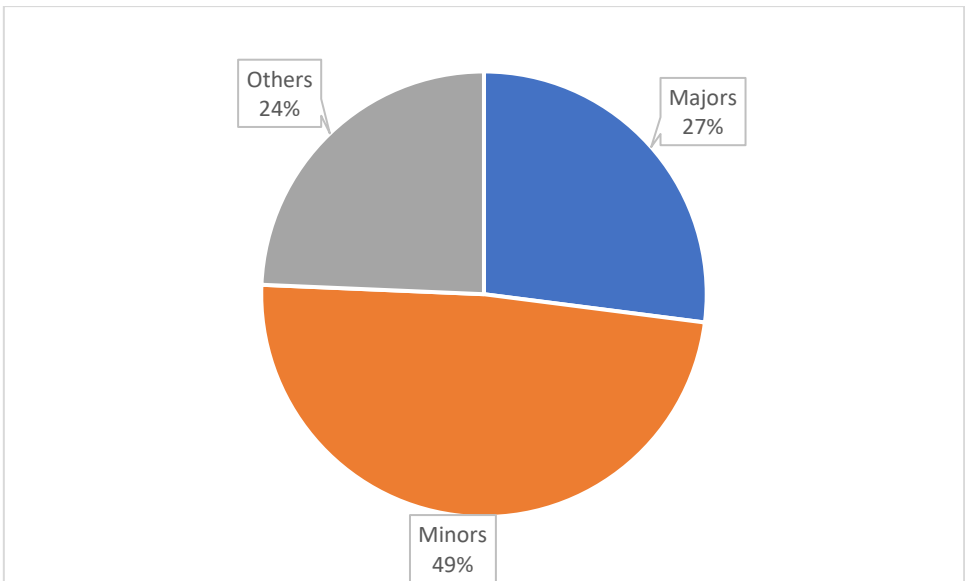


Figure 3: The proportions of Major, Minors and Other items at North / South Planning Committee within each ward between 1 April 2021 and 31 March 2022

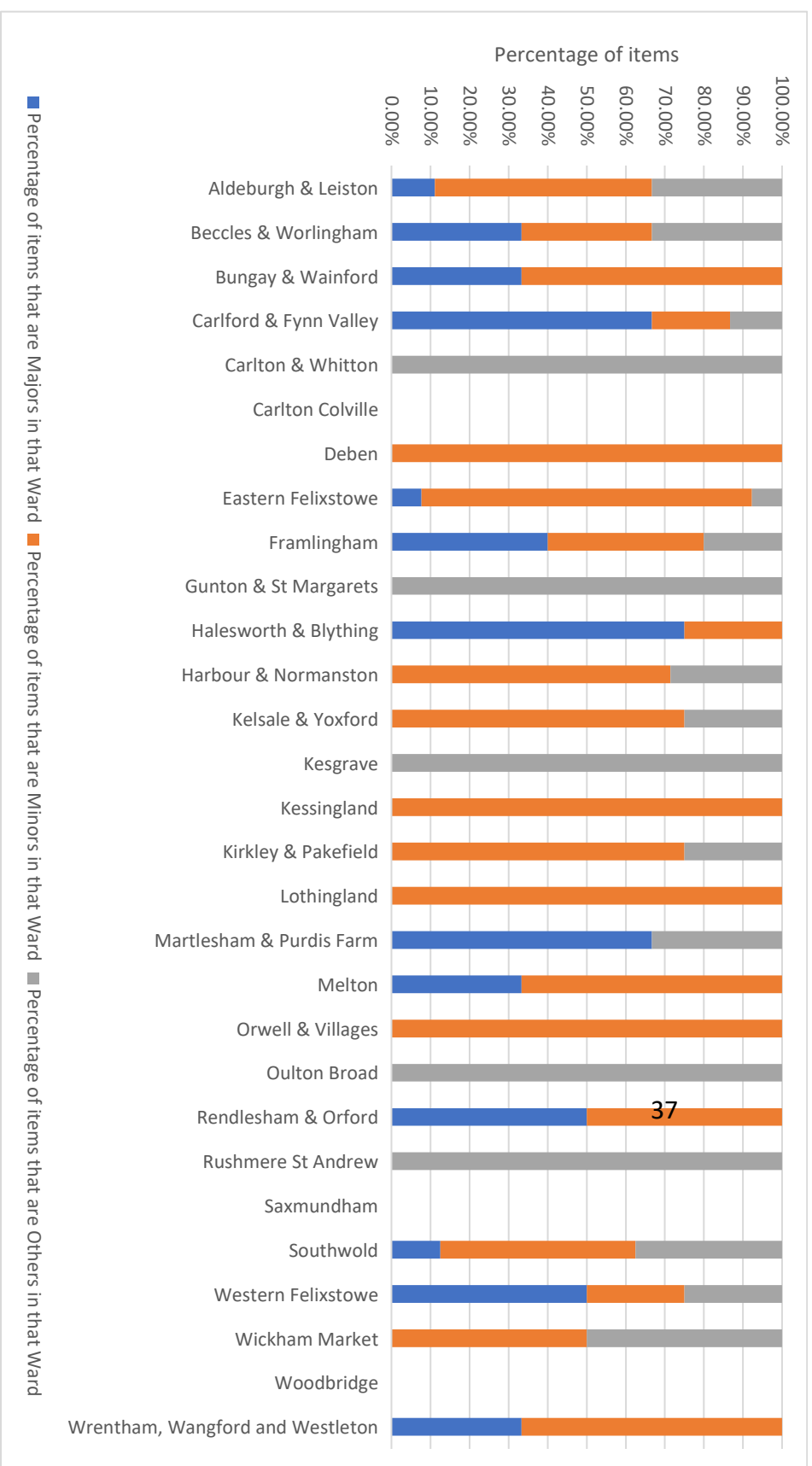
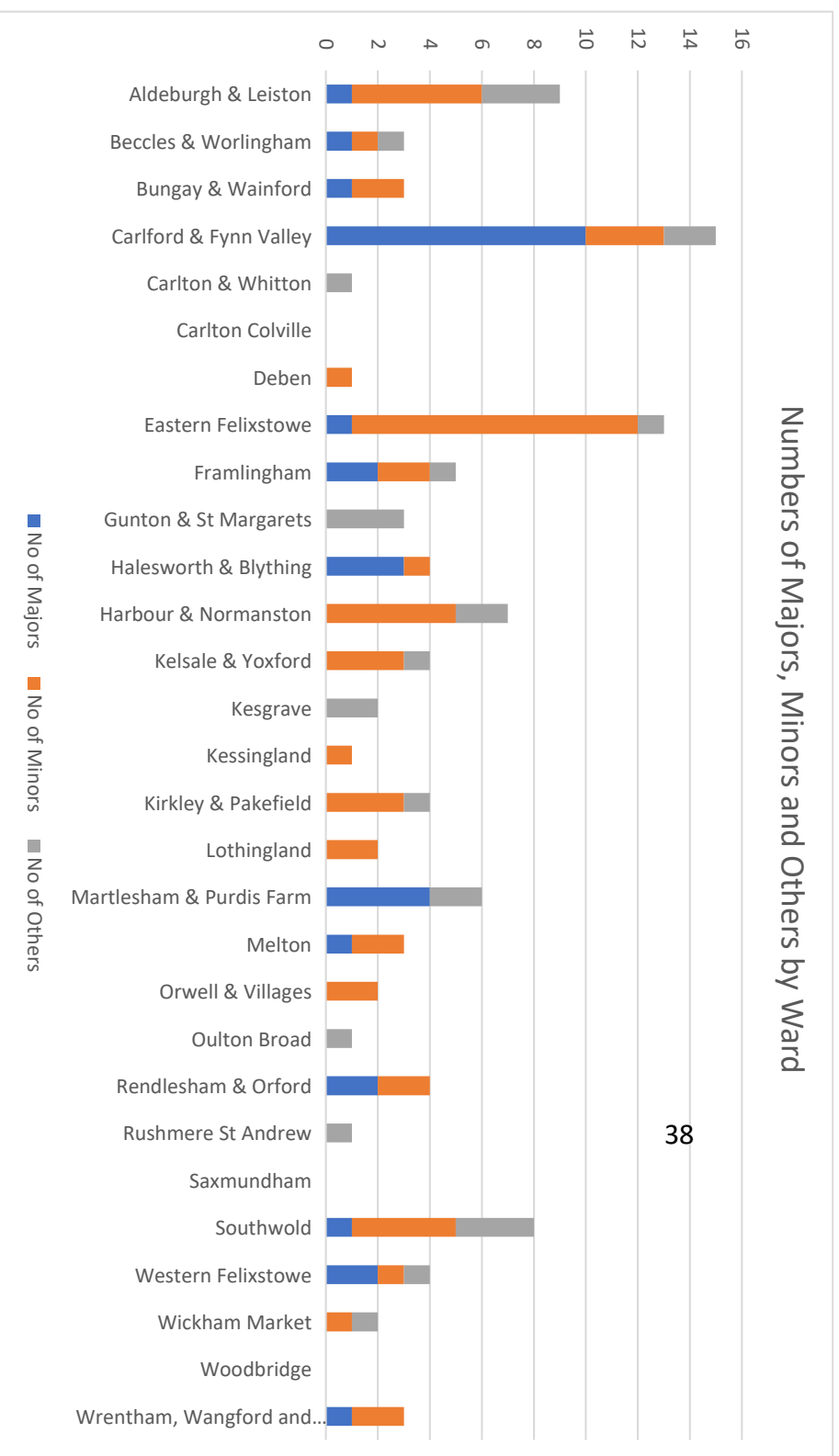


Figure 4: The numbers of Major, Minors and Other items at North / South Planning Committee within each ward between 1 April 2021 and 31 March 2022



Appendix C: The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.

Figure 1: The proportion of items at Planning Committee because of an ESC Connection / Referred by Panel /called in directly (e.g. referred by Head of Service) for the period 1 April 2021 - 31 March 2022

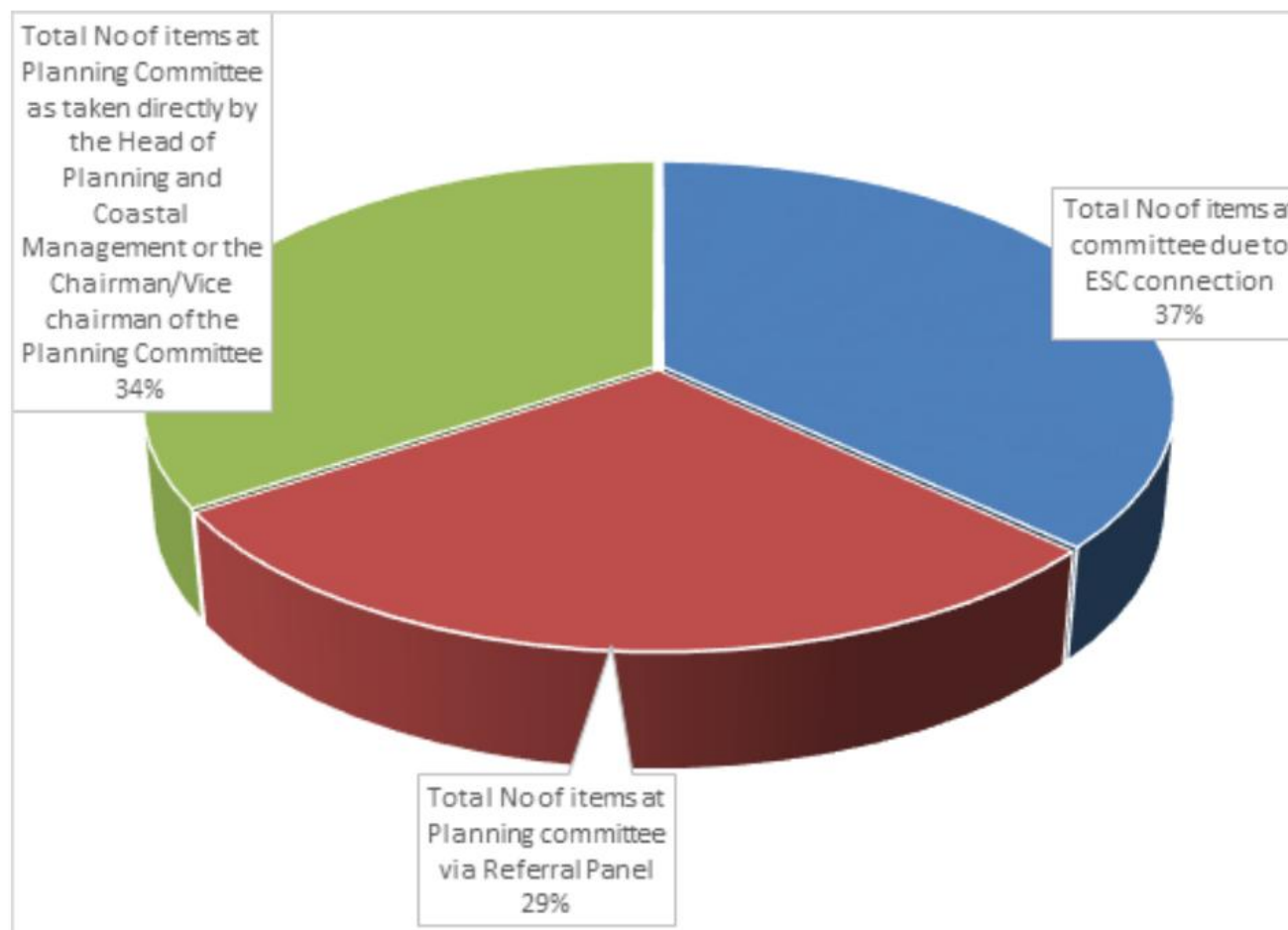


Figure 2: Reason items were at committee as a percentage of the number of items presented each month (1 April 2021 - 31 March 2022)

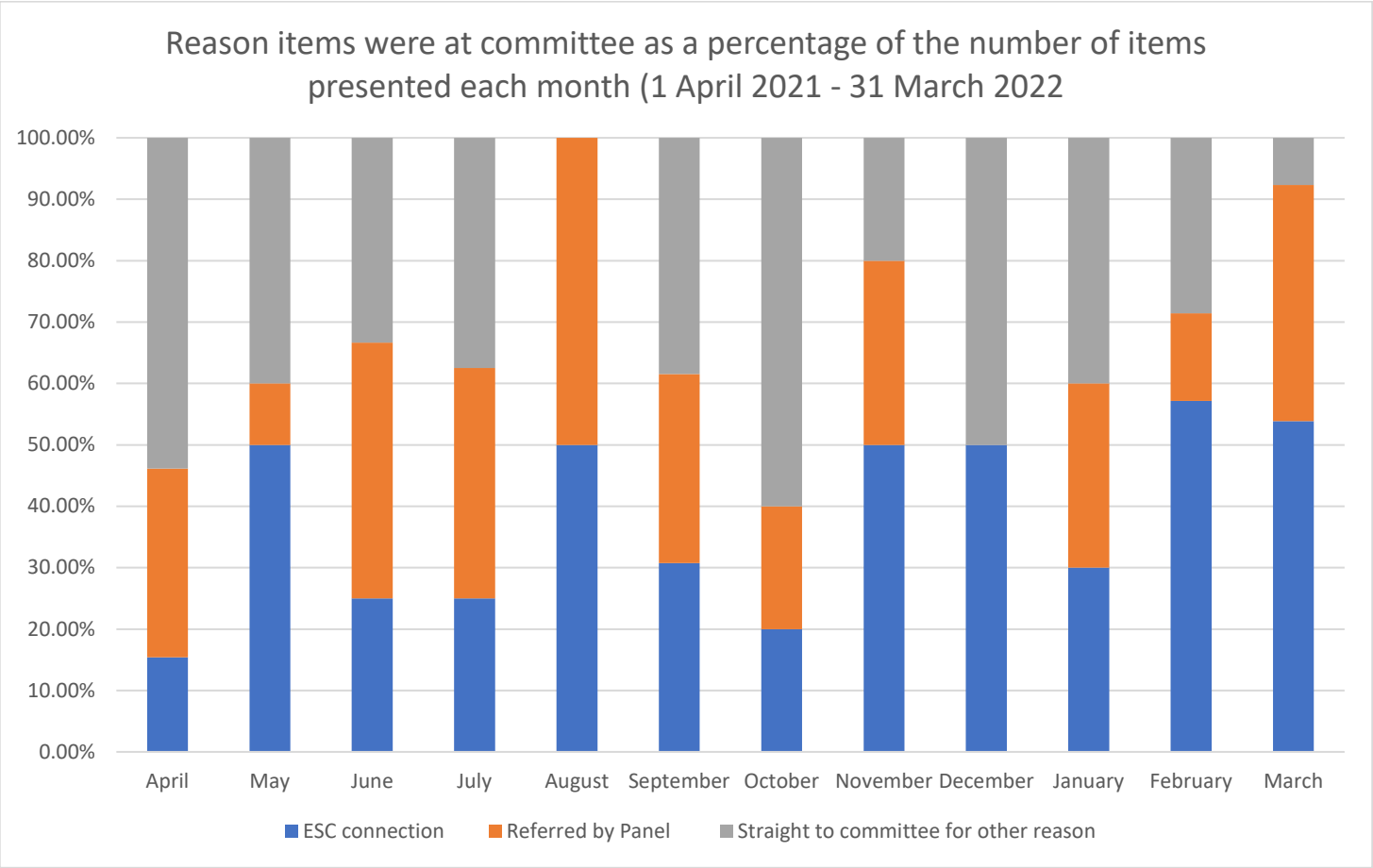


Figure 3: Number of items at North and South Planning Committees per month (1 April 2021 - 31 March 2022)

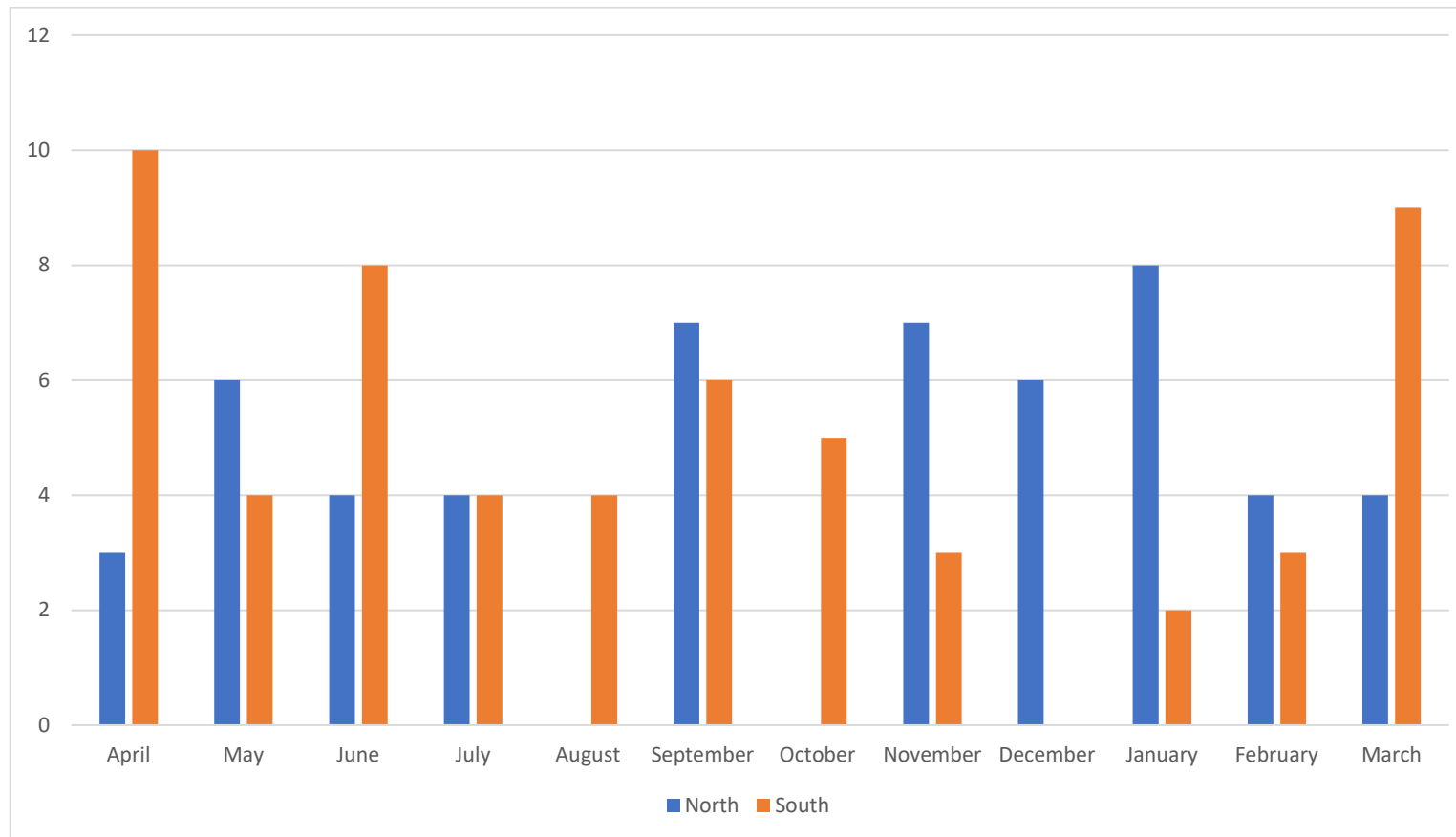


Figure 4: Number of Items at Committee by Ward (1 April 2021 - 31 March 2022)

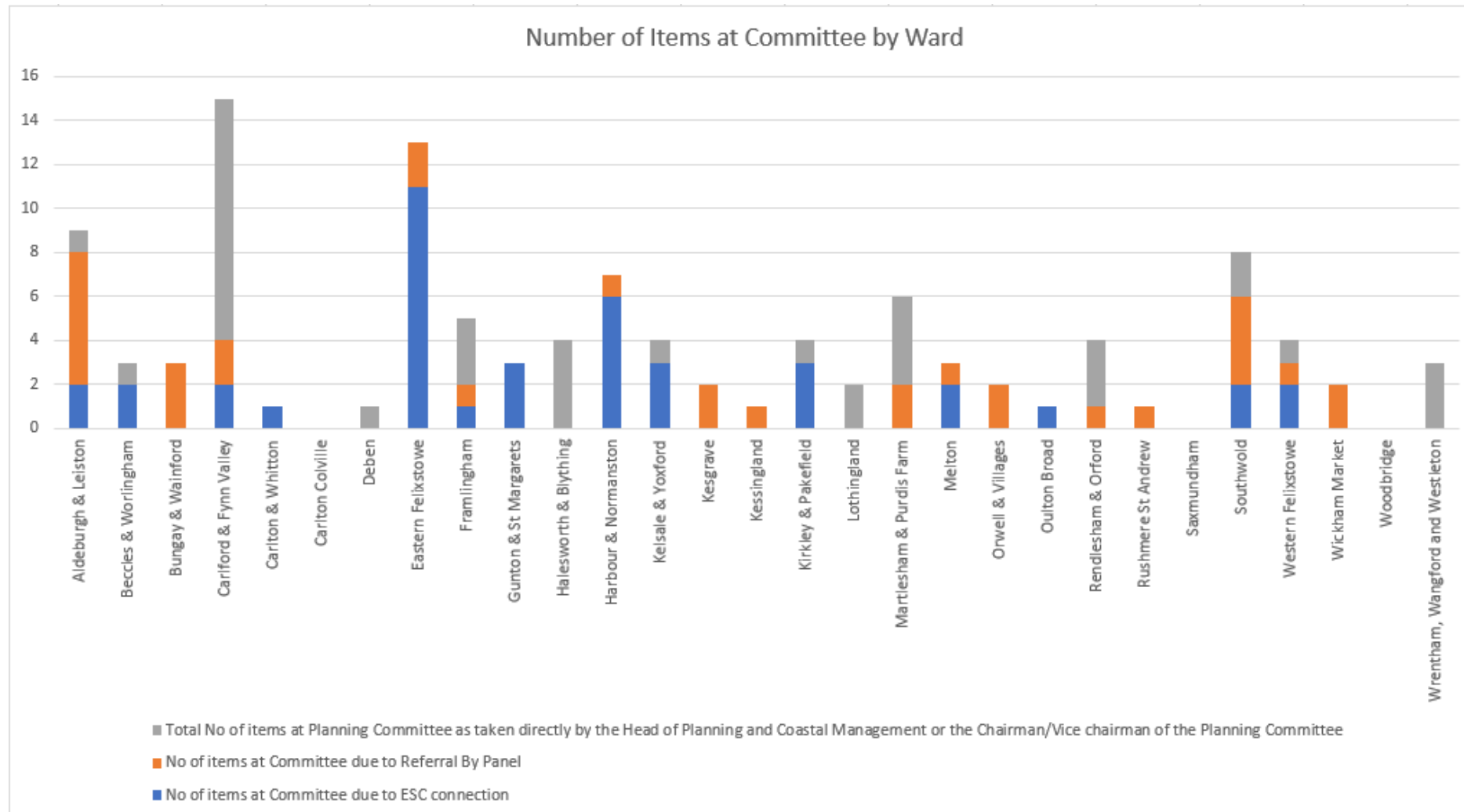
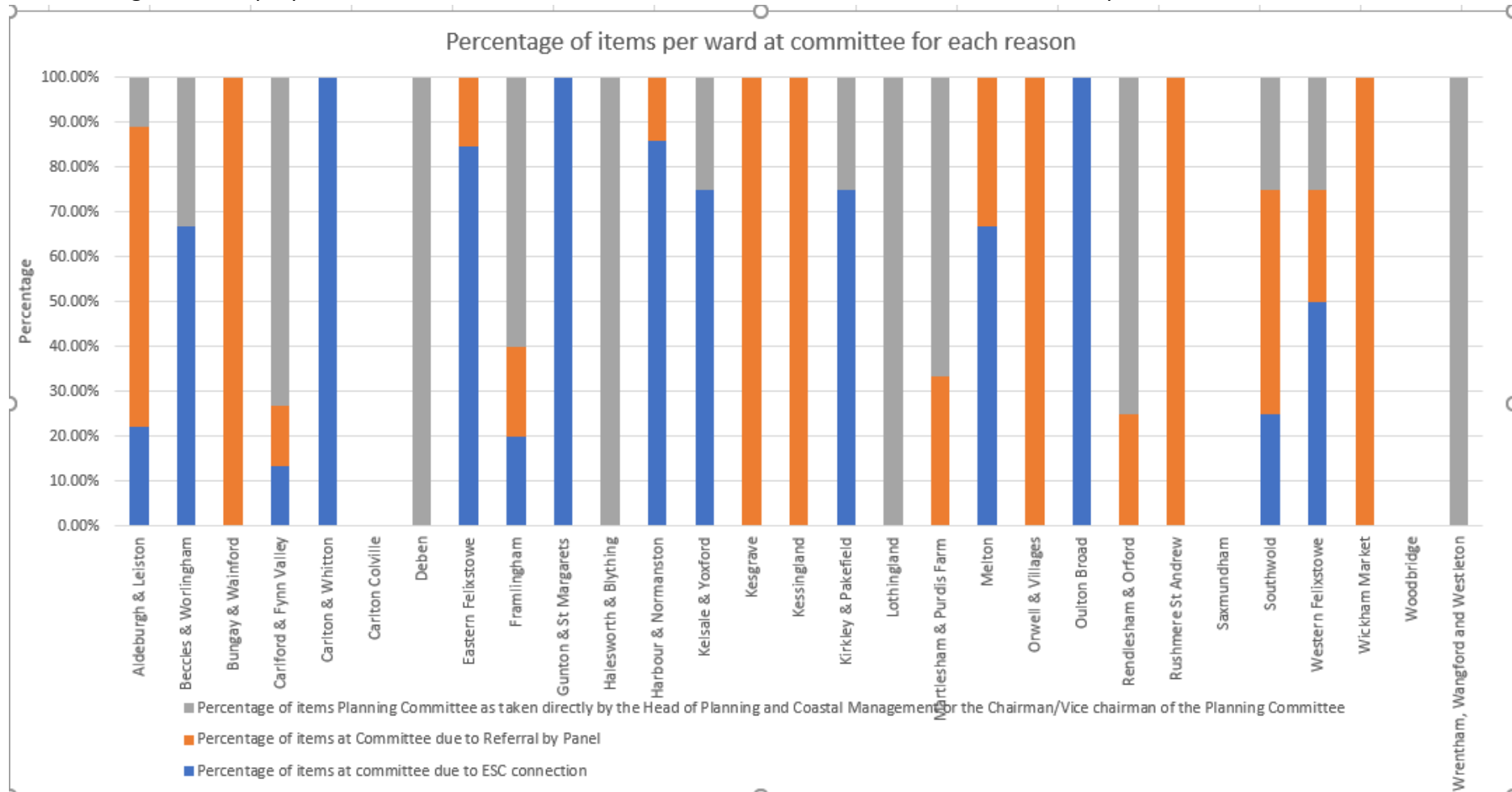


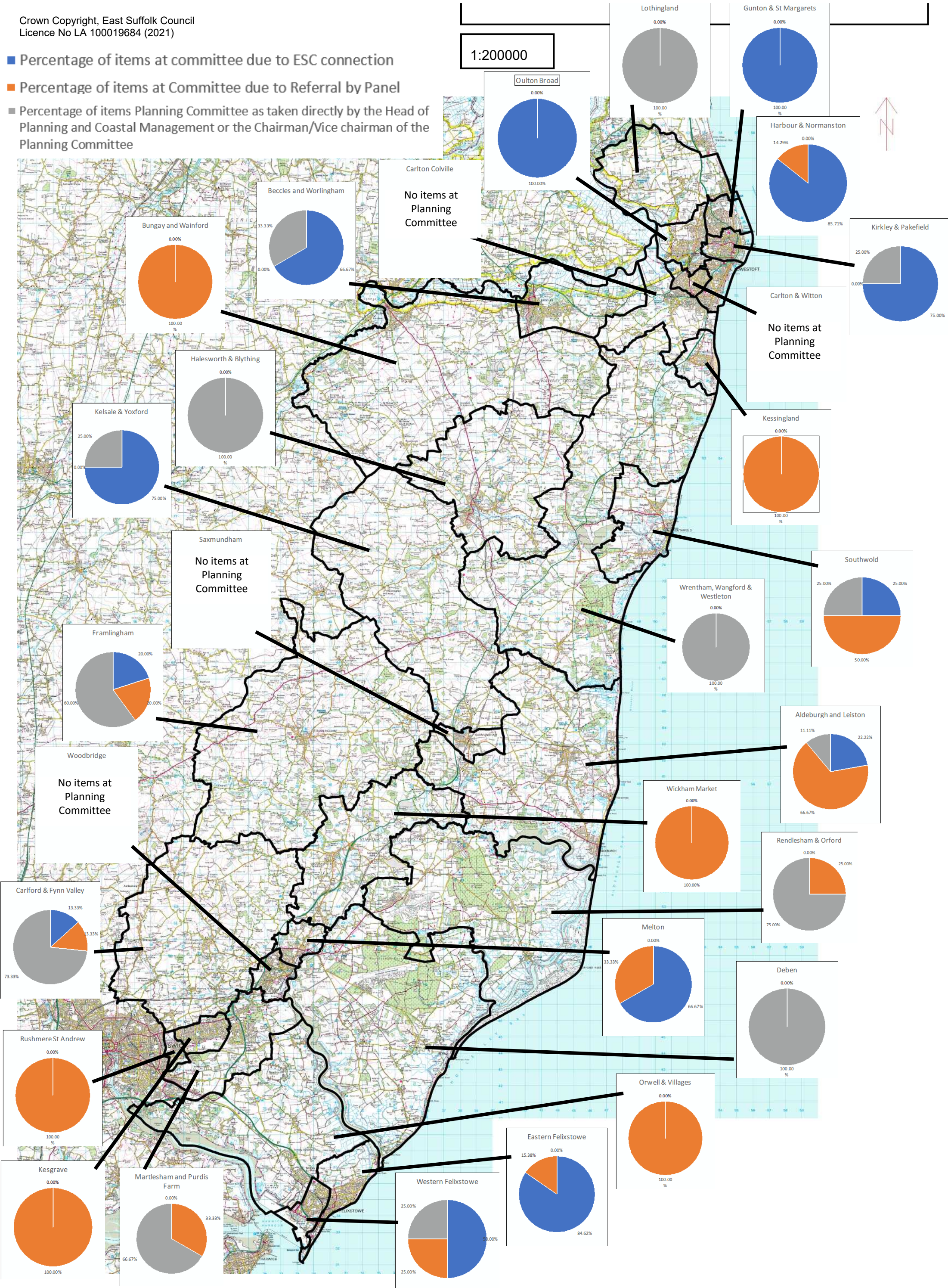
Figure 5: The proportion of items at Committee for each reason within each ward between 1 April 2021 and 31 March 2022



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- Percentage of items at committee due to ESC connection
- Percentage of items at Committee due to Referral by Panel
- Percentage of items Planning Committee as taken directly by the Head of Planning and Coastal Management or the Chairman/Vice chairman of the Planning Committee



ES/1171

Figure 1 : Overall percentage of Planning Committee items on which a potential speaker spoke 1 April 2021 – 31 March 2022

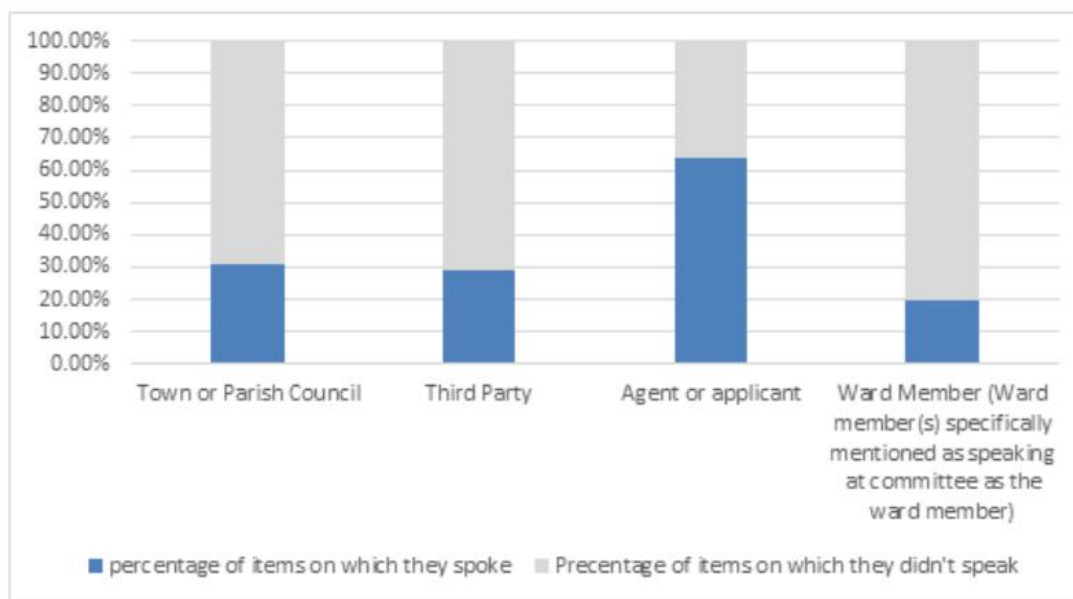


Figure 2: The percentage of items at committee via the Referral Panel on which each potential type of speaker spoke.

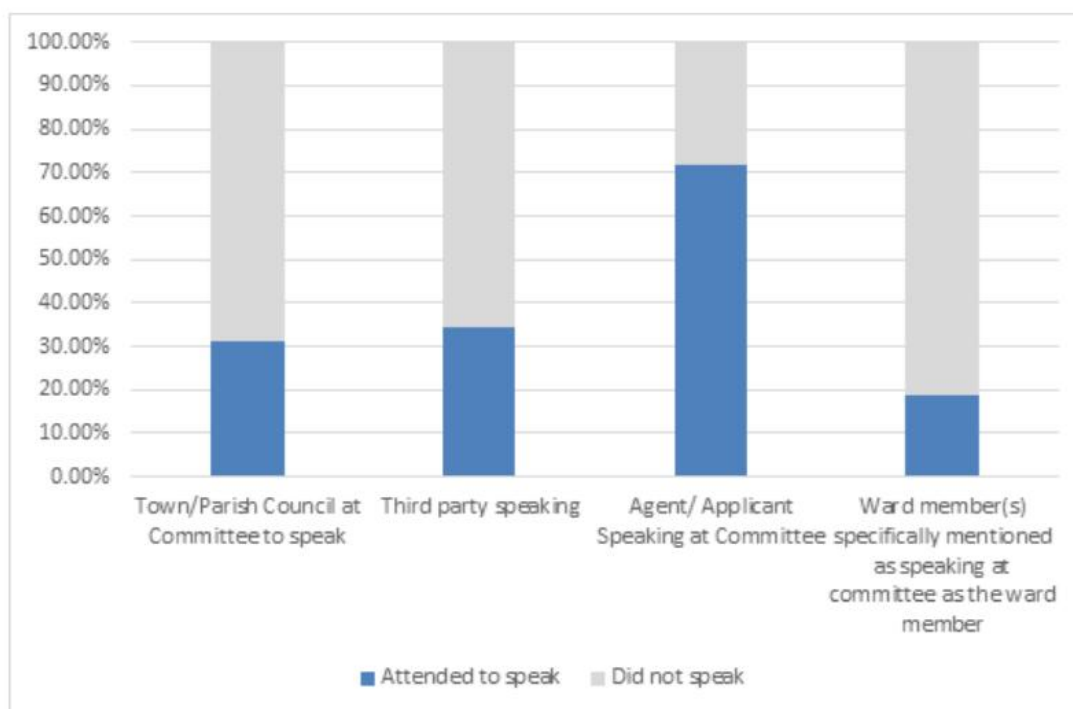


Figure 3: The percentage of public speaking on items at committee due to direct referral by the Head of Service or Committee Chairs

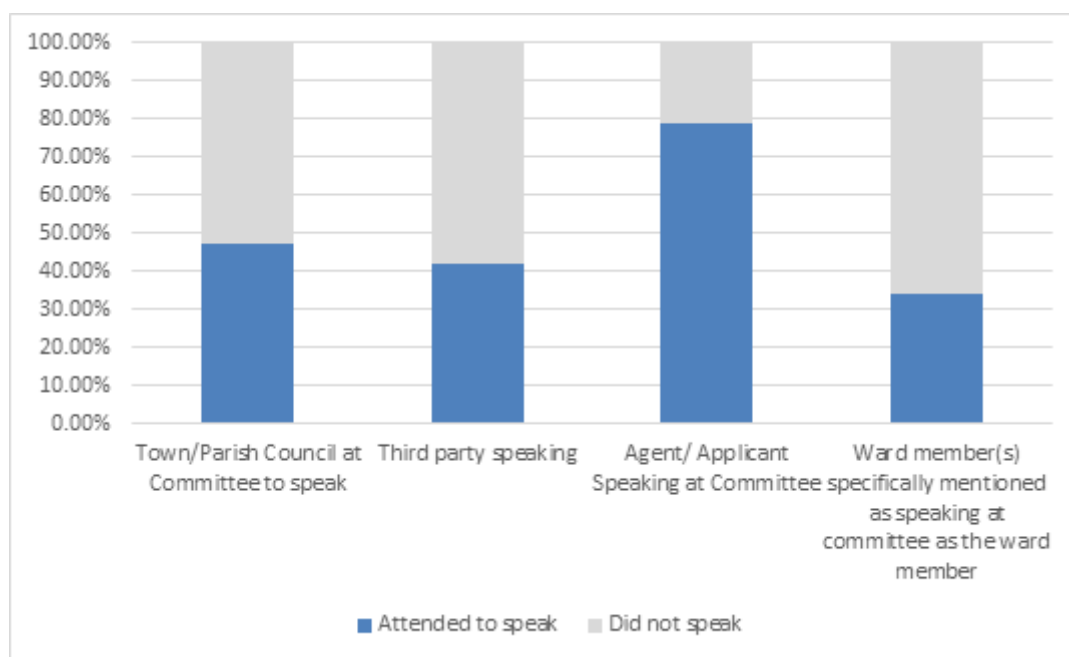


Figure 4: The percentage of public speaking on items at committee due to an East Suffolk Council connection (e.g. ESC were the applicant, or the applicant was an ESC elected member, member of staff or close relative).

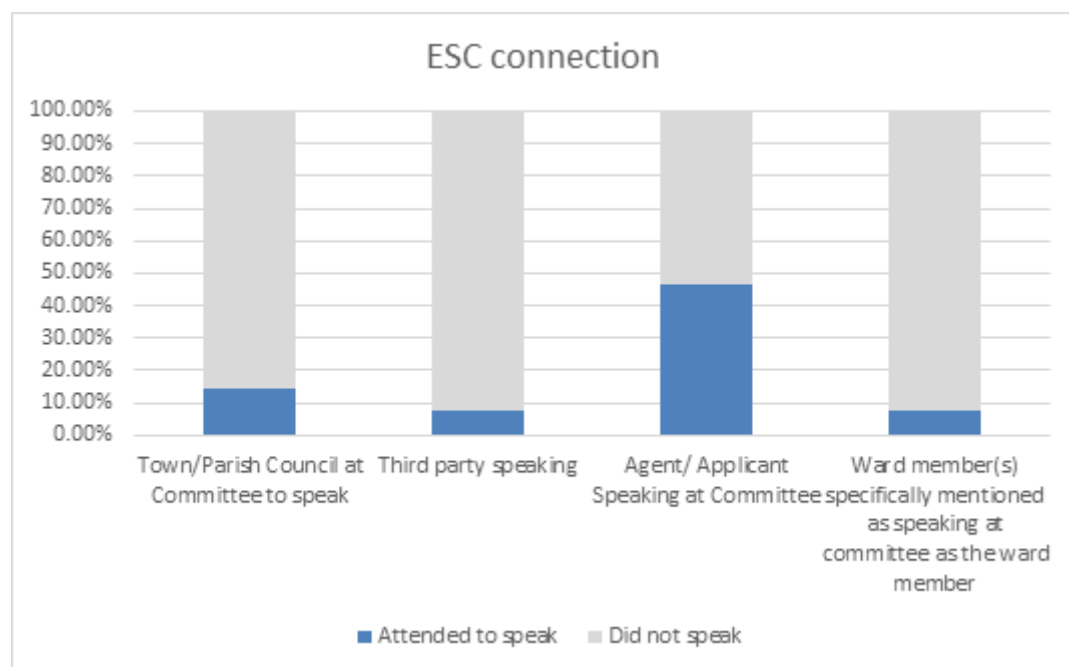
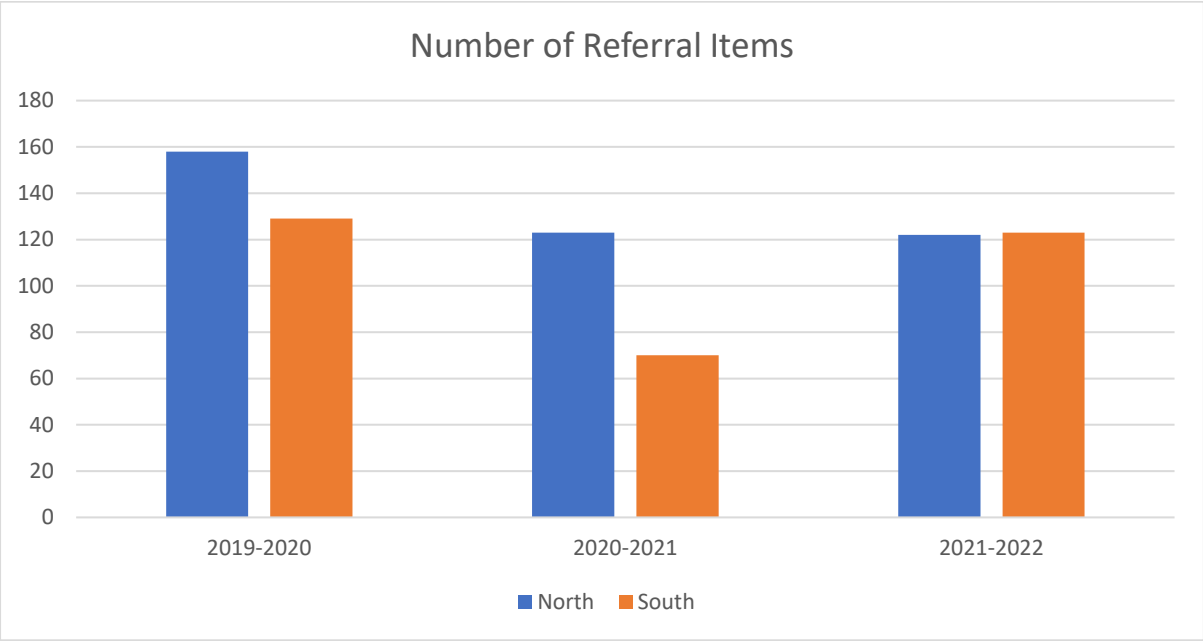
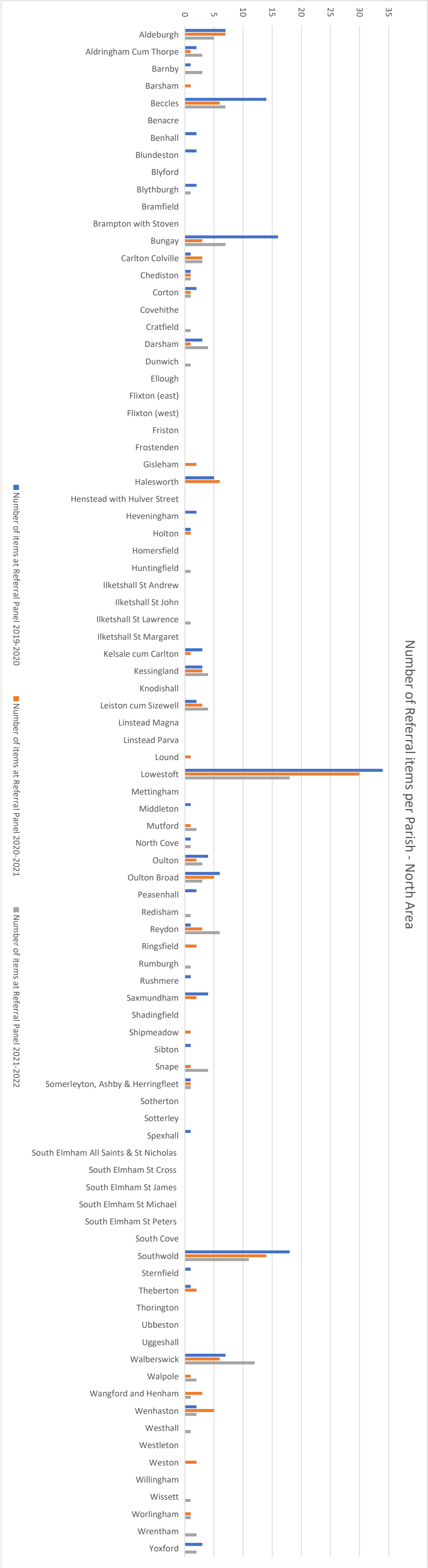
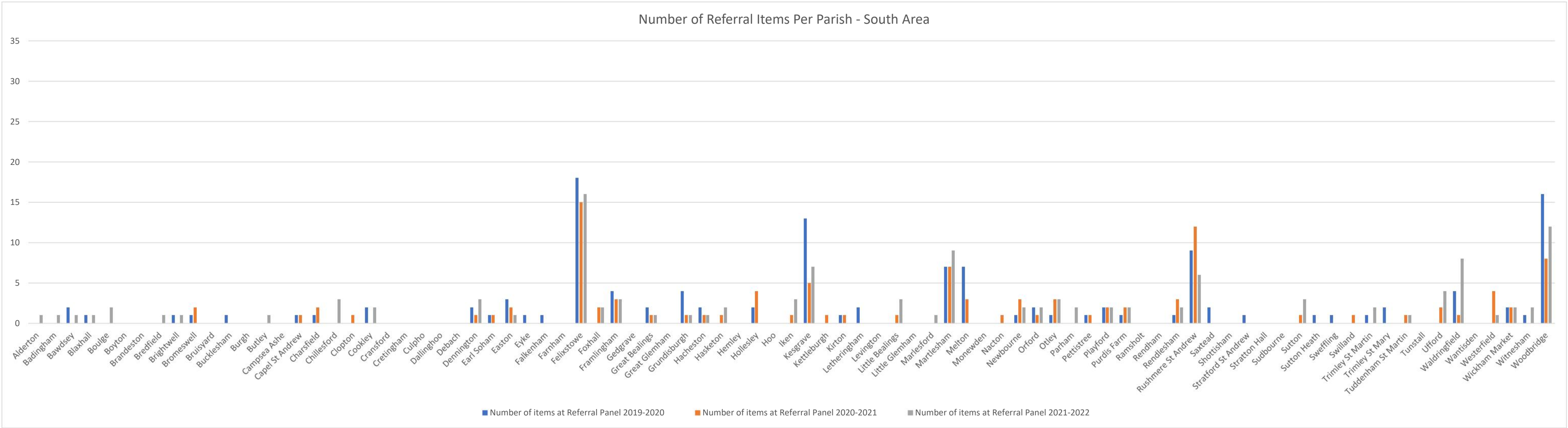


Figure 1: The number of North/South Referral Items each year







Appendix G: The numbers and proportions of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.

Figure 1: The Number of Majors, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022

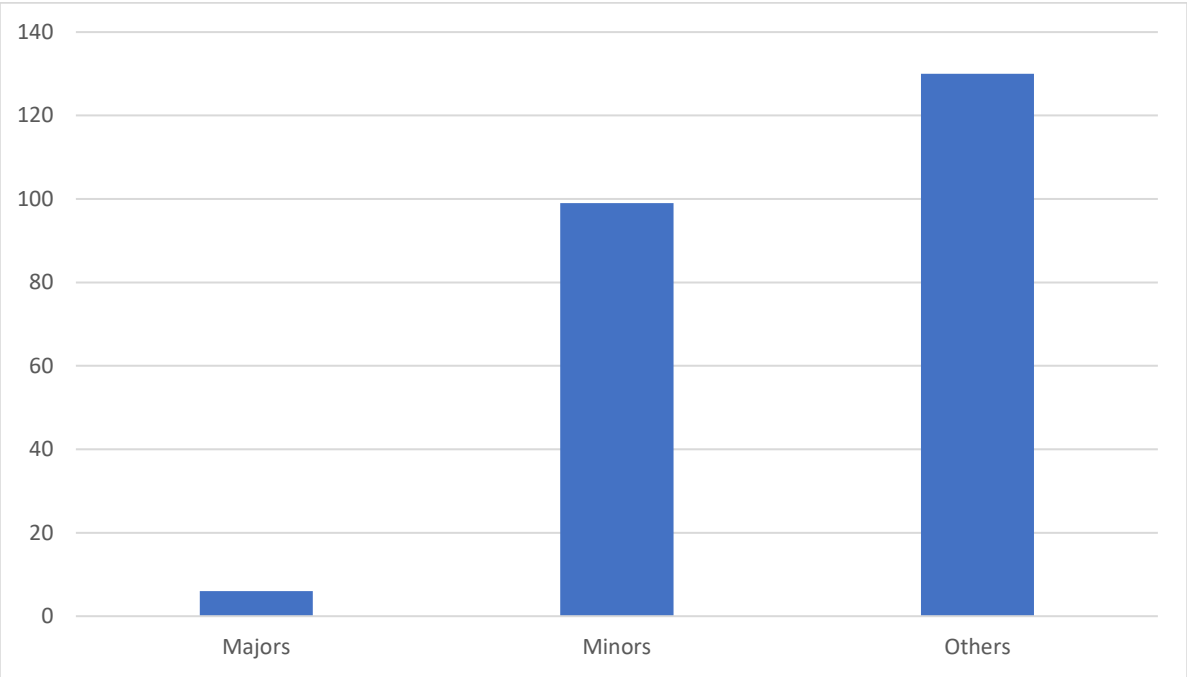


Figure 2: Items at Referral Panel between 1 April 2021 and 31 March 2022, in terms of the proportion of Majors, Minors and Others

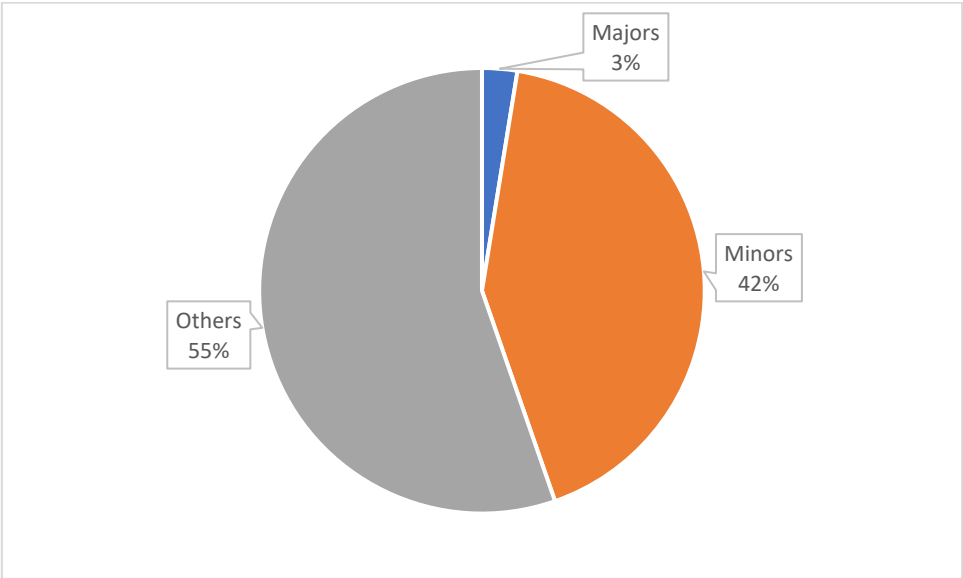


Figure 1: The proportions of Majors going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.

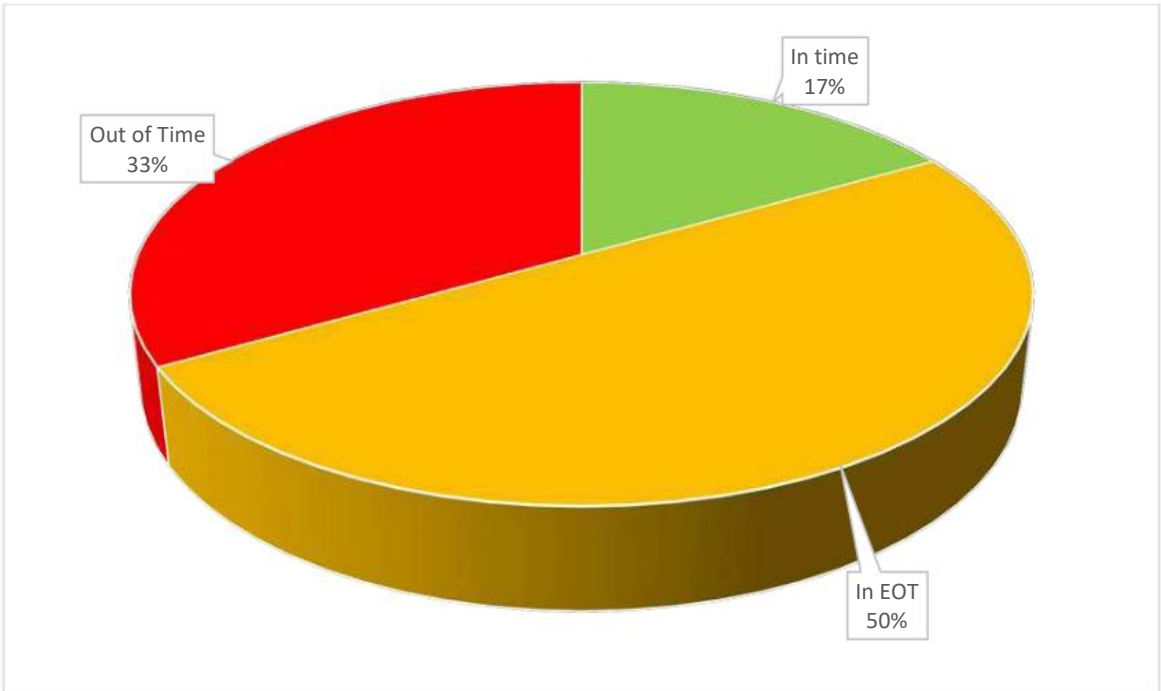


Figure 2: The proportions of Minors going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.

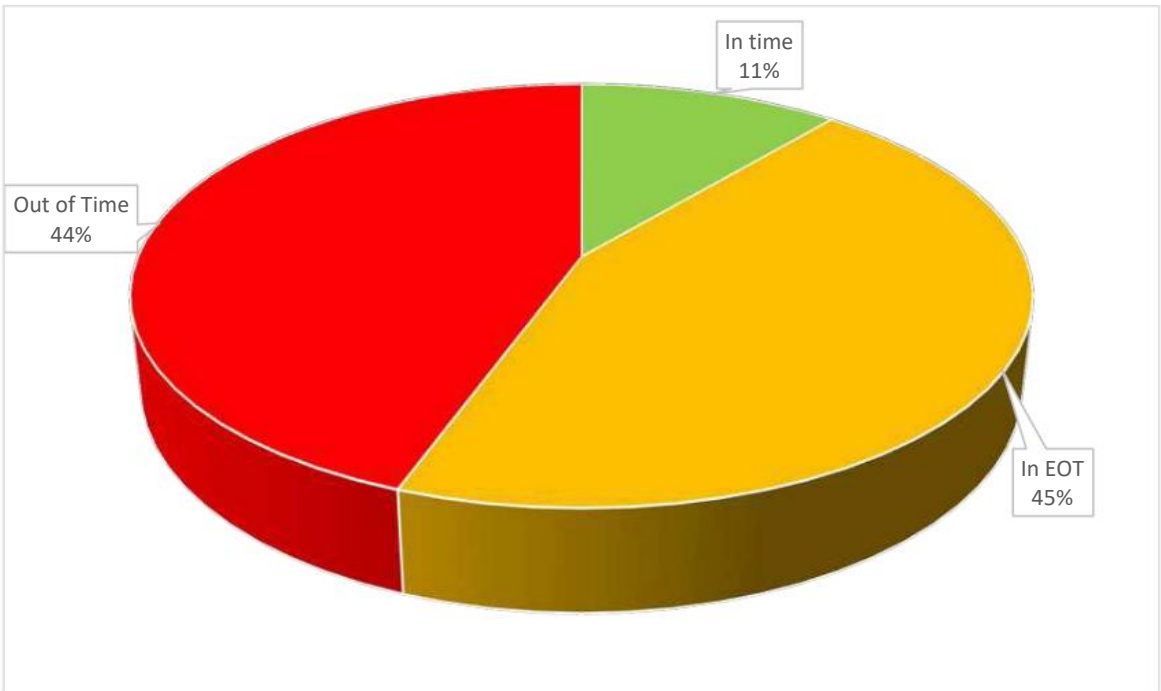
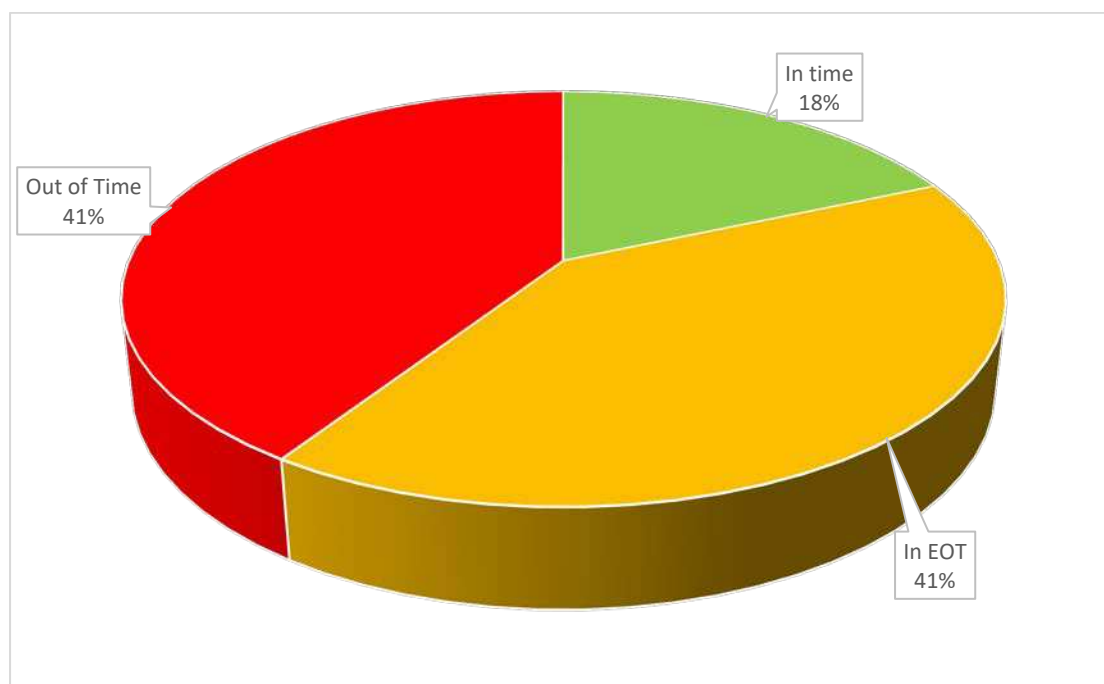


Figure 3: The proportions of Others going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.



Appendix I: The number and proportions of 'Planning Applications' by ward, at the Referral Panel between 1 April 2021 and 31 March 2022.

Figure 1: The percentage of applications within each ward that could have triggered the referral process between 1 April 2021 and 31 March 2022

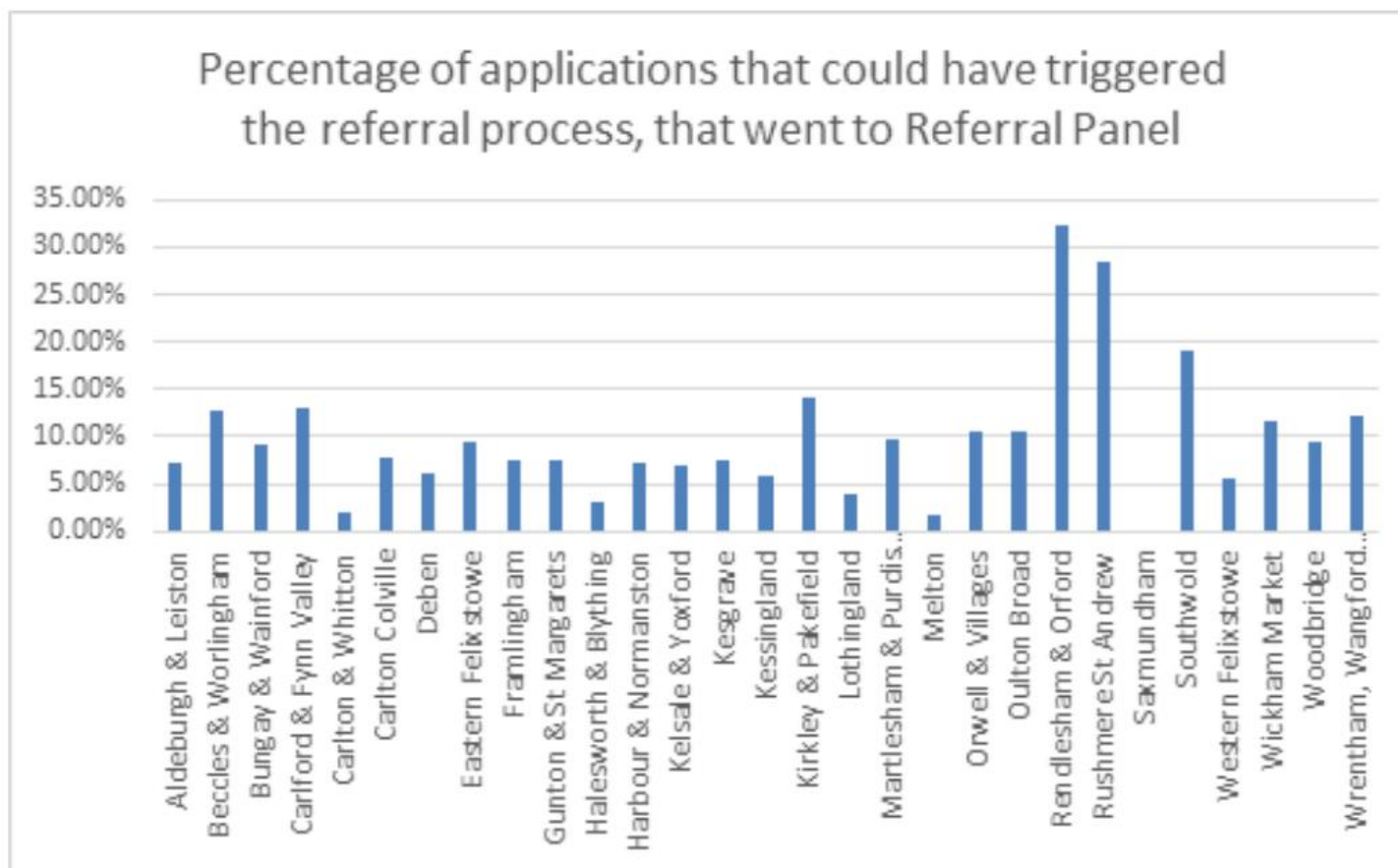


Figure 2: The total number of applications that could have triggered the referral process and did between 1 April 2021 and 31 March 2022

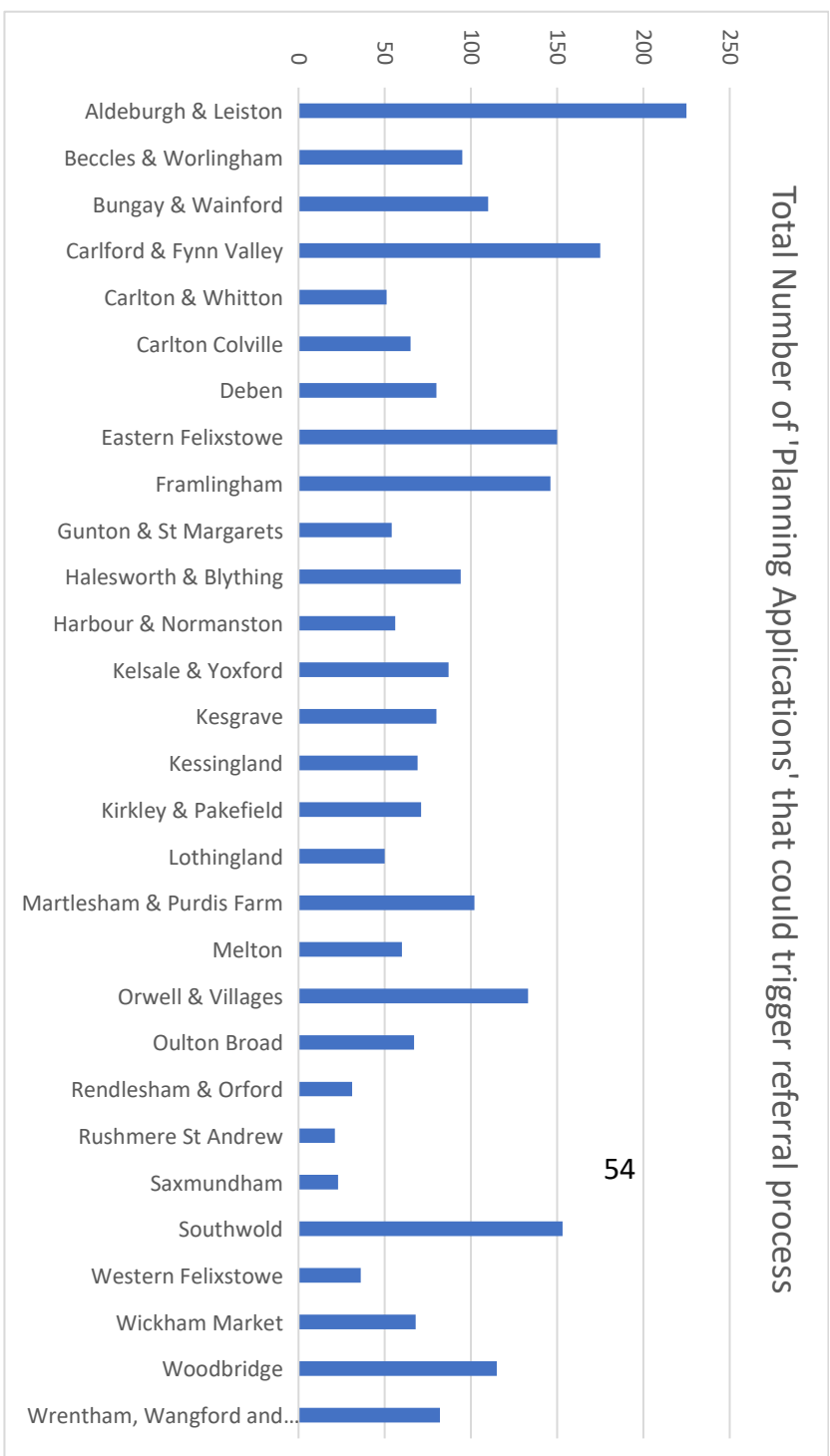


Figure 3: The total number of applications within each ward that triggered the referral process between 1 April 2021 and 31 March 2022

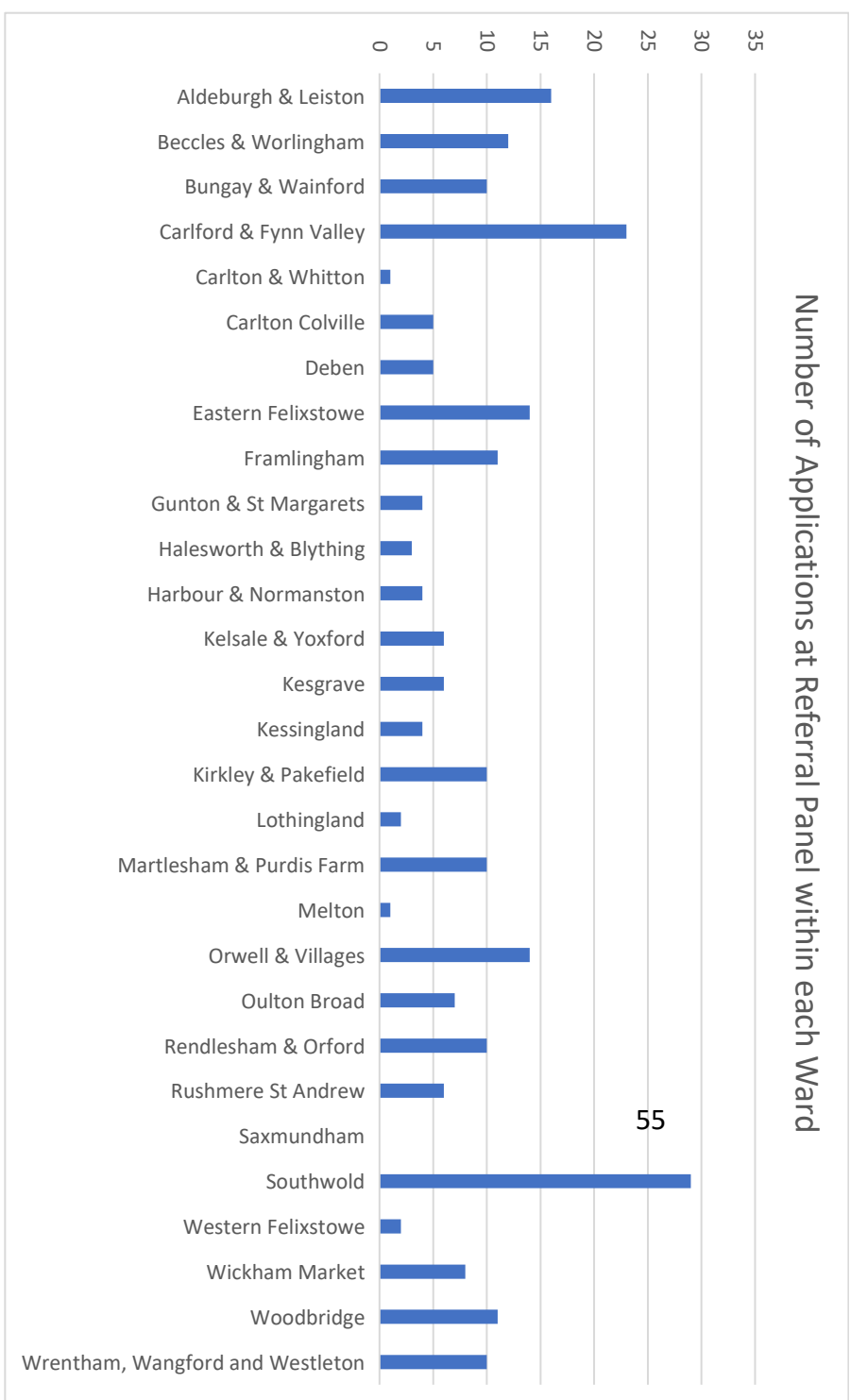


Figure 4: The proportion of applications within each ward that could have triggered the referral process and did between 1 April 2021 and 31 March 2022

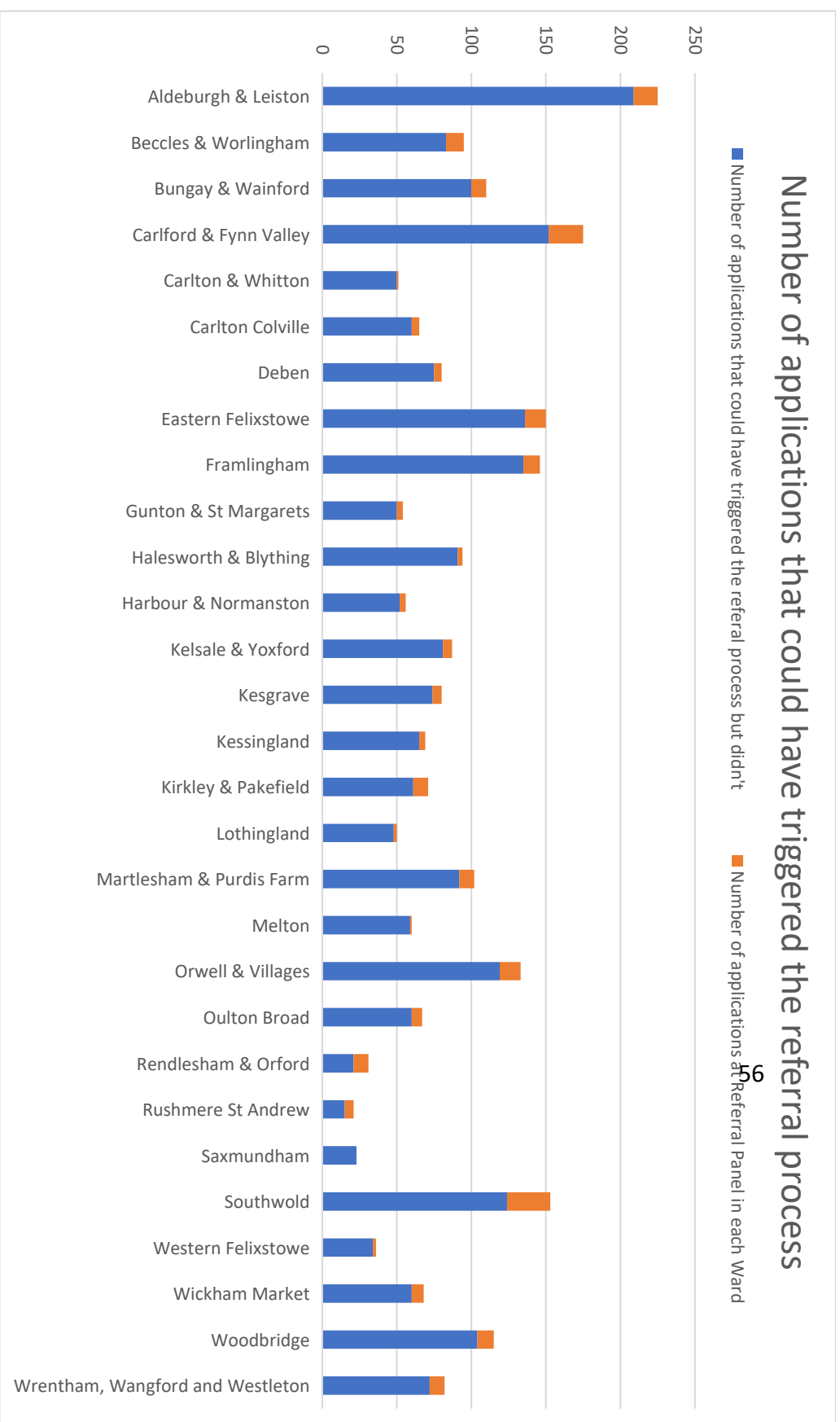


Figure 5: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)

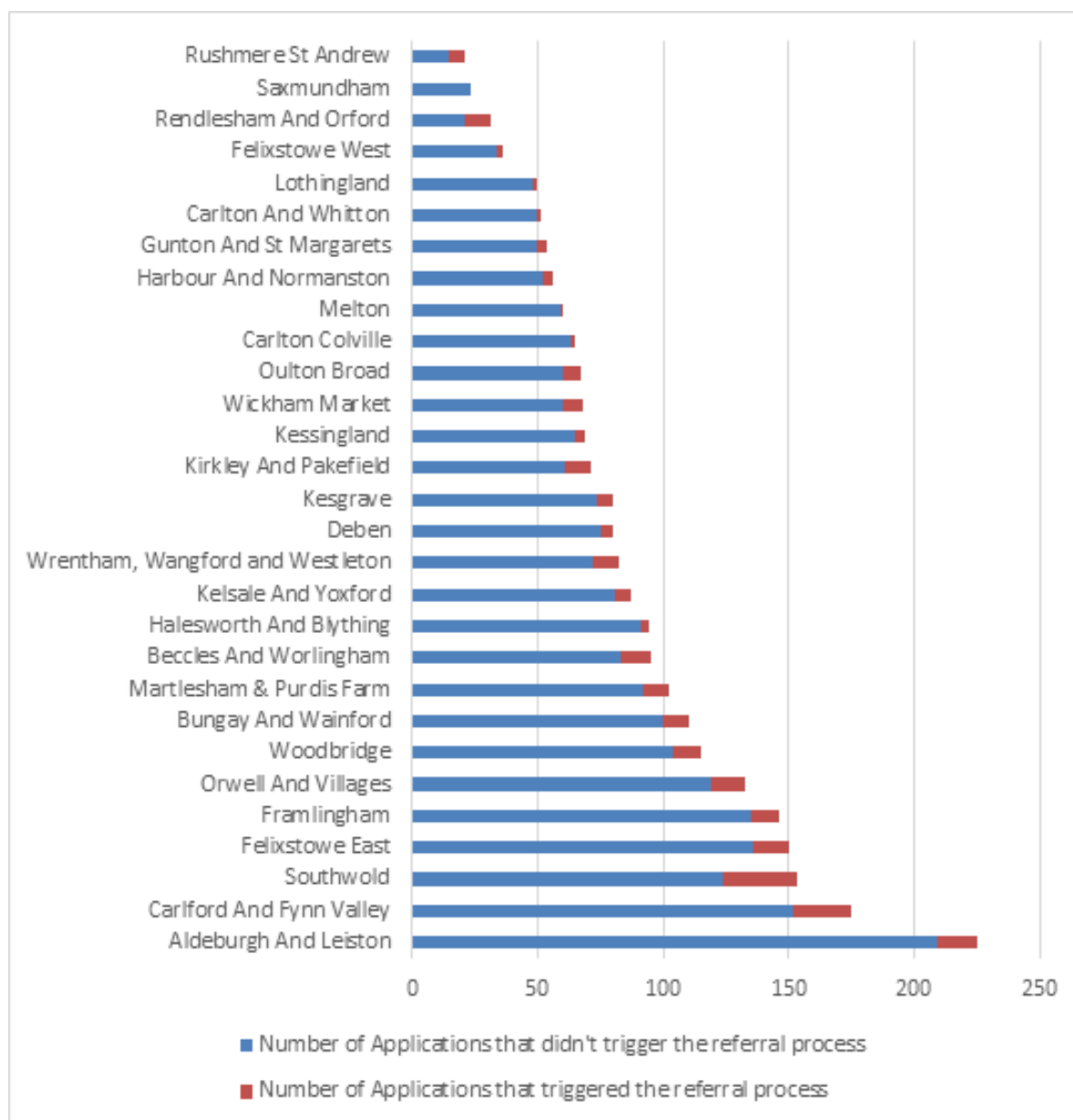
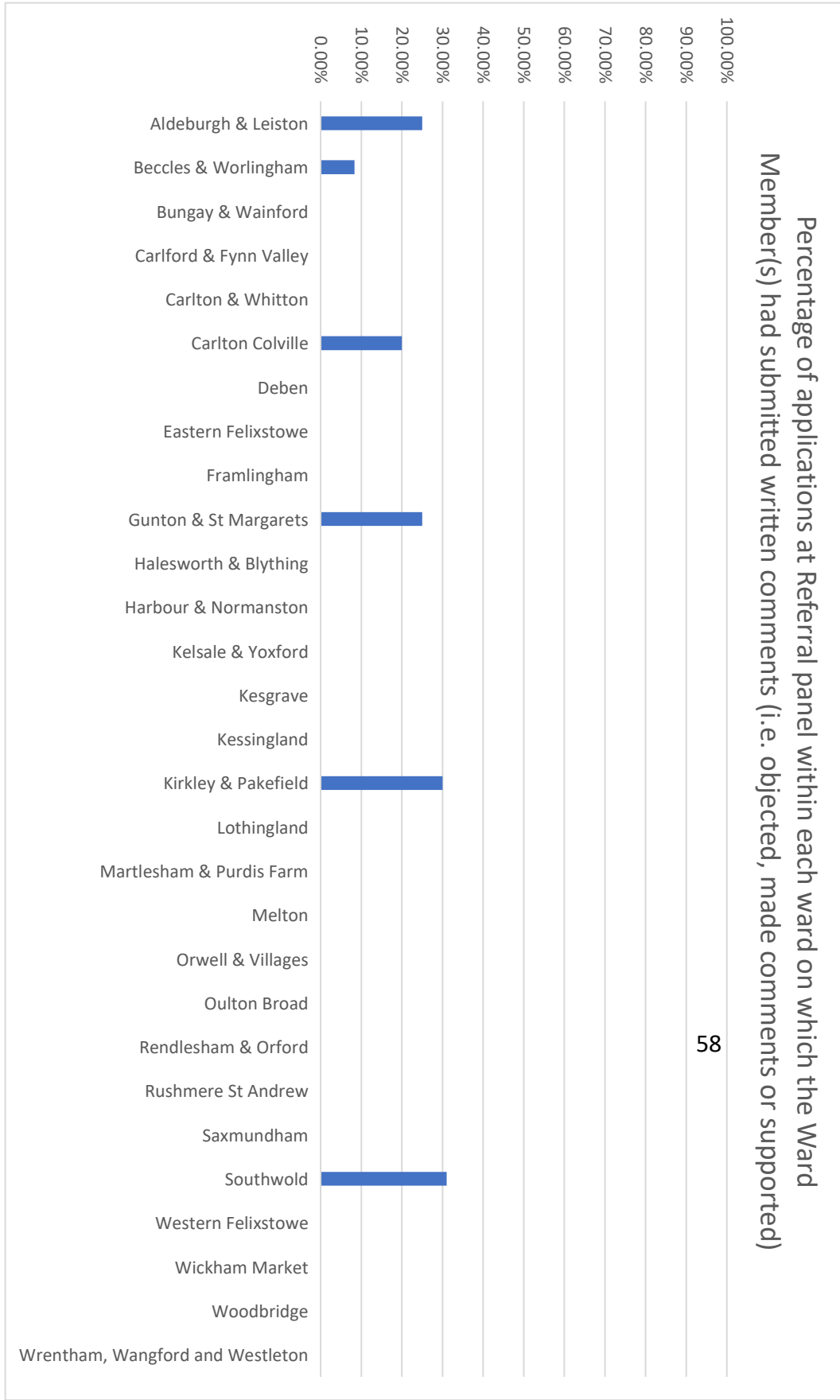


Figure 6: The percentage of applications within each ward at the referral panel which had written comments from the Ward Member between 1 April 2021 and 31 March 2022



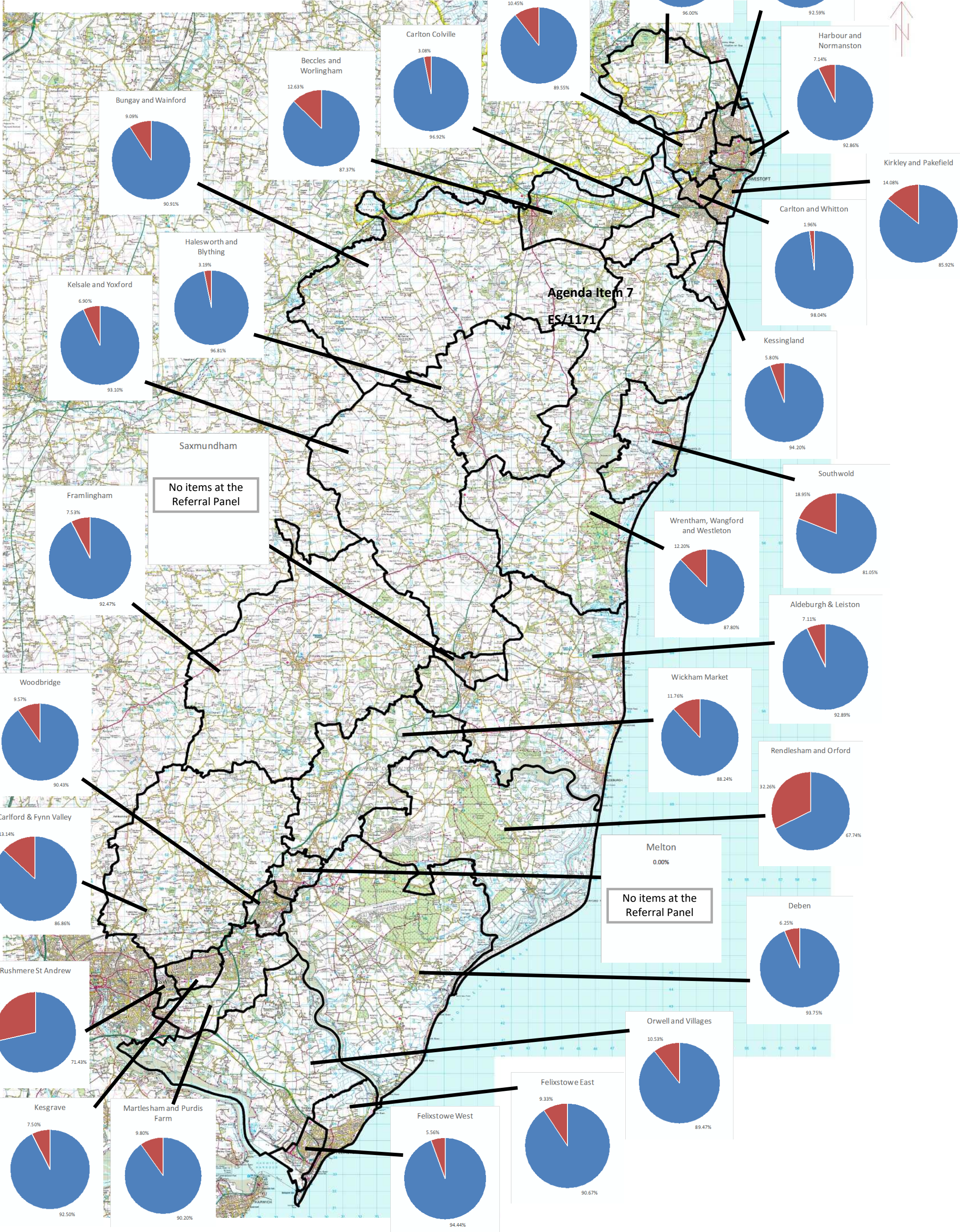
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Appendix J: The proportions of `Planning that were at the Referral Panel between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.

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■ Percentage that didn't trigger Referral Process
■ Percentage that did trigger the Referral Process

1:200000



Agenda Item 7
ES/1171

Figure 1 : Number of 'Planning Applications' and number triggering Referral Panel by Parish in alphabetical order

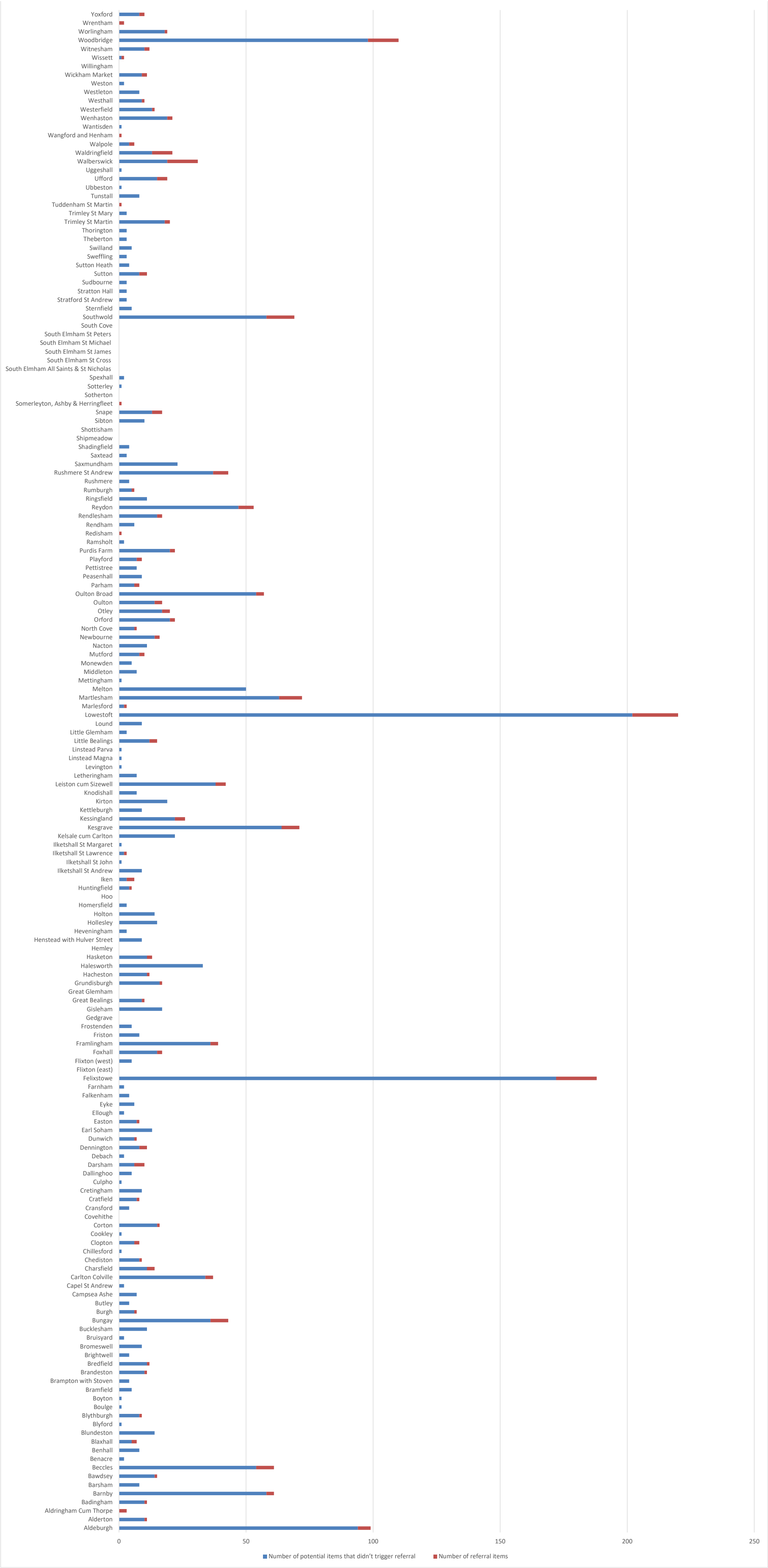


Figure 2 : Number of 'Planning Applications' and number triggering Referral Panel by Parish, in order of total number of 'Planning Applications'

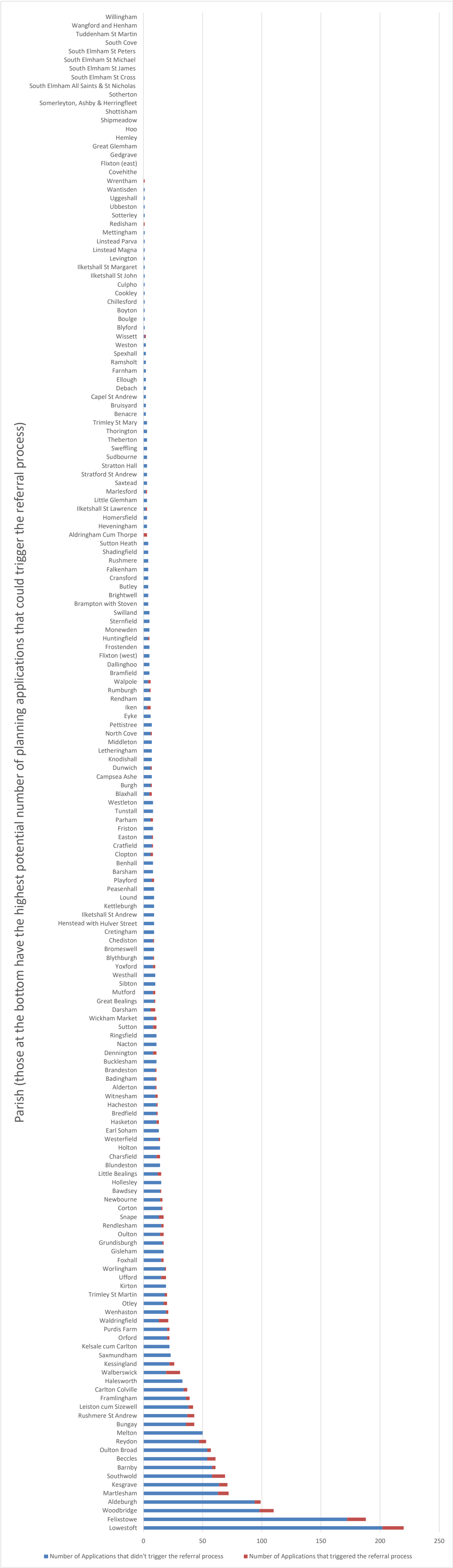


Figure 3: Percentage of 'Planning Applications' triggering Referral Process, ordered by number of planning applications received within each Parish

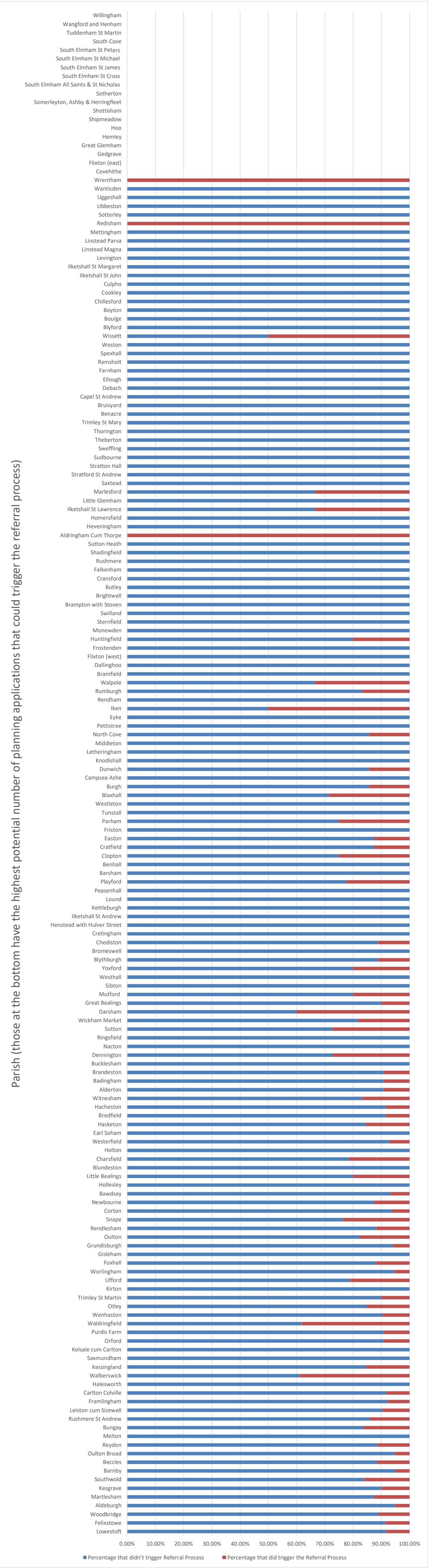


Figure 1: Percentage of those applications at Referral Panel with and without comments from Ward Members 1 April 2019 to 31 March 2022

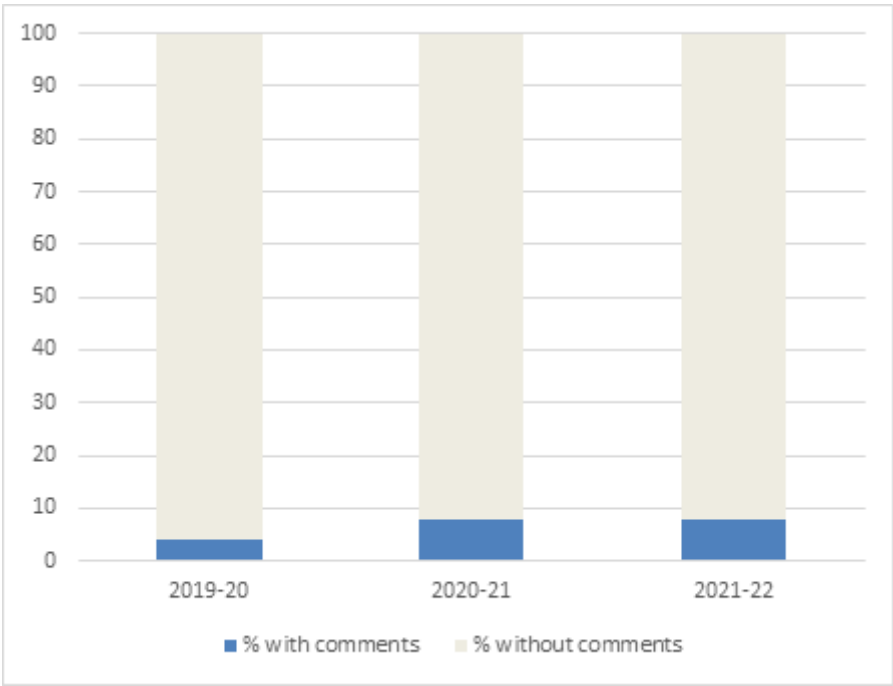


Figure 2 – Number of wards with and without any comments on at least one application at the Planning Referral Panel 1 April 2019 to 31 March 2022

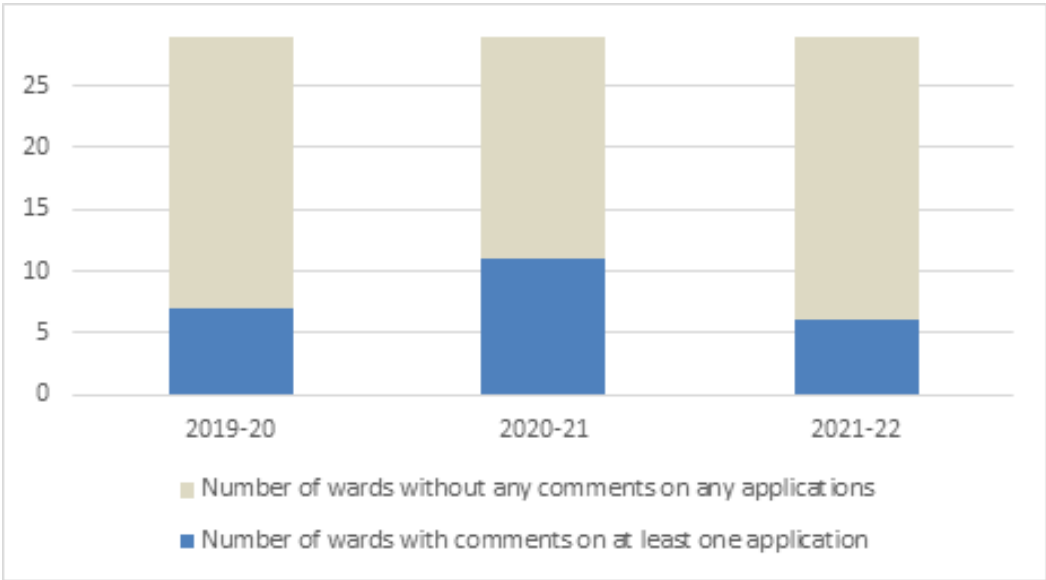


Figure 3: The number of applications with comments from the Ward Member at the Referral Panel shown by Ward 1 April 2019 to 31 March 2022

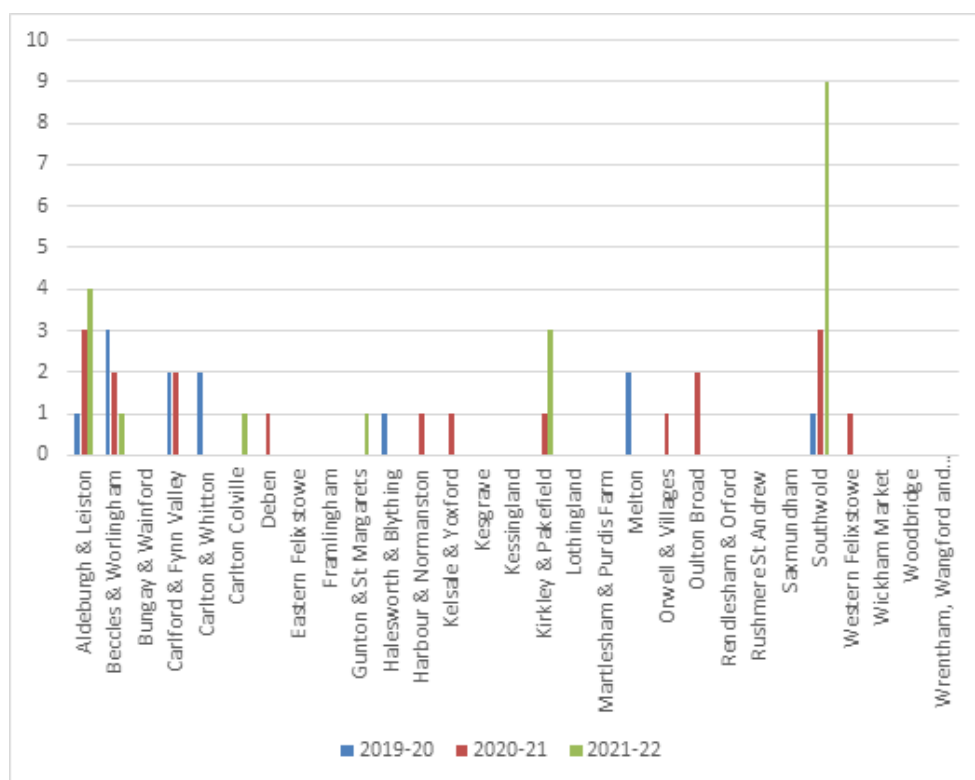
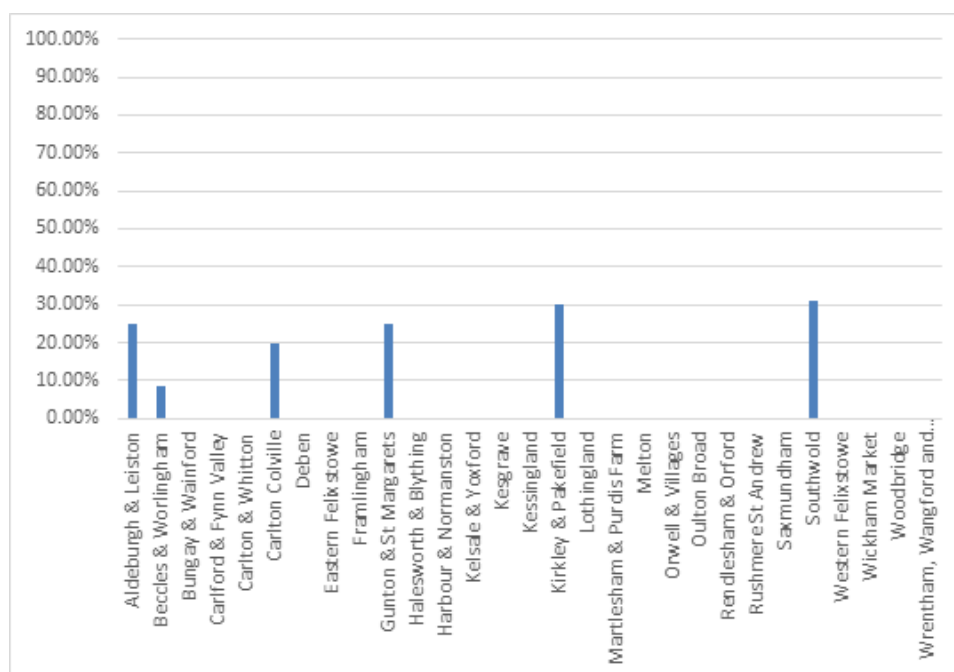


Figure 4: Percentage of applications at Referral panel within each ward on which the Ward Member(s) had submitted written comments (i.e. objected, made comments or supported) 1 April 2021 – 31 March 2022



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- Percentage of applications at Referral panel within each ward on which the Ward Member(s) made written comments
- Percentage of applications at the Referral Panel on which no written comments were received from the Ward Member

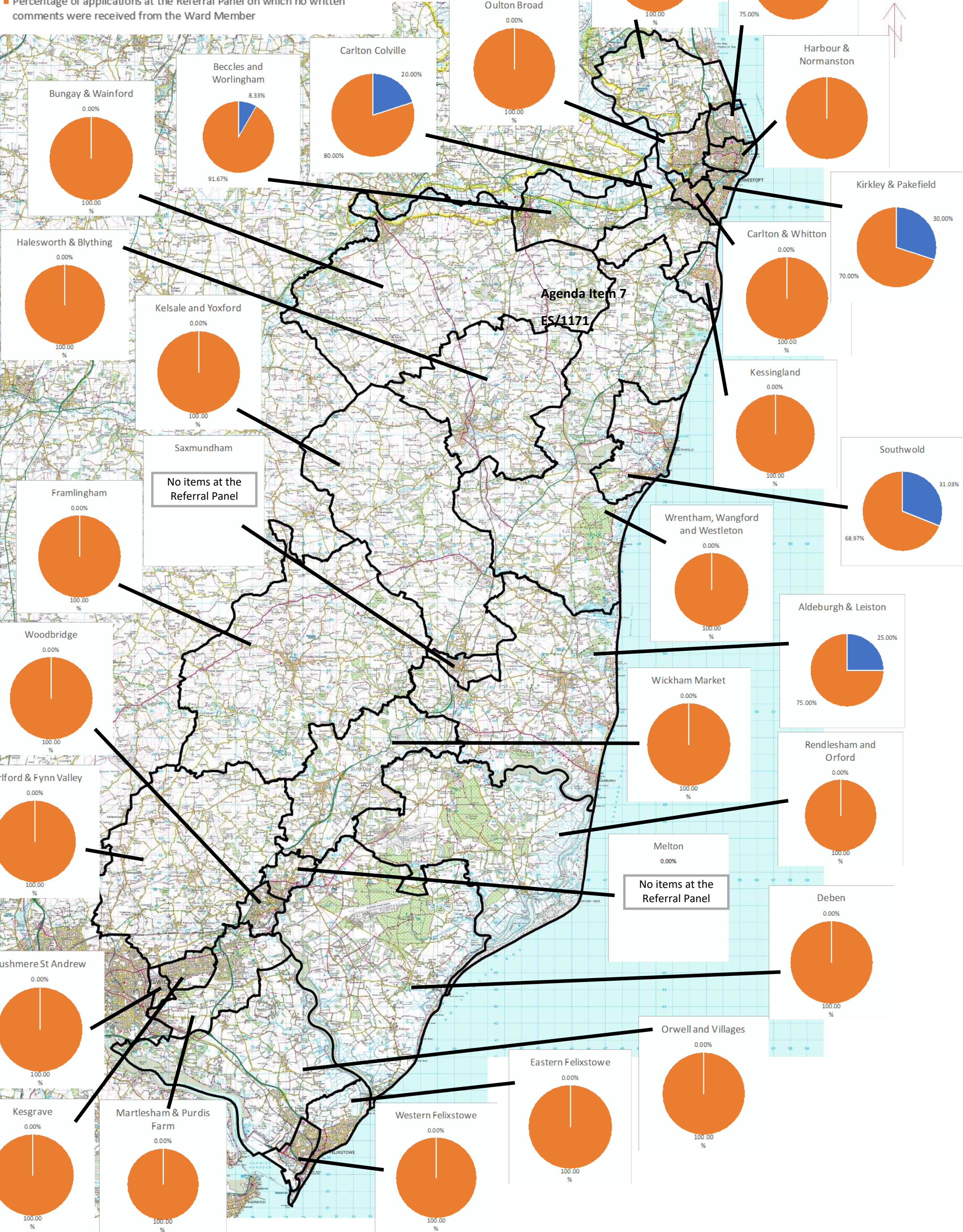


Figure 1: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2021 – 31 March 2022

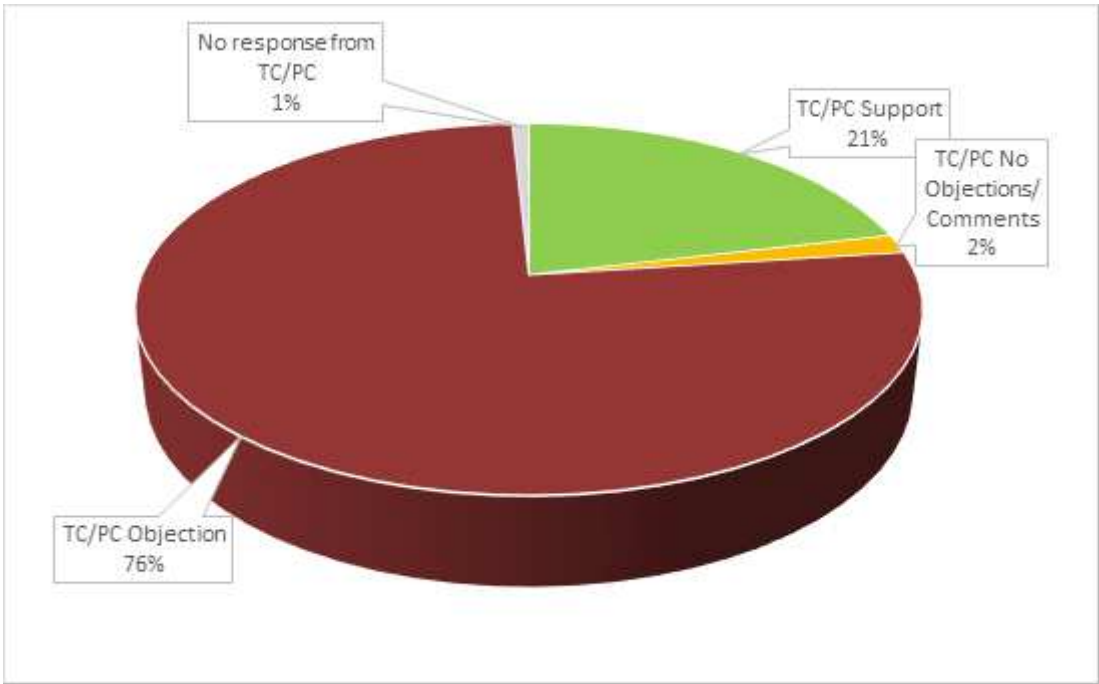


Figure 2: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2020 – 31 March 2021

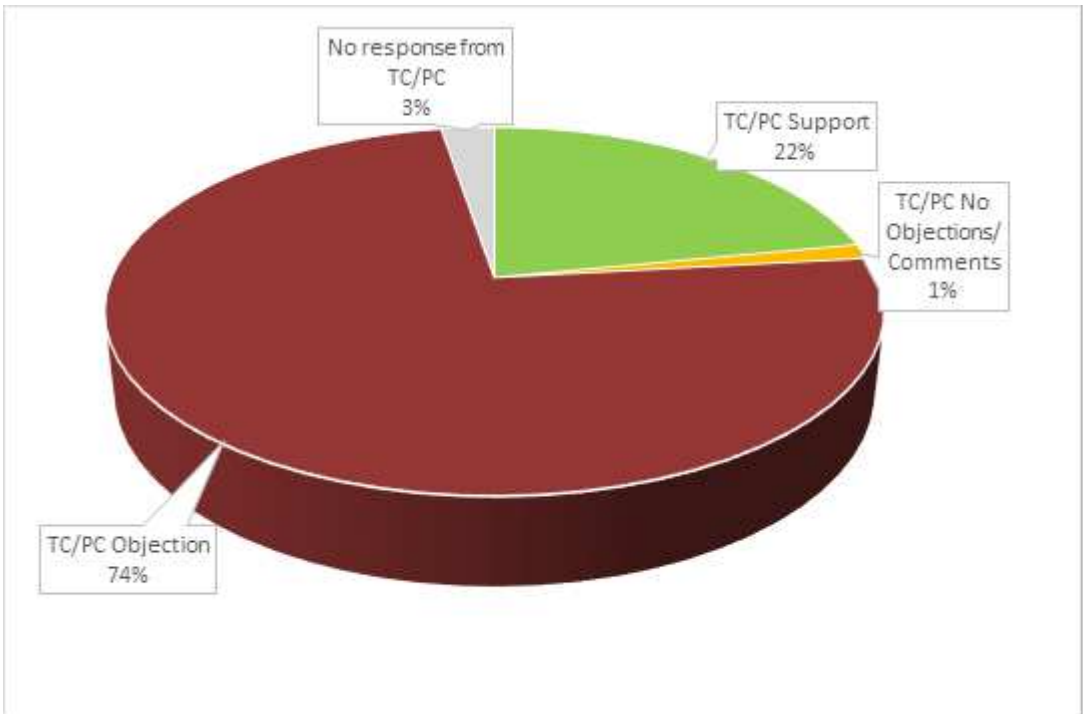


Figure 3: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020

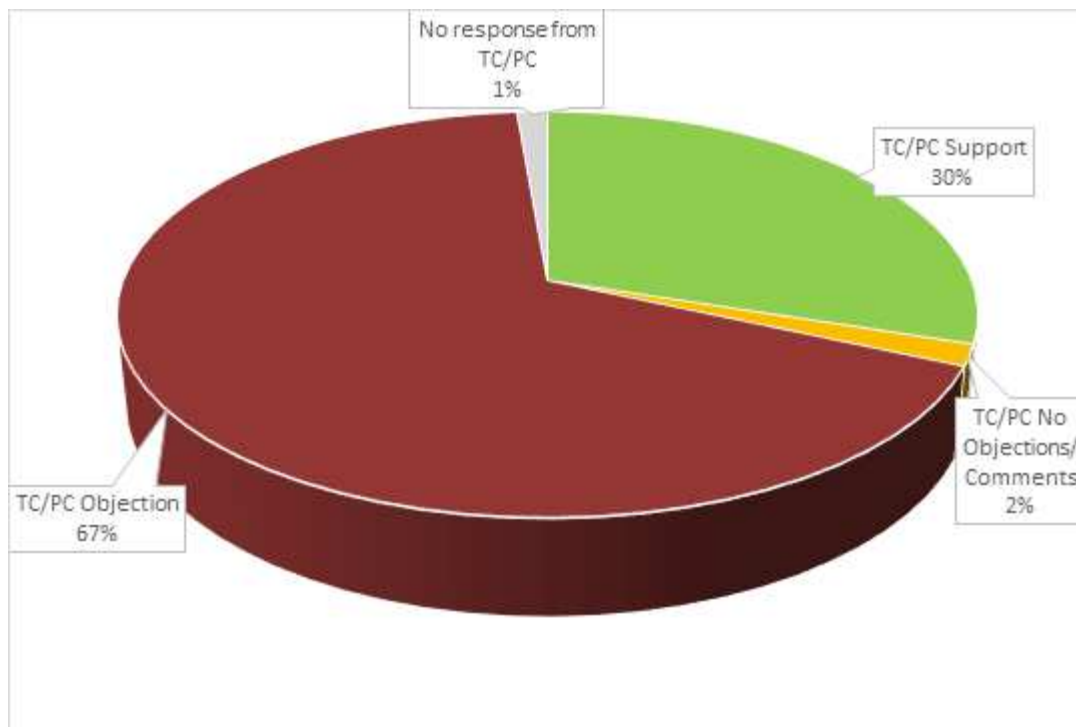
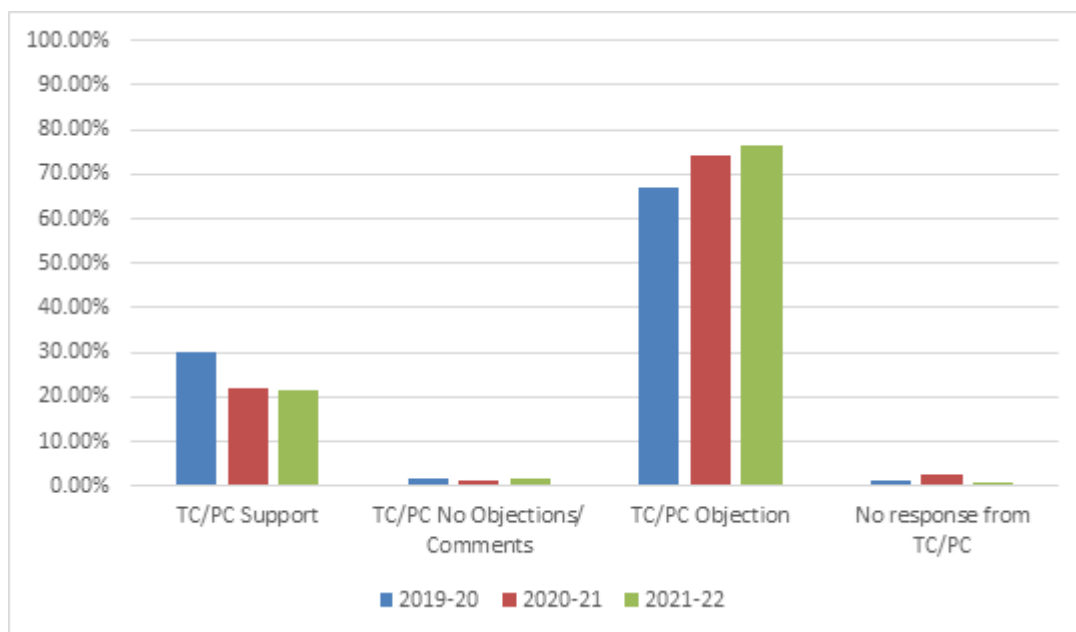
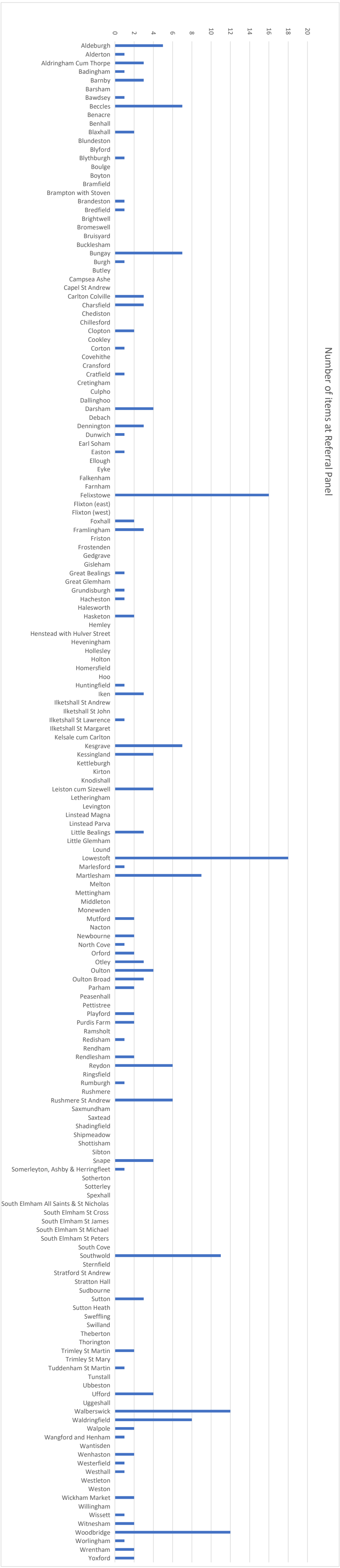


Figure X: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020, 1 April 2020 – 31 March 2021, and 1 April 2020 – 31 March 2021.





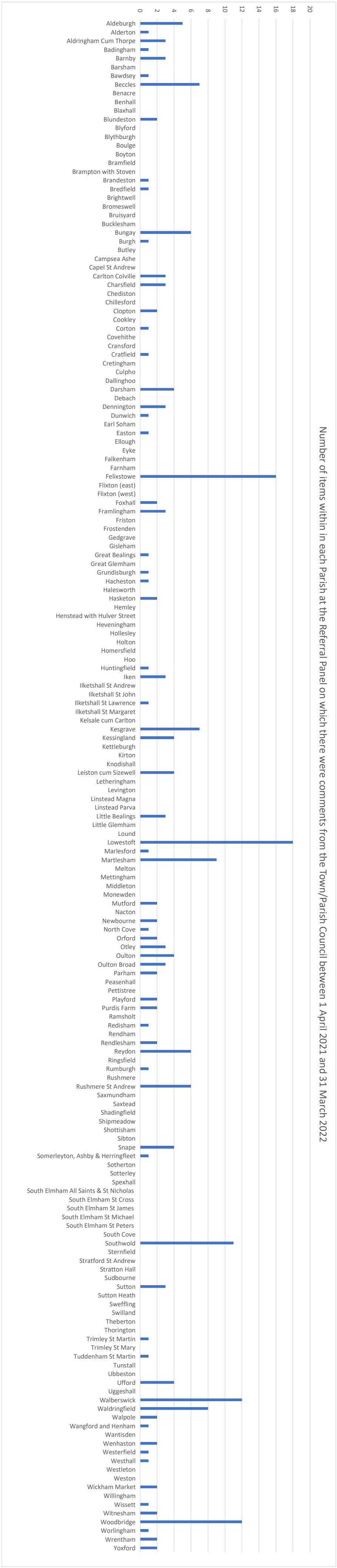
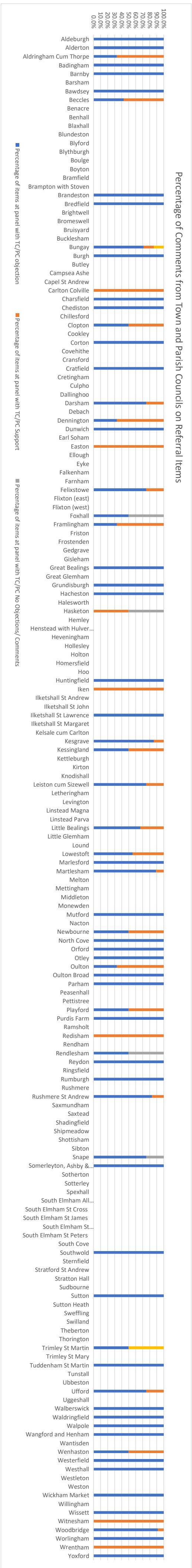


Figure 2: The total number of items at the Planning Referral Panel by Parish, on which comments were received from the Town/Parish Council between 1 April 2021 and 31 March 2022

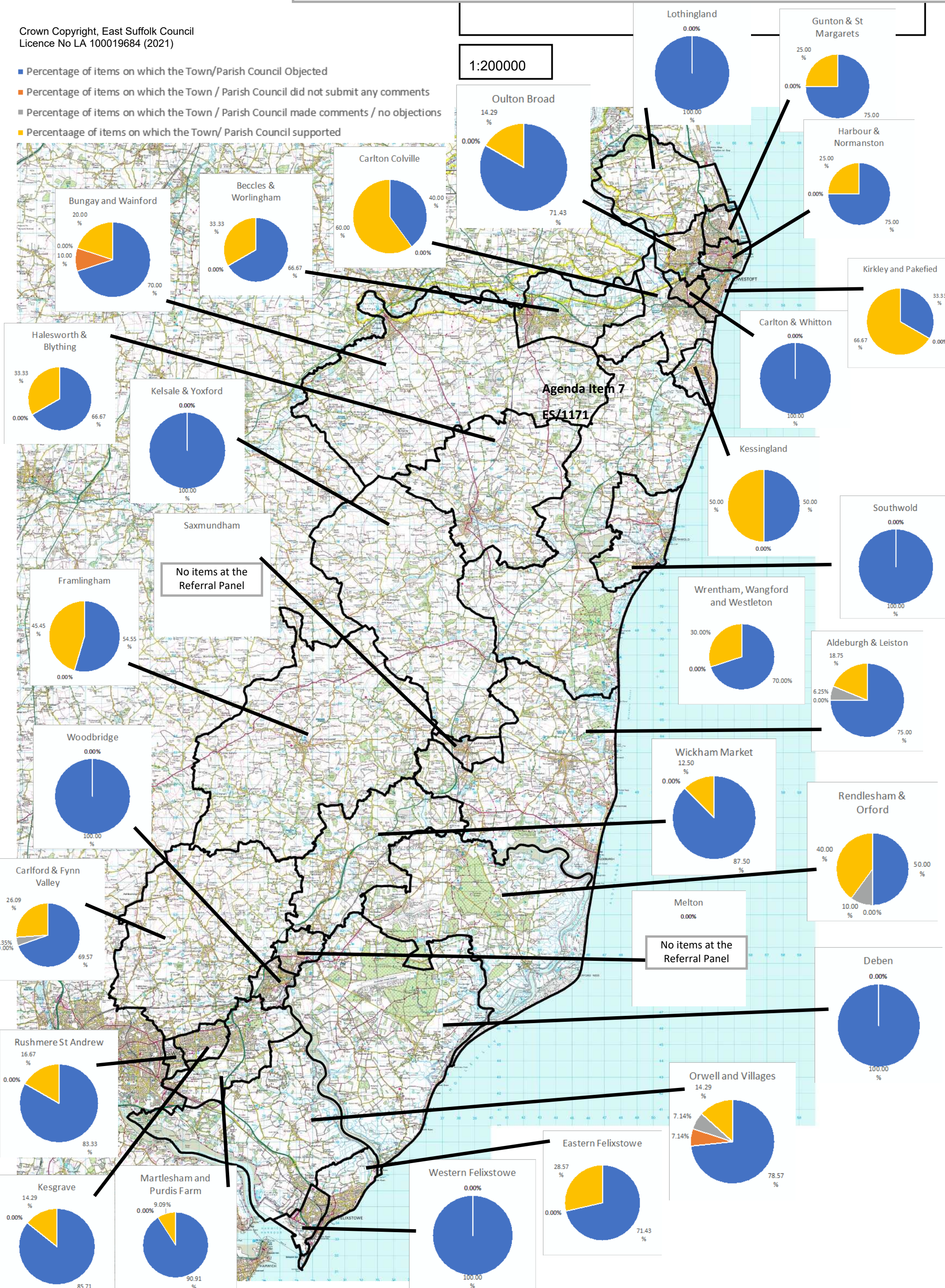
Figure 3: The proportions of Support, Objections or No Objections/Comments from Town/Parish Councils on items at the Planning Referral Panel by Parish, between 1 April 2021 and 31 March 2022



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- Percentage of items on which the Town/Parish Council Objected
- Percentage of items on which the Town / Parish Council did not submit any comments
- Percentage of items on which the Town / Parish Council made comments / no objections
- Percentage of items on which the Town/ Parish Council supported



Appendix Q: Proportion of comments on items at the Referral Panel between 1 April 2021 and 31 March 2022

Figure 1: Proportion of items at the Referral Panel with or without comments from the Town or Parish Council between 1 April 2021 and 31 March 2022

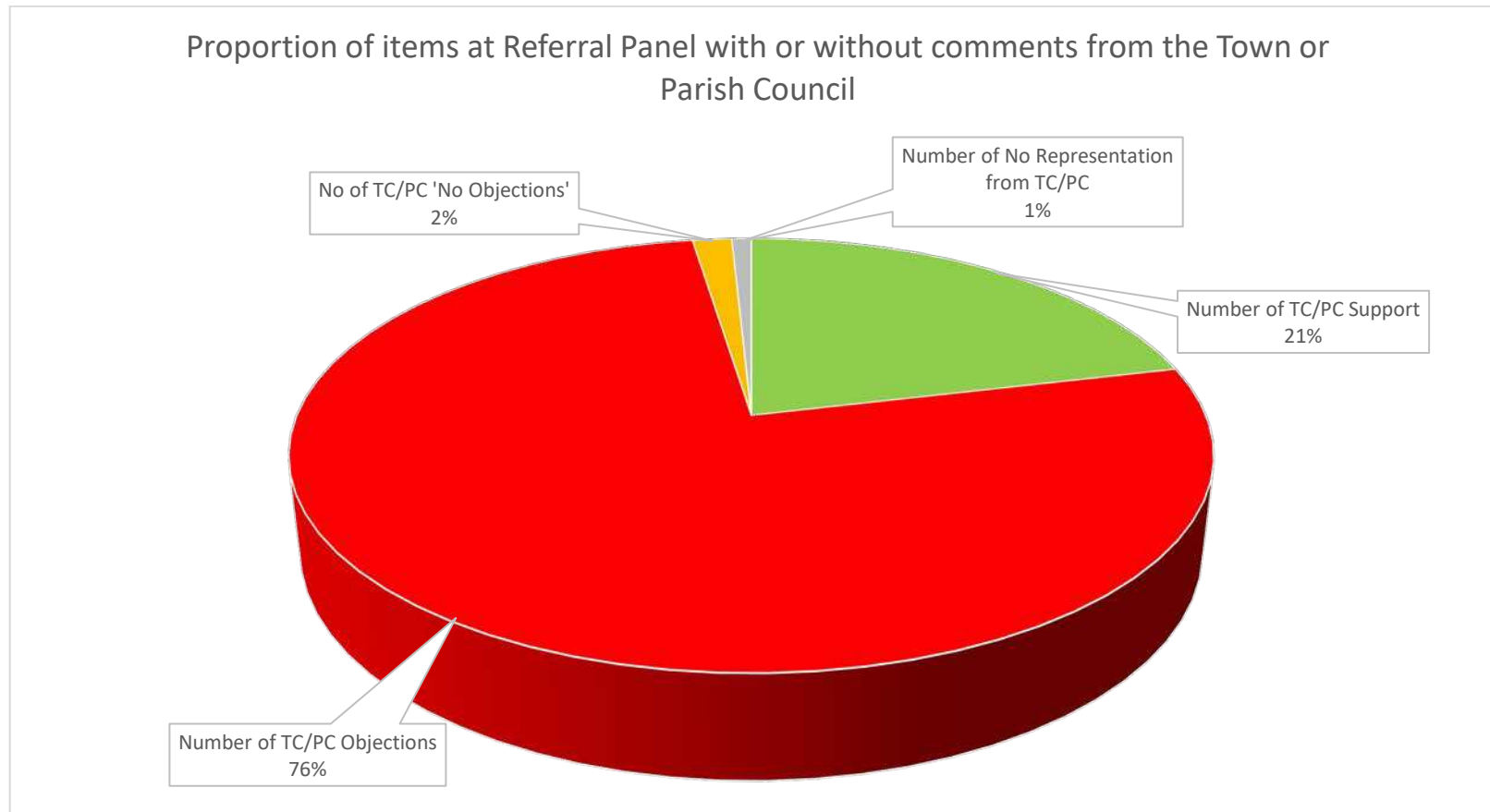


Figure 2: Proportion of items at the Referral Panel with or without written comments from Ward Member between 1 April 2021 and 31 March 2022

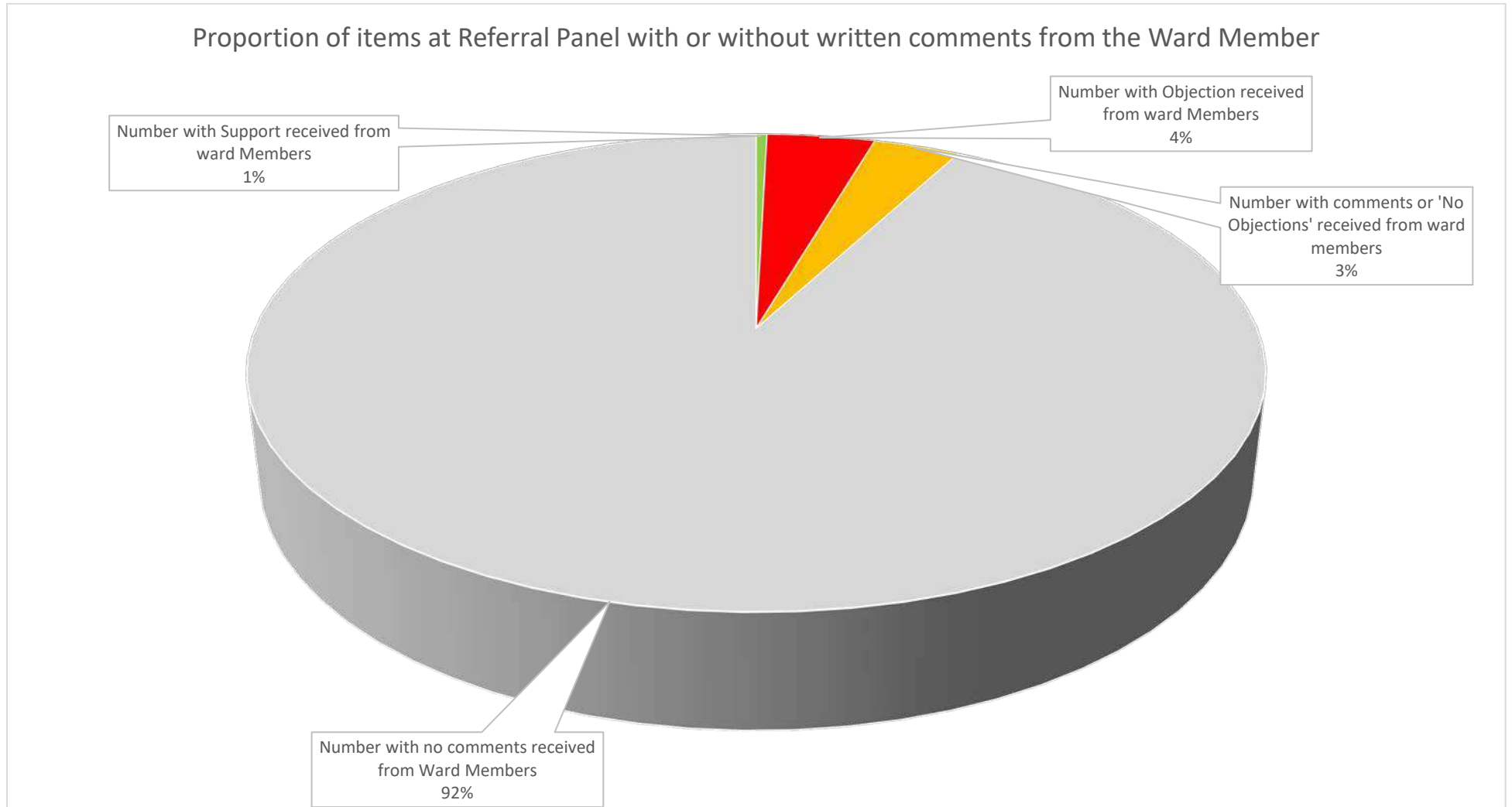


Figure 1: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2021 and 31 March 2022.

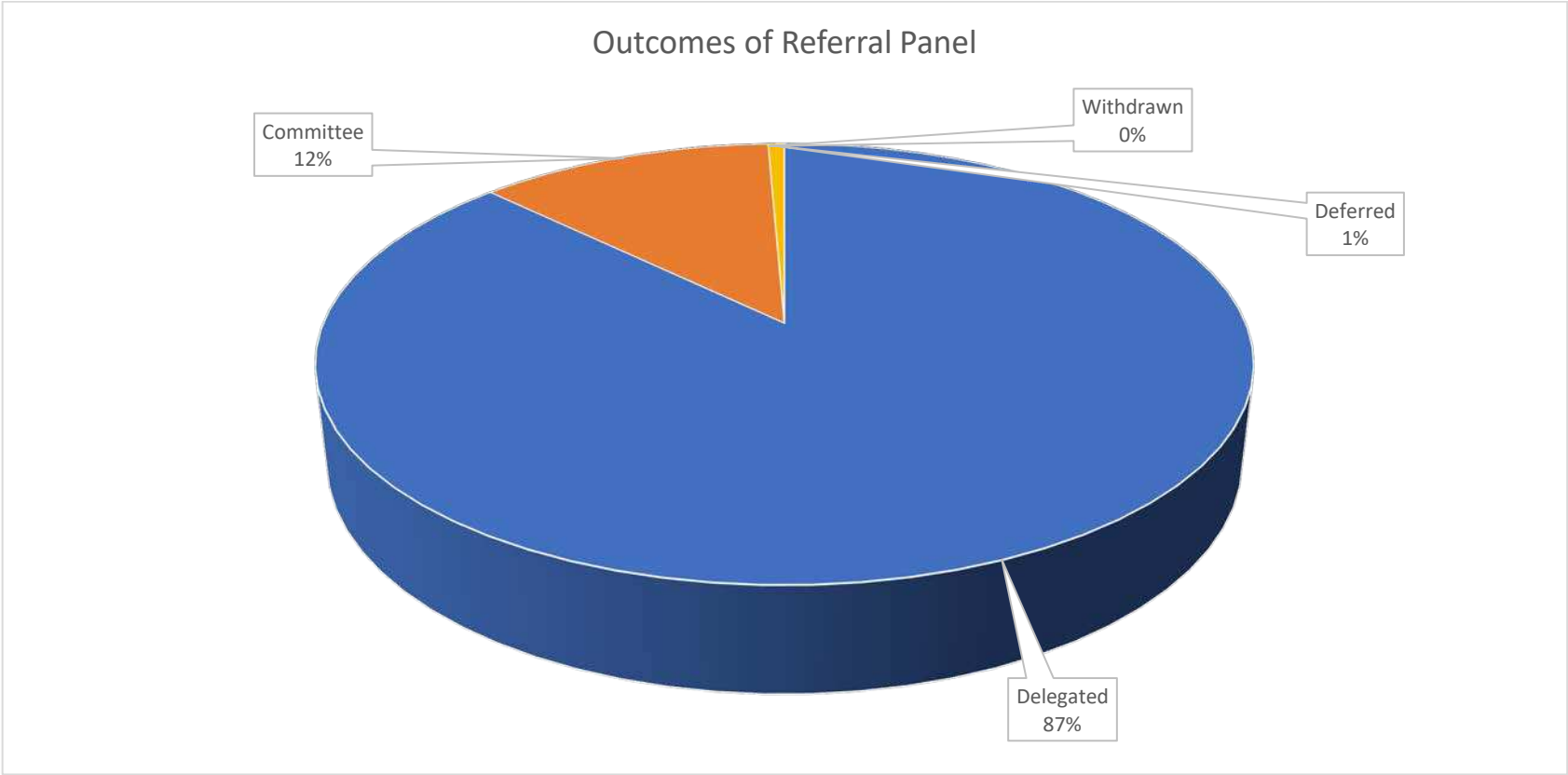


Figure 2: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2020 and 31 March 2021.

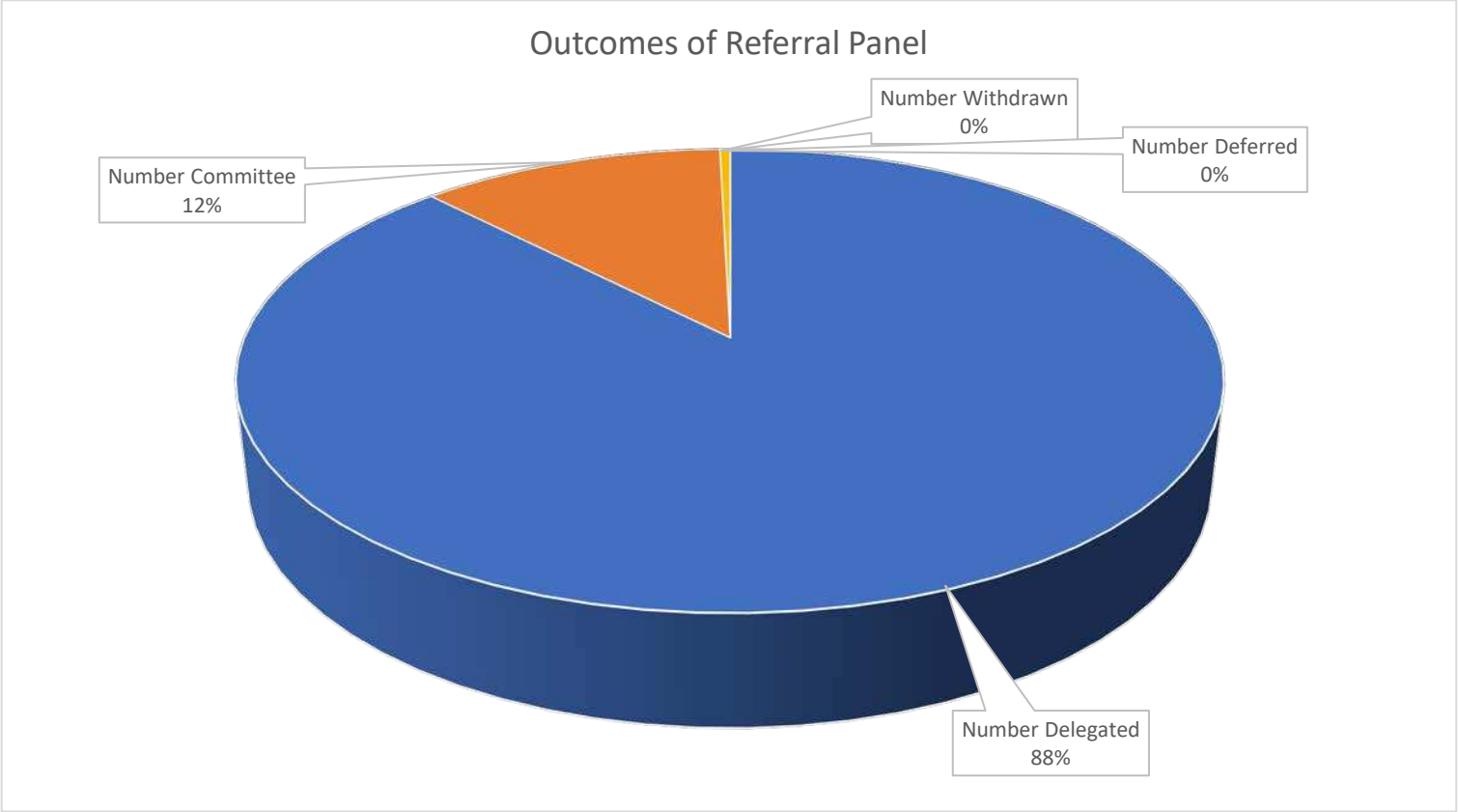
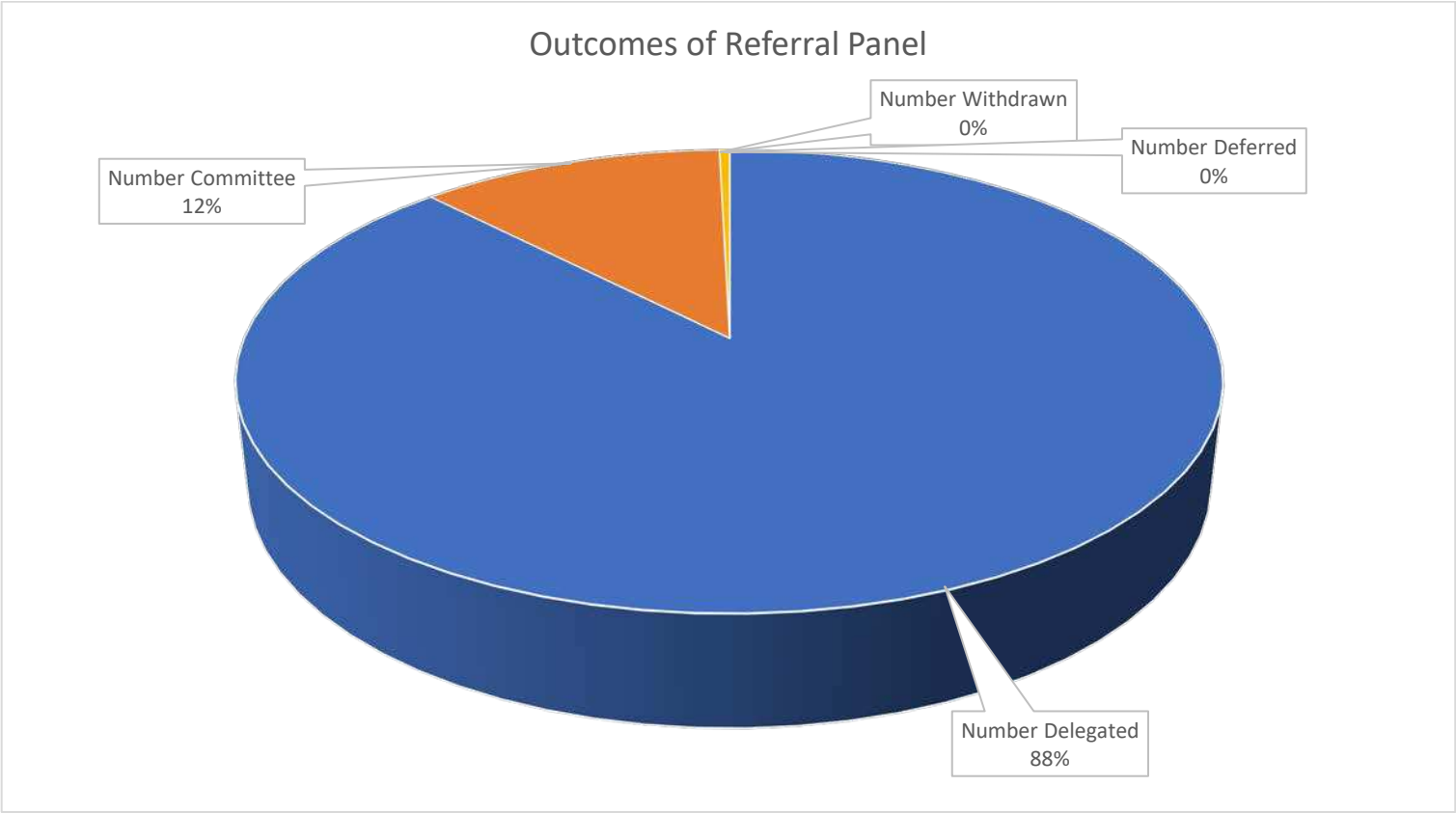


Figure 3: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2021 and 31 March 2022.





STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

Subject	Appeals Performance Report – 14 February to 19 May 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 Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 katherine.scott@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: (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 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 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 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 Development Management and 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 17 planning appeal decisions and one enforcement appeal (with associated costs appeal) have been received from the Planning Inspectorate since the 14 February 2022 following a refusal of planning permission from East Suffolk Council.
2.2	A summary of all the appeals received is appended to this report (Appendix A).
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	All of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management.
2.6	Of the planning appeals, 13 of the decisions were dismissed (76.5%), one of the decisions was a split appeal decision (5.9%) and three of the decisions were allowed (17.6%) by the Planning Inspectorate.
2.7	The one major application appeal was dismissed. It sought consent for 27 self-build and custom build dwellings on land west of PROW 21, Woods Lane, Melton. The decision confirmed the location was contrary to the development plan for the principle of residential development.
2.8	Ten of the appeals were for minor applications with two allowed (20%), one a split decision (10%) and seven dismissed (70%). Therefore the numbers of Minor appeals dismissed was higher than the national average.
2.9	Five of the appeals were for householder applications and one being allowed (20%) and four was dismissed (80%). Therefore the numbers of Other appeals dismissed was significantly higher than the national average.
2.10	There was also one appeal against an application for Prior Notification Approval, which sought "Conversion of an agricultural building to a dwelling house pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning" at Barn A,

	Land adjacent former Wood Barn Cottages, Little Bealings. The appeal was dismissed and a full summary is included in the appendix to this report.
2.11	There are no significant issues arising with the planning appeals which have been allowed, although the appendix provides a summary of learning points of all appeals.
2.12	Members will note that three claims of costs against the Council were received, with all three cases refused on the grounds that unreasonable behaviour by the Local Planning Authority resulting in unnecessary or wasted expense had not been demonstrated.
2.13	The Planning Performance Report which is also on the agenda for the Strategic Planning Committee meeting on 6 June 2022, includes details on the number of appeal decisions received between 1 April 2021 and 31 March 2022, including details on the numbers of appeals allowed and dismissed (paragraph 2.77 onwards of that report).
2.14	Further details of proportions of Majors, Minors and Others allowed and dismissed during 1 April 2021 – 31 March 2022 period are also shown within Appendix L to the Planning Performance Report.
2.15	As explained in paragraphs 2.87 and 2.88 of the Planning Performance Report, during the 1 April 2021 – 31 March 2022 period, just 28.79% of appeals within East Suffolk were allowed, and the national averages for percentage of appeals allowed within the first three quarters of the same period were 31%, 28% and 28%. Therefore, there are no concerns regarding the overall performance and quality of planning decisions made by East Suffolk.

3 How to address current situation

3.1	Quarterly monitoring
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4 Reason/s for recommendation

4.1	That the report concerning the appeals decisions received is noted
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Appendices

Appendices:

Appendix A	Summary of all appeal decisions received
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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 relating to 'Majors'

Application number	DC/20/1636/OUT
Appeal number	APP/X3540/W/21/3276418
Site	Land west of PROW 21, Woods Lane, Melton, IP12 1PH
Description of development	Outline Application for up to 27no. Self Build and Custom dwellings.
Committee delegated	Delegated
Appeal decision date	8 March 2022
Appeal decision	Dismissed
Main issues	<p>The main issues were:</p> <ul style="list-style-type: none"> • whether the council has made adequate provision for self build dwellings, in accordance with the provisions of the Self Build and Custom Housing Act 2015; • whether the site represents an appropriate location for the proposed dwellings; • whether the proposal makes appropriate provision for affordable housing; and • the effect of the proposed development on the character and appearance of the area.
Summary of decision	<p>The Inspector was not convinced that the Council would meet its duty in regard to self-build provision up to October 2022 and therefore gave the provision of self-build dwellings significant weight.</p> <p>Although the site was in a good location in relation to access to services and facilities and adjacent to the defined Settlement Boundary, the principle of development on this site was not in accordance with the strategy set out in the Local Plan or in accordance with the Melton Neighbourhood Plan. This conflict was given significant weight.</p> <p>The Inspector was not convinced by the appellant's argument (referring to paragraph 65 of the NPPF) claiming that no affordable housing provision was required. The lack of affordable housing provision was also given significant weight.</p> <p>The proposed development would result in the loss of the undeveloped and open character of the site. While some gap would remain, the development would erode the importance of</p>

	<p>this gap which contributes positively to the open nature and rural character of the area. Significant weight was given to this consideration.</p>
Learning point / actions	<p>It is of concern that the Inspector was not convinced that the Council are making adequate provision for self-build dwellings to meet the demand. This matter is being considered by the Planning Policy team.</p> <p>A good decision in relation to the principle of residential development contrary to the development plan, albeit in a 'good' location in relation to access to services and facilities. Also reinforces the importance of the rural character of gaps and separation between settlements and the position regarding the need to provide affordable dwellings on self-build developments.</p>

Planning Appeals relating to 'Minors'

Application number	DC/20/0006/FUL
Appeal number	APP/X3540/W/21/3273550
Site	The Red House, Red House Lane, Leiston IP16 4LR
Description of development	Erection of 3 houses and conversion of existing buildings to 4 houses, with new shared access off Red House Lane.
Committee delegated /	Delegated
Appeal decision date	14 February 2022
Appeal decision	Allowed
Main issues	The effect of the development on the setting of the listed building (Red House).
Summary of decision	<p>Although the development would erode the setting of the listed building it has been sensitively designed in order to minimise harm to the setting. The majority of the former garden and orchard to the rear of the listed building would remain open in character. On this basis the harm to the setting of the listed building would be less than substantial.</p> <p>There would be social and economic benefits from the proposed additional dwellings. New housing would be provided in a sustainable location with good access to services and facilities. Employment would be provided during construction and the expenditure of future occupiers would benefit the local economy. These public benefits together attract significant weight.</p>

	<p>The proposed conversion scheme would provide three dwellings within the listed building and a fourth in the adjoining outbuilding. It would make more efficient use of the listed building and would provide investment in the building. The proposal would in the opinion of the Inspector provide benefit in ensuring the long-term preservation of the building and great weight was given to this benefit.</p> <p>The significant weights that he gave to the public benefits outweigh the great weight that he gave to the harm. The proposal overall was considered to accord with policies SCLP11.3 and SCLP11.4.</p>
Learning point / actions	Decision was a judgement on benefit verses harm. No actions required.

Application number	DC/20/4457/FUL
Appeal number	APP/X3540/W/21/3282178
Site	Homeleigh Cottage, The Street, Little Bealings IP13 6LT
Description of development	Construction of 1 no. two storey dwelling
Committee delegated /	Delegated
Appeal decision date	22 February 2022
Appeal decision	Dismissed
Main issues	<p>1. Whether the appeal site is suitable for new housing;</p> <p>2. The effect of the proposal on the character and appearance of the surrounding area.</p>
Summary of decision	<p>The Inspector agreed that the proposal conflicted with policies for development in the countryside as adjacent dwellings fell within the settlement boundary and did not form part of a cluster.</p> <p>The Inspector also found that, while the appeal site would be within a reasonable walking distance of some services in the village and may be better related to them than some existing dwellings, such services would be insufficient to meet all the daily needs of a future occupier. As such, occupiers would need to regularly travel further afield to reach services and facilities such as shops and employment. Therefore, the proposal's contribution to the vitality of the wider rural community would be very limited.</p>

	<p>The inspector otherwise found that the proposed dwelling would be of an appropriate style for its location at the edge of the settlement where agricultural buildings are more typically found. The proposal's siting near existing dwellings and backed by a wooded area would not appear intrusive within the wider countryside or the village and would otherwise relate well to the nearby dwellings.</p> <p>The design and siting of the proposed dwelling was not therefore found to harm the character and appearance of the surrounding area.</p>
Learning point / actions	<p>Existing dwellings within settlement boundaries should not be considered as forming part of cluster when considering new housing development in the countryside.</p> <p>The location of the proposal outside of both a settlement and cluster would undermine the Council's plan-led approach to the delivery of housing. This matter attracts significant weight and outweighs the benefits associated with the proposed development.</p>

Application number	DC/21/0933/FUL
Appeal number	APP/X3540/W/21/3282037
Site	26-28 Peddars Lane, Beccles NR34 9UE
Description of development	Demolition of existing workshop and replacement with 2 residential dwellings
Committee delegated	Delegated
Appeal decision date	25 February 2022
Appeal decision	Allowed
Main issues	The impact of the development on the character and appearance of the street scene and the Conservation Area, and upon the amenity of neighbouring residents. In addition, the impact arising from the limited floorspace of the dwellings.
Summary of decision	The proposed dwelling would be similar in appearance to recently constructed dwellings in the area and would represent an improvement to the locality by removing the existing workshop. Therefore, the inspector concluded that no harm would arise to the heritage significance. The inspector also concluded that the harm caused by overlooking would be limited as several windows could be obscured and views into neighbouring properties private amenity spaces and windows

	would be oblique. Finally, they noted that the council had no development plan policies which directly require space standards, and on balance, any minor harm arising from the compact size of the dwellings would be more than offset by the benefits of delivering additional homes on brownfield land in a very sustainable location.
Learning point / actions	The application was a matter of judgement on the degree of harm that the dwellings represented to the Conservation Area, and the benefits arising from the removal of the existing workshop. Additionally, with no development plan policies directly relating to space standards it is a matter of judgement on whether the limited impacts are outweighed by benefits.

Application number	DC/20/4878/FUL
Appeal number	APP/X3540/W/21/3279326
Site	Barns at Ringsfield Hall Farm, Hall Road, Ringsfield Suffolk NR34 8JR
Description of development	Full planning application for self build and conversion of barns, including interconnecting extension following successful approvals of DC/20/1541/FUL and DC/19/4532/PN3.
Committee delegated /	Delegated
Appeal decision date	28 February 2022
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none"> • Whether Policy WLP8.11 is inconsistent with the NPPF and the weight that should be given to it. • Compliance with WLP8.11 "Conversion of Rural buildings to residential use" • Whether there is a hierarchy to the criteria of Policy WLP8.11.
Summary of decision	<p>The inspector concluded that Policy WLP8.11 is consistent with national policy and up to date. It was noted that the NPPF has been consistent on isolated dwellings in the countryside, including reuse of rural buildings since 2012.</p> <p>There has been no material change such that a recently examined development plan policy should now be deemed inconsistent with national policy.</p> <p>It was also noted that there is little purpose for development plan policies to slavishly repeat the broad parameters of national policy and not to include valid criteria that are grounded in local evidence and circumstances.</p>

	<p>It was therefore found that Policy WLP8.11 is up-to-date and should be given full weight in decision making.</p> <p>The inspector agreed that the buildings were not locally distinctive or of architectural merit as required by WLP8.11.</p> <p>It was concluded that the buildings would require extensive alteration to create the accommodation proposed contrary to WLP8.11.</p> <p>The appellant's view was that is no sequence or hierarchy to the criteria in Policy WLP8.11. The inspector agreed with the Council that for a proposal to accord with the policy it must, as a basic principle and starting point, involve buildings that are worth preserving and retaining in the countryside, as part of its intrinsic character. The appeal proposal would not satisfy the key criterion of Policy WLP8.11.</p>
Learning point / actions	Confirmed that Policy WLP8.11 is consistent with the NPPF and there is a hierarchy to the criteria of this policy.

Application number	DC/20/4991/FUL
Appeal number	APP/X3540/W/21/3278933
Site	37 and 39 Field Lane, Kessingland, Lowestoft, NR33 7QA
Description of development	Construction of 2 No. Dwellings and Garaging with Associated Works, Including; Alterations to Existing Dwellings, Creation of Vehicular Access and Provision of Landscaping.
Committee delegated /	Delegated
Appeal decision date	1 March 2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposed development on the living conditions of occupiers of No.37 and No.39 Field Lane having regard to noise and disturbance.
Summary of decision	<p>The proposed access road had a width of 5.1 metres at its entrance narrowing to 4.5 metres where it passed between No.37 and No.39 Field Lane.</p> <p>The Inspector concluded that, <i>"due to its limited width, vehicles accessing the proposed dwellings would pass in very close proximity to the flank walls of the two existing dwellings. Whilst the proposal also seeks to remove a window in the side elevation</i></p>

	<p><i>of No.39 so that vehicles would pass a blank wall, there would remain windows in the side elevation of No.37 and there would be no buffer or screening between the access road and the existing dwellings. As such, vehicles passing in between would result in noise and disturbance to occupiers of the existing dwellings."</i></p> <p>The Inspector concluded the scheme was contrary to the Development Plan (including Policy H2 of the Kessingland Neighbourhood Plan).</p>
Learning point / actions	<p>It can be a defensible refusal reason to cite concerns regarding the narrowness of a vehicle access passing between two domestic properties to serve a new backland form of development, due to the resulting noise and disturbance harming the living conditions of adjacent properties. From experience, this is a matter that can go either way at appeal, but this decision is a helpful conclusion to re-affirm that the proximity of a new access drive to existing dwellings warrants careful consideration.</p>

Application number	DC/21/2130/FUL
Appeal number	APP/X3540/W/21/3279845
Site	Land Rear of 55, The Street, Carlton Colville, Suffolk, NR33 8JP
Description of development	Erection of residential bungalow and all associated works
Committee delegated /	Delegated
Appeal decision date	1 March 2022
Appeal decision	Dismissed
Main issues	The impact of adjacent Public House and site layout on the future occupiers of the dwelling.
Summary of decision	<p>The site is situated adjacent to the beer garden of the Old Red House Public House. The inspector noted that whilst the Pub may currently be closed, it could reopen at any time, and the proximity of the beer garden would generate noise and disturbance to the future occupiers of the dwelling. This could put future pressure on restricting the outside area for the Pub which could impact on vitality and viability as a community facility. No evidence was supplied that identifies that the introduction of an acoustic fence along the boundary would limit the impacts from noise. Finally, the inspector concluded that the headlights entering the site and using the shared parking area, would be harmful to the living conditions of future occupiers.</p>

Learning point / actions	It's a defensible position to consider the impact of outside drinking areas on the amenity of future occupiers and on the vitality and viability of the public house.
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Application number	DC/20/3314/FUL
Appeal number	APP/X3540/W/21/3267880
Site	Land and barn known as Buttons Meadow, Charsfield, IP13 7QE
Description of development	Provision of a Dwelling (Temporary), and the Change of Use of Land, Alteration/Improvement of Existing Barn to Stabling, Manage and Equine Working School, Erection of Additional Stables, Siting of Ancillary Equipment and Associated Hard and Soft Landscaping.
Committee delegated /	Delegated Decision
Appeal decision date	2 March 2022
Appeal decision	Split Decision
Main issues	The main issue identified by the Inspector was whether there is an essential need for a dwelling to accommodate a rural worker.
Summary of decision	<p>The appeal decision was split:</p> <ul style="list-style-type: none"> - The provision of a dwelling (temporary for 3 years) was dismissed, and - the Change of Use of Land, Alteration/Improvement of Existing Barn to Stabling, Manage and Equine Working School, Erection of Additional Stables, Siting of Ancillary Equipment and Associated Hard and Soft Landscaping, was allowed. <p>The proposal was retrospective in nature, as the mobile home had been sited on the land since March 2021, although was not occupied at the time of the appeal.</p> <p>The Inspector concurred with the LPA that Policy SCLP5.6 was applicable to the consideration of this element of the scheme. The Inspector explains that although the policy refers to permanent dwellings for rural workers could be read as relating to those sited on a permanent basis, and the dwelling is described as being sought for a temporary period, in their view permanently within the local plan policy and NPPF refers to a need to be present on the site at all times, rather than for example seasonally, or at times of livestock giving birth.</p>

	<p>The inspector therefore considered Policy SCLP5.6 to be relevant and of considerable weight in the determination of the scheme.</p> <p>The Inspector concluded that there is not an essential need for someone to reside on site, on the basis that the horses are currently able to reside on site and this has not lead to any significant problems. It is explained that the Equine Assisted Psychotherapy (ESP), has not started and the horses, although on site have not yet been used for therapy. The horses are not stabled behind closed doors but are free to come and go into the paddock as they wish. They currently live on site and have done so for the past two years, during which the appellant has visited them daily in order to meet their needs, and at the hearing it was confirmed that during this time there had been no incidents of colic and horse's welfare had been adequately met. It is not uncommon for horses to be stabled and grazed in locations which do not have a residential occupant within site and sound.</p> <p>It was suggested that the proposed business enterprise (ESP) would place special demands on the horses and that is what justifies the need for a dwelling on site. It is suggested by the appellant that she needs to be on site for form sufficient bond for the horses to see her as part of their herd. However, the Inspector was not persuaded that leaving the site at the end of the day would limit the bond she shares with the animals as their primary care giver. Even if the appellant were to live on site there would be times when she would not be present as se would need to leave the site in order to access for example shopping, healthcare and leisure activities. Furthermore, the horses would not be able to see her at times when she was within the mobile home.</p> <p>It was also suggested by the appellant that being on site would minimise stress from fireworks or aeroplane noise. However, the Inspected concluded there was nothing before them to demonstrate how living on site would minimise stress and impacts. Although the appellant would know why the horse became stressed but it would not prevent the situation.</p> <p>Other options for monitoring the horses, such as CCTV or other equine technology had not been fully explored and discounted by the appellant.</p> <p>The Inspector makes it clear that <i>"Whilst a temporary permission can be appropriate for new enterprises, this is so that</i></p>
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	<i>confidence can be gained as to whether a viable business can be built, before allowing for a permanent dwelling. This does not remove the need to demonstrate a functional need for someone to live on the site in connection with the proposed rural enterprise."</i>
Learning point / actions	<p>This appeal decision confirms the need for applicants to demonstrate a functional need when seeking a rural workers dwelling.</p> <p>The decision also confirms the LPA's interpretation of Policy SCLP5.6 and the resistance of schemes for rural worker dwellings related to horse related businesses of such a modest scale and/or yet not operational, where a function need has not been demonstrated.</p>

Application number	DC/20/4990/FUL & DC/20/4739/FUL
Appeal number	APP/X3540/W/21/3278799 & : APP/X3540/W/21/3278816
Site	3 Ivy Cottages, The Street, Darsham IP17 3QA
Description of development	Proposed New Build Dwelling
Committee delegated	Delegated
Appeal decision date	15 March 2022
Appeal decision	Both Dismissed
Main issues	<p>Appeal A:</p> <ul style="list-style-type: none"> •The effect of the proposed development on the character and appearance of the area. <p>Appeal B:</p> <ul style="list-style-type: none"> •The effect of the proposed development on the living conditions of the occupiers of the neighbouring property, 'Two Hoots', with particular regard to noise and disturbance. <p>Both appeals:</p> <ul style="list-style-type: none"> •The effect of the proposed development on highway safety with particular regard to the proposed vehicular access; and •The effect of the proposed development on Special Protection Areas (SPA), Ramsar Sites and Special Areas of Conservation (SAC).
Summary of decision	The Inspector found both schemes to be acceptable but dismissed the appeals solely on the grounds that RAMS payment for each scheme had not been received (nor had any

	alternative mitigation been formally proposed to offset recreational impacts on designated Habitats Sites).
Learning point / actions	No significant learning points, but another decision to reinforce the importance of habitats mitigation being secured prior to decision.

Application number	DC/21/0113/OUT
Appeal number	APP/X3540/W/21/3281480
Site	Grange Nurseries, Jackson Road, Newbourne IP12 4NR
Description of development	Outline Application - Proposed Dwelling (all matters reserved)
Committee delegated /	Delegated
Appeal decision date	28 March 2022
Appeal decision	Dismissed
Main issues	The main issues in this case are: (i) whether the appeal site is suitable for new housing; and, (ii) the effect of the development on the designated sites.
Summary of decision	<p>The Inspector concluded that policies relating to development in the countryside were applicable in Newbourne. The proposed development was therefore considered against SCLP5.3 and SCLP5.4, in addition to SCLP11.9 which is a Newbourne specific policy relating to the former land settlement association holdings area. The Inspector concluded that the proposal would accord with these policies, although also considered the proposal to accord with SCLP5.5 (conversions of buildings in the countryside for housing), SCLP5.6 (rural workers dwellings) and SCLP5.11 (affordable housing on exemption site) none of which are applicable to the proposed development. Officers disagree that the proposal would meet any of the exemptions outlined by SCLP5.3, including SCLP5.4 (housing in clusters in the countryside) and have contacted the Planning Inspectorate in this regard.</p> <p>The appeal was dismissed on the grounds that the applicant had not made the relevant contribution or mitigation in respect of designated sites (RAMS), noting that there would be an unacceptable impact on the designated sites without such contribution or mitigation. The development would therefore be contrary to SCLP10.1 of the Local Plan and Chapter 15 of the NPPF.</p>

Learning point / actions	Countryside policies are applicable to development proposals in Newbourne despite the site being classified as a 'small village' within the settlement hierarchy, it has no settlement boundary. Policy SCLP5.3 should therefore be the starting point for establishing the principle of development, with further considerations given to the built and historic environment of Newbourne's former land settlement association holdings unique character (SCLP11.9).
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Planning Appeals relating to 'Others' (including householders)

Application number	DC/21/2517/FUL
Appeal number	APP/X3540/W/21/3281932
Site	Willowcroft Chapel Road, Otley, IPSWICH, IP6 9NU
Description of development	Increase height of double garage by 900mm to accommodate a gym at first floor
Committee delegated	Delegated
Appeal decision date	16 February 2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposed development on the character and appearance of the area.
Summary of decision	The inspector considered the effect of the increased eaves and ridge height of the garage to accommodate a first floor. The garage would protrude significantly above the front boundary hedge screening and due to this increased height and massing of the development, it would increase the prominence of the garage within the street scene which in turn would be harmful to the overall character of the area.
Learning point / actions	None, the inspector agreed with the officer's assessment.

Application number	DC/21/2137/FUL
Appeal number	APP/X3540/W/21/3281334
Site	19 Upper Grange Road, Beccles NR34 9NU
Description of development	Replacement front door
Committee delegated	Delegated
Appeal decision date	28 February 2022
Appeal decision	Dismissed

Main issues	<p>The main issue in this case is the effect of the proposed replacement door upon the character and appearance of the property, which is identified as a Non-Designated Heritage Asset (NDHA), and more widely whether the proposal would enhance the appearance of the Beccles Conservation Area.</p>
Summary of decision	<p>The Inspector acknowledges that No 19 forms part of a small collection of houses in the 'Arts and Crafts' style of architecture, and that these dwellings represent a distinctive form and aesthetic of the later nineteenth and early twentieth century, preserving a noteworthy phase in the history of the built environment of Beccles. It is noted that a key characteristic of this style of architecture (including no 19) is the clarity of the form of the buildings; the materials used; and the quality of construction and craftsmanship. The Inspector also noted that these attributes remain intact at no 19, giving the building its heritage value.</p> <p>It is explained that the centrally positioned front door in no 19 is in contrast to the other nearby 'arts and crafts' dwellings, in that the front door faces onto the highway. The Inspector highlights the qualities of the front door stating:</p> <p><i>"The characteristic craftsmanship of the 'Arts and Crafts' style is reinforced by the particular quality and detailing of the wooden front door including sophisticated mouldings, particularly to the elliptical eight-paned glazing at the top of the door, the stained glasswork more generally and detailed panelling. The door is set within a proportioned brickwork portico surround, emphasising the door as a key feature of the front elevation. Accordingly, the quality, detailing and traditional materials of the front door to No.19 make an integral contribution to the character and appearance of the building and a positive contribution to the wider appearance of the BCA."</i></p> <p>The proposal was to replace the existing door with a modern composite door comprising two solid bottom panels and two glazed panels, which would be of a generally simpler appearance that would not reflect the quality of craftsmanship and materials of the existing door, attributes which are integral to preserving and enhancing the character and appearance of the building and its appearance in the Conservation Area.</p> <p>In the view of the Inspector the harm would be less than substantial harm, noting that the various buildings in the vicinity have replacement front doors. It is noted that an Article 4</p>

	<p>direction has been enacted to manage the effects of minor changes upon the Conservation Area.</p> <p>The Inspector acknowledges the claims made by the appellant that the existing front door is in poor condition, inefficient in excluding drafts and a security risk but concludes there is little to substantiate this. The inspector examined the door externally and concluded it appears to be in reasonable condition, and as such there is not the clear and convincing justification for the harm to the Conservation Area.</p> <p>The Inspector concludes the proposal would not preserve or enhance the character or appearance of No 19 as an NDHA or the appearance of the Conservation Area, and therefore is contrary to the objectives of the imposition of the Article 4 Direction, Policies WLP8.37, WLP8.38 of the Waveney Local Plan, BECC5 of the Beccles Neighbourhood Plan, and paragraphs 200, 201 and 203 of the NPPF.</p>
Learning point / actions	The Inspector concurs with the LPA that preserving appropriate historic features, even if they are only one element of a building is required on NDHA's and buildings within Conservation Areas as key elements of preserving their character, in accordance with local planning policy and the NPPF.

Application number	DC/21/3858/FUL
Appeal number	APP/X3540/D/21/3287303
Site	8, Lowry Way, Lowestoft, NR32 4LW
Description of development	"To relocate fence to the boundary of our property and in line with the front of the house. Fence will be 1.8m high."
Committee delegated	Delegated
Appeal decision date	1 March 2022
Appeal decision	Dismissed
Main issues	The effect of the proposed development on the character and appearance of the area.
Summary of decision	<p>The property is located on the corner of Lowry Way and Turner Close, Lowestoft. The area is characterised amongst other things by properties with front gardens without hard boundary walls or fences, which gives the area an open feel.</p> <p>The proposal was for a 1.8m high close-boarded fence along the side boundary of the property for approximately 20m in length adjoining Turner Close.</p>

	<p>The Inspector concluded due to its height and length the fence would appear in stark contrast to the open frontages of properties in the streetscene, resulting in a greater sense of enclosure due to the absence of any similar boundary treatments in the area. It is also stated that the proposed fencing would result in a dominant feature on what is a prominent corner position. It is therefore an incongruous feature.</p> <p>The Inspector acknowledged other examples of fencing in nearby streets, explaining they did not have full details of the permissions that allowed for these examples, but the streets in which they are located all have a less open character than this part of Lowry Way and Turner Close, and as such these examples are sufficiently different from the proposal within the appeal.</p>
Learning point / actions	The inspector concurred with the LPA's assessment that the scheme was contrary to policy WLP8.29, and highlighted paragraph 130 of the NPPF which is also relevant to the consideration of the visual impact of proposals upon their locality.

Application number	DC/21/3772/FUL
Appeal number	APP/X3540/D/21/3288836
Site	The Barn Mill Lane, Alderton, Woodbridge, IP12 3DB
Description of development	The erection of timber double garage, timber garden shed and associated driveway & fencing alterations.
Committee delegated /	Delegated
Appeal decision date	3 March 2022
Appeal decision	Dismissed
Main issues	The effect of the proposed development on the character and appearance of the area.
Summary of decision	The Inspector considered that the proposed garage would be sited significantly closer to the road than that of Manor Fields, and would erode the openness of the site. The proposed front boundary treatments were not considered to adequately screen the proposed development sufficiently to reduce its effect on the open character of this part of The Street.

	The Inspector concludes that the proposed development would result in harm to the character and appearance of the area. The proposed development was considered to Policy SCLP11.1 and Paragraph 130 of the NPPF.
Learning point / actions	None, the Inspector agreed with the Officers assessment.

Application number	DC/21/0429/FUL
Appeal number	APP/X3540/D/21/3275831
Site	Orchard Piece, Lodge Road, Walberswick, IP18 6UP
Description of development	Rear side and front extension and erection of a detached garage and store.
Committee delegated	Delegated
Appeal decision date	28 March 2022
Appeal decision	Allowed with conditions
Main issues	<p>The main issues were identified as:</p> <ul style="list-style-type: none"> • The effect of the proposed development on the character and appearance of the appeal site and surrounding area. • The effect of the proposed development on the living conditions of the neighbouring property directly to the east of the site, with particular regard to outlook.
Summary of decision	<p>The Inspector acknowledged that the proposed development would result in the dwelling filling more of the plot, but in their view the side extension would have a relatively modest width in comparison to the width of the existing property, and although its ridge height would match that of the existing property, it would not be out of keeping with surrounding properties.</p> <p>The inspector also considered that the setback of the property and the existing boundary planting along with the position of the proposed garage would mean the side extension would not be particularly prominent.</p> <p>The Inspector also acknowledged the side extension would bring the dwelling closer to the neighbouring property, but on the basis of the existing separation distance between that property and the shared boundary, the established planting on the boundary and the position of a detached garage between the dwellings, concluded that the side extension would have no harmful overbearing impact.</p>

Learning point / actions	The key matters for consideration were matters of judgement by those determining the application/appeal, but the decision suggests that a greater harm than that resulting from the proposed extension is required to sustain a refusal on grounds of visual amenity and residential amenity.
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Appeals relating to Part 3 Prior Notifications

Application number	DC/20/4032/PN3
Appeal number	APP/X3540/W/21/3274988
Site	Barn A, Land adjacent Former Woodbarn Cottages, Seckford Hall Road, Great Bealings, Suffolk, IP13 6NX
Description of development	Prior Notification - Conversion of an agricultural building to a dwelling house pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning
Committee delegated /	Delegated
Appeal decision date	3 March 2022
Appeal decision	Dismissed An application for costs was also made by the appellant and refused (appeal reference APP/X3540/W/21/3274988). A summary of that decision can be found costs decisions section of this report.
Main issues	<p>The key issue was whether the proposal was 'Permitted Development' under Class Q of Part 3 of the General Permitted Development Order, in terms of the change of use of the building and any land within its curtilage and any building operations necessary to convert the building, specifically in relation to:</p> <ul style="list-style-type: none"> - Whether the building was in agricultural use on 20 March 2013, - Whether other development had been undertaken in the agricultural holding using agricultural permitted development rights since 20 March 2013, - Either the extent of the building operations were those reasonably required as defined in paragraph Q.1 (i). <p>The scheme was also refused by ESC due to lack of RAMS payment and thus impact upon European Protected Sites.</p>
Summary of decision	There have been five refused applications on this particular building since 2012, two planning applications and three Prior

	<p>Notifications, the third of which was the subject of this appeal. The two previous appeals relating to Prior Notification for the change of use of this building and associated works were also dismissed (references DC/14/1941/PN3, APP/J3530/A/14/2229019 and DC/16/3427/PN3, APP/J3530/W/17/3166437)).</p> <p>In terms of the agricultural use, the Inspector on the second prior notification appeal raised doubts regarding the use of the building on 20 March 2013. Therefore, as part of determining the most recent application, officers reinvestigated the use of building, including looking through documentation on the 23 applications on this building and across the wider site received since 2012 (13 Full applications, 6 Prior Notifications, 4 Variations of Condition), finding evidence that in the view of officers cast significant doubt regarding the claimed agricultural use on the required date in 2013. As part of the appeal documentation was submitted by the appellants to demonstrate an agricultural holding. The Inspector noted the building was clearly constructed for agricultural purposes and retains large openings. They also noted at the time of their visit the building was being used for the storage of building materials, concluding that whilst the lawfulness of the current use is in doubt, based upon the agricultural holdings information the building appeared to have been in used for agricultural purposes in 2013.</p> <p>The Inspector noted that the letter provided within the appellants statement as evidence to the agricultural tenancy indicated that if they were to vacate the premises there would be a need for storage capacities to be increased or the upgrading of other buildings, and a further letter from 2013 refers to applying for planning permission for a new grain store, implying that works have taken place within the agricultural unit. The Inspector states the appellants submissions are therefore contradictory and imprecise. They therefore concluded that there is insufficient evidence to confirm the extent of the agricultural unit in 2013 and whether any development has taken place which would preclude the permitted development.</p> <p>In terms of the physical works, the Inspector highlights the PPG and that it is only where the existing building is already suitable for conversion that the building would be considered to have the permitted development right. The submitted structural report confirming the building is structurally sound and the frame would be retained providing the main load bearing</p>
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	<p>element are acknowledged. However, the structural report notes that in order to achieve conversion, replacement infill panels with both insulation and structural qualities would be affixed to the frame. It was also noted that the existing roof would also be replaced.</p> <p>Taken as a whole, the Inspector considered the existing building would not be able to function as a dwelling. The works required would be significant, as they result in the construction of external walls and are necessary to alter the original appearance and purpose of the building. The Inspector considers that the works outlined result in the substantial re-building of the pre-existing structure and cumulatively, the extent of the works required would extend beyond the building operations reasonably necessary to convert the building to residential use under Class Q. This is also the conclusion that previous Inspectors have come to when considering the conversion of this building to a residential dwelling.</p>
Learning point / actions	<p>This decision confirms the importance of research into the history of the site and understanding the extent of the agricultural unit, so its planning history and any implications in terms of Permitted Development Rights can be fully understood.</p> <p>Whilst each site and scheme must be judged individually, this appeal decision is clear that when only the steel frame of the building is to be retained and panels providing structural and insulation properties are to be installed, the works are beyond those which are considered reasonably necessary and such a scheme does not constitute a conversion under Class Q.</p>

Enforcement Decisions

There were no Appeal decisions relating to Enforcement Notices received during this reporting period.

Costs Decisions

Application number	DC/20/4032/PN3
Appeal number	APP/X3540/W/21/3274988
Site	Barn A, Land adjacent Former Woodbarn Cottages, Seckford Hall Road, Great Bealings, Suffolk, IP13 6NX
Description of development	Prior Notification - Conversion of an agricultural building to a dwelling house pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning

Committee delegated /	Delegated
Appeal decision date	3 March 2022
Appeal decision	Dismissed The associated Planning Appeal (reference APP/X3540/W/21/3274988) was also dismissed and is summarised earlier in this report.
Main issues	<p>The key considerations of an application for an award of costs against the Local Planning Authority are whether they have acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.</p> <p>The PPG explains examples of unreasonable behaviour by Local Planning Authorities as including (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable and (iii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and (iv) not determining similar cases in a consistent manner.</p>
Summary of decision	<p>This application for costs was dismissed on the grounds that the Inspector considered that the Council acted reasonably. The Inspector did not consider that the Council failed to evaluate the application or consider the merits of the scheme or give sufficient weight to the previous appeal decisions. The Inspector acknowledged that they did not agree with the LPA in aspects of the requirements of Class Q, but that the LPA's points were supported by objective analysis and sufficient evidence has been provided to substantiate the points raised.</p> <p>In the view of the Inspector they do not agree with the appellants view that the appeal or costs associated with it could have been avoided.</p>
Learning point / actions	This costs decision reconfirms the importance of supporting planning decisions with clear objective analysis and evidence, to demonstrate how and why a particular decision has been reached by the LPA.

Application number	DC/20/4990/FUL & DC/20/4739/FUL
Appeal number	APP/X3540/W/21/3278799 & APP/X3540/W/21/3278816
Site	3 Ivy Cottages, The Street, Darsham IP17 3QA
Description of development	Proposed New Build Dwelling
Committee delegated	Delegated
Appeal decision date	15 March 2022
Appeal decision	Both Dismissed
Main issues	The appellant's costs claim alleged unreasonable behaviour by the Council. The appellant's claim was that the Council had previously approved similar forms of development at the site, and therefore the applications being refused was unreasonable.
Summary of decision	<p>The appellant's claim was heavily reliant on previous approvals to try and argue that the Council was unreasonable in refusing the newer applications. However, the Inspector fully acknowledged that the applications the Council refused were materially different from past approvals and that to consider those on merit was appropriate; see extracts as follows:</p> <p><i>"Indeed, for the reasons outlined above, the Council did not act unreasonably in this regard given the material differences between the schemes that had previously been granted planning permission and the Appeal A proposals."</i></p> <p><i>"Based on the approved plan, the development approved under application reference DC/20/1731/FUL is materially different to the Appeal B proposals in terms of the location of the access. As such, the Council did not act unreasonably in coming to a different view on the Appeal B proposal."</i></p>
Learning point / actions	<p>A challenging aspect of the applications/appeals was that the applicant/appellant elected to submit two tandem applications for individual dwellings. Cumulatively, these applications proposed a two-dwelling development across the whole site at Ivy Cottages. The applicant/appellant was of the view that each application should be assessed entirely independently. Officers disagreed with that conclusion, as the two proposals were fundamentally linked and clearly needed to be read as a whole. Therefore, part of the refusal reasoning looked at the combined outcome of the two applications; the Inspector did not find that to be unreasonable, noting the following in his Cost's decision:</p> <p><i>"Furthermore, given that the applications were refused for other reasons, it was not necessary for the Council to reach a conclusion</i></p>

	<i>on the acceptability of one scheme in favour of the other (in terms of highway safety). Therefore, the cumulative approach to the consideration of the applications was not unreasonable and the basis for this approach is made clear in the reasons for refusal.”</i>
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STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

Subject	Enforcement Performance Report – January to March 2022
Report by	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Cate Buck Senior Planning & Enforcement Officer cate.buck@eastsoffolk.gov.uk 01394 444290 Ben Woolnough Planning Manager (Development Management) 01394 444681 ben.woolnough@eastsoffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 katherine.scott@eastsoffolk.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:

To provide information on the performance of the enforcement section of the Development Management Team. In this Quarter's report information is also included setting out the service improvement activity taking place in the team this year.

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:

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: (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 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 January and March, two Enforcement Notices, one S215 Untidy Site Notice and one Listed Building Enforcement Notice were served.
1.3	Since January 2022 a new structure to the Development Management team has been in place. Previously all Enforcement Officers reported directly to the Planning Manager and there was no standalone team identity. In January Katherine Scott took on the responsibility of Principal Planner (Technical Lead) which includes line management of the three Enforcement Officers (two Assistants and one Senior). Along with two other Planners in that team, this has created a third team in the Development Management Team (the other two being the North and South Teams) and an ability to focus on the role that planning enforcement plays in Development Management.
1.4	It has been recognised for a couple of years that the Planning Enforcement service has required some review and improvement. That is no reflection of the three officers responsible for planning enforcement, who work incredibly hard and with great due diligence in their responsibilities. Nor does it reflect the quality of enforcement decision making. But the process and systems they have been operating to have been overdue a review and methods of monitoring and reporting do need to be improved. Furthermore, enforcement complaints remain high and caseloads are very demanding for officers to process. This has been highlighted by Audit previously and it was not until this team had dedicated management in place that the resource and time could be given to this process.
1.5	Therefore, Internal Audit have recently commenced an assessment of the current enforcement systems and records. This is seen as a valuable exercise which will influence an enforcement service improvement action plan which we intend to update on at the September Strategic Planning Committee and which should also be underway at that point. It is anticipated that this will include improvements to recording of cases and their processing, some redistribution of administrative responsibilities to enable efficiencies and focus on case work and some improvement to the reviewing and decision making of enforcement complaints.
1.6	A further necessary improvement to be addressed is the way in which enforcement reports are presented to North and South Planning Committees. Presently the table setting out live enforcement cases is lengthy and difficult to interrogate. We will review the way this is presented including a focus on priority cases and those with more recent updates to them. It will also include greater detail on what any delays are and their causes – much of the time this being outside of the Council's control.

1.7	In terms of delays on enforcement action, recent concerns from members have been focussed on the speed of the legal process in taking enforcement action. We need to be able to explain this clearly and to also show where this is due to court processes or appeal delays. At the September Strategic Planning Committee, we plan to include some guidance in this respect with support from our legal team who are also now much better resourced to provide their important assistance to planning.
1.8	The new format for North and South Planning Committee enforcement update reports will be trialled at the July committee meetings. We will receive feedback from members at that time to further improve the reporting method and we will conclude on that in the September Strategic Planning Committee enforcement performance report.

2 Current position

2.1

Cases Received and Closed January to March 2022

Month	Cases Received	Cases Closed
January	18	55
February	26	31
March	50	47

*Please note all new complaints are logged, site visited and then triaged in accord with the appropriate risk assessment.

2.2

Reasons for Closure

Reason	January	February	March
No Breach	24	10	11
Compliance/use ceased	10	7	12
Planning Permission Granted	16	7	12
Permitted Development	3	1	4
Immune/Lawful	0	0	0
Duplicate file	1	0	1
Withdrawn	0	0	0
Not Expedient	1	6	7

2.3

Time taken to close cases

Time taken to close cases	Cases Closed in January	Cases Closed in February	Cases Closed in March
1-10 days	3	1	4
11-20 days	5	5	3

	<u>21-30 days</u>	3	2	5
	<u>31-40 days</u>	0	1	0
	<u>41 + Days</u>	44	22	35
	<u>Total</u>	55	31	47

2.4	<u>Enforcement Notices Served January to March 2022</u>			
	<u>Type of Notice</u>	<u>Address</u>	<u>Breach</u>	<u>Compliance period</u>
	S215 Notice	28 Brick Kiln Avenue, Beccles	Untidy Site	3 months
	Enforcement Notice – Operational Development	Land West Of Guildhall Lane, Wrentham	Unauthorised development	4 months
	Enforcement Notice –Material change of use	Land West Of Guildhall Lane, Wrentham	Unauthorised change of use	4 months
	Listed Building Enforcement Notice	6 Upper Olland St, Bungay	Unauthorised works to a Listed Building	3 months

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, 06 June 2022

Subject	Planning Performance Report – April 2021 to March 2022
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officers	Ben Woolnough Planning Manager (Development Management) 01394 444681 ben.woolnough@eastsuffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 katherine.scott@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: (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 checked="" 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 checked="" 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 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 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 checked="" 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 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 development management and 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	East Suffolk Council as Local Planning Authority determines applications that seek Planning Permission, Listed Building Consent, Advertisement Consent and Tree Works applications along with associated applications such as those seeking approval of matters reserved by conditions on consents.
2.2	This report focuses on the applications for Planning Permission (those seeking Approval of Reserved Matters, Change of Use, Full Planning Permission, Outline Planning Permission, Removal of Condition(s) and Variations of Condition(s)). There are herein referred to as Planning Applications.
2.3	However, some data is also included in relation to the other forms of formal applications determined by the Local Planning Authority during the period 1 April 2021 to 31 March 2022, and the preceding years.
2.4	Alongside dealing with these formal planning applications, the Development Management Team provide a pre-application advice service and are also responsible for monitoring and enforcing planning matters.

2.5	<p>During the period 1 April 2021-31 March 2022, East Suffolk Council as Local Planning Authority determined a total of 5549 applications, comprising 2714 formal applications required on government returns (including 'Planning Applications', Listed Building Consent and Advertisement applications) and 2835 of these other forms of application, including:</p> <ul style="list-style-type: none"> - 956 requests for pre-application advice, - 492 Tree Preservation Order related applications, - 246 applications for tree works within Conservation Areas, - 30 applications seeking Environmental Impact Assessment Screening, - 18 applications seeking a Certificate of Lawfulness for an existing use or development, - 34 applications seeking a Certificate of Lawfulness for a proposed use or development. - 364 applications seeking approval of details reserved by condition (often referred to as discharge of conditions), and - 204 applications seeking non-material amendments.
2.6	A pie chart illustrating the above proportions is included in Figure 6 of Appendix B .
2.7	<p>This was an increase on the previous year (1 April 2020 – 31 March 2021) during which East Suffolk Council as Local Planning Authority determined a total of 5385 submissions, comprising 2425 formal applications required on government returns (including 'Planning Applications', Listed Building Consent and Advertisement applications) and 2960 of these other forms of application, including:</p> <ul style="list-style-type: none"> - 1007 requests for pre-application advice, - 513 Tree Preservation Order related applications, - 256 applications for tree works within Conservation Areas, - 14 applications seeking Environmental Impact Assessment Screening, - 23 applications seeking a Certificate of Lawfulness for an existing use or development, - 48 applications seeking a Certificate of Lawfulness for a proposed use or development. - 350 applications seeking approval of details reserved by condition (often referred to as discharge of conditions), and - 189 applications seeking non-material amendments
2.8	A pie chart illustrating the above proportions is included in Figure 5 of Appendix B

2.9	<p>During the year prior to that (1 April 2019 – 31 March 2020), East Suffolk Council as Local Planning Authority determined at total of 5346 submissions, comprising 2291 formal applications required on government returns (including 'Planning Applications', Listed Building Consent and Advertisement applications) and 3055 of these other forms of application including:</p> <ul style="list-style-type: none"> - 932 requests for pre-application advice, - 450 Tree Preservation Order related applications, - 186 applications for tree works within Conservation Areas, - 20 applications seeking Environmental Impact Assessment Screening, - 21 applications seeking a Certificate of Lawfulness for an existing use or development, - 18 applications seeking a Certificate of Lawfulness for a proposed use or development. - 403 applications seeking approval of details reserved by condition (often referred to as discharge of conditions), and - 186 applications seeking non-material amendments
2.10	A pie chart illustrating the above proportions is included in Figure 4 of Appendix B
2.11	Therefore, as illustrated in Figures 1, 2 and 3 of Appendix B , over the previous three years there has been an increase in the number of submissions determined, including in terms of 'Planning Applications'.
2.12	Whilst the total number of determined submission in themselves do not sound significant (an increase of 203 between 2019/20 and 2021/22 or 3.66%), all submissions take a significant amount of officer time, and cumulatively this has a significant impact upon the capacity of the team.
2.13	It is also important to understand where these increases have occurred, and different types of applications have different requirements from officers in terms of both the steps in the process and the time required. .
2.14	The most significant increase in terms of overall numbers and resulting workloads for officers has been in terms of the determination of applications for Full Planning Permission, with a 18.5% increase (434 extra cases) from 2019/20 to 2344 cases in 2021/22.
2.15	Applications for full planning permission require a significant proportion of officer time as they all require the creation of case on the system and the upload of documents, a site visit and posting of a site notice, a full consultation process with third parties, the town/parish council and other relevant consultees, review of the submitted plans/document and consultee response, assessment against planning policy, the drafting an officer report and review/signing off by a senior officer. Such cases can also trigger the referral process and/or Planning Committee, both of which involve significant officer time in terms of the production of reports, powerpoint presentations and attendance. Therefore even a modest increase in applications of this type can have a significant implication upon time and capacity of the team.

2.16	There has also been a significant increase in the number of submissions for Certificates of Lawfulness (proposed) with an increase of 47% from 18 in 2019/20 to 34 in 2021-22, and a noticeable increase in applications for Listed Building Consent with an increase from 250 in 2019/20 to 300 in 2021/22, which is a 16.7% increase. Both of these application types also require a significant level of officer time with the Certificate of Lawfulness applications requiring assessment against the national regulations and case law, the drafting of a report, review by a senior officer before consideration/determination by Legal Services. Listed Building Consent applications following a similar process to planning applications in terms of site visit, site notice, consultation, review, drafting of reports and review by a senior officer. Therefore, any increase in the numbers for these application types also has a significant impact upon the capacity of the team.																
2.17	During the three year period there has also been a 60% increase in consultations from other bodies. Whilst such cases are often quicker to process and determine than those referred to above, they still require officer time, which in turn has implications in terms of capacity to deal with the formal applications and pre-application submissions etc.																
2.18	<p><u>Overview of Determined Planning Applications</u></p> <p>The breakdown for determined planning, listed building consent and advertisement consent application during Q4 (December 2021 to 31 March 2022) is reported as follows:</p> <table><tr><td></td><td>Q4 Percentage</td><td>Q4 Total</td><td>Targets</td></tr><tr><td>Major Development</td><td>90%</td><td>19/21</td><td>60% national 65% stretched</td></tr><tr><td>Minor Development</td><td>64%</td><td>87/136</td><td>65% national 75% stretched</td></tr><tr><td>Other Development</td><td>64%</td><td>306/483</td><td>80% national 90% stretched</td></tr></table>		Q4 Percentage	Q4 Total	Targets	Major Development	90%	19/21	60% national 65% stretched	Minor Development	64%	87/136	65% national 75% stretched	Other Development	64%	306/483	80% national 90% stretched
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Minor Development	64%	87/136	65% national 75% stretched														
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	Current Quarter		Previous Quarters						
	Q4 %	Q4 Total	Q3 %	Q3 Total	Q2 %	Q2 Total	Q1 %	Q1 Total	Targets
Major Development	90%	19/21	89%	8/9	64%	7/11	64%	9/14	60% national 65% stretched
Minor Development	64%	87/136	53%	79/149	76%	103/136	72%	92/127	65% national 75% stretched
Other Development	64%	306/483	60%	287/482	85%	474/560	76%	446/586	80% national 90% stretched

2.19	Appendix H include graphs showing the above figures for the period 1 April 2021 – 31 March 2022, and Appendix G contains graphs showing the quarterly statistics for the past three years.			
2.20	The end of year statistics for the reporting year are as follows:			
		Q1 – Q4 Percentage	Q1 – Q4 Total	Targets
	Major Development	78%	43/55	60% national 65% stretched
	Minor Development	66%	361/548	65% national 75% stretched
	Other Development	72%	1,516/2,111	80% national 90% stretched
2.21	The following table is a comparison with the end of Q4 in 2020/21			
		Q1 – Q4 Combined Percentage	Q1 – Q4 Combined Total	Targets
	Major Development	82%	37/45	60% national 65% stretched
	Minor Development	80%	460/574	65% national 75% stretched
	Other Development	90%	1624/1806	80% national 90% stretched
2.22	The following table is a comparison with the end of Q4 in 2019/2020.			
		Q1 – Q4 Combined Percentage	Q1 – Q4 Combined Total	Targets
	Major Development	88%	60/68	60% national 65% stretched
	Minor Development	75%	430/571	65% national 75% stretched
	Other Development	87%	1435/1652	80% national 90% stretched
2.23	Unfortunately, the government and stretch targets have not been met during every quarter over the period 1 April 2021 – 31 March 2022. However, as explained later in this report that has been an increase in the number of applications over the past three financial years and those increases have been within application types that require a significant level of officer time, which in turn has affected the capacity of the team.			
2.24	As shown in the table and figures below, 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.			

2.25	For the period 1 April 2021 – 31 March 2022, the approved/refused figures for 'Planning Applications' are:		
		Permitted	Refused
	Delegated Planning Decisions	3515 (93.78%)	233 (6.22%)
	Committee Planning Decisions	83 (88.30%)	11 (11.70%)
Overall		3598 (93.65%)	244 (6.35%)

2.26 The above figures are shown in the pie charts below and in **Appendix K**.

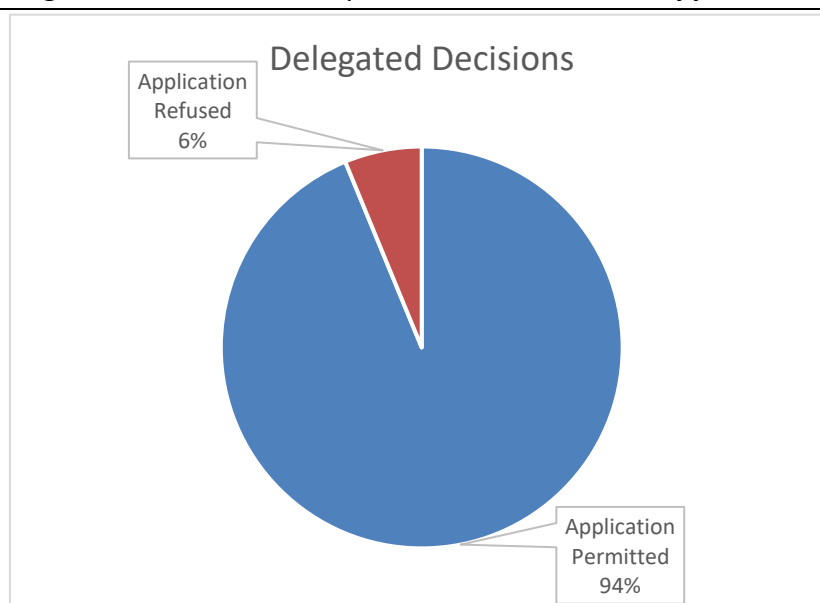


Figure 1: The proportions of all applications Approved or Refused at officer level in accordance with the scheme of delegation (withdrawn cases and consultation responses to other organisations are not shown here)

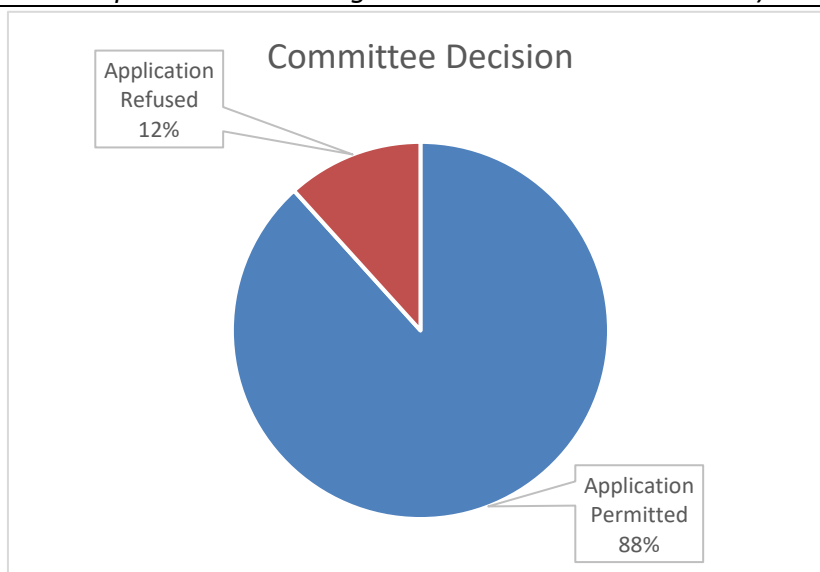
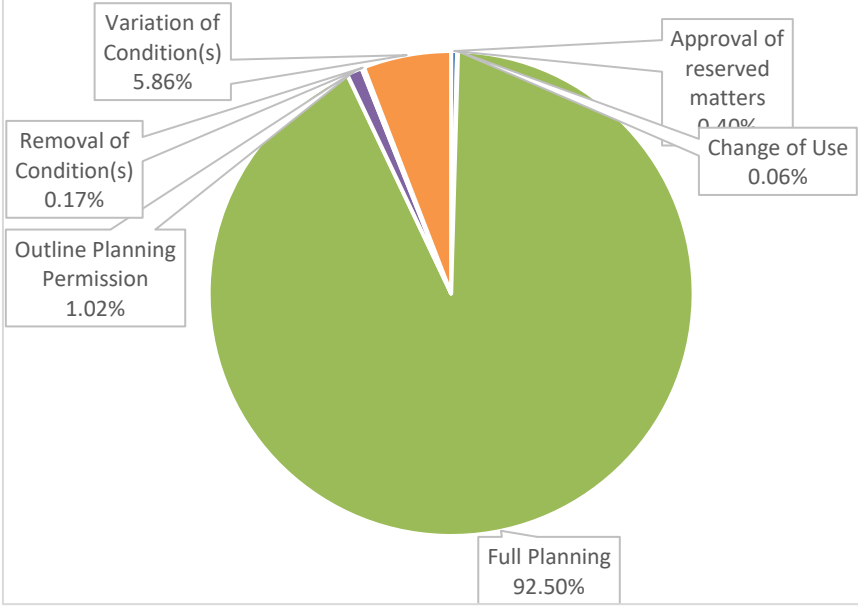


Figure 2: The proportions of all applications Approved or Refused via North or South Planning Committee (note withdrawn cases are not shown here)

	<p style="text-align: center;">Overall (Delegated and Committee Decisions)</p> <p>The pie chart illustrates the overall proportions of all applications approved or refused. The chart is divided into two segments: a large blue segment representing 'Application Permitted' at 94%, and a smaller red segment representing 'Application Refused' at 6%.</p> <p style="text-align: center;">Figure 3: The overall proportions of all applications approved or refused (withdrawn cases are not shown here)</p>
2.27	The charts in Appendix J , shows the number of approvals and refusals of Planning Applications, along with the proportions of each for each quarter from April 2019 to March 2022.
2.28	Where applications are refused Officers seek to defend those refusals strongly. Members will note the separate appeals report on the agenda which demonstrates confidence that applications are being refused where justified in planning terms and those decisions are for the most part upheld at appeal. Members will note that in respect of the same quarter the Council successfully defended 68% of all planning appeals.
2.29	<p><u>Determination Route</u></p> <p>In accordance with the scheme of delegation, as set out in the Council’s Constitution, all applications received by East Suffolk Council as Local Planning Authority are taken through one of three process determination routes.</p>
2.30	<p>As stated in the National Government guidance on determining planning applications:</p> <p style="padding-left: 40px;">“Who in a local planning authority makes a planning decision? Section 101 of the Local Government Act 1972 allows the local planning authority to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority. An exception where this power may not apply is where the local authority’s own application for development could give rise to a conflict of interest, when regulation 10 of the Town and Country Planning General Regulations 1992 applies.</p>

	<p>The exercise of the power to delegate planning functions is generally a matter for individual local planning authorities, having regard to practical considerations including the need for efficient decision-taking and local transparency. It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.</p> <p>Local planning authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.”</p> <p>Paragraph: 015 Reference ID: 21b-015-20140306</p> <p>Revision date: 06 03 2014</p> <p>From Determining a planning application - GOV.UK (www.gov.uk)</p>
2.31	<p>In simplified terms, Planning Applications are either:</p> <ul style="list-style-type: none"> • delegated to the Head of Planning and Coastal Management, to be determined by officers • triggered and referred to the Referral Panel, which then either: <ul style="list-style-type: none"> • refer the determination of application to Planning Committee for determination or • delegate the determination of the application to the Head of Planning Services, to be determined by officers • taken directly to Planning Committee for determination at the discretion of the Head of Planning and Coastal Management and/or the Chairman of the Planning Committees
2.32	<p>The potential routes for the determination of applications are illustrated in Appendix A (Application Process Diagram).</p>
2.33	<p>During the period 1 April 2021 - 31 March 2022, there were 72 ‘Planning Applications’ determined via Planning Committee, 61 (84.72%) of which sought Full Planning Permission, 4 (5.56%) sought Outline Planning Permission, 4 (5.56%) sought a Variation of Condition, 2 (2.78%) sought Approval of Reserved Matters and 1 (1.39%) sought a Change of Use. There were no applications seeking the Removal of a Condition during the reporting period. These are illustrated in Figure 4 below.</p>

	<p>Figure 4: The proportions of different types of planning application determined by Planning Committee during the period 1 April 2021 – 31 March 2022</p> <table border="1"> <thead> <tr> <th>Application Type</th> <th>Proportion</th> </tr> </thead> <tbody> <tr> <td>Full Planning</td> <td>85%</td> </tr> <tr> <td>Variation of Condition(s)</td> <td>6%</td> </tr> <tr> <td>Outline Planning Permission</td> <td>5%</td> </tr> <tr> <td>Approval of reserved matters</td> <td>2%</td> </tr> <tr> <td>Change of Use</td> <td>1%</td> </tr> <tr> <td>Removal of Condition(s)</td> <td>0%</td> </tr> <tr> <td>Other</td> <td>0.06%</td> </tr> </tbody> </table>	Application Type	Proportion	Full Planning	85%	Variation of Condition(s)	6%	Outline Planning Permission	5%	Approval of reserved matters	2%	Change of Use	1%	Removal of Condition(s)	0%	Other	0.06%
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2.34	In accordance with the scheme of delegation all applications that are not ‘planning applications’ are delegated to the Head of Planning Services for determination. This is those applications which are not seeking the grant of planning permission, e.g. applications for Discharge of Conditions, non-material amendments etc).																
2.35	In addition, all ‘Planning Applications’ are delegated to the Head of Planning Services unless they are triggered either directly to either North, South or Strategic Planning Committees, or trigger the Referral Process. The triggers for each of these processes is detailed within the report on the Referral Process that is also on this meeting’s agenda.																
2.36	The figures relating to delegated cases set out below also include those cases that triggered the referral process and were subsequently delegated by the referral panel.																
2.37	During the period 1 April 2021 - 31 March 2022, there were 1759 ‘Planning Applications’ determined at officer level, 1627 (92.50%) of which sought Full Planning Permission, 103 (5.86%) sought Variations of Conditions, 18 (1.02%) sought Outline Planning Permission, 7 (0.4%) sought Approval of Reserved Matters, 3 (0.17%) sought Removal of Conditions) and 1 (0.06%) sought a Change of Use. These are illustrated in Figure 5 below.																

	 <table border="1"> <thead> <tr> <th>Application Type</th> <th>Proportion</th> </tr> </thead> <tbody> <tr> <td>Full Planning</td> <td>92.50%</td> </tr> <tr> <td>Variation of Condition(s)</td> <td>5.86%</td> </tr> <tr> <td>Outline Planning Permission</td> <td>1.02%</td> </tr> <tr> <td>Removal of Condition(s)</td> <td>0.17%</td> </tr> <tr> <td>Change of Use</td> <td>0.06%</td> </tr> <tr> <td>Approval of reserved matters</td> <td>0.40%</td> </tr> </tbody> </table> <p>Figure 5 : The proportions of different types of planning application determined under the scheme of delegation during the period 1 April 2021 – 31 March 2022</p>	Application Type	Proportion	Full Planning	92.50%	Variation of Condition(s)	5.86%	Outline Planning Permission	1.02%	Removal of Condition(s)	0.17%	Change of Use	0.06%	Approval of reserved matters	0.40%
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Removal of Condition(s)	0.17%														
Change of Use	0.06%														
Approval of reserved matters	0.40%														
2.38	<p>There is a separate report on this agenda which explains the Referral Process and Planning Committee process in detail including the referral triggers, and sets out detailed data in relation to the numbers of applications going through that process, decision outcomes and implications upon timeliness of decisions. The appendices to that report also provide more detail on data relating to the Referral Process for the period 1 April 2019 to 31 March 2022.</p>														
2.39	<p><u>Timeliness of decisions</u></p> <p>It is recognised that the Referral Panel process and the Planning Committee Process are important to the democratic process of determining planning applications, but the potential implications for the timeliness of decision making also needs to be acknowledged.</p>														
2.40	<p>Whilst all planning applications have to go through public consultation and other legislative processes, by their very nature the different determination process routes affect how quickly the application can be processed, considered, and determined. For example, if an application triggers the referral process this adds at least a week to 10 days to the determination process, and then if that item is referred to committee realistically there is the potential for up to four weeks be added to the process if the relevant committee meeting has just occurred. However, often the timeframe can be shorter, depending upon where in the committee cycle the application falls.</p>														

2.41 As explained in the other report on this agenda relating to the referral panel and committee processes can add time to the determination process of applications, which is reflected in the figures relating to the timeliness of decision making. For the period 1 April 2021 – 31 March 2022, 56.23% of delegated decisions on 'Planning Applications' were in time compared to just 4.17% of applications that were determined via the planning committee route, with 31.72% of delegated decisions being determined within an agreed Extension of time, compared to 75% of planning applications determined via planning committee, with just 12.05% of delegated decisions out of time compared to 20.83% of Planning Committee decisions. This is illustrated in **figures 6 and 7** below, which are also included in **Appendix I**.

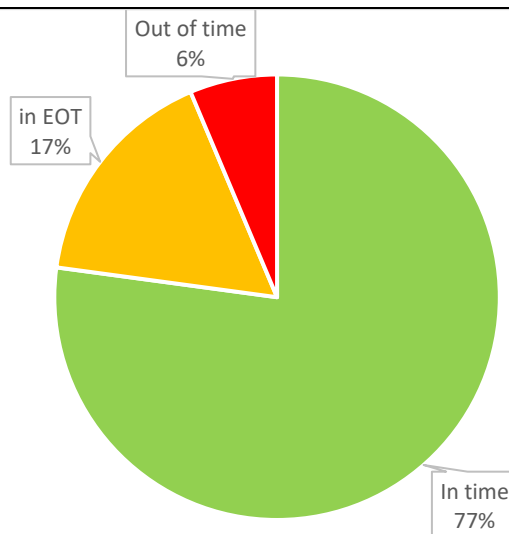


Figure 6 : The timeliness of 'Planning Applications' determined at Officer level between 1 April 2021 and 31 March 2022 (excluding those items taken via Referral Process prior to determination)

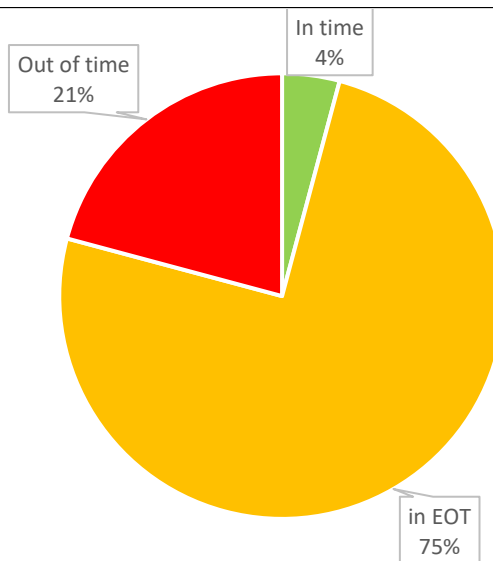
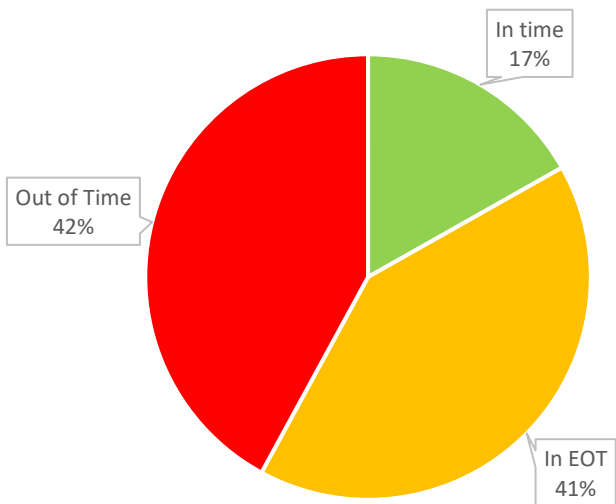


Figure 7: The timeliness of 'Planning Applications' determined at Planning Committee between 1 April 2021 and 31 March 2022

2.42	It is clear from the above figures, that a significantly higher proportion of applications determined via the Planning Committee route are beyond the government set target dates, than those determined at officer level. This is to be expected given the necessary lead-in times and where meeting dates etc can fall in relation to consultation processes etc during the lifetime of each application.								
2.43	The importance of the Planning Committee to the democratic process is recognised, and therefore some impact upon the overall Local Planning Authority statistical returns is accepted. However, a balance between the democratic process and timeliness of decision much be maintained.								
2.44	As illustrated on figure 8 below, there are similar implications in terms of timeliness arising from the Referral Panel Process.								
	 <p>Figure 8: The timeliness of 'Planning Applications' determined by officers after being delegated by the Referral Panel between 1 April 2021 and 31 March 2022</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>In time</td> <td>17%</td> </tr> <tr> <td>In EOT</td> <td>41%</td> </tr> <tr> <td>Out of Time</td> <td>42%</td> </tr> </tbody> </table>	Category	Percentage	In time	17%	In EOT	41%	Out of Time	42%
Category	Percentage								
In time	17%								
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Out of Time	42%								
2.45	Whilst the figures for applications triggering the referral process are better than those for applications determined via Planning Committee, as illustrated above a significantly higher proportion of applications delegated by the referral panel are beyond the government target date than those that do not trigger the referral or committee process.								
2.46	As with planning committee, the importance of the Planning Committee to the democratic process is recognised, and therefore some impact upon the overall Local Planning Authority statistical returns is accepted. However, a balance between the democratic process and timeliness of decision much be achieved.								

2.47	<p><u>Planning Appeals</u></p> <p>The outcomes of appeals are reported on a quarterly basis to the Strategic Planning Committee, and the latest of these reports is also on this meeting's agenda. These reports include summaries of the outcomes and key issues raised in all appeal decisions along with an analysis of the percentage of cases dismissed or allowed on appeal for Major, Minor and Other application types. They relate to all appeal decisions received since the previous report, so do not fully align with the financial year that this report is covering, and therefore the numbers outline are not identical to those reported in those quarterly reports.</p>
2.48	<p>During the period 1 April 2021 to 31 March 2022, there were 66 appeal decisions received, 4 (6%) of which related to Majors, 42 (63.6%) of which related to Minors and 20 (30.3%) that related to others (Figure 4 in Appendix L).</p>
2.49	<p>Of these appeal decisions 93.9% related to cases that were refused by officers under the scheme of delegation, 4.6% related to cases that were refused by committee contrary to officer recommendation and 1.5% were appeals against non-determination in relation to applications that were deferred by Planning Committee. None of the appeals relating to cases at Planning Committee were dismissed, as all four appealed committee determined cases were either allowed (1 Major and 2 Minors) or withdrawn prior to the appeal being determined (1 Major). These proportions are illustrated in Figure 1 in Appendix L</p>
2.50	<p>In terms of the appeals relating to Major applications, one was dismissed (25%), two were allowed (50%) and one was withdrawn (25%) as shown in Figure 5 in Appendix L.</p>
2.51	<p>The dismissed appeal related to a 'Major' was an application refused at officer level in accordance with the scheme of delegation (DC/20/1636/OUT, APP/X3540/W/21/3276418). In terms of the allowed appeals, the first related to a delegated refusal (DC/19/3196/FUL, APP/X3540/W/20/3259654, Kelsale Cum Carlton) and the second to an application which was against non-determination following deferral at the South Planning Committee (DC/20/3362/FUL, APP/X3540/W/21/3280171, Grundisburgh). The withdrawn appeal related to an application which was recommended by officers for approval to the South Planning Committee, where the recommendation was overturned, with the application being refused.</p>
2.52	<p>In terms of the appeals relating to Minor applications 29 (69%) were dismissed, 12 (28.9%) allowed, and one (2.38%) had a split decision, as shown in Figure 6 in Appendix L.</p>
2.53	<p>Of the Allowed Appeals relating to Minor applications, two (16.7%) were applications determined via the Planning Committee Process, and 10 (83.3%) were determined at officer level.</p>

2.54	In terms of those Minor cases determined at officer level 29 (74.4%) were dismissed on appeal and only 10 (25.6%) were allowed. In comparison with the rate for committee determined Minor cases which was 100% allowed on appeal as there were only two appeals against minor applications determined at appeal, and they were both allowed.
2.55	The outcomes on appeals relating to 'Other' applications were 15 (75%) dismissed, 5 (25%) allowed, with no appeals withdrawn or split decisions. These proportions are illustrated in Figure 7 in Appendix L
2.56	All of 'other' applications which were the subject of appeal were cases that were determined at officer level in accordance with the scheme of delegations.
2.57	<p>During the past year the National Figures for all Appeals were:</p> <ul style="list-style-type: none"> - Quarter 1 (April – June 2021) 31% allowed, - Quarter 2 (July-Sept) 28% allowed - Quarter 3 (Oct-Dec) 28% allowed - Quarter 4, yet to be published. <p>(Data from Planning Inspectorate statistical release 20 January 2022 - GOV.UK (www.gov.uk))</p>
2.58	During the 2021-22 year, 28.79% of appeals were allowed, which is not dissimilar to the national averages outlined above. Therefore, there are no concerns regarding the overall appeal performance and quality of planning decisions made by East Suffolk.
2.59	There is a variation between the proportion of appeals allowed on applications that were determined via committee in comparison with those determined at officer level.
2.60	<p><u>Pre-application Advice</u></p> <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.</p>
2.61	During the period 1 April 2021 – 31 March 2022, 956 written pre-application submissions were responded to. This is a slight decrease on the previous year of just 0.05%, 1 April 2020-21 March 2021, during which 1007 pre-application submissions were responded to, but represents an increase of 2.51% from the 2019/20 period.
2.62	Although no formal consultation process takes place as part of the pre-application process, such submissions can require a significant amount of officer time not only from the DM case officer, but also from the support team logging the case and issuing the final written response letter, specialist services officers providing input and from senior officers who review the written feedback reports provided before issue.

2.63	However, officers recognise the importance of the pre-application process in terms of adding value to improve schemes early in the process before a formal application is submitted.
2.64	It is also recognised providing advice on the potential need for consent, which means those that utilise this service can avoid undertaking works that require planning, advertisement or listed building consent, and thus at least in theory reduce the number of breaches of planning control.
2.65	Alongside this service, the Development Management and Enforcement Team provide a duty officer system, on all working weekdays. It is operated on a rota system by those within the team, who provide informal advice to simple planning enquiries of a nature which can be responded to without significant research or review of significant amounts of submitted information.
2.66	<p><u>Planning Enforcement</u></p> <p>The Enforcement Performance Report also on this agenda includes details of enforcement cases received, enforcement cases closed, reasons for closure, time taken to close cases and the Enforcement Notices Served between 1 July 2019 and 31 March 2022.</p>
2.67	<p>In considering the role and activities of Planning Enforcement at East Suffolk Council, key consideration should be given to paragraph 59 of the NPPF which states:</p> <p><i>“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”</i></p>
2.68	The Enforcement Statistics for the period 1 July 2019 to 31 March 2022 are set out in more detail in Appendices N to P .
2.69	As illustrated in Figures 1, 2, 5 and 6 of Appendix M , there is significant variation in number of enforcement cases received during each month, but since July 2020, there has consistently been more than 100 planning enforcement complaints made to the team, with significantly higher numbers in quarters 2 and 3 of the 2021-2022 year (July to September and October to December 2021), with more than 160 and approximately 180 respectively.
2.70	There is also a significant variation in the number of cases closed (Figures 3, 4, 5 and 6 of Appendix M) However, this is influenced by not only the number of planning enforcement complaints received/cases created, but also the nature of the complaint and if is a breach. All planning Enforcement complaints have to be logged and investigated before they are closed, and whilst they all require significant officer time to log and investigate some cases by their very nature are likely to be quicker to resolve than others.

2.71	It is positive to note as illustrated in Figure 6 of Appendix M that whilst there are exceptions during the month of December 2021 and March 2022, when looked at on a quarterly based, during the past three quarters (i.e. since July 2021) more cases have been closed than logged. Therefore, officers should be commended for their efforts.
2.72	Figures 1 and 9 within Appendix N , show that a significant proportion of enforcement cases received are closed because they are not actually a breach of planning control. However, all of these cases have to be logged and investigated (including site visits). Cumulatively the investigation of all of these cases that turn out not to be breaches of planning control requires a significant amount of officer time and resource from the officers investigating planning enforcement matters.
2.73	As illustrated in Figures 3 and 9 of Appendix N , many enforcement cases are closed because planning permission is granted, which rectifies the breach. Such cases also have to be logged and investigated, and an assessment has to be made as to whether planning permission is likely to be granted, and if that is the case, the site owner/operator contacted and encouraged to submit a formal planning application, with potentially numerous contacts with both the site owner and complainant required during this process. Therefore, cumulatively the investigation of all of these cases that subsequently result in the submission of a formal planning application, require a significant amount of officer time and resource from the officers investigating planning enforcement matters.
2.74	The other key reason why enforcement cases are closed is because the breach is rectified through compliance (e.g. the use ceased). The numbers per month are set out in Figures 2 and 9 of Appendix N . Such cases also have to be logged and investigated, and an assessment has to be made as to whether planning permission is likely to be granted, and in cases where it is not, the site owners/operators are contacted advising them of the breach of planning and to cease the use/remove the unauthorised works. There can be potentially numerous contacts with both the site owner and complainant required during this process, alongside other elements of the investigation and gathering evidence process. Therefore, cumulatively the investigation of all of these cases that subsequently result in the submission of a formal planning application, require a significant amount of officer time and resource from the officers investigating planning enforcement matters.
2.75	It is acknowledged that a significant proportion of the enforcement cases take more than 40 days to be closed. Ideally a higher proportion of the enforcement cases would be closed quicker than this time frame. However, by its very nature planning the investigation of planning enforcement complaints takes time. For example, in many cases, it is not known if a complaint is a breach of planning control or permitted development until a site visit has taken place so officers can establish what physical works have taken place or use is suggested as taking place, and in the case of uses, often further desktop based investigation such as web searches and contact has to be made with both the complaints and the owners/operators to gather further information in order to establish the true nature of the use, before it can be established if Planning Regulations have been breached.

2.76	Whilst it is acknowledged that the number of enforcement notices served as set out in Appendix P , may not sound significant, the numbers shown should not be taken in isolation. The numbers must be considered in the context of the proportion of enforcement cases that are either not breaches of planning control, are permitted development or are resolved through either the granting of consent or the cessation of the use/rectifying the breach in another way. Cases of that nature would never get as far as requiring an Enforcement Notice.
2.77	Enforcement Notices are only issued where absolutely necessary and it is proportionate to take such action (as per the NPPF paragraph 59 requirements referred to above). Wherever possible officers seek to resolve breaches of planning control by informal means rather than the serving of notices, as it can often result in resolution more quickly without the need for legal action, and potentially extensive ongoing investigation and evidence gathering by officers.
2.78	The team is in the process of an audit review of processes and the production of an action plan for the planning enforcement service, which is intended to be published to Strategic Planning Committee in October.

3 How to address current situation

3.1	Quarterly monitoring
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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.
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Appendices

Appendices:	
Appendix A	Application Process Diagram
Appendix B	Types of application determined on an annual basis between 1 April 2019 – 31 March 2022
Appendix C	Types of application determined on a quarterly basis between 1 April 2019 – 31 March 2022
Appendix D	The number of valid applications submitted each quarter between 1 April 2019 – 31 March 2022
Appendix E	The number of householder applications received and determined during each quarter between 1 April 2019 and 31 March 2022

Appendix F	The average number of valid applications allocated and the number of applications determined per quarter at senior officer, planning officer and assistant/trainee level between 1 April 2019 – 31 March 2022
Appendix G	The quarterly statistics for Minors, Majors and Minors between 1 April 2019 and 31 March 2022
Appendix H	The quarterly statistics for Minors, Majors and Minors between 1 April 2021 and 31 March 2022
Appendix I	Proportions of applications determined in time, within an Extension of Time (EOT) and out of time, via the different determination process routes between 1 April 2021 and 31 March 2022
Appendix J	The proportions of applications approved or refused during each quarter between 1 April 2019 and 31 March 2022 (via all determination routes).
Appendix K	The proportions of applications approved or refused via Planning Committee, delegated to officers and overall during the period 1 April 2021 – 31 March 2022.
Appendix L	Outcomes of Appeals between 1 April 2021 – 31 March 2022
Appendix M	The number of enforcement cases logged/received and closed during each month and each quarter between 1 July 2019 and 31 March 2022.
Appendix N	The reasons enforcement cases were closed during each month between 1 July 2019 and 31 March 2022.
Appendix O	The timeframes for the closure of enforcement cases between 1 July 2019 and 31 March 2022.
Appendix P	The numbers of enforcement notices served during each quarter between 1 July 2019 and 31 March 2022.

Background reference papers:

None.

Appendix A: The Process of a Planning Application

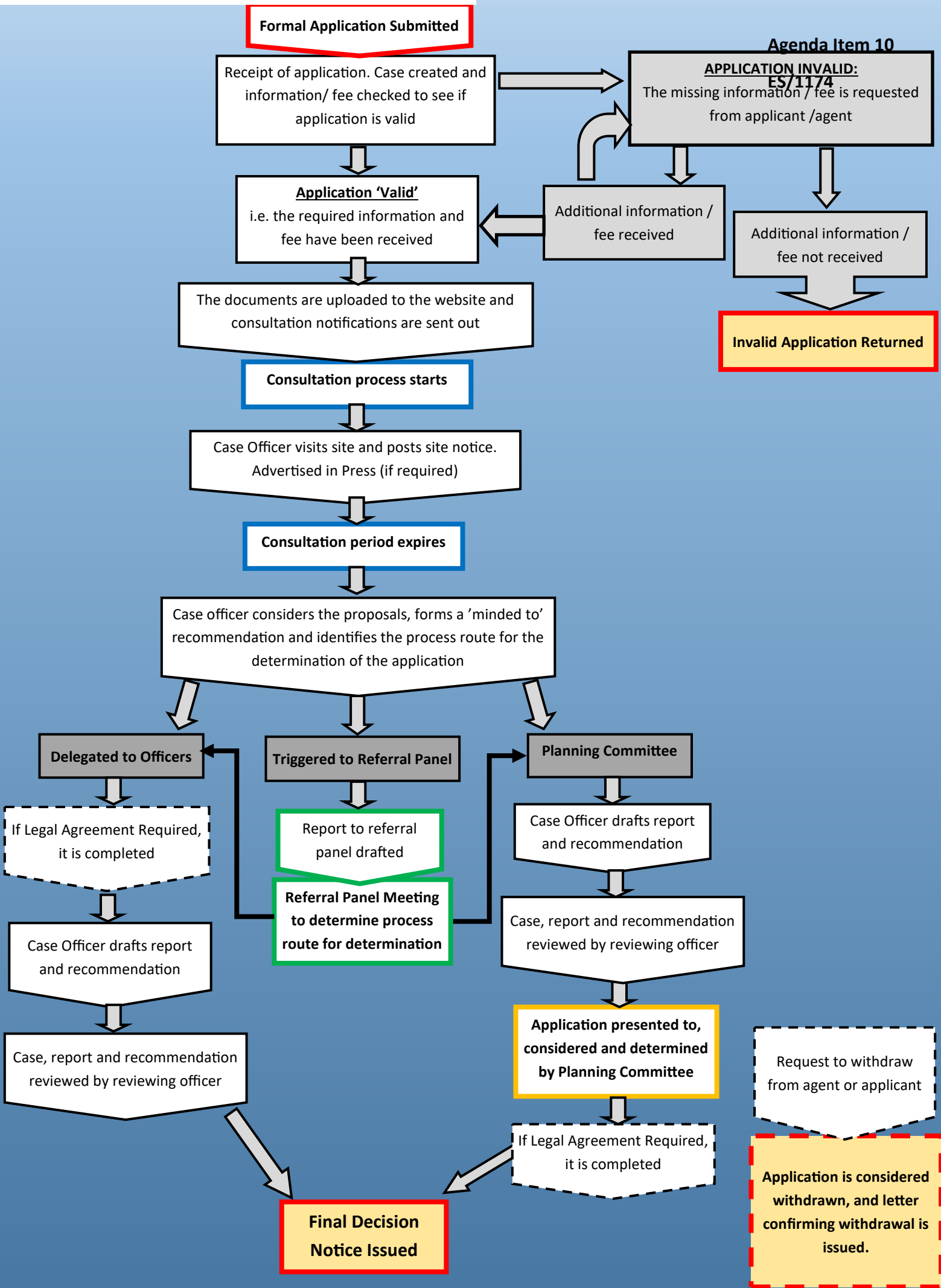


Figure 1: The total number of submissions determined over the past three years (1 April 2019 – 31 March 2022), split into 'Planning Applications' and other types of submission.

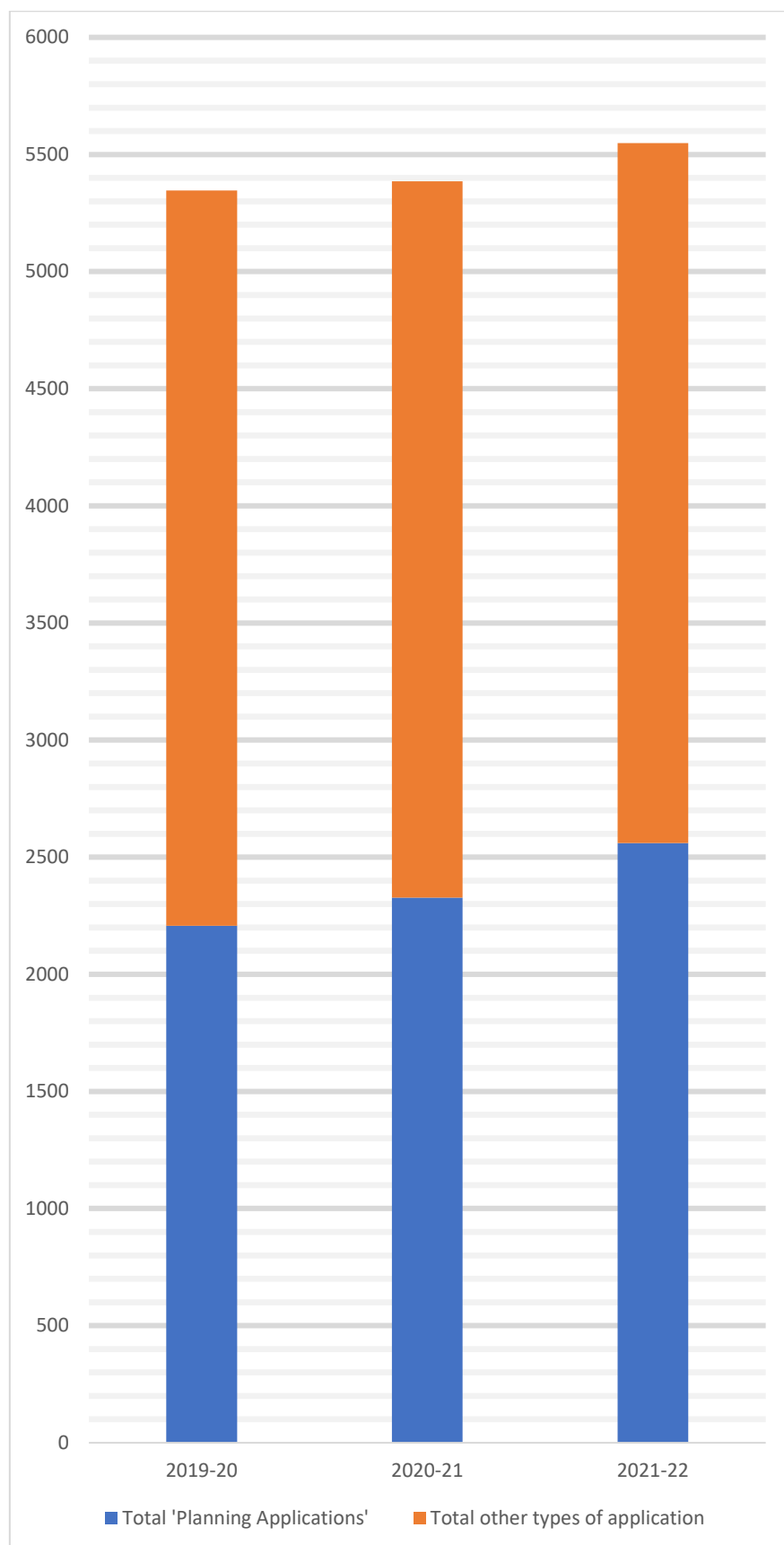


Figure 2: The numbers of determined submissions of the type required on Government quarterly returns and the number of other types of submissions determined over the past three years (1 April 2019 – 31 March 2022)

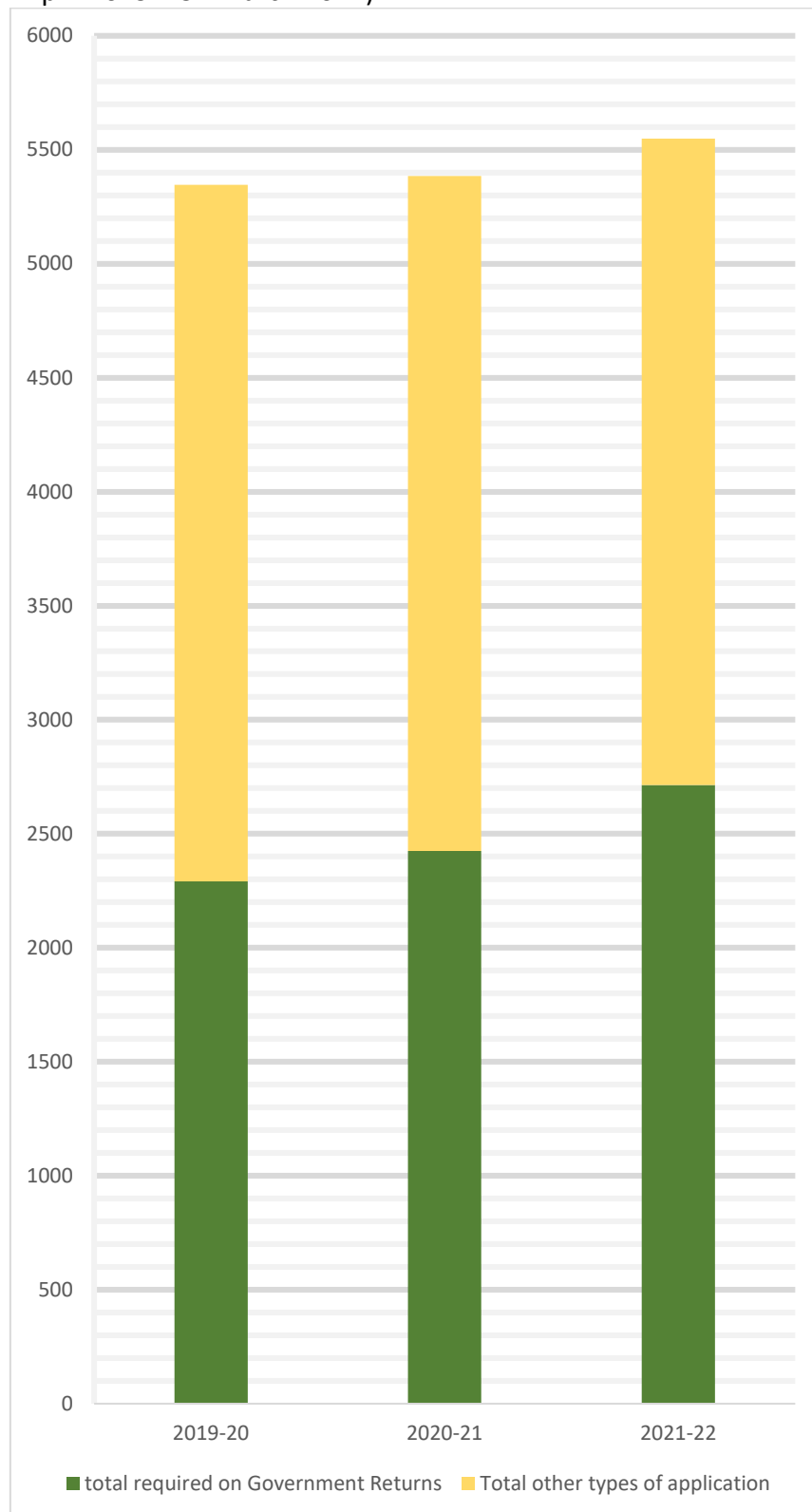


Figure 3: The various types and numbers of submissions determined over the past three years (1 April 2019 – 31 March 2022)

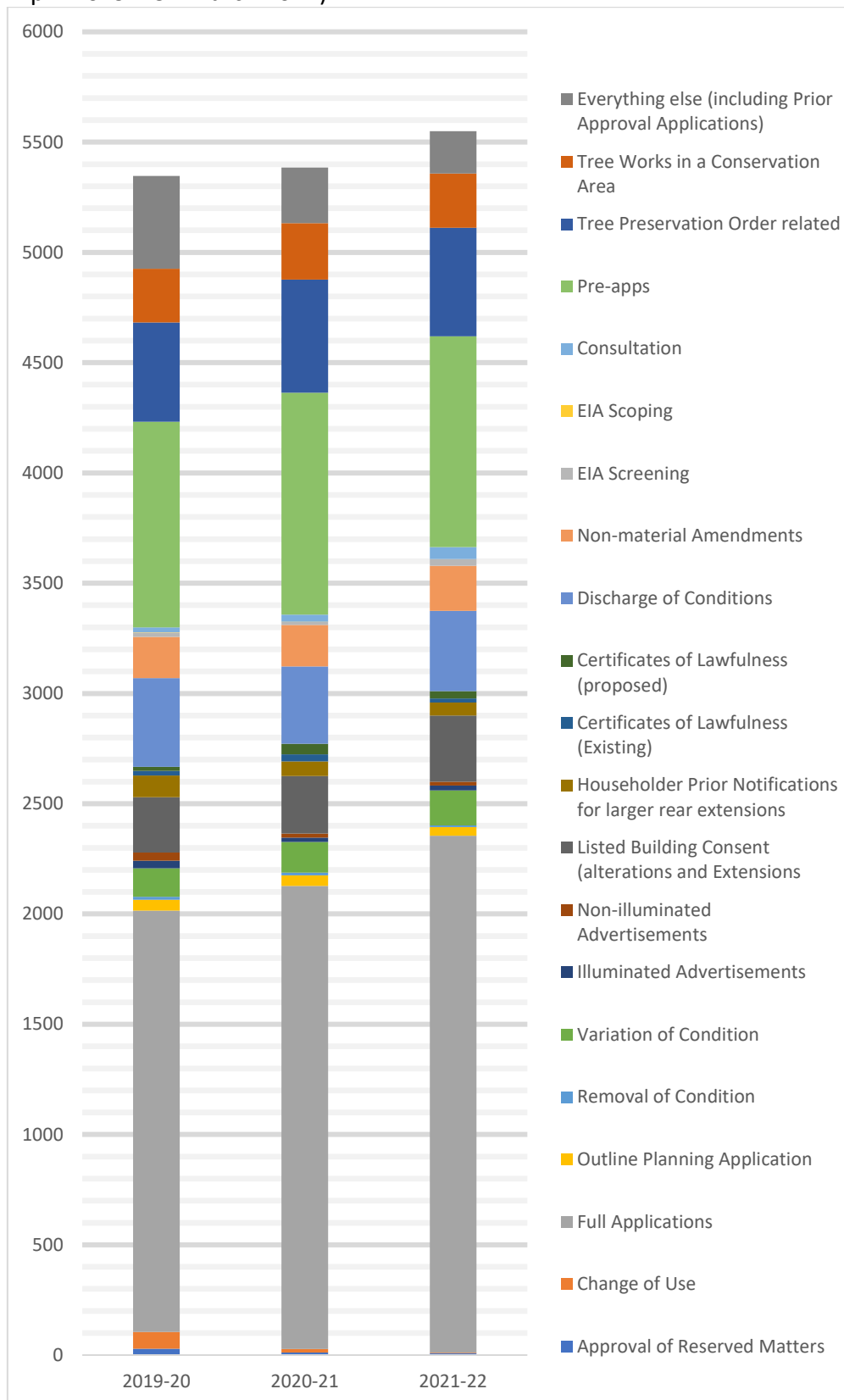


Figure 4: Proportions of Application types 1 April 2019 – 31 March 2020

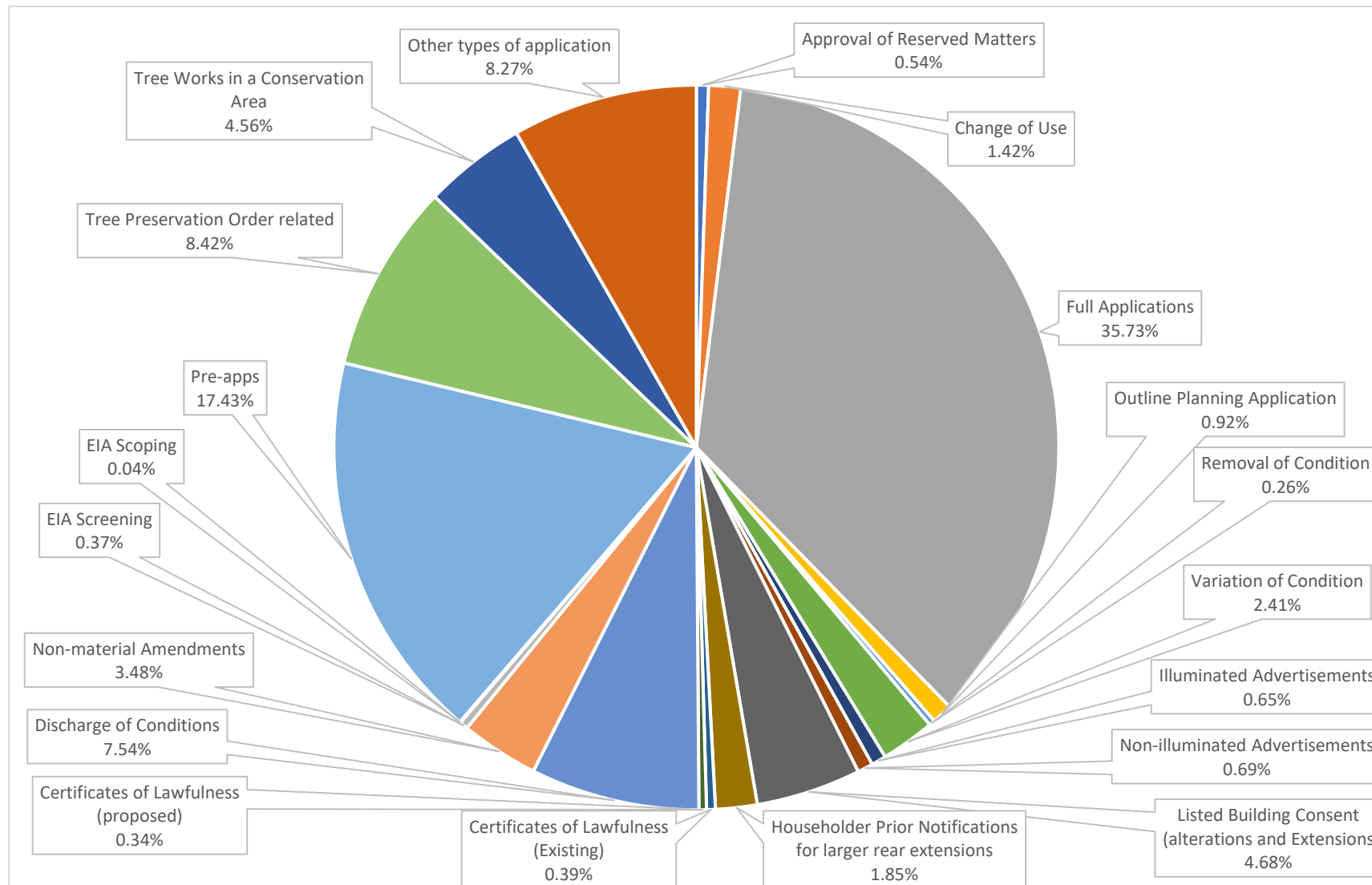


Figure 5: Proportions of Application types 1 April 2020 – 31 March 2021

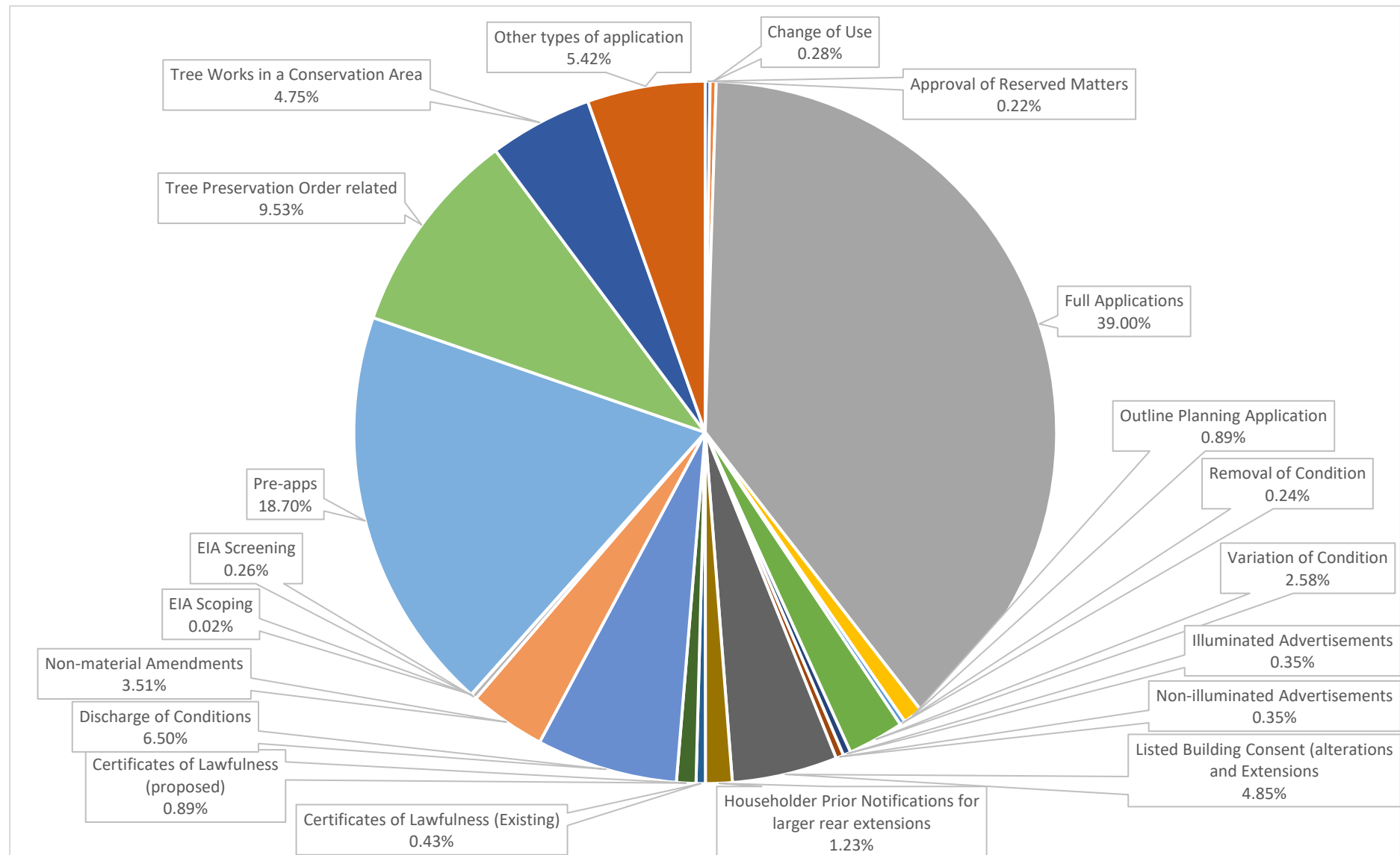
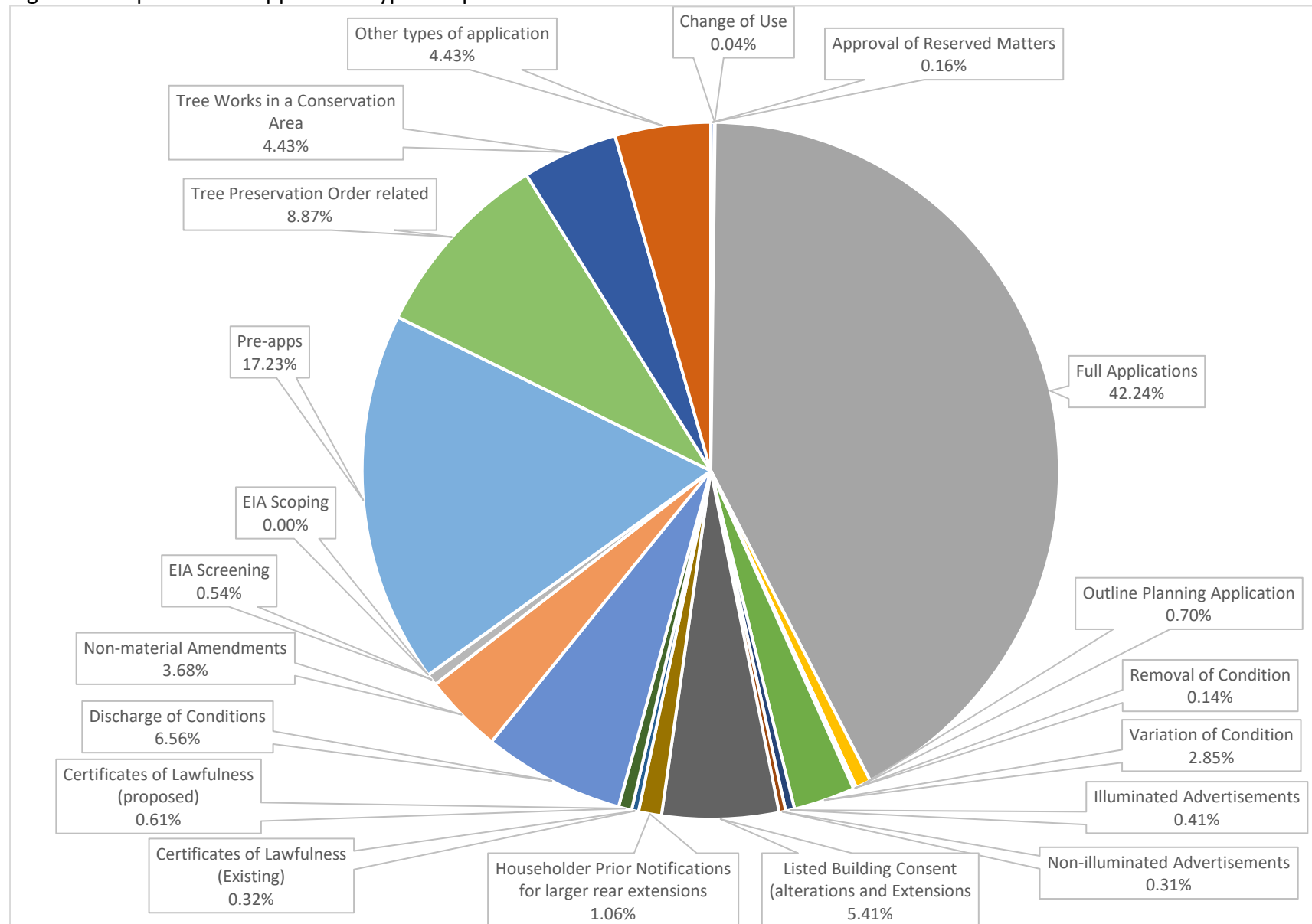
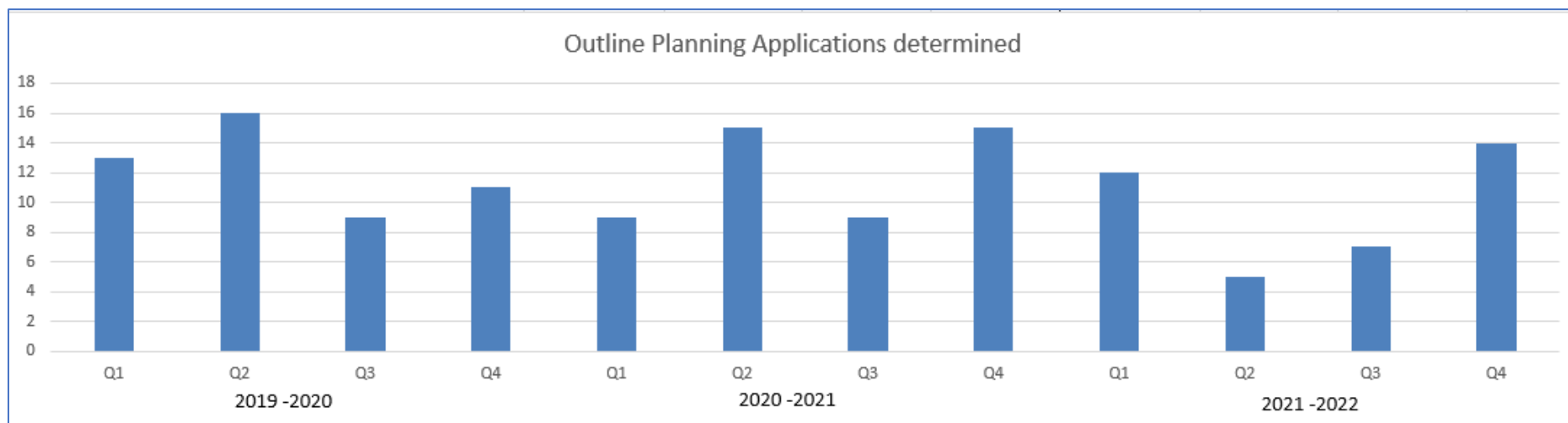
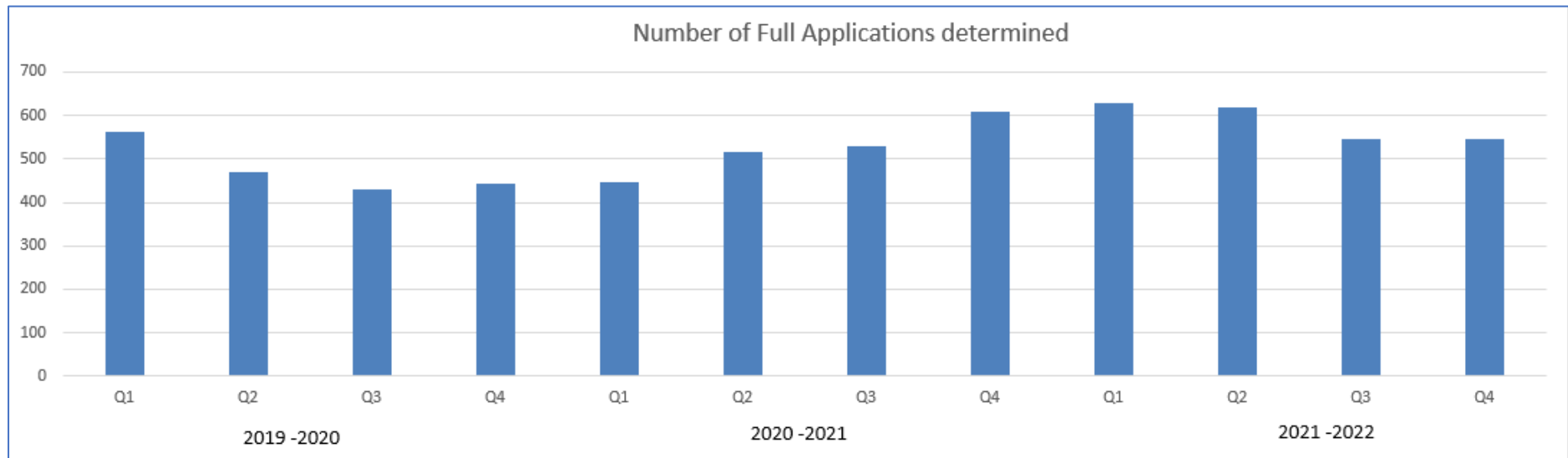
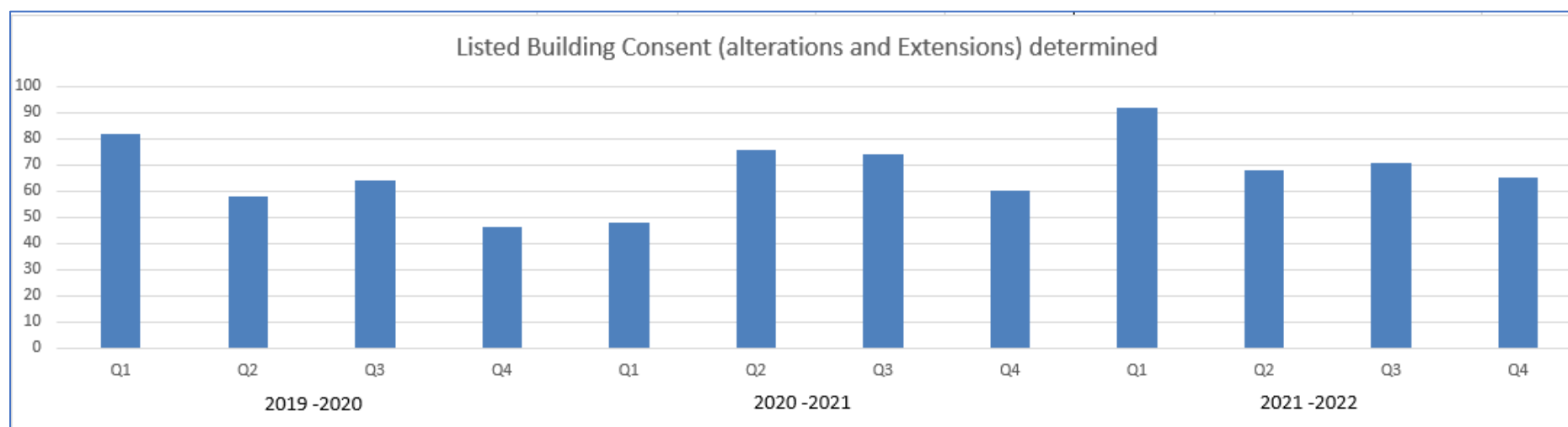
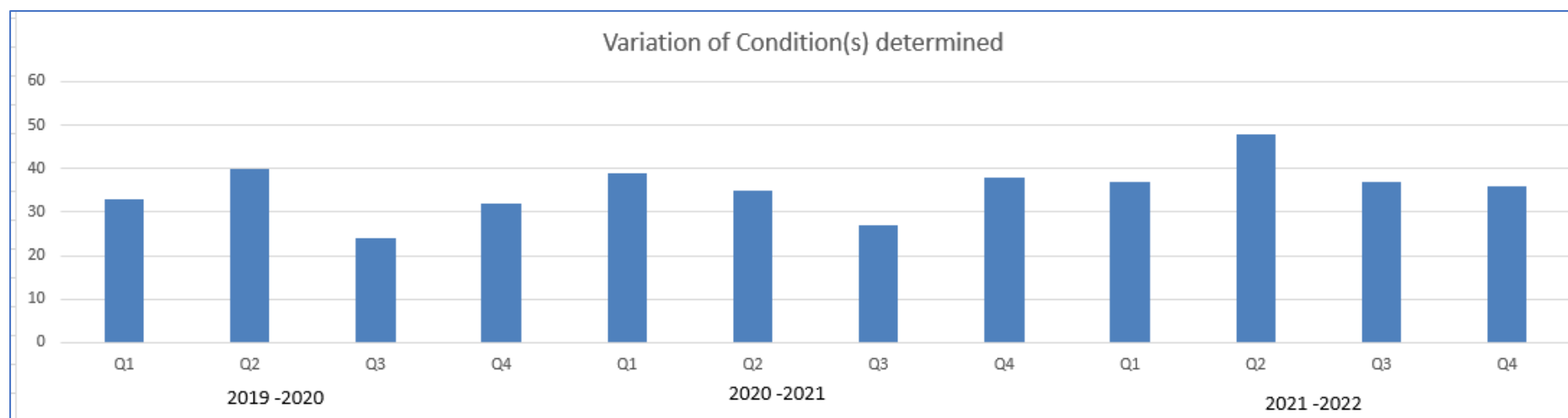


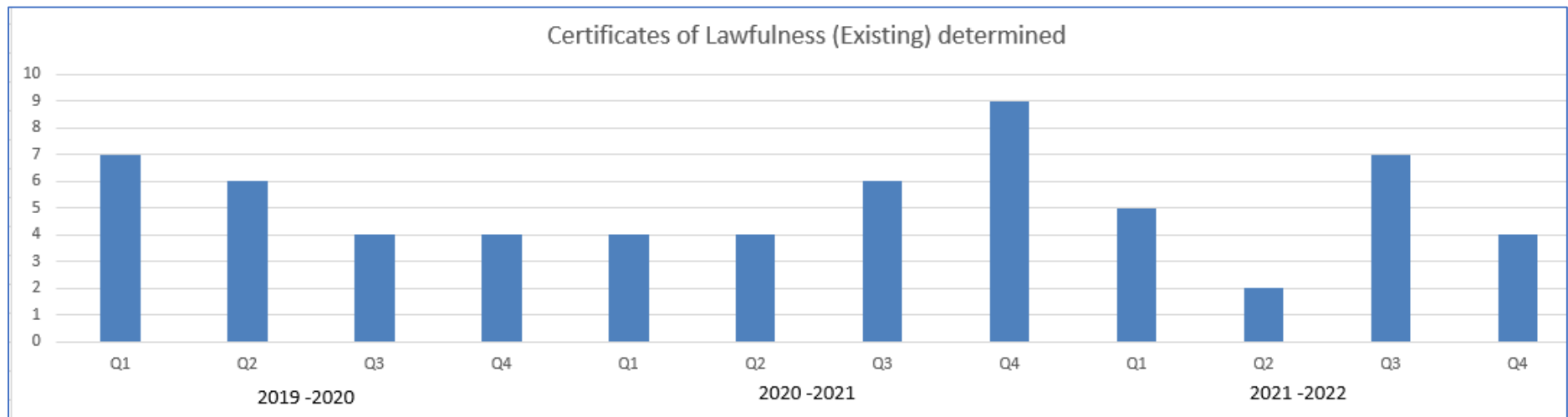
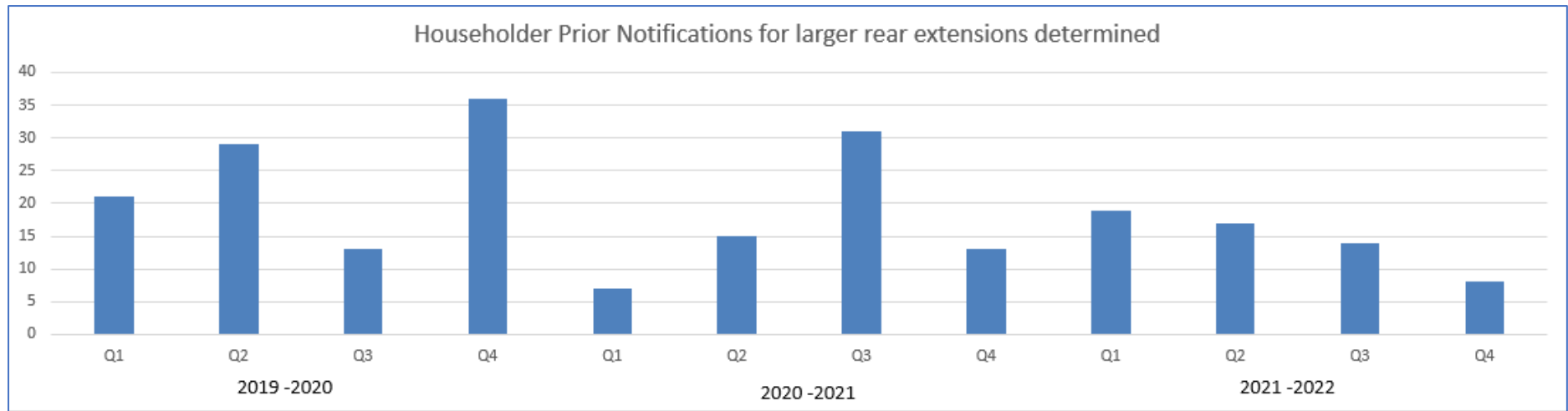
Figure 6: Proportions of Application types 1 April 2021 – 31 March 2022

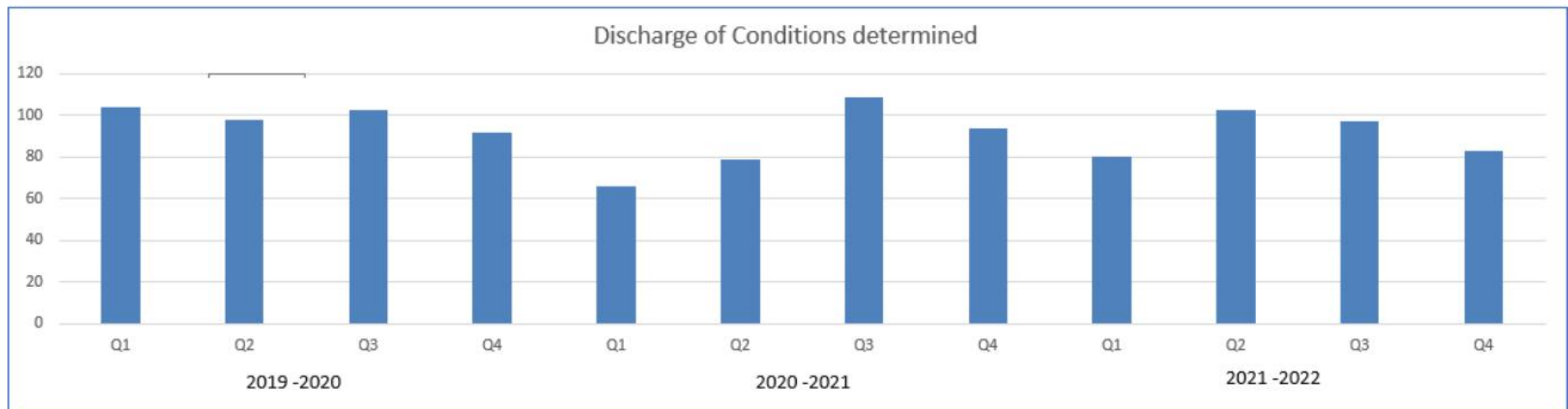
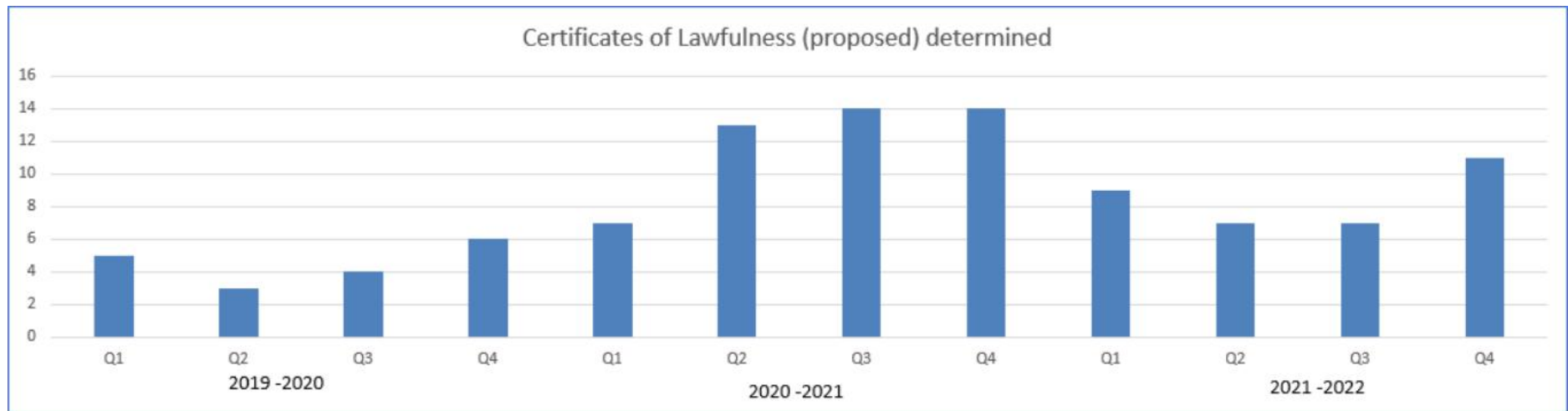


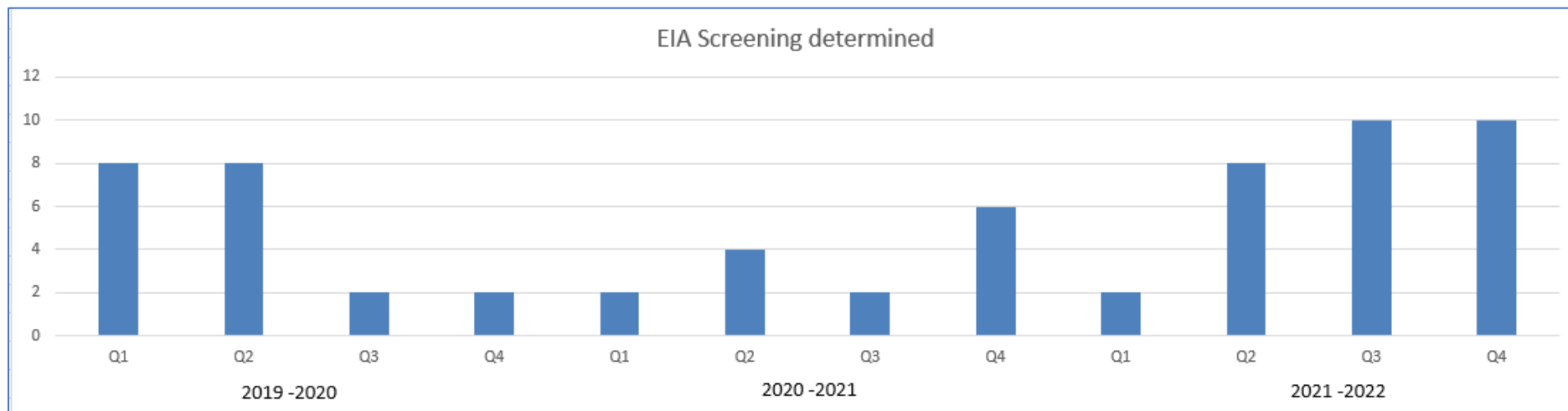
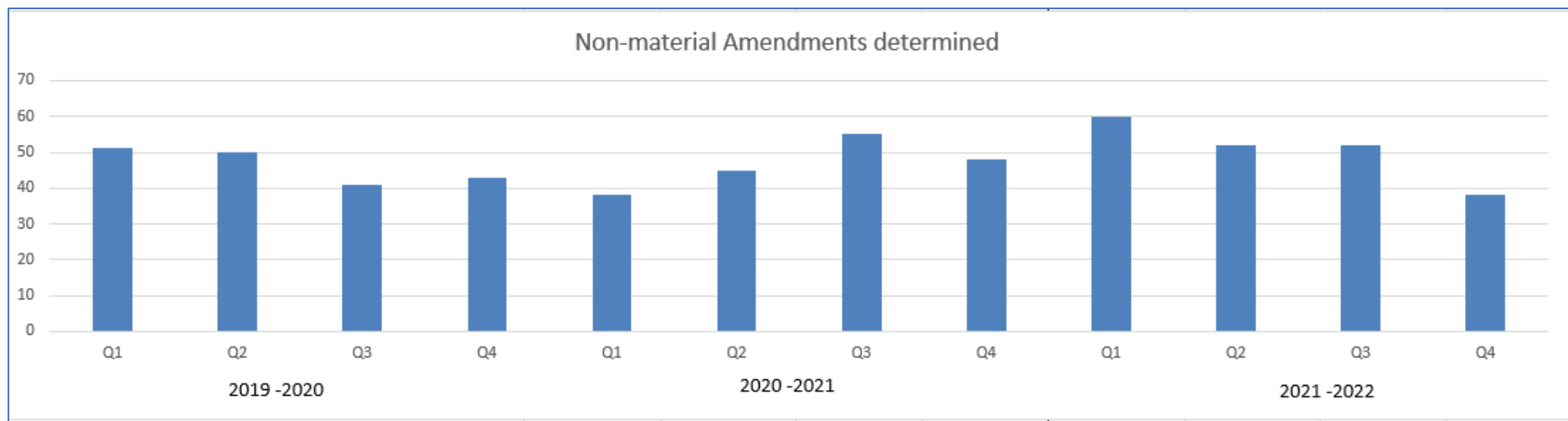
Appendix C – Types of application determined on a quarterly basis between 1 April 2019 – 31 March 2022

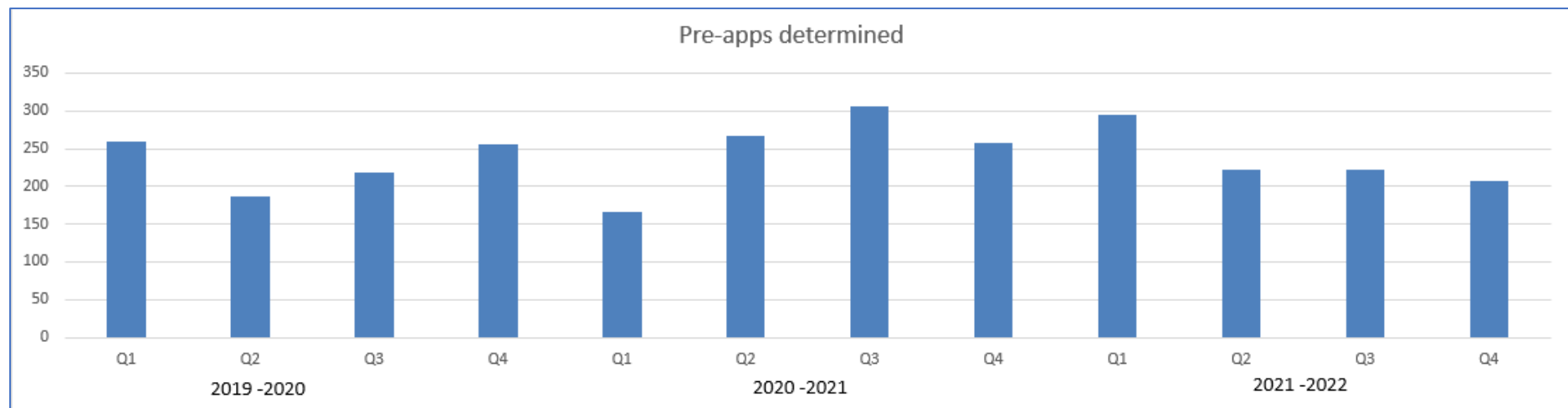




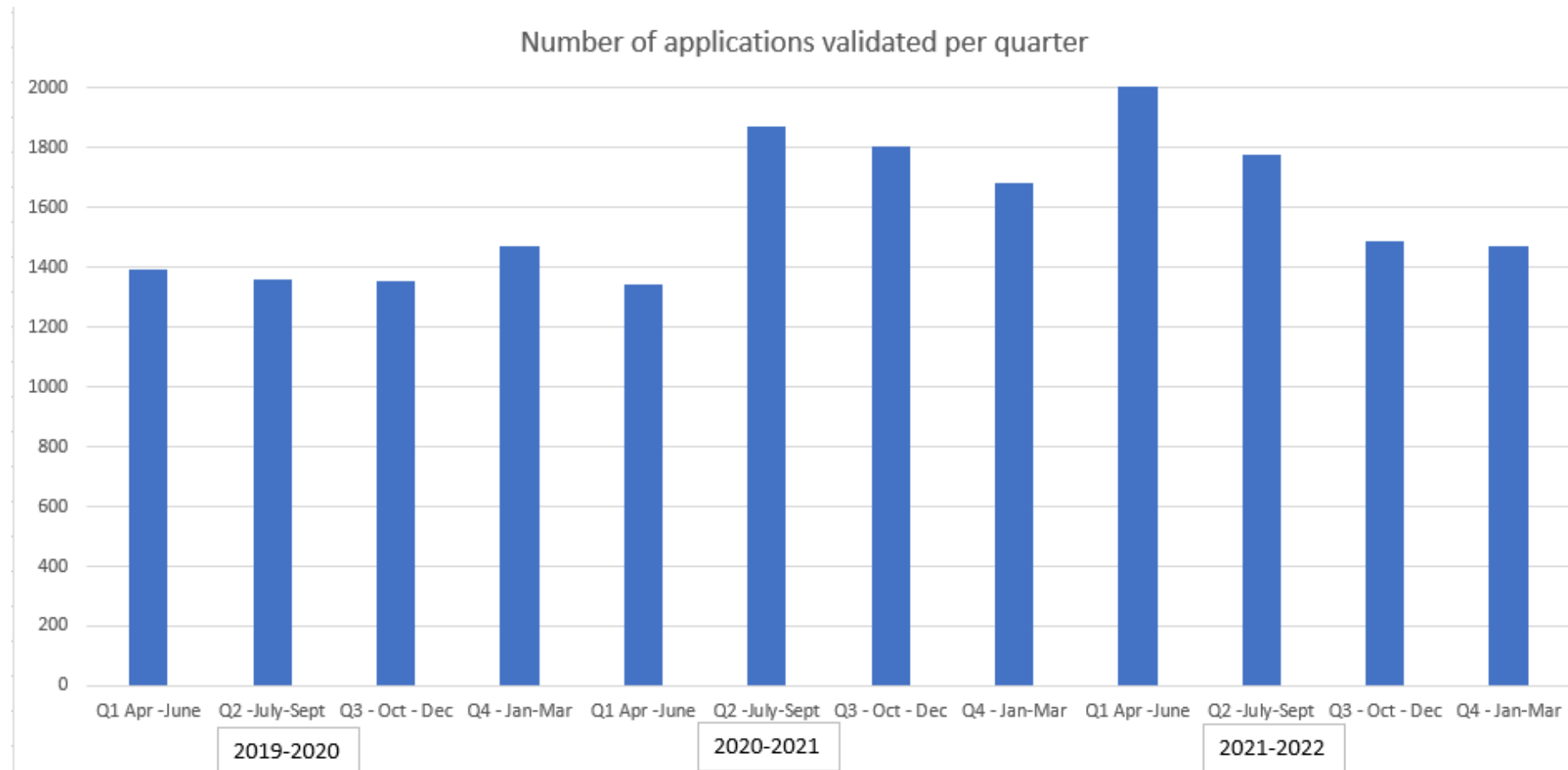








Appendix D: Number of submissions received and allocated to officers during each quarter 1 April 2019 – 31 March 2022 (includes both formal 'planning applications' and all other submissions e.g. pre-applications, discharge of conditions etc)



Appendix E: The number of householder applications received and determined during each quarter between 1 April 2019 and 31 March 2022

Figure 1 : Numbers of Householder Planning Applications received during each quarter between 1 April 2019 – 31 March 2022

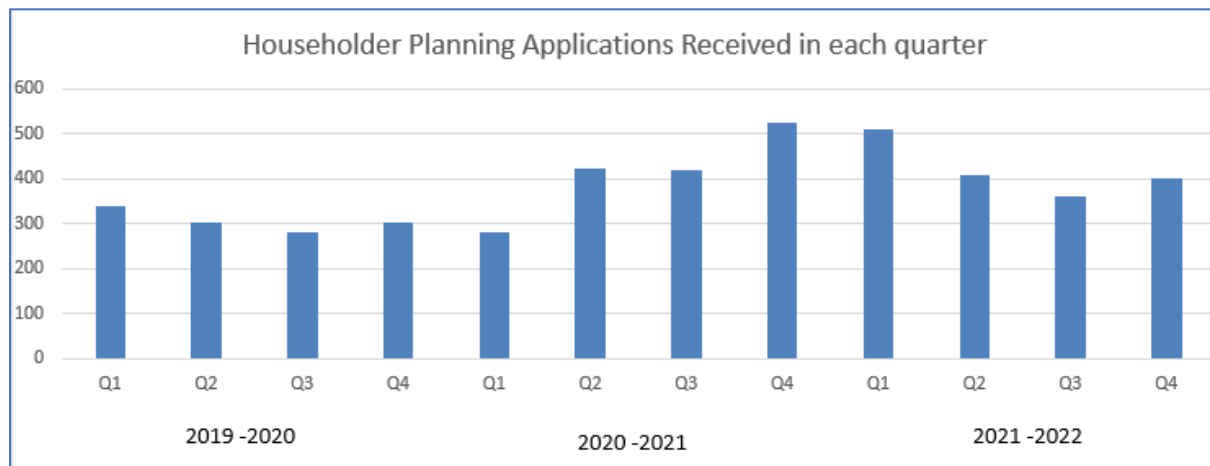
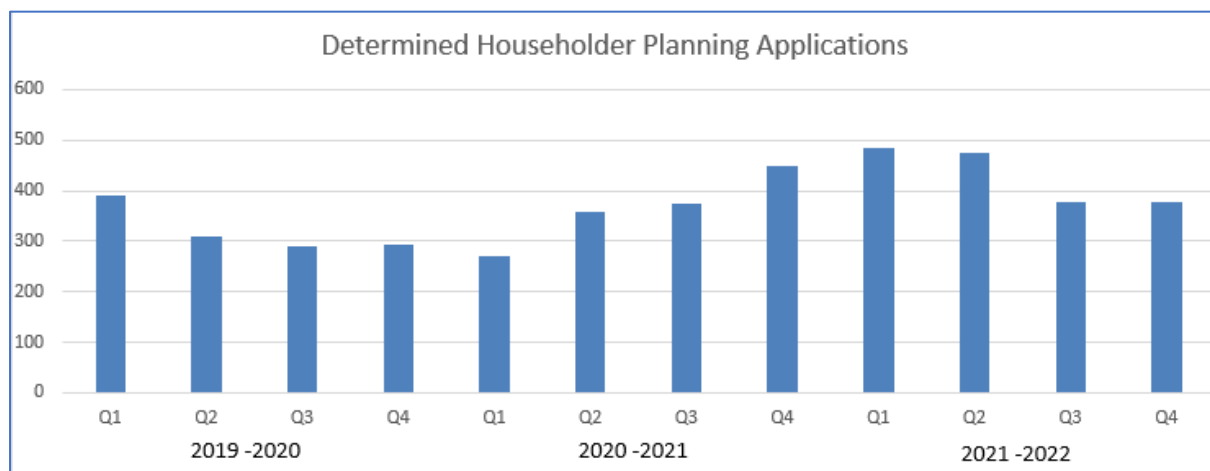


Figure 2 : Numbers of Householder Planning Applications determined during each quarter between 1 April 2019 – 31 March 2022



Appendix F: The average number of valid applications allocated and the number of applications determined per quarter at senior officer, planning officer and assistant/trainee level between 1 April 2019 – 31 March 2022

Figure 1: The number of applications allocated to by Senior Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

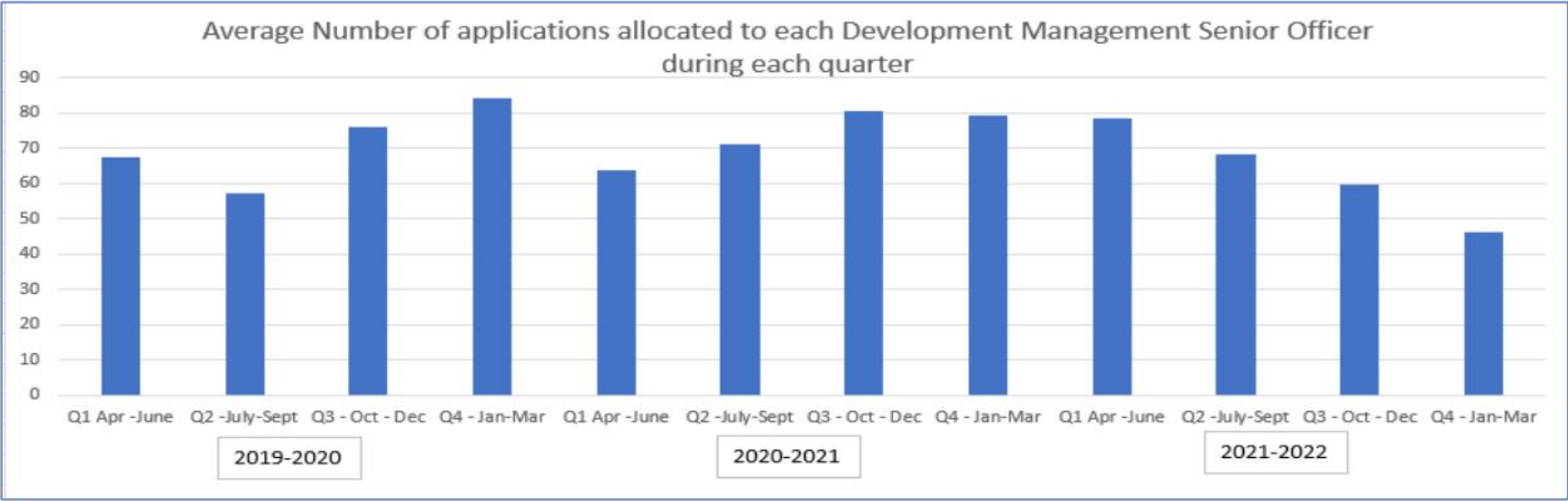


Figure 2: The number of applications allocated to by Planning Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

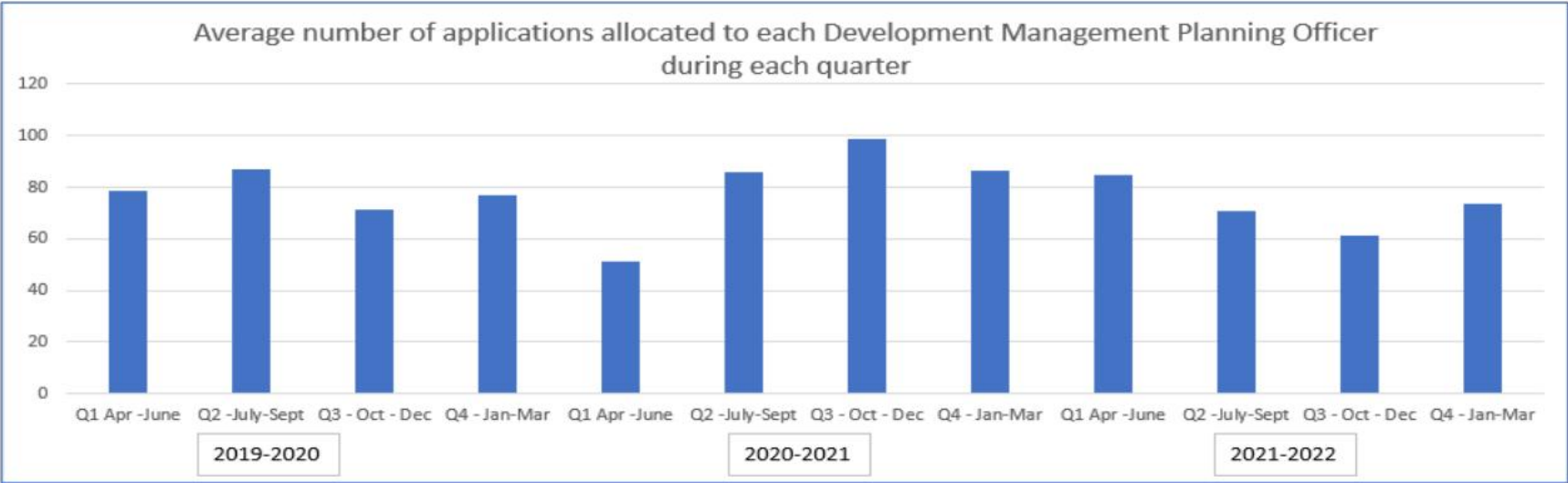


Figure 3: The number of applications allocated to Assistant/Trainee Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022



Figure 4: The number of applications determined by Senior Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

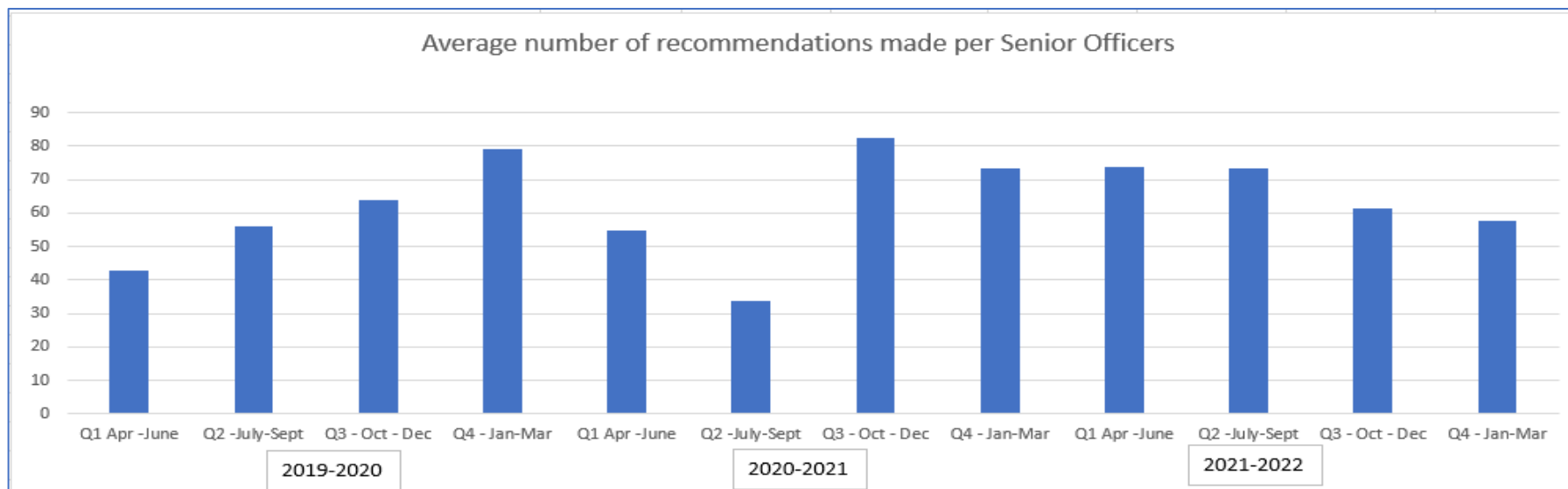


Figure 5: The number of applications determined by Planning Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

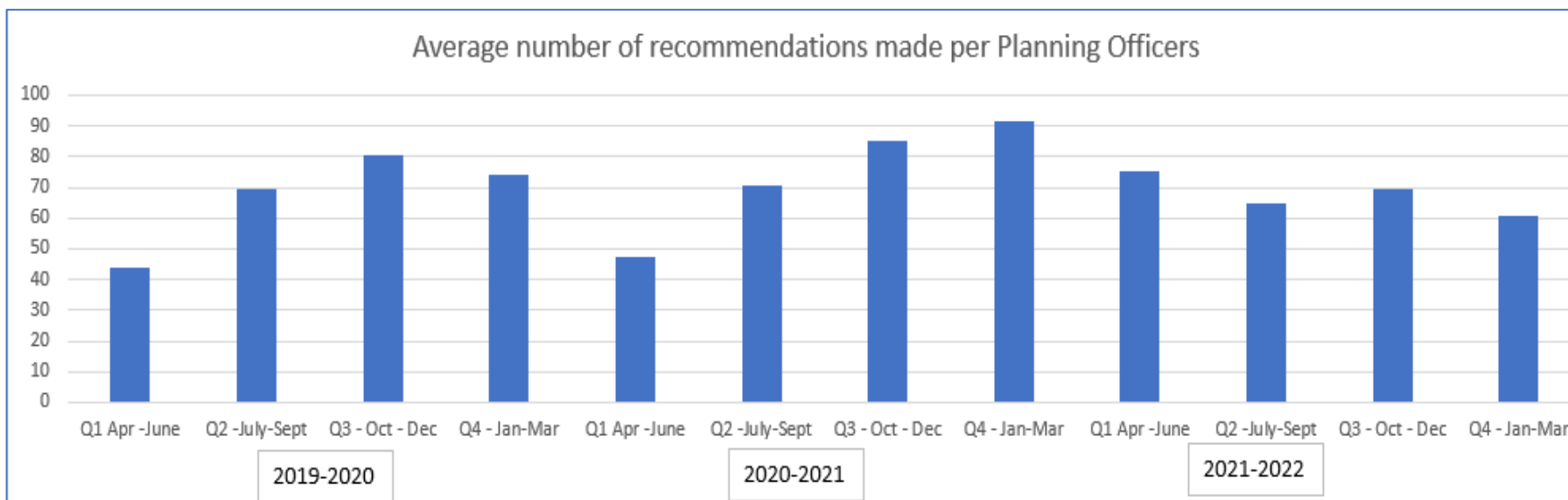


Figure 6: The number of applications determined by Assistant/Trainee Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

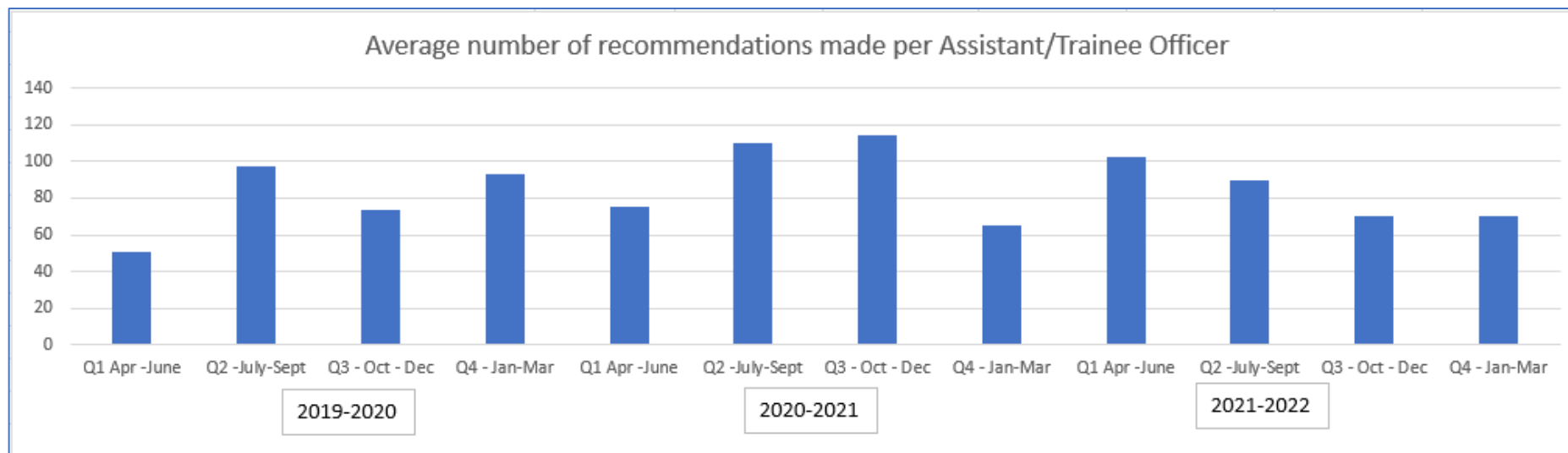


Figure 7: The number of applications allocated to and determined by Senior Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

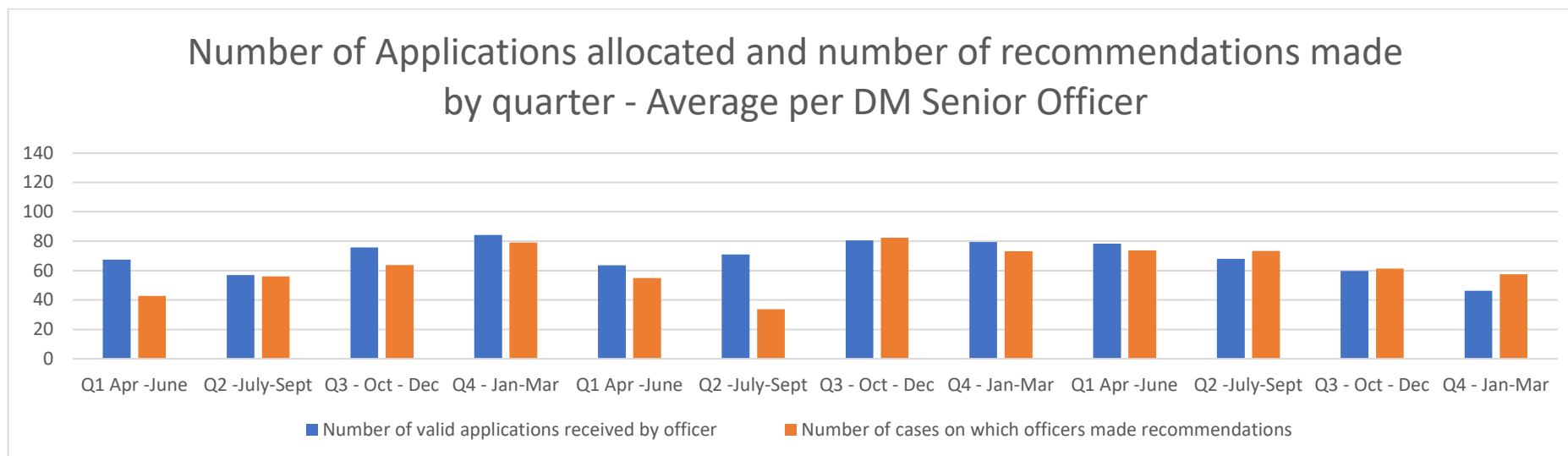


Figure 8: The number of applications allocated to and determined by Planning Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022

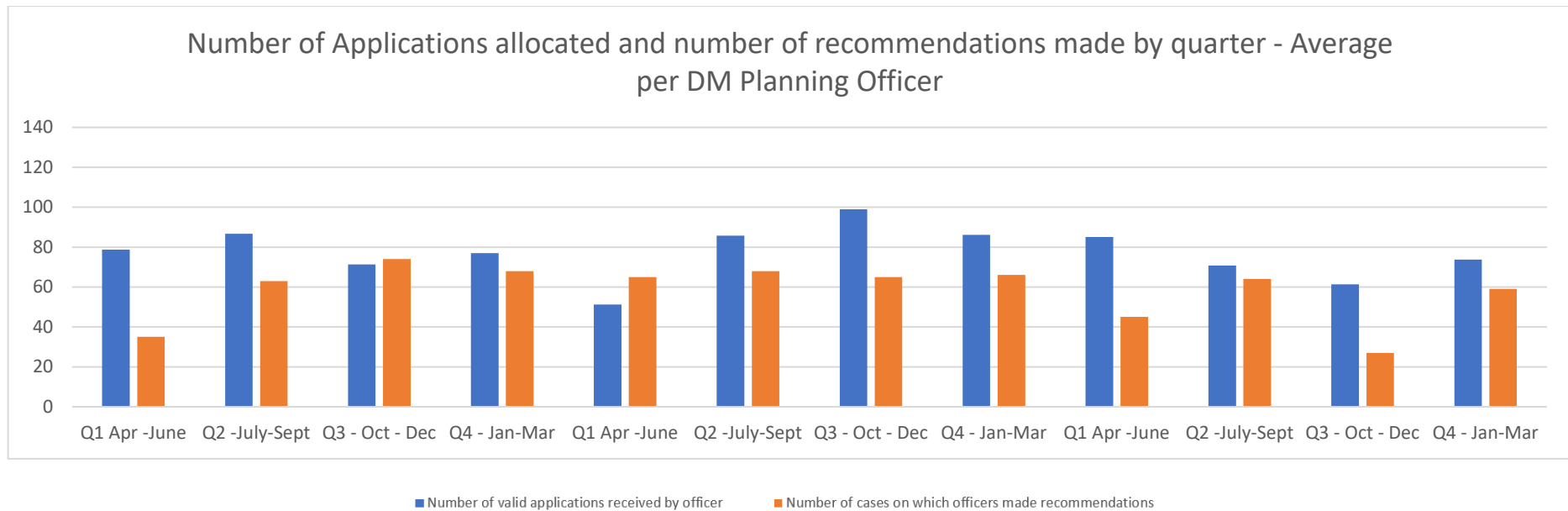
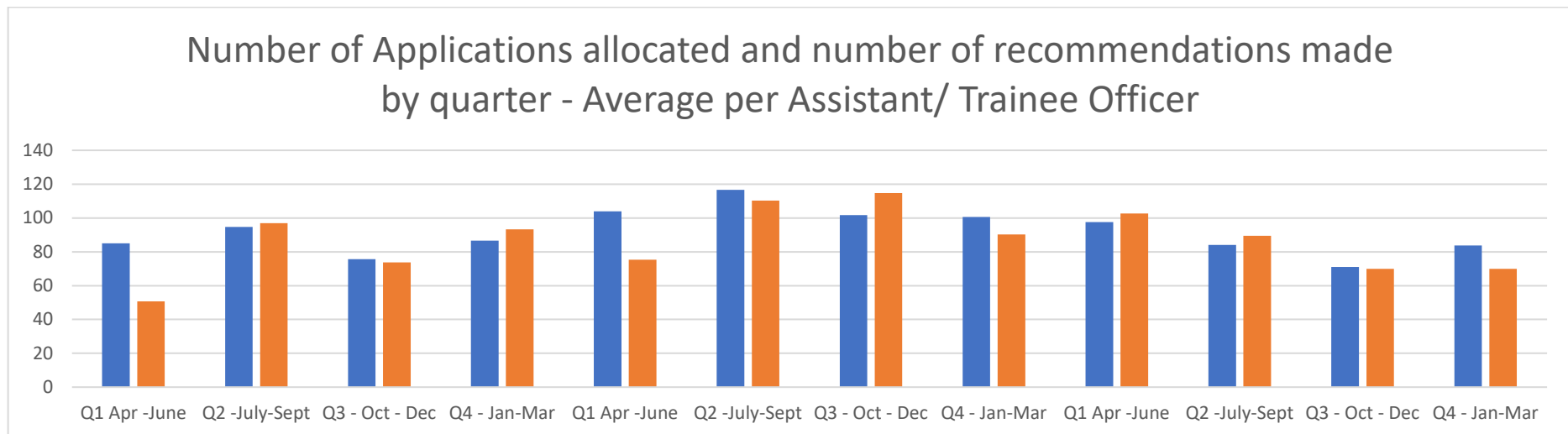


Figure 9: The number of applications allocated to and determined by Assistant/Trainee Officers per quarter (as an average per officer) between 1 April 2019 and 31 March 2022



Notes:

There are also applications dealt with by Principal Planners within the Development Management Team, by officers within the Major Projects Team, and by officers within the Energy Projects Team.

The above figures have not been adjusted if/when an officer has changed job title/role part way through the study period, but they do take account of any longer term staff absences.

Appendix G: The quarterly statistics for Minors, Majors and Minors between 1 April 2019 and 31 March 2022

Figure 1: Percentage of 'Majors' in time during each quarter 1 April 2019 to 31 March 2022

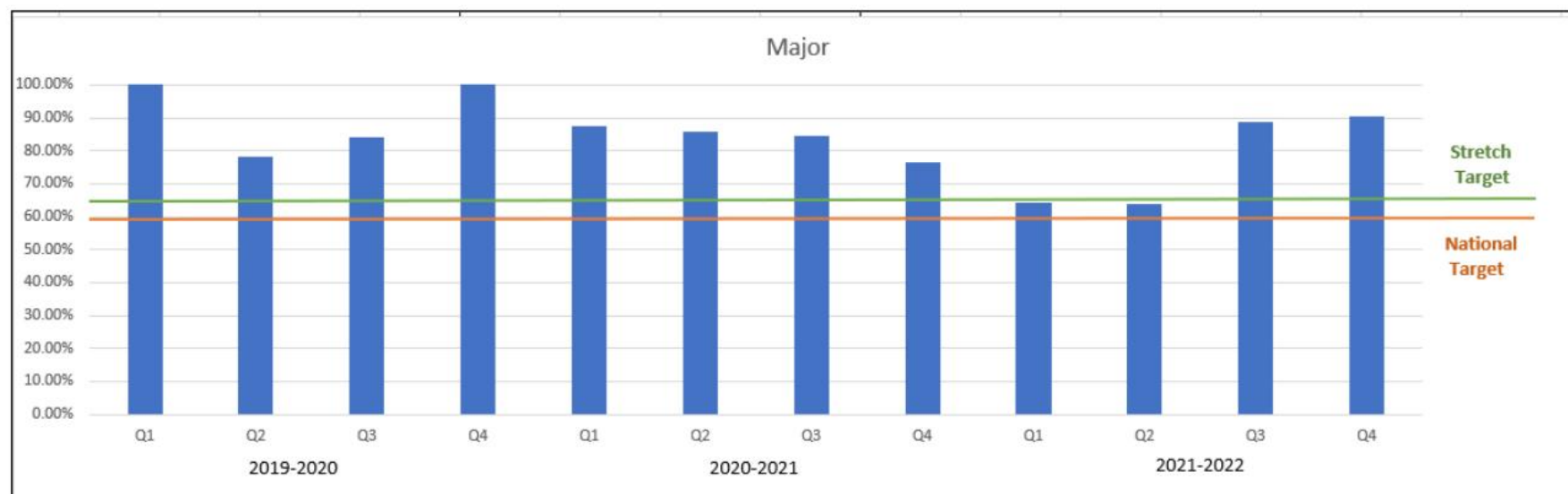


Figure 2: The number of 'Major's determined during each quarter 1 April 2019 to 31 March 2022

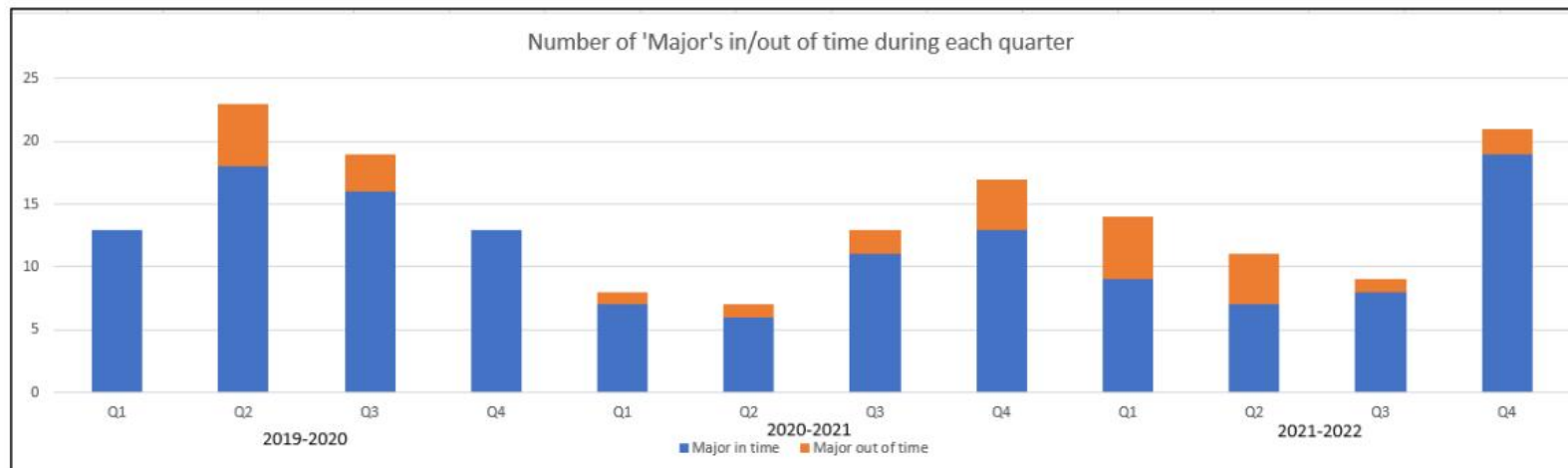


Figure 3: Percentage of 'Minors' in time during each quarter 1 April 2019 to 31 March 2022

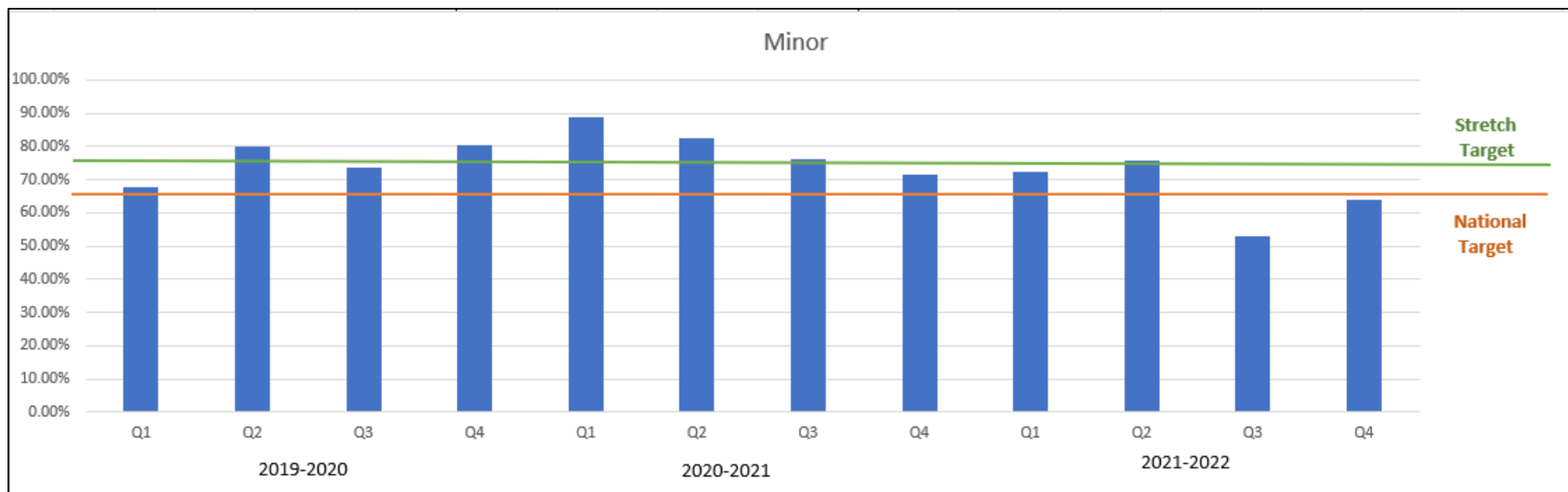


Figure 4: The number of 'Minor's determined during each quarter 1 April 2019 to 31 March 2022

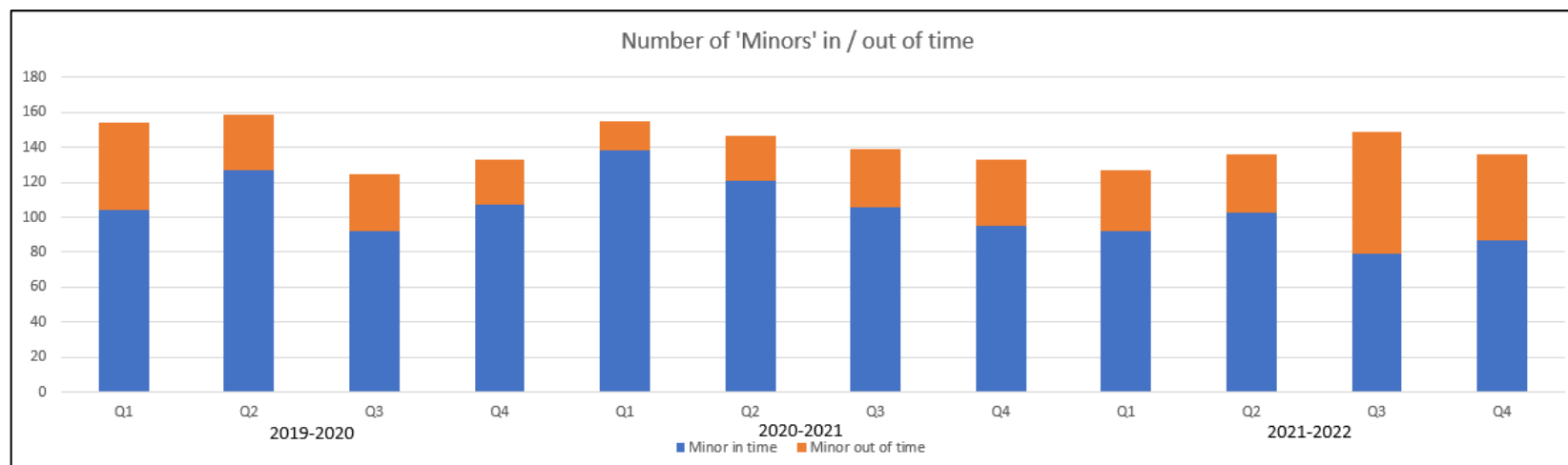


Figure 5: Percentage of 'Others' in time during each quarter 1 April 2019 to 31 March 2022

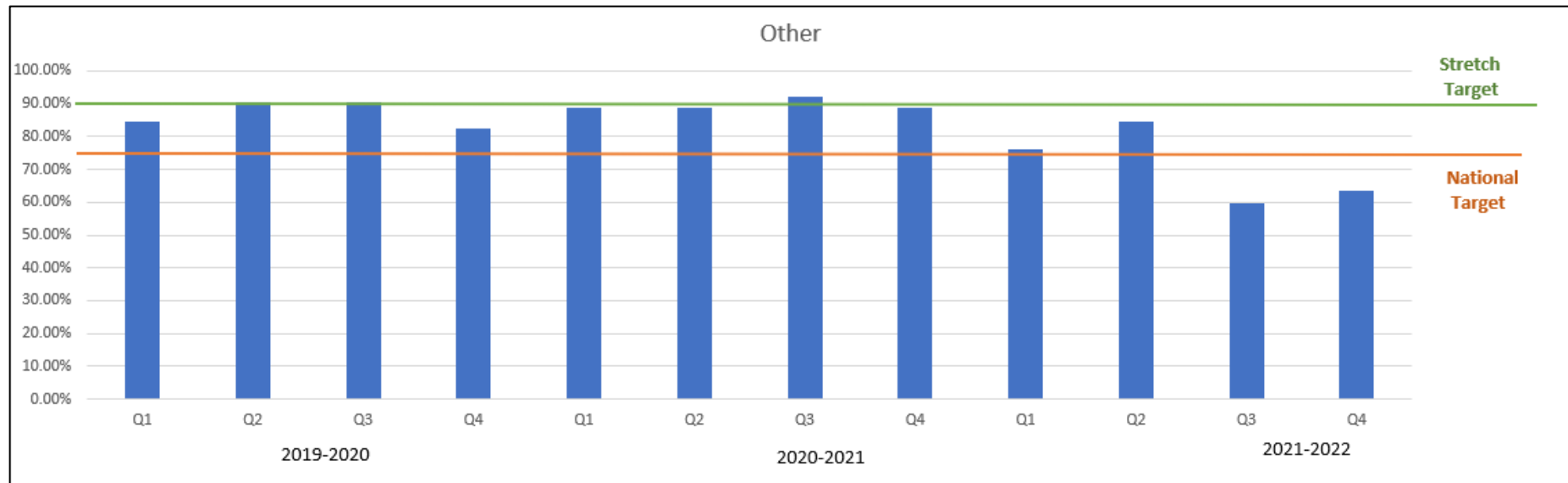


Figure 6: The number of 'Other's determined during each quarter 1 April 2019 to 31 March 2022

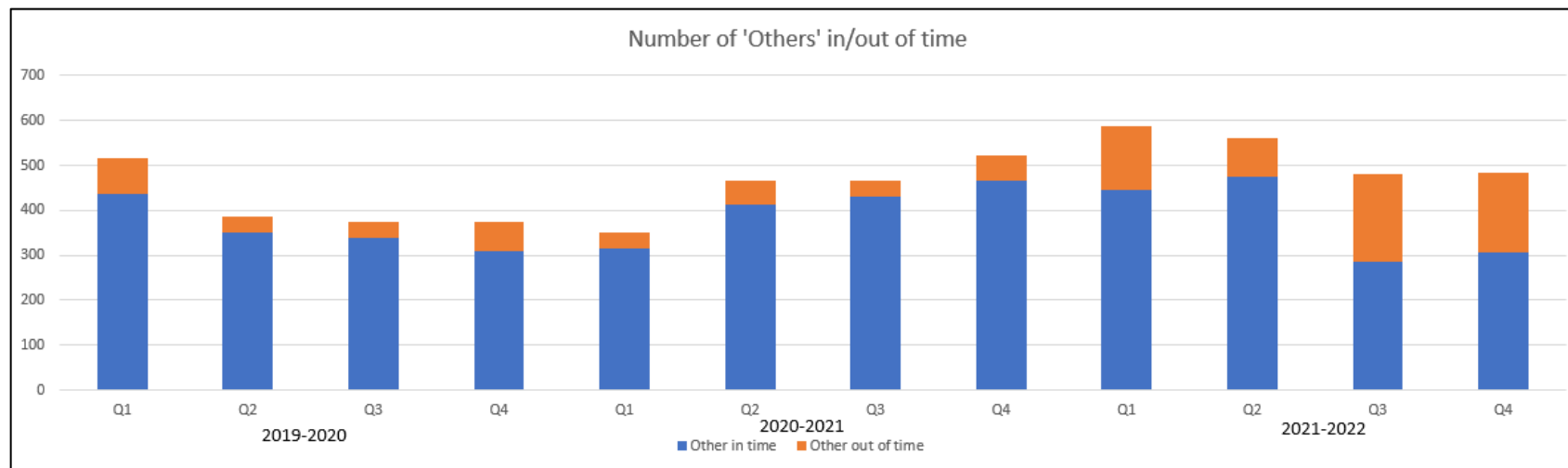


Figure 7: The overall percentage of Major, Minor and Other applications determined in time during each quarter 1 April 2019 to 31 March 2022

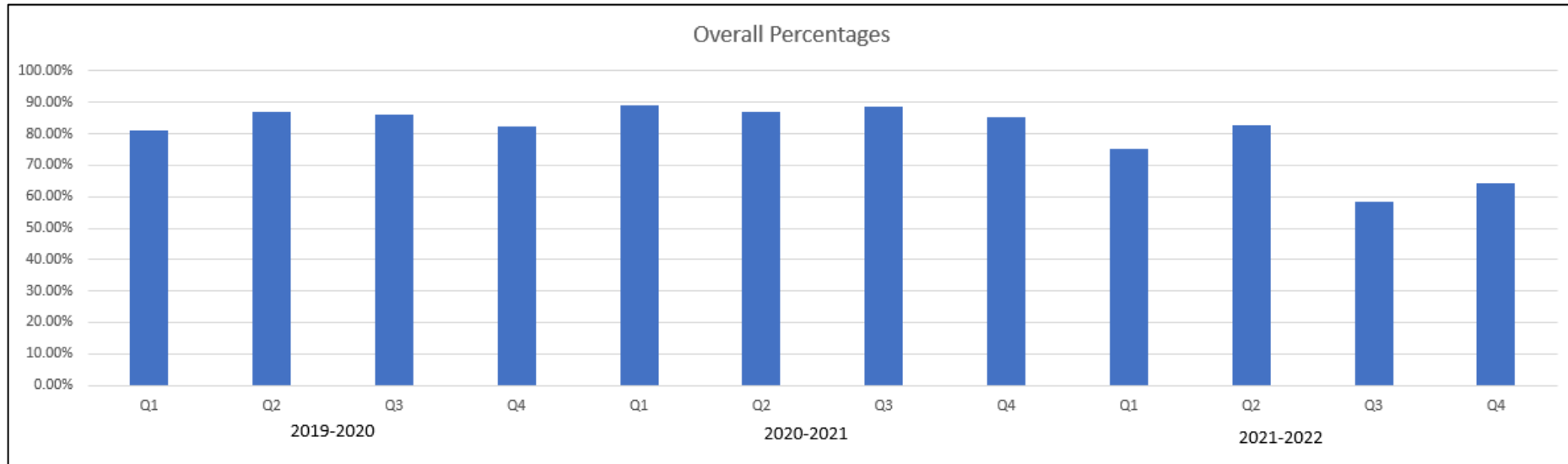


Figure 8: The overall number of Major, Minor and Other applications determined during each quarter 1 April 2019 to 31 March 2022

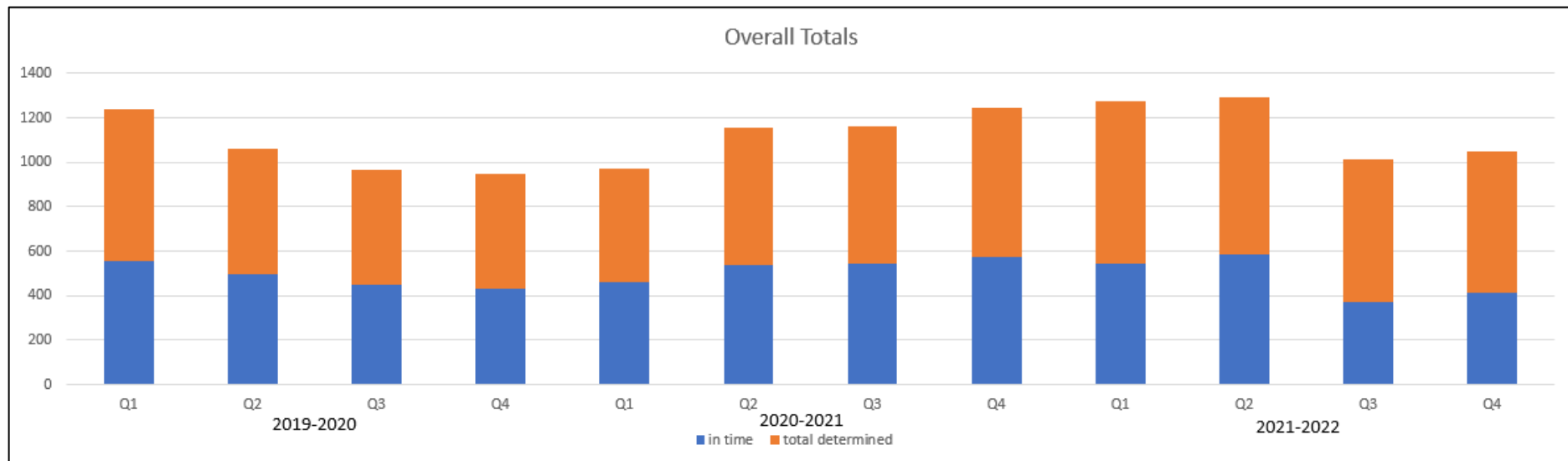


Figure 1: The Percentage of ‘Majors’ in time for the four quarters of 1April 2021 - 31 March 2022

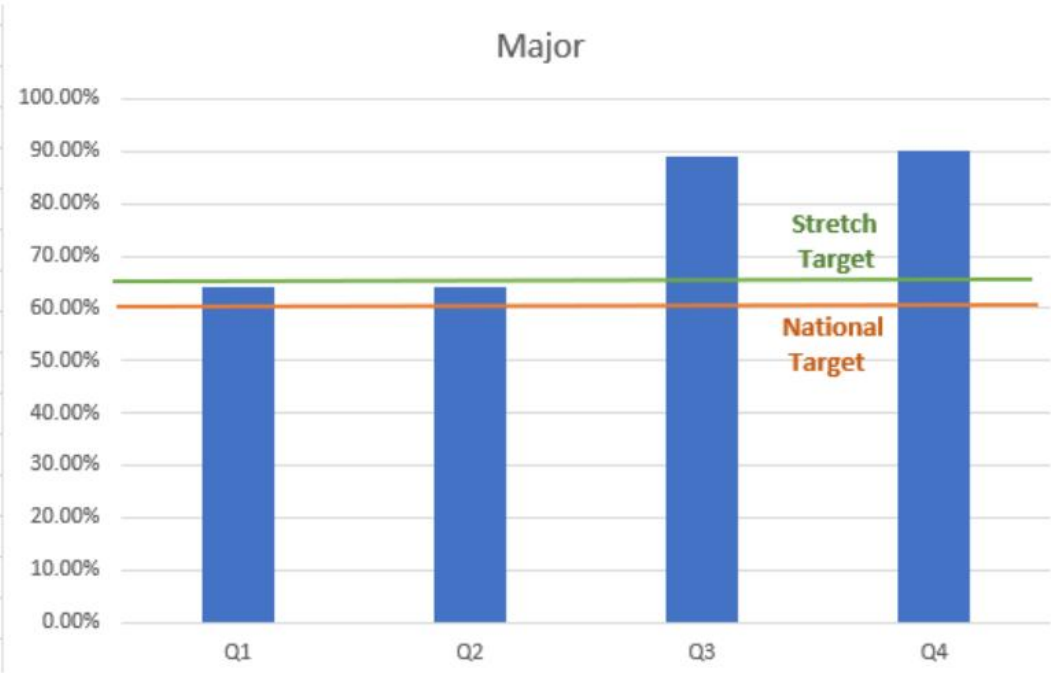


Figure 2 The Percentage of ‘Minors’ in time for the four quarters of 1April 2021 - 31 March 2022

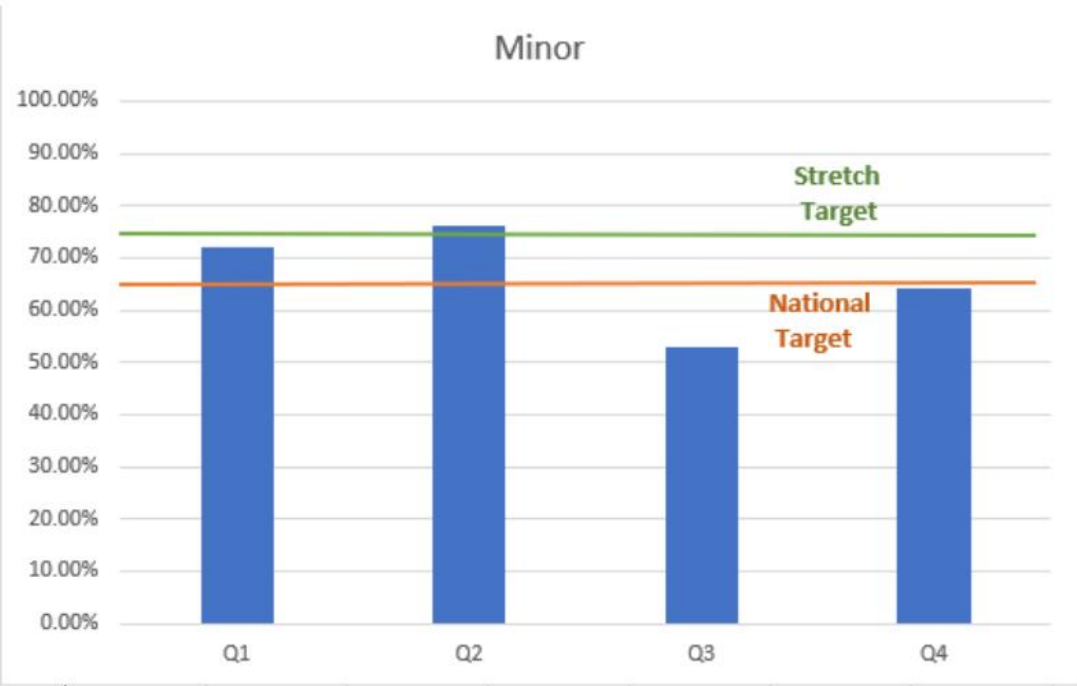
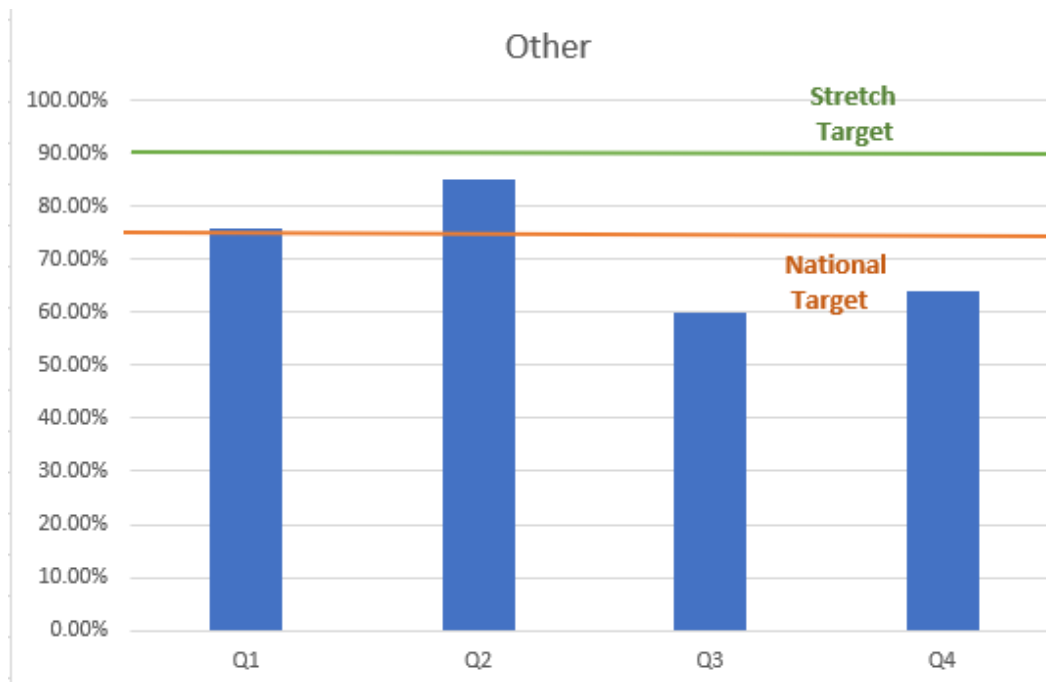


Figure 3: The Percentage of 'Others' in time for the four quarters of 1April 2021 - 31 March 2022



Appendix I : Proportions of applications determined in time, within an Extension of Time (EOT) and out of time, via the different determination process routes between 1 April 2021 and 31 March 2022

Figure 1: The proportions of applications at Referral Panel between 1 April 2021 and 31 March 2022, that were determined in time, within an agreed Extension of Time (EOT) or out of time (includes those cases which were delegated and those which were referred to Planning Committee)

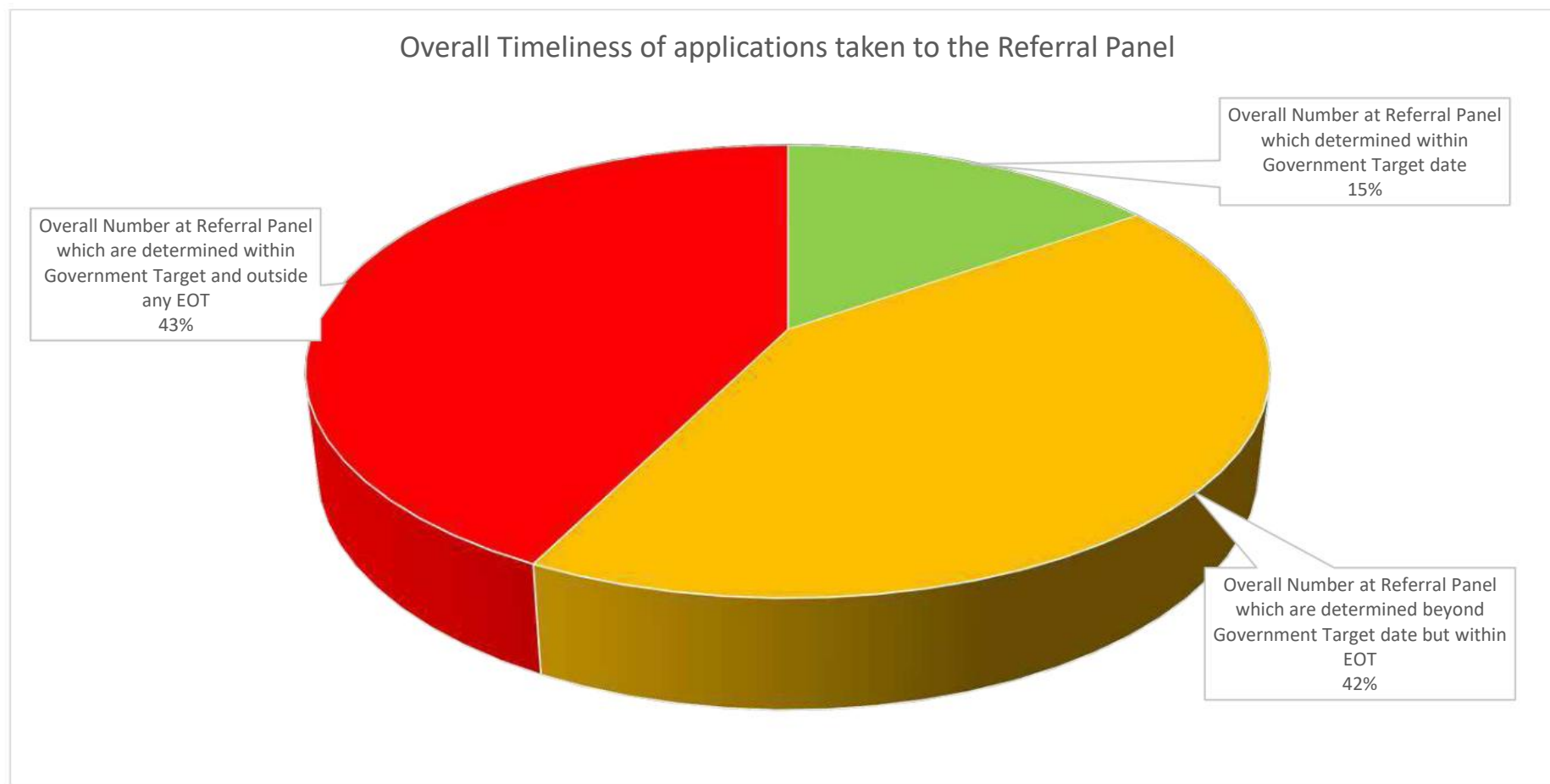


Figure 2: The proportions of applications at Referral Panel between 1 April 2021 and 31 March 2022, that were delegated by the Panel and determined in time, within an agreed Extension of Time (EOT) or out of time

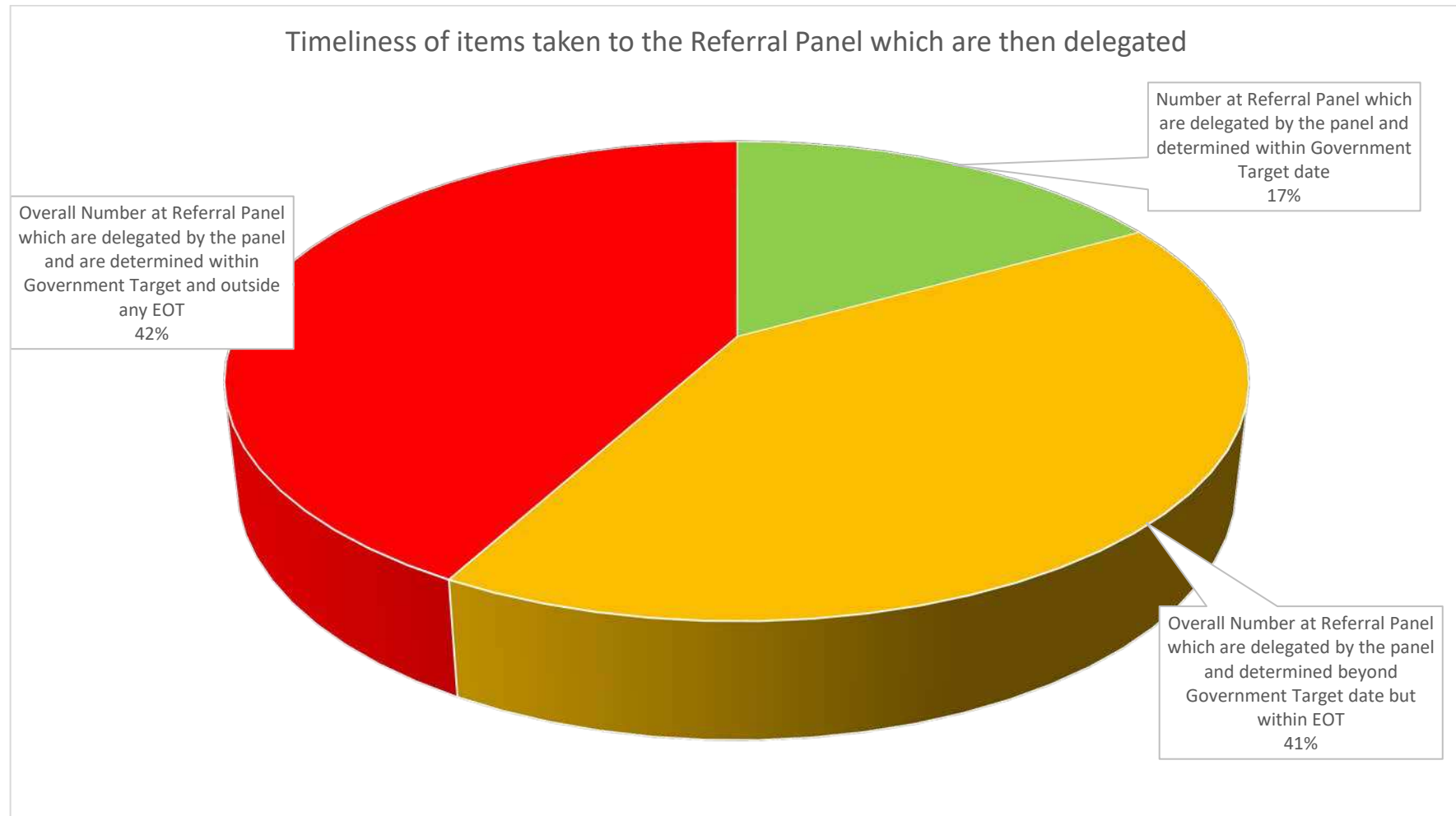


Figure 3: The proportions of applications at Referral Panel between 1 April 2021 and 31 March 2022, that were referred to Planning Committee and determined in time, within an agreed Extension of Time (EOT) or out of time

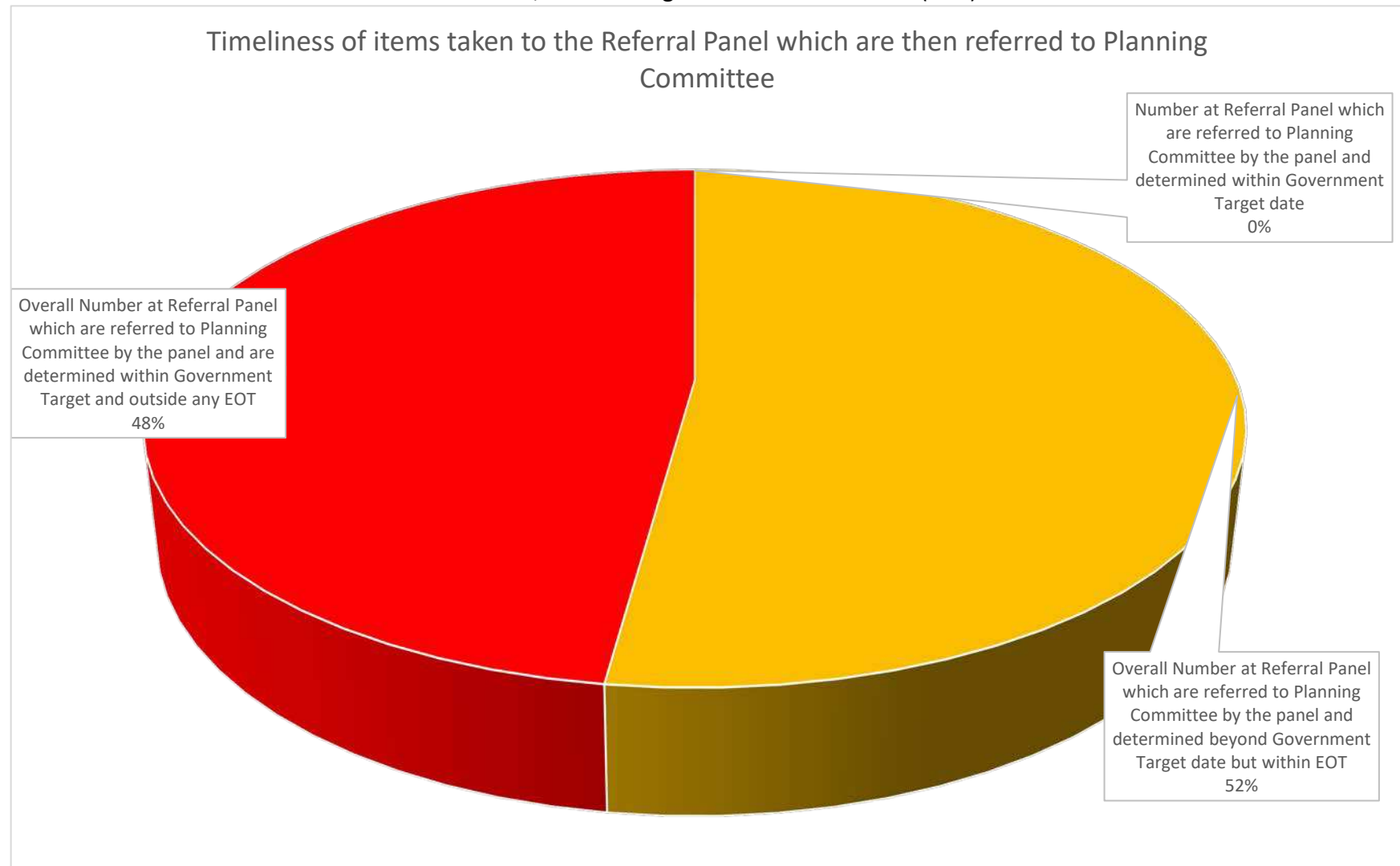


Figure 4: The proportions of applications determined at Planning Committee between 1 April 2021 and 31 March 2022, that were determined in time, within an agreed Extension of Time (EOT) or out of time (includes those that when via the Referral Panel)

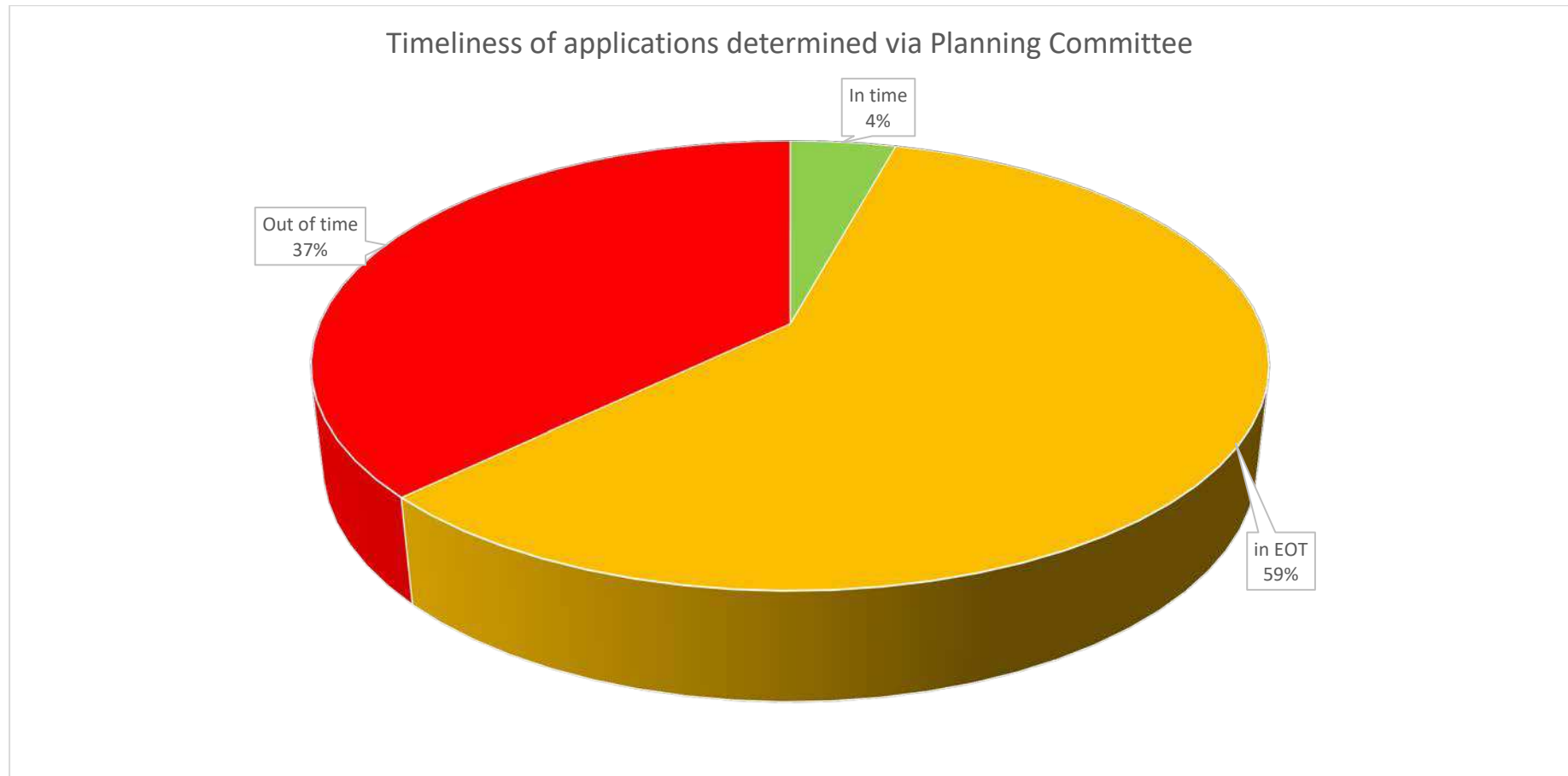


Figure 5: The proportions of applications determined at officer level without being taken via the Referral Panel between 1 April 2021 and 31 March 2022, that were determined in time, within an agreed Extension of Time (EOT) or out of time.

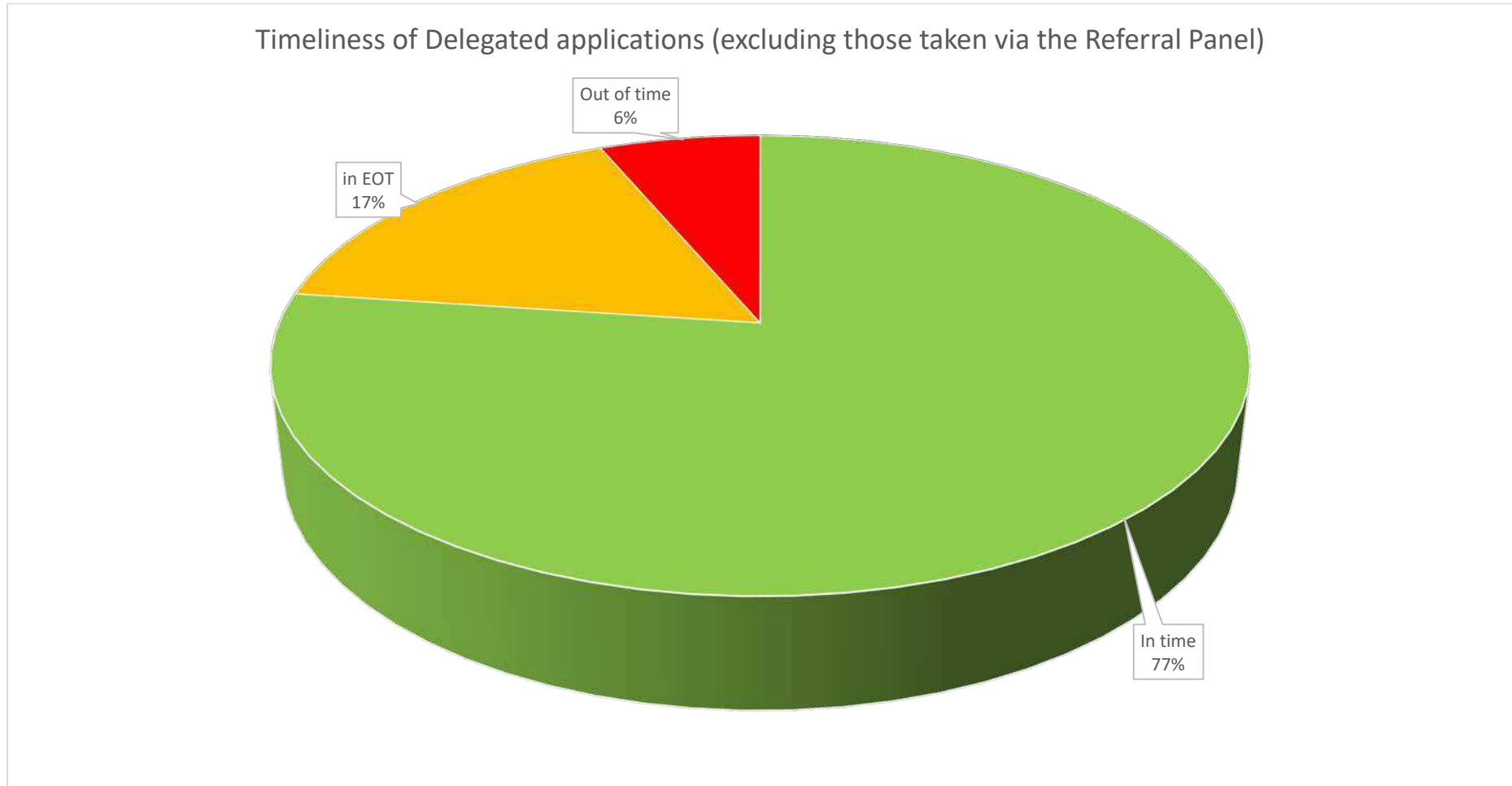


Figure 1: The number of 'Planning Applications' approved each quarter between 1 April 2019 and 31 March 2022 (via all determination routes).

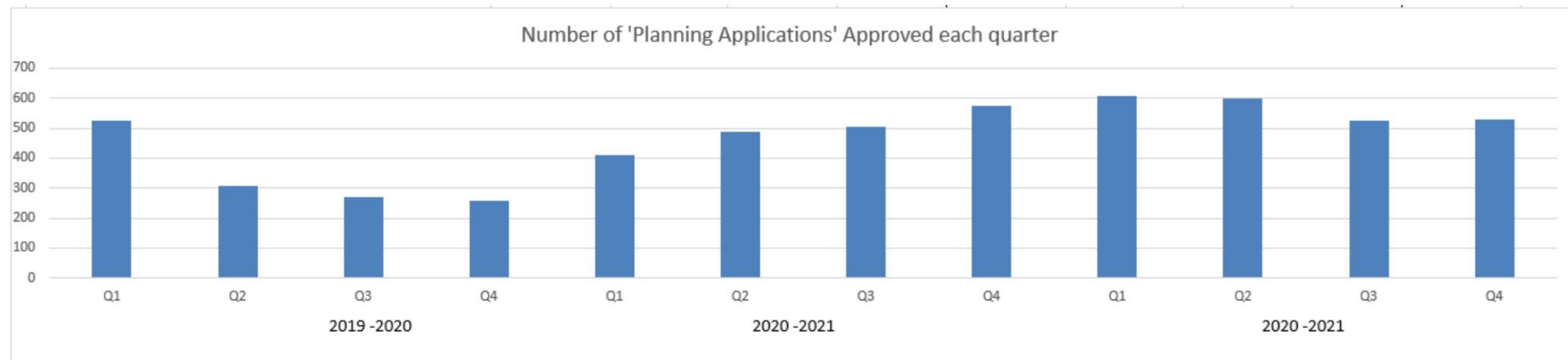


Figure 2: The number of 'Planning Applications' refused each quarter between 1 April 2019 and 31 March 2022 (via all determination routes)

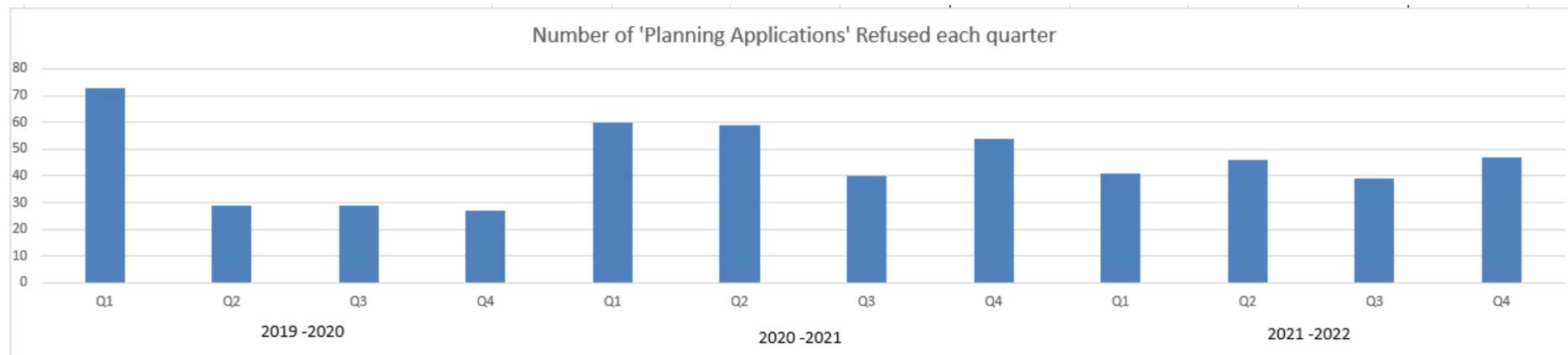


Figure 3: The proportions of 'Planning Applications' approved and refused each quarter between 1 April 2019 and 31 March 2022 (via all determination routes)



Appendix K: The proportions of applications approved or refused via Planning Committee, delegated to officers and overall during the period 1 April 2021 – 31 March 2022.

Figure 1: The proportions of all applications Approved or Refused at officer level in accordance with the scheme of delegation (withdrawn cases and consultation responses to other organisations are not shown here)

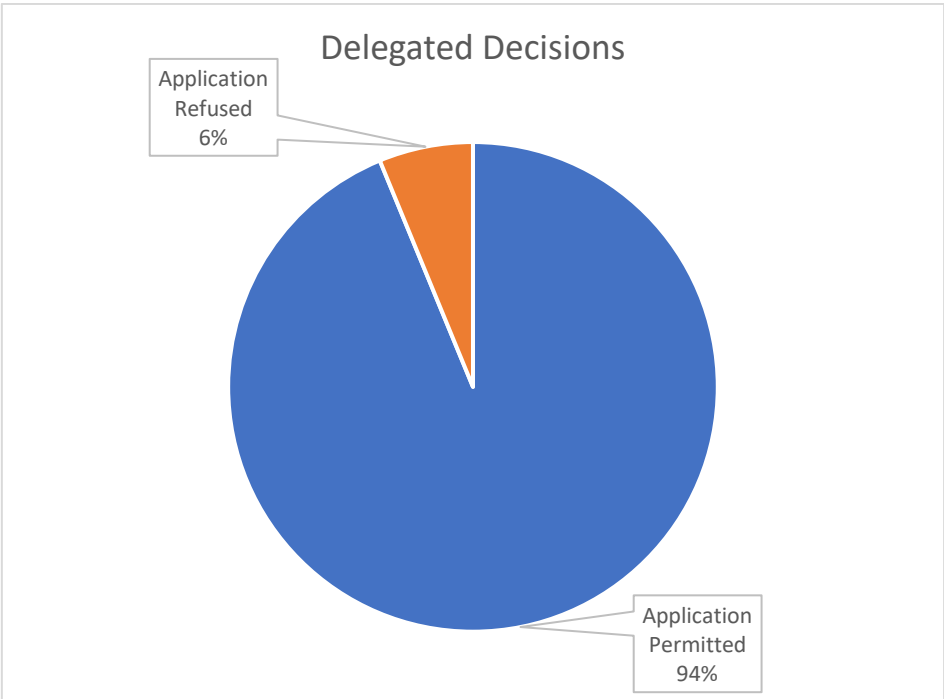


Figure 2: The proportions of all applications Approved or Refused via North or South Planning Committee (note withdrawn cases are not shown here)

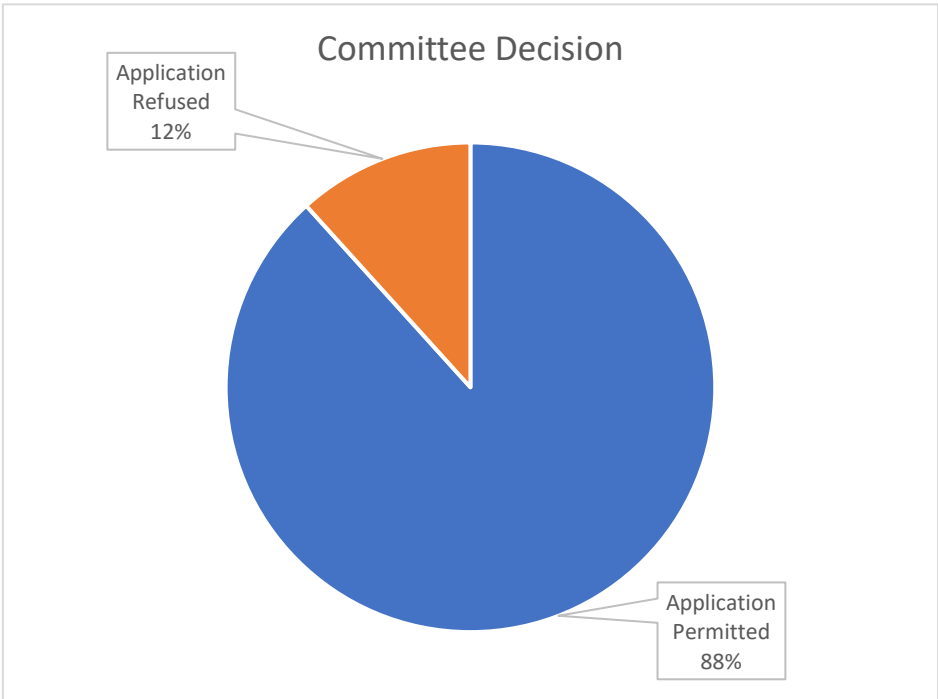
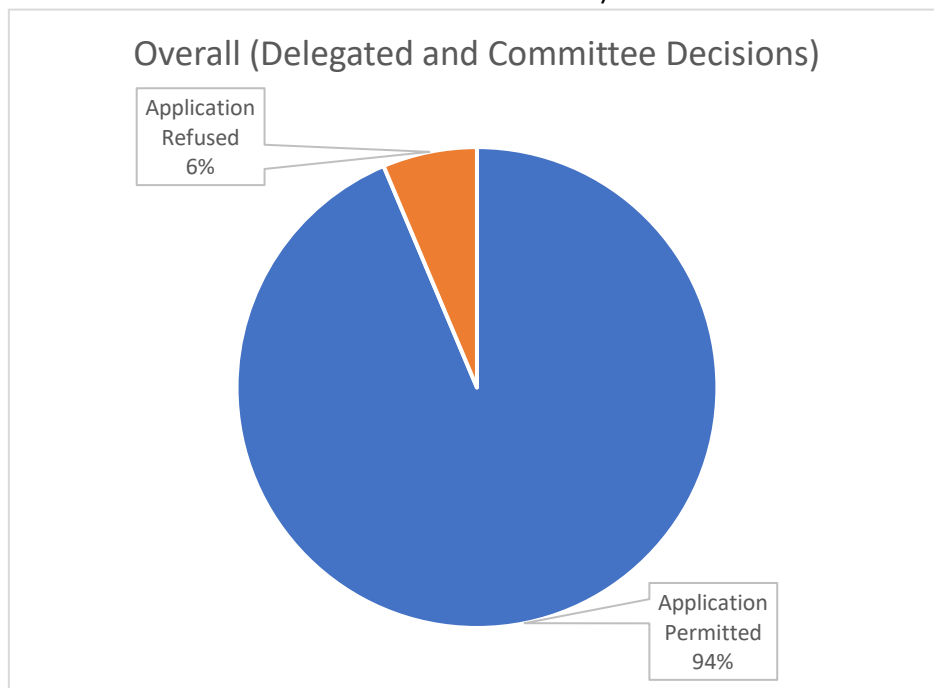


Figure 3: The overall proportions of all applications approved or refused (withdrawn cases are not shown here)



Appendix L: Outcomes of Appeals between 1 April 2021 – 31 March 2022

Figure 1: The cases appeals were submitted against in terms of proportions broken down by ESC decision route (those with appeal decisions issued between 1 April 2021 and 31 March 2022).

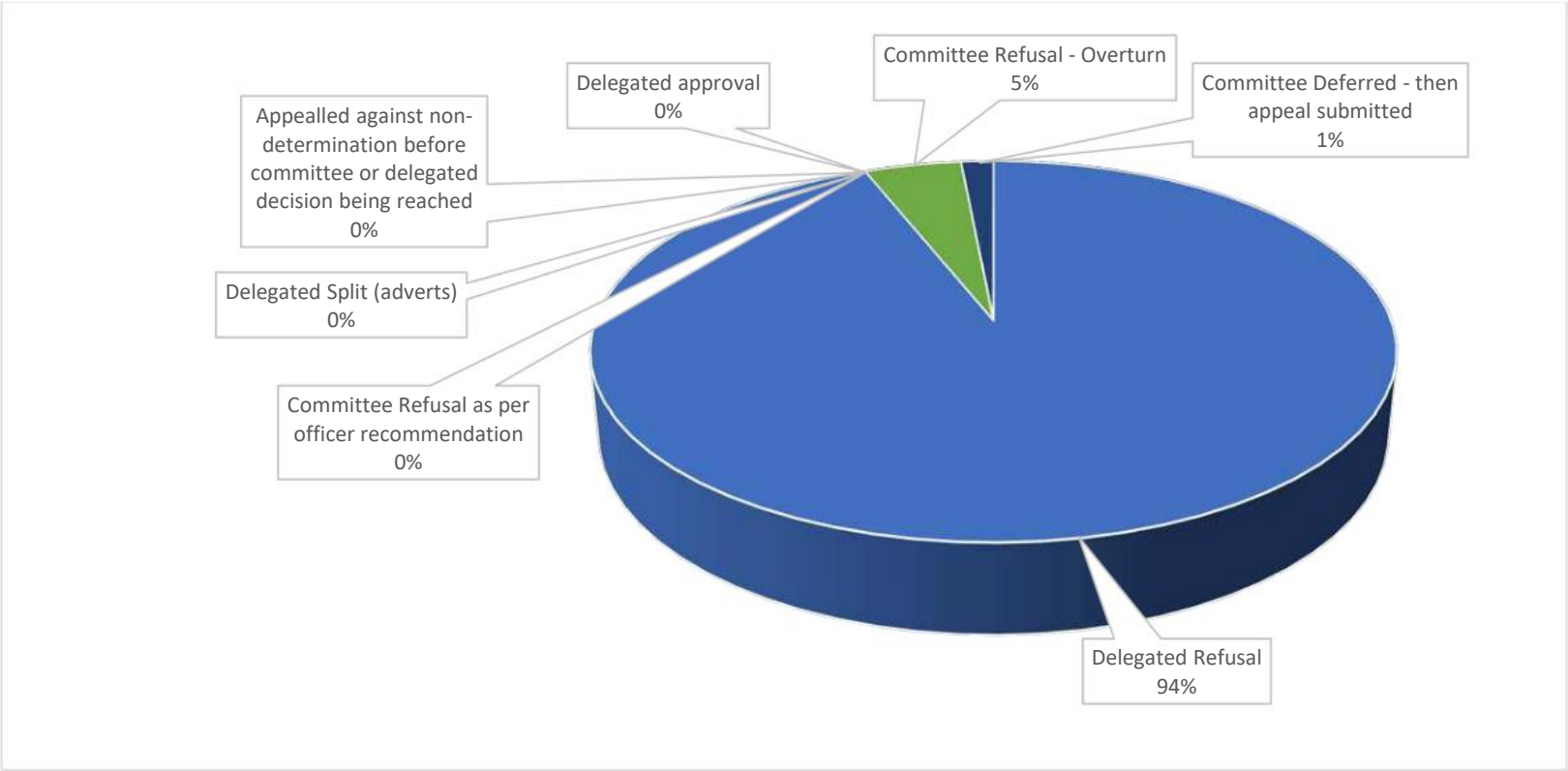


Figure 2: The Appeal Outcomes in terms of proportions broken down by ESC decision route and outcome (those with appeal decisions issued between 1 April 2021 and 31 March 2022).

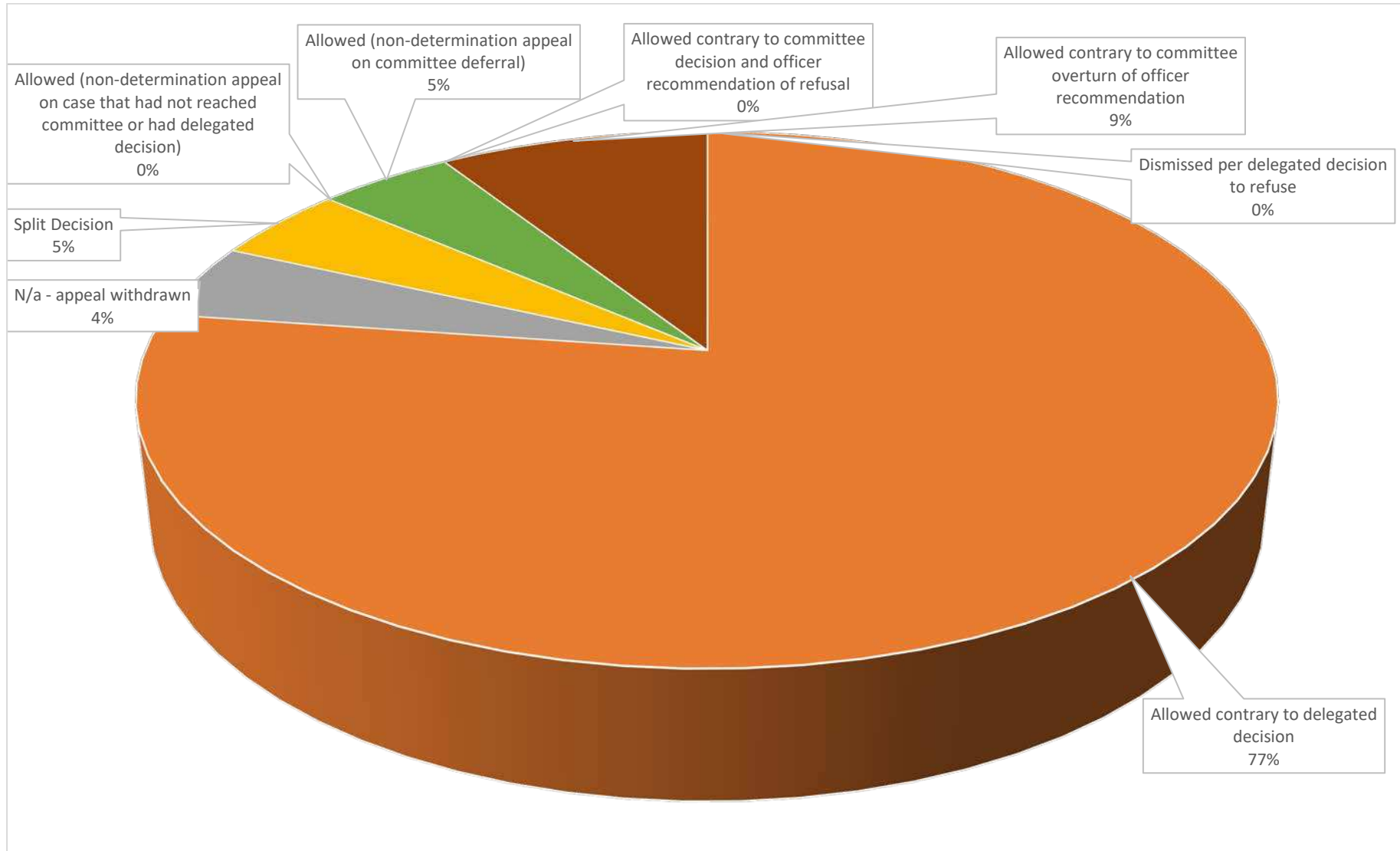


Figure 3: Overall Appeal Outcomes (those with appeal decisions issued between 1 April 2021 and 31 March 2022).

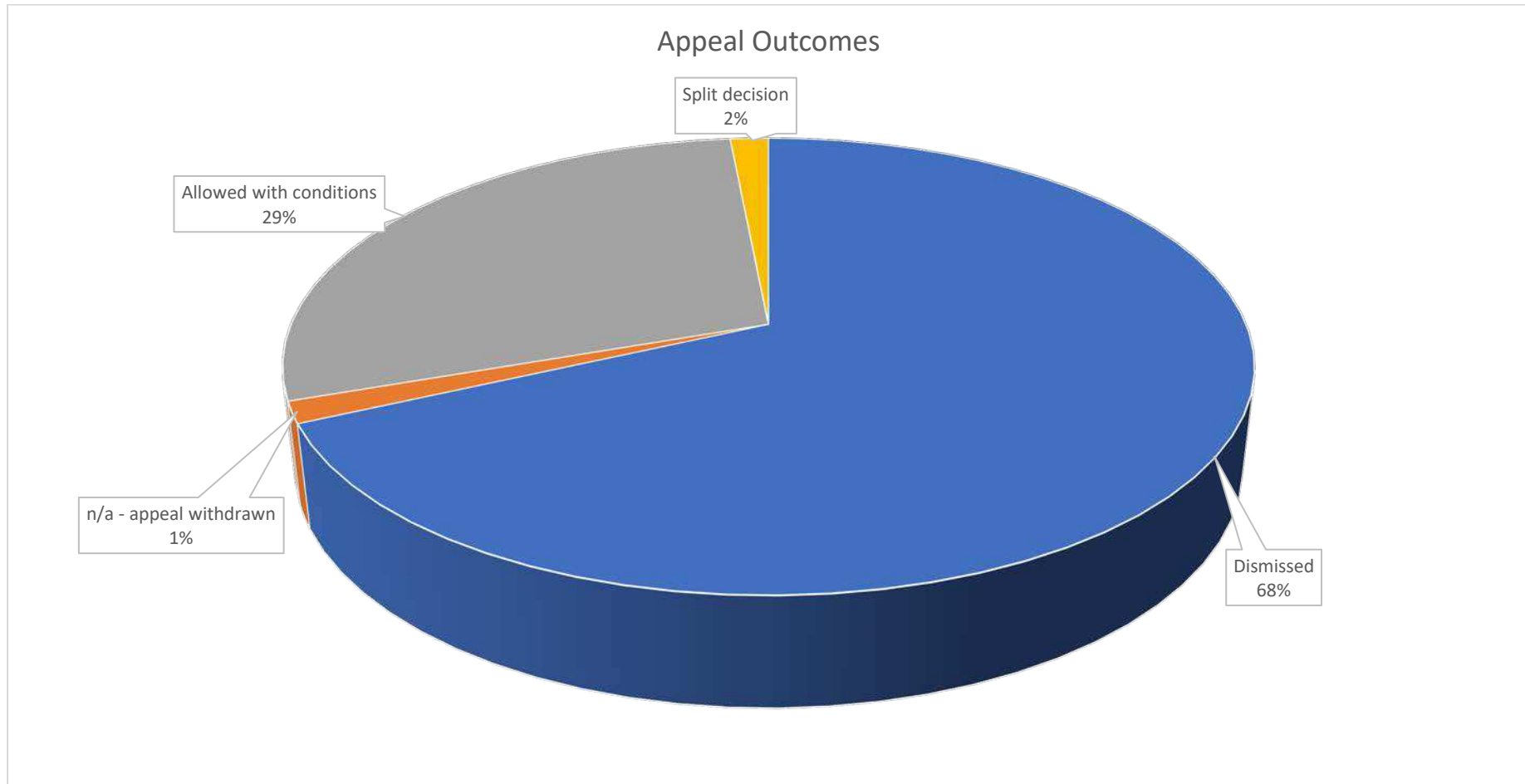


Figure 4: Percentage of appeals relating to Major, Minor and Other cases (those with appeal decisions issued between 1 April 2021 and 31 March 2022).

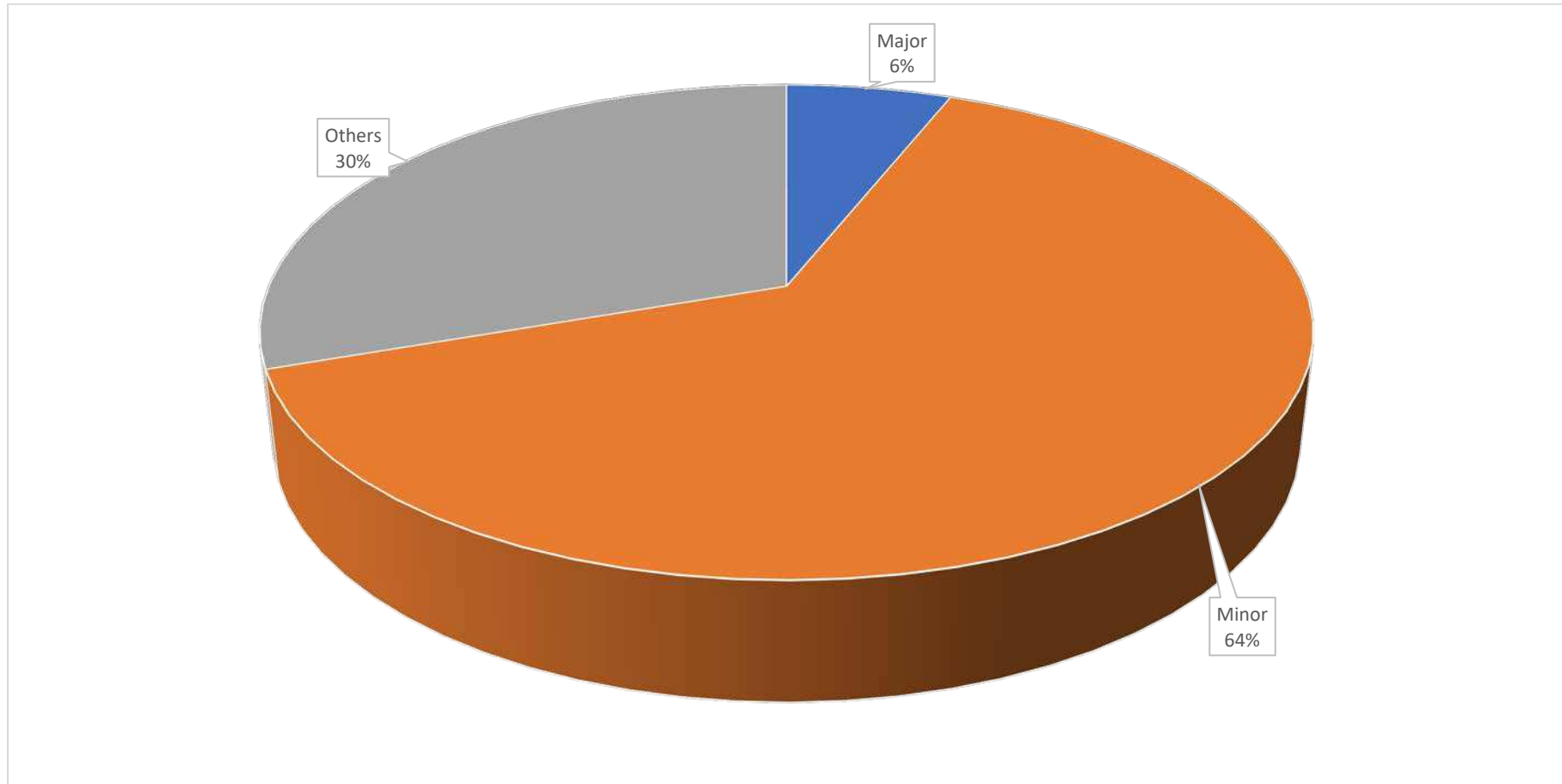


Figure 5: The proportion of Appeal outcomes of appeal decisions received on 'Major' applications between 1 April 2021 and 31 March 2022

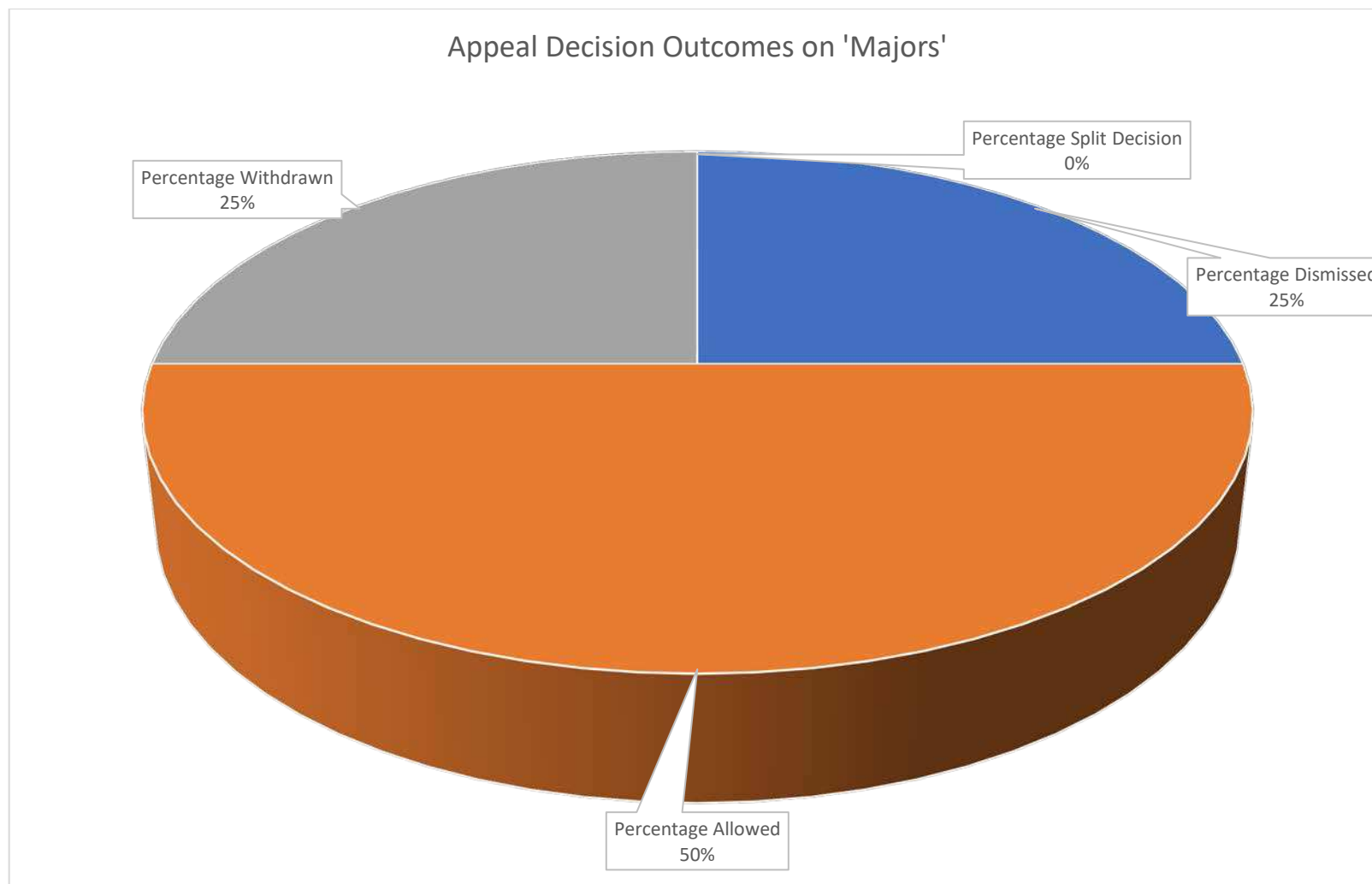


Figure 6: The proportion of Appeal outcomes of appeal decisions received on 'Minor' applications between 1 April 2021 and 31 March 2022

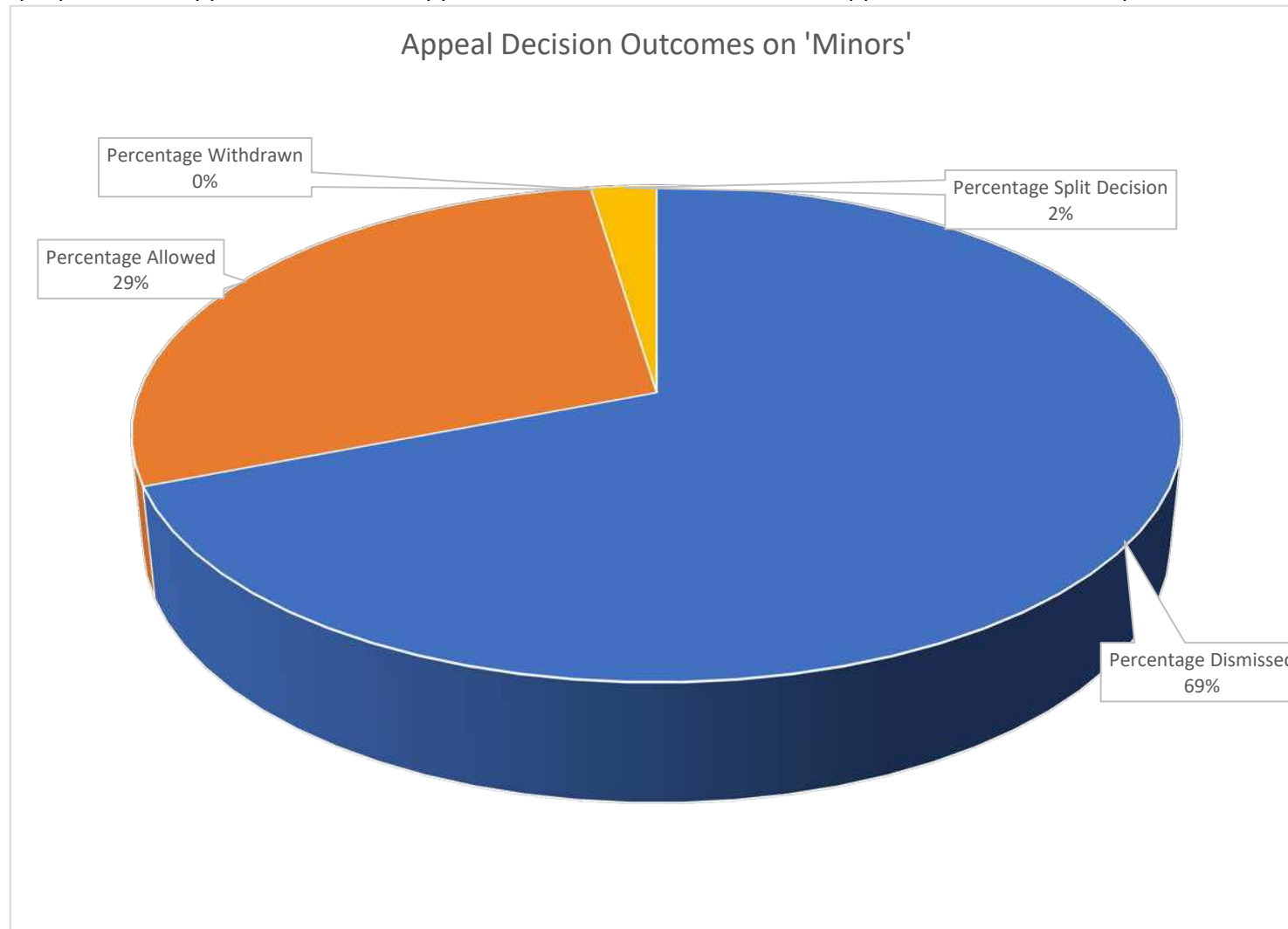
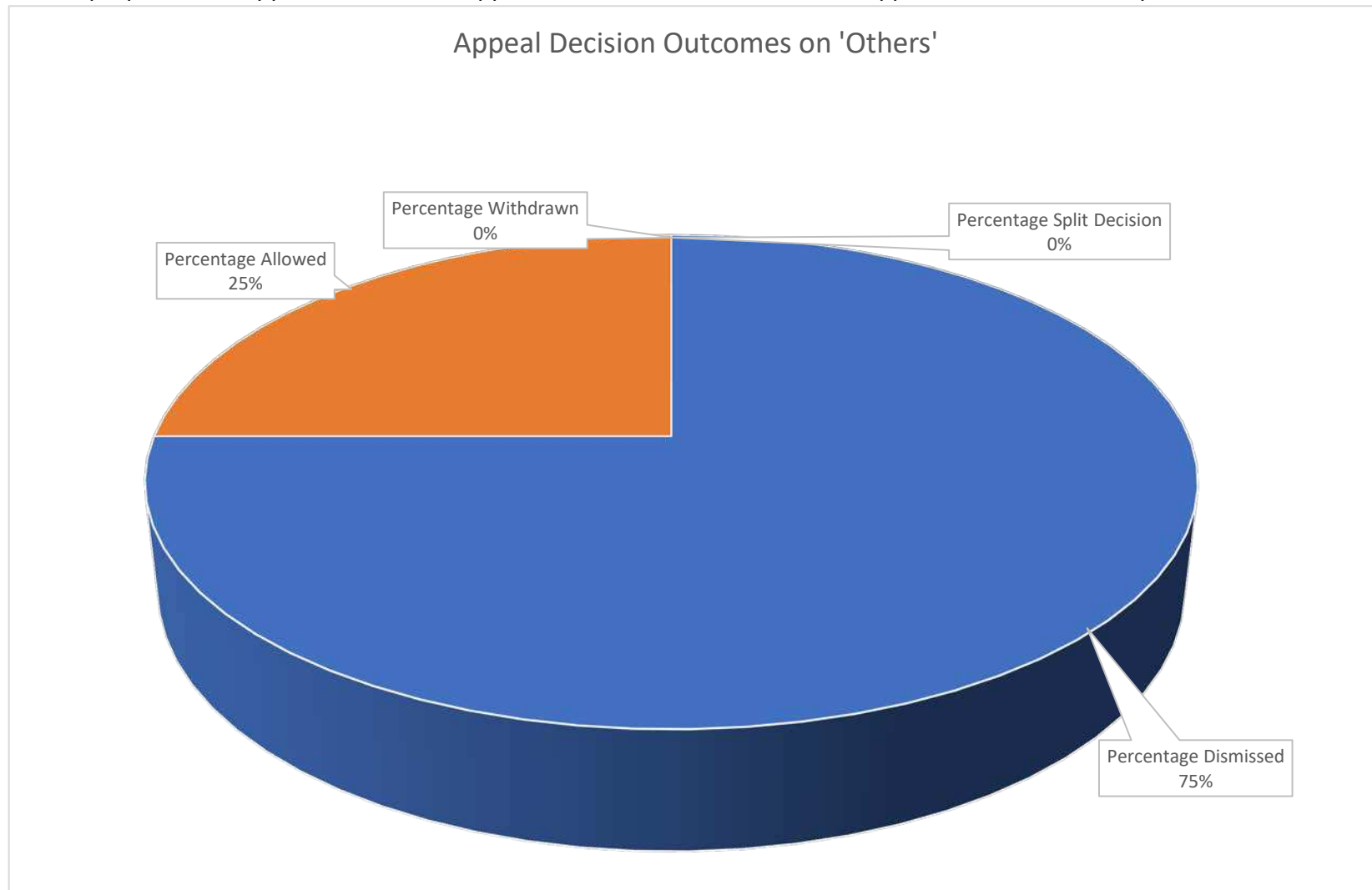


Figure 7: The proportion of Appeal outcomes of appeal decisions received on 'Other' applications between 1 April 2021 and 31 March 2022



Appendix M: The number of enforcement cases logged/received and closed during each month and each quarter between 1 July 2019 and 31 March 2022.

Figure 1 : Enforcement Cases received per Quarter 1 July 2019 – 31 March 2022

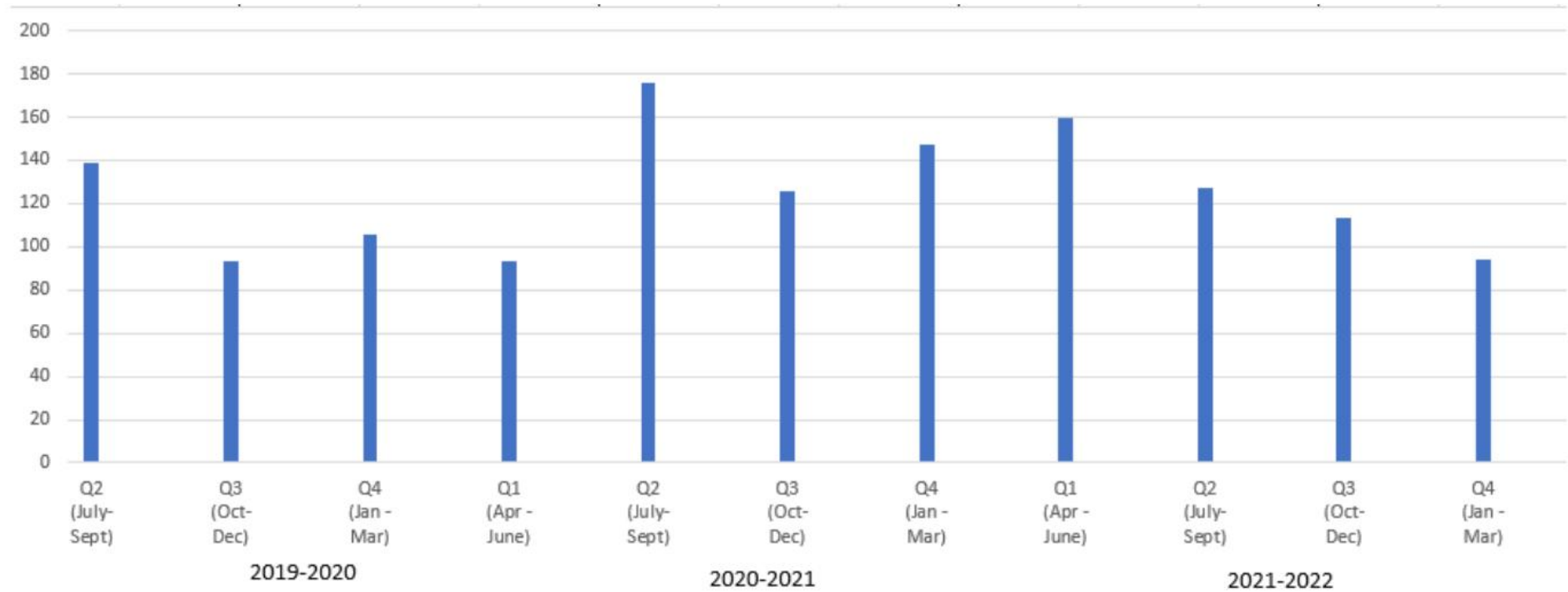


Figure 2: Enforcement Cases received per month 1 July 2019 – 31 March 2022

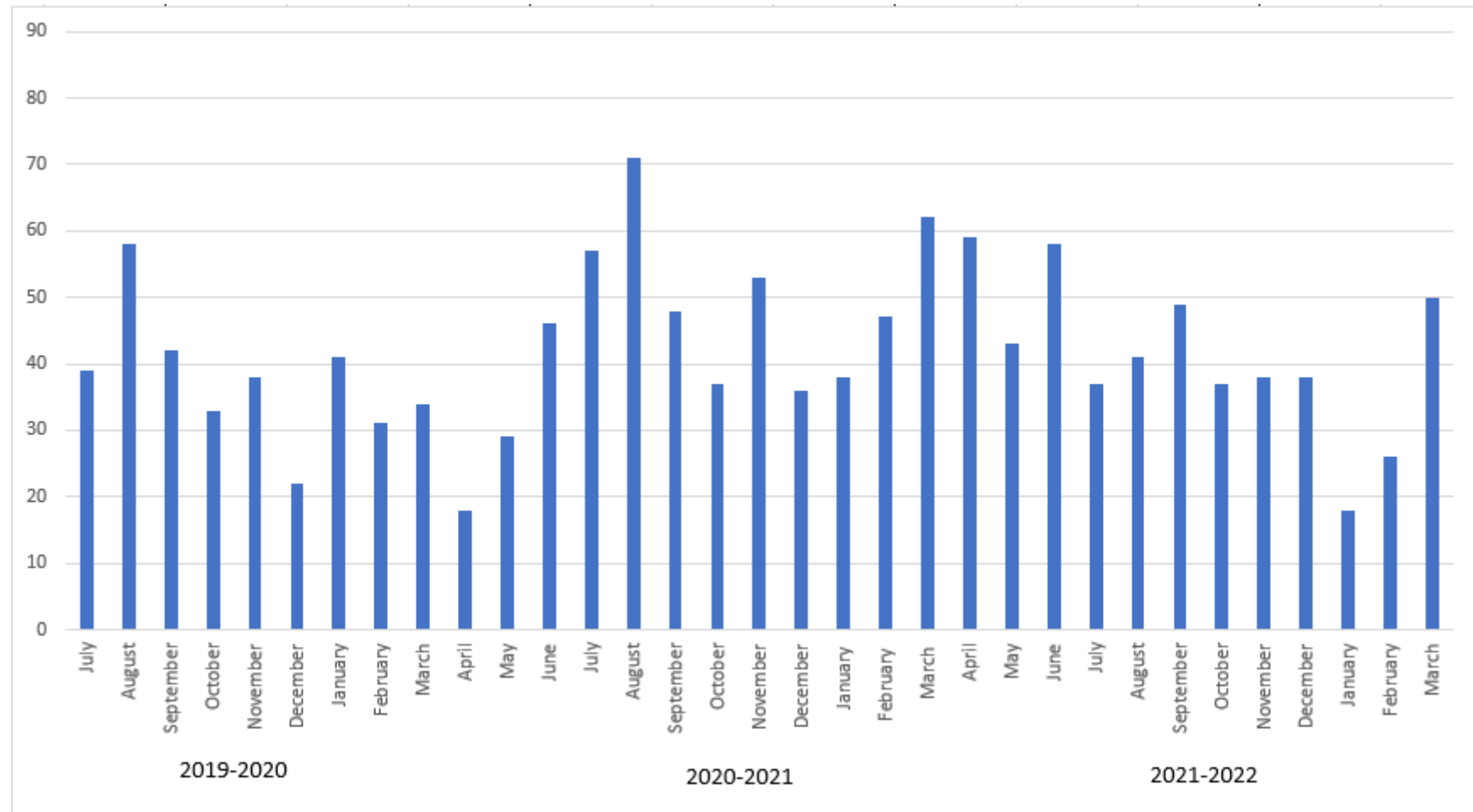


Figure 3: Enforcement Cases closed per quarter1 July 2019 – 31 March 2022

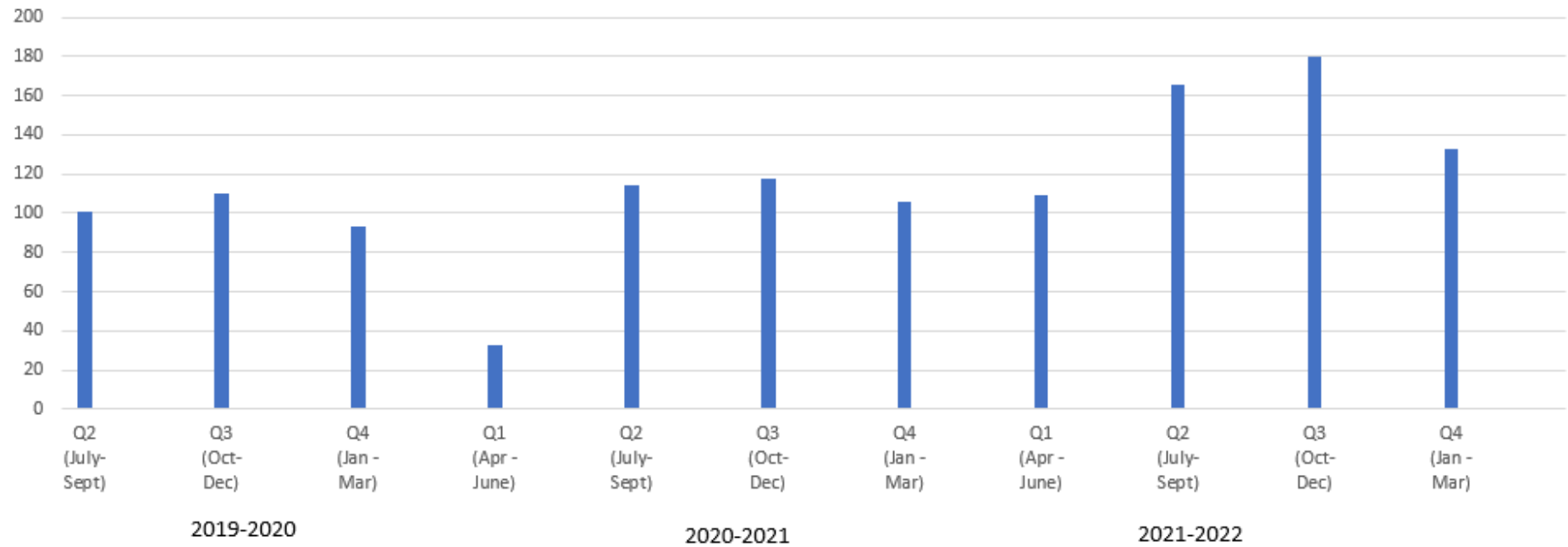


Figure 4: Enforcement cases closed per month 1 July 2019 – 31 March 2022

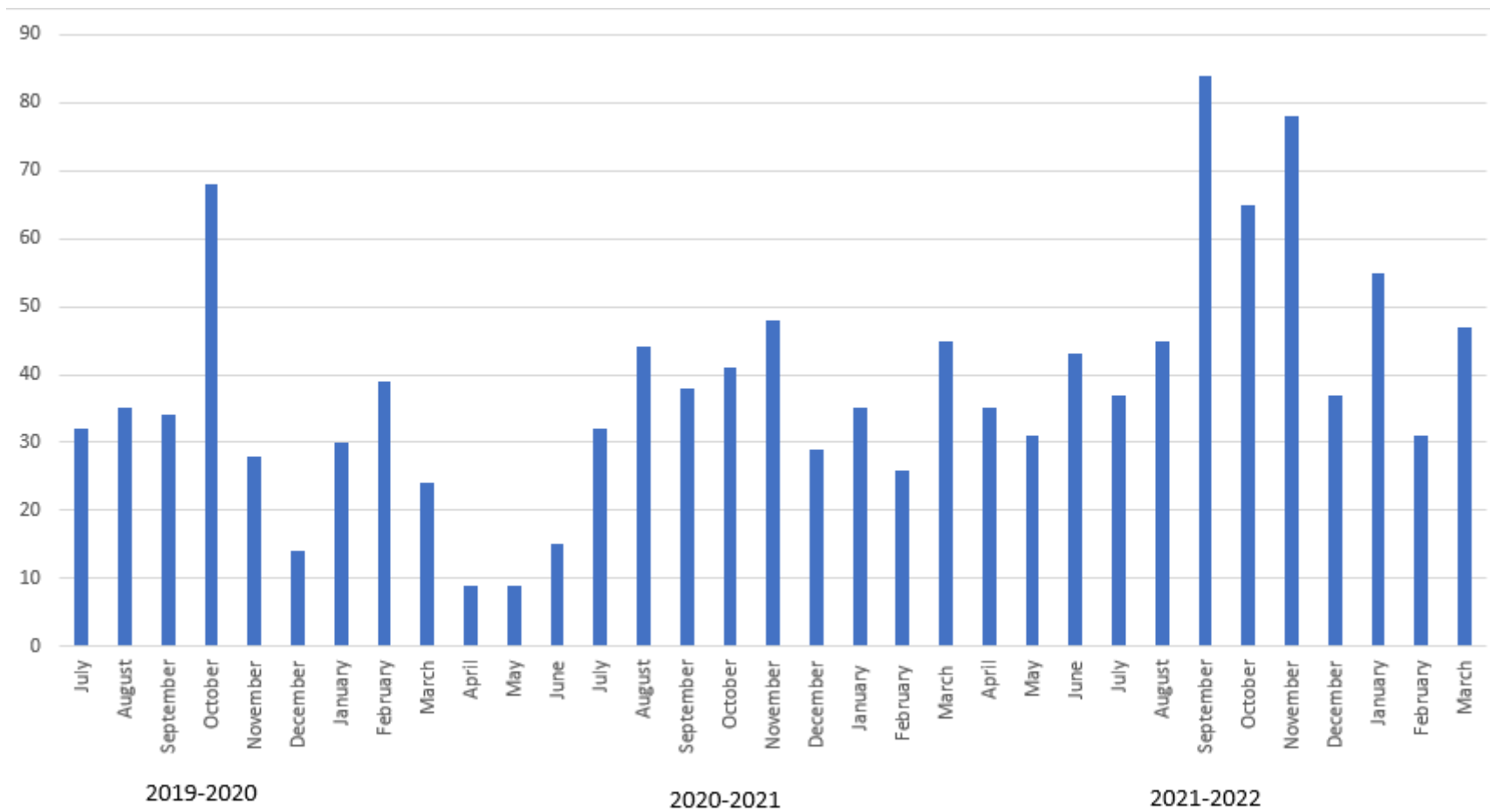


Figure 5: Enforcement Cases received and closed per Quarter 1 July 2019 – 31 March 2022

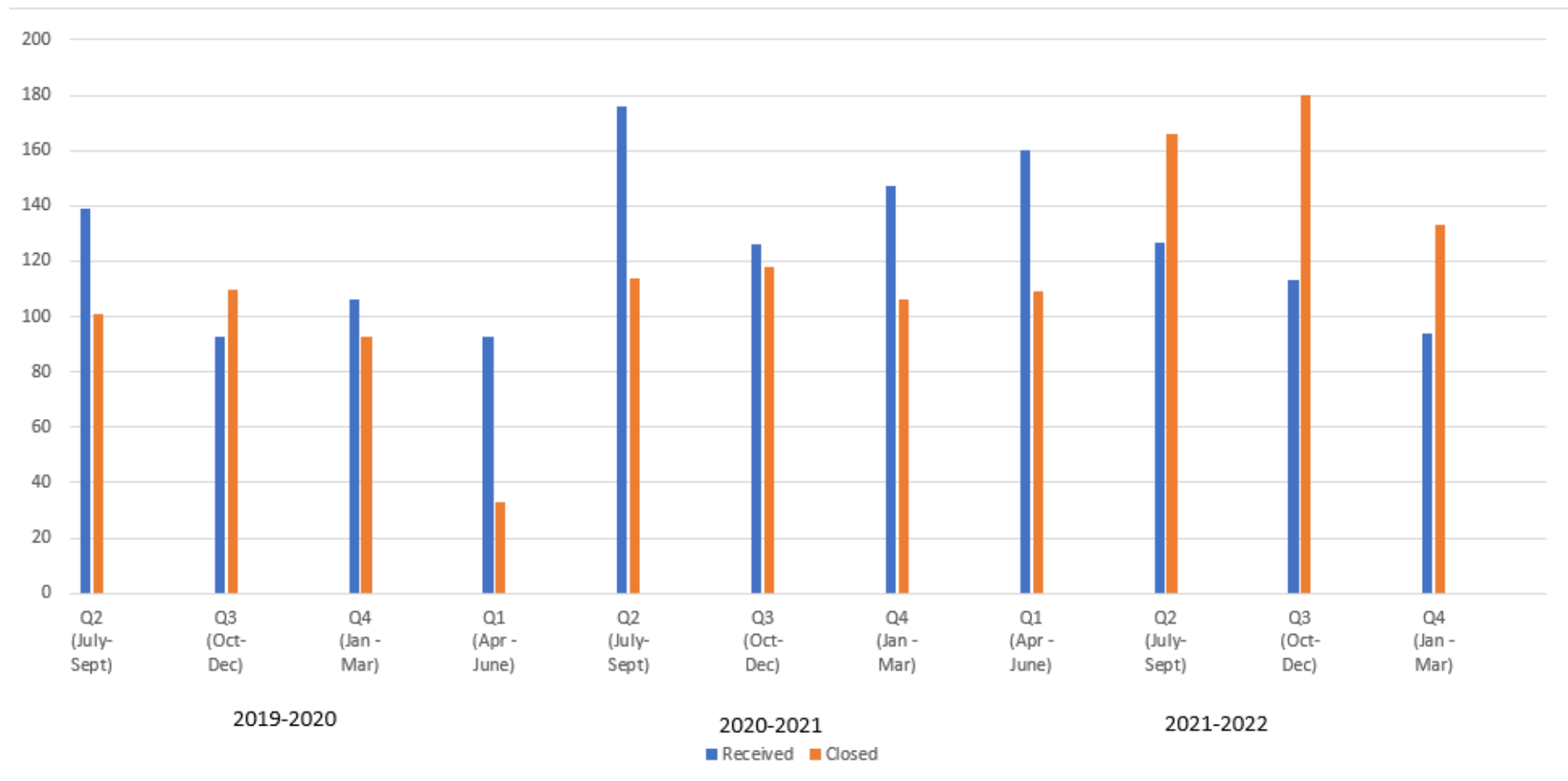
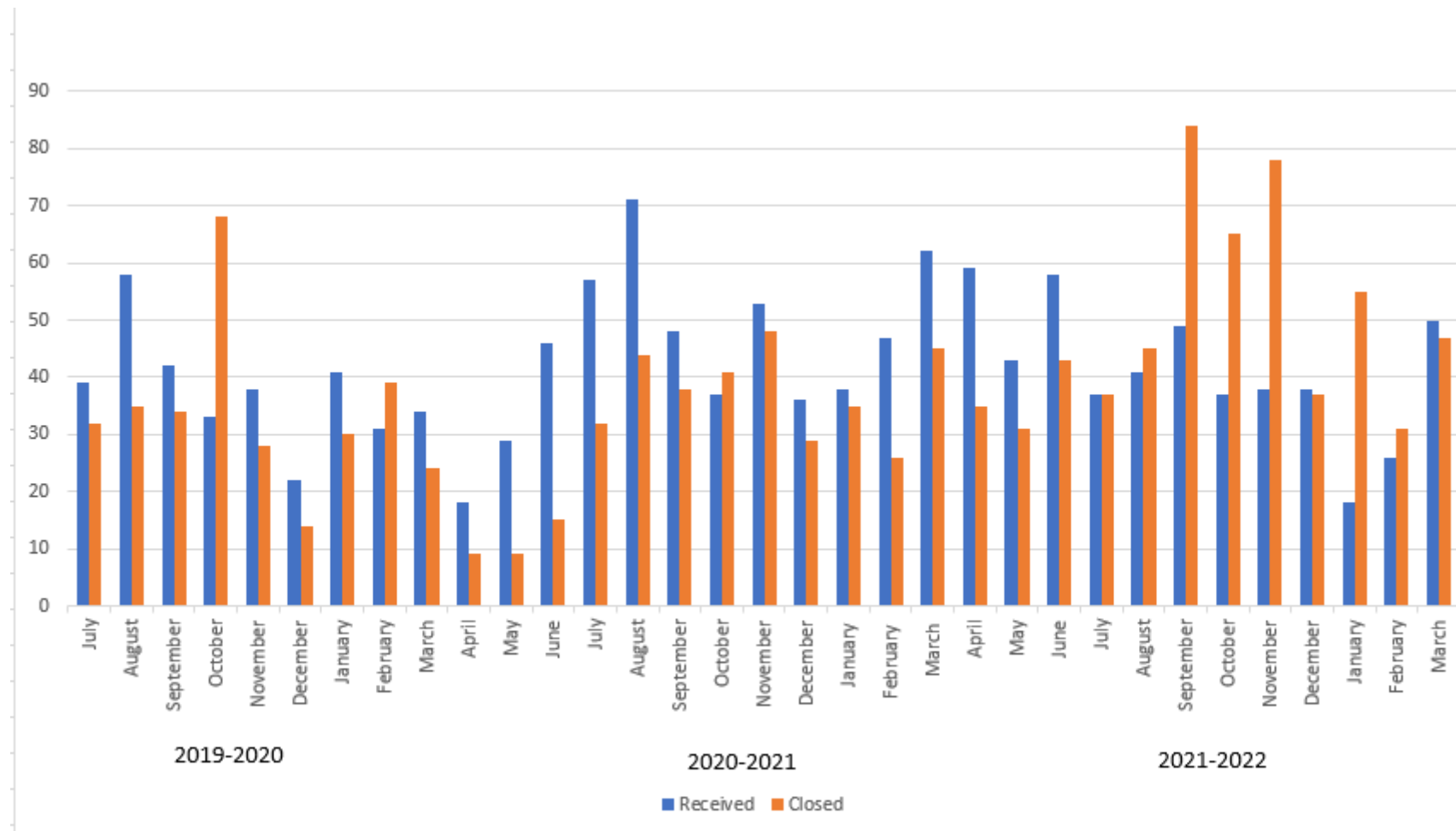


Figure 6: Enforcement cases received and enforcement cases closed per month 1 July 2019 – 31 March 2022



Appendix N: The reasons enforcement cases were closed during each month between 1 July 2019 and 31 March 2022.

Figure 1: The number of cases closed because there was no breach of planning control during each month, 1 July 2019 – 31 March 2022

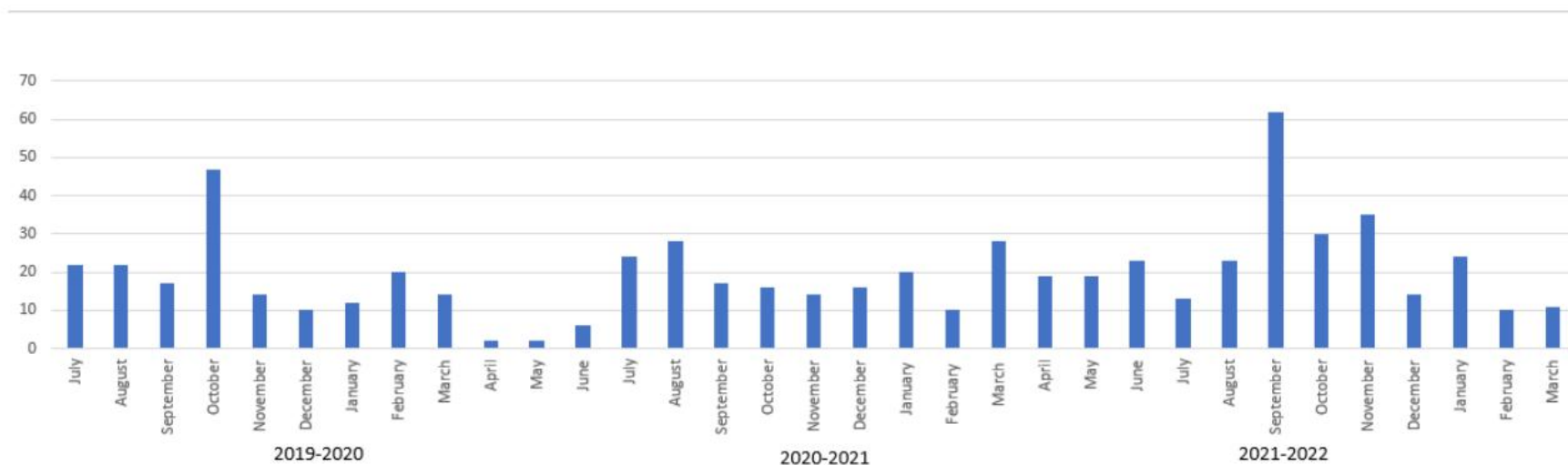


Figure 2: The number of cases closed because there was compliance with planning control (e.g. the use ceased) during each month, 1 July 2019 – 31 March 2022

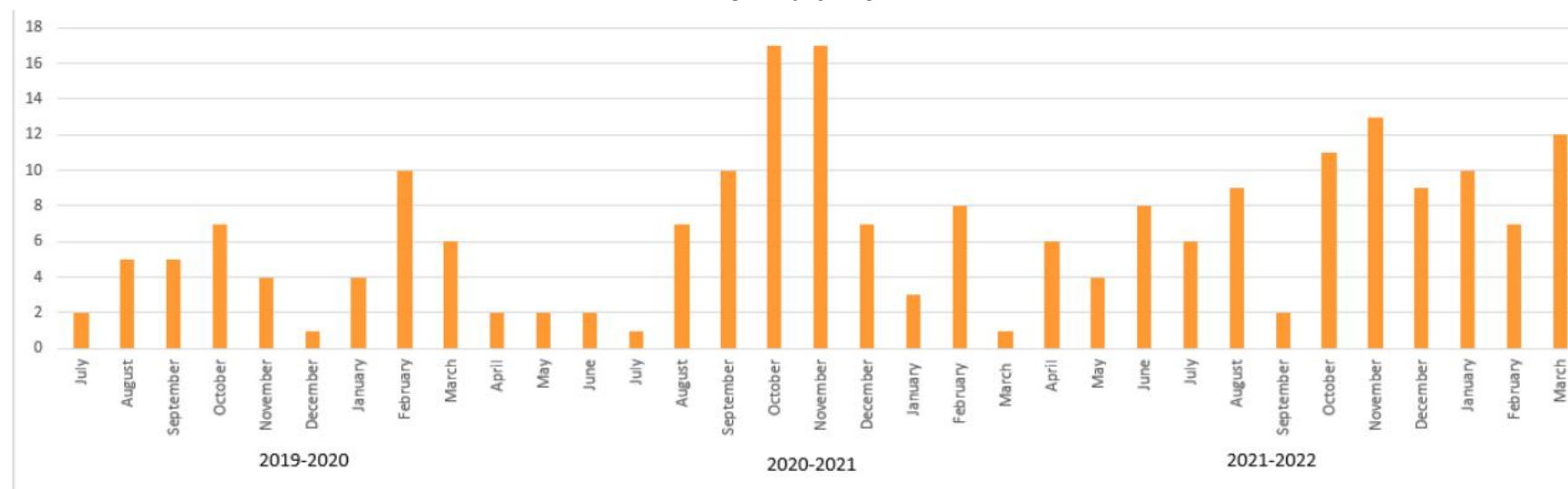


Figure 3: The number of cases closed because Planning Permission was granted during each month, 1 July 2019 – 31 March 2022

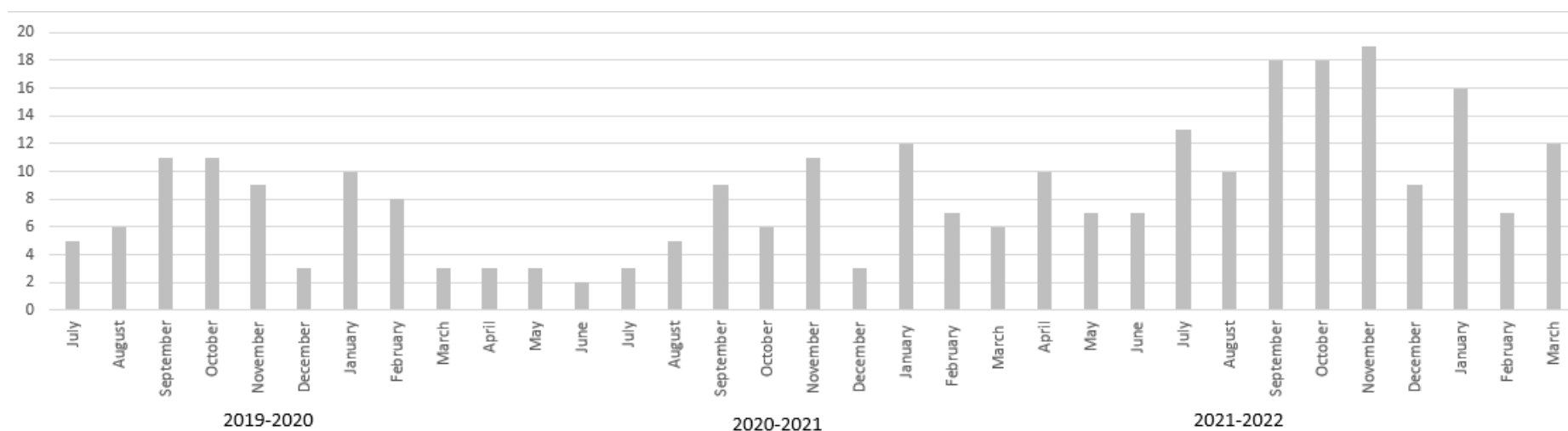


Figure 4: The number of cases closed because the subject of the complaint was Permitted Development, during each month, 1 July 2019 – 31 March 2022

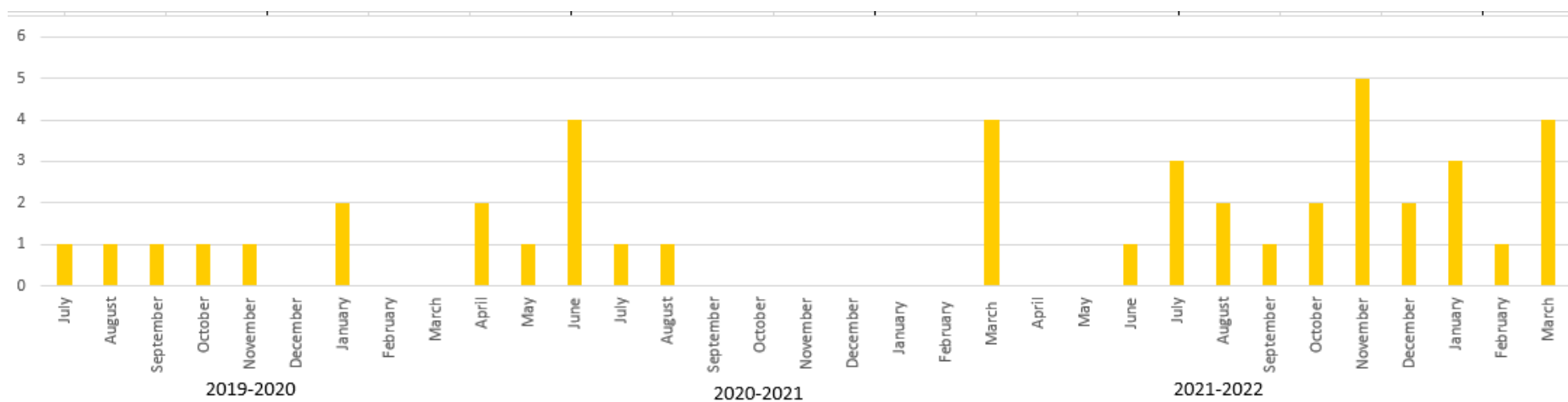


Figure 5: The number of cases closed because the subject of the complaint was immune from action/lawful, during each month, 1 July 2019 – 31 March 2022

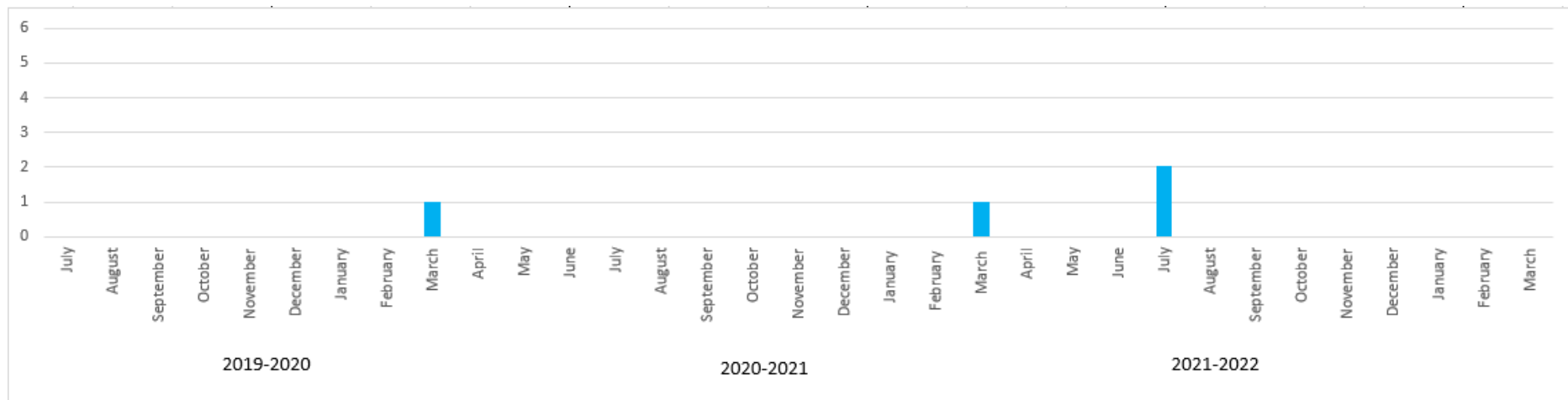


Figure 6: The number of cases closed because they were duplicate cases, during each month, 1 July 2019 – 31 March 2022

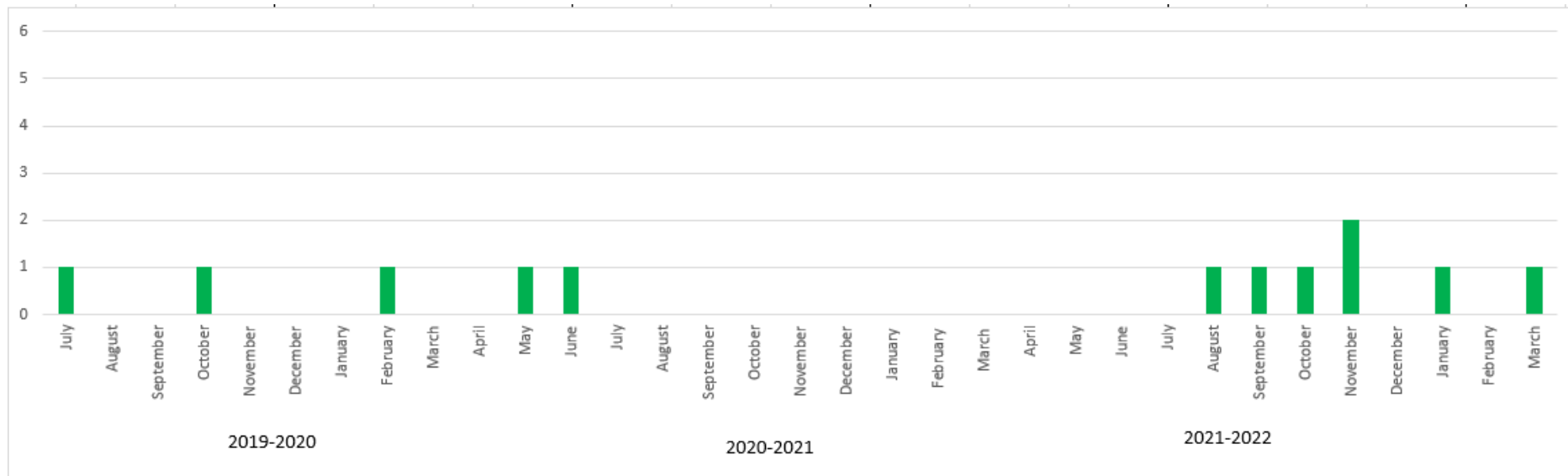


Figure 7: The number of cases closed because the subject of the complaint was withdrawn, during each month, 1 July 2019 – 31 March 2022

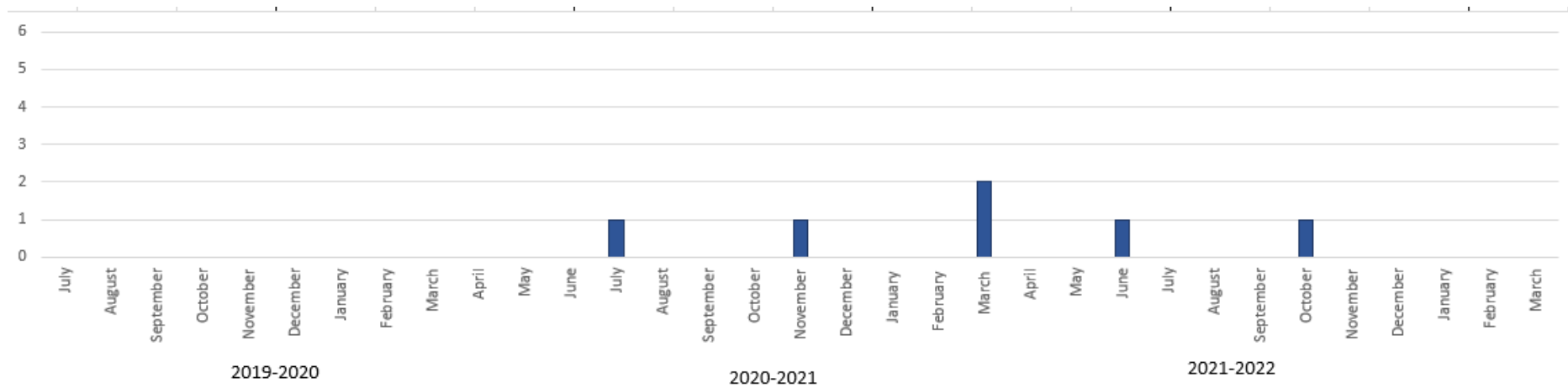


Figure 8: The number of cases closed because the subject of the complaint was not expedient, during each month, 1 July 2019 – 31 March 2022

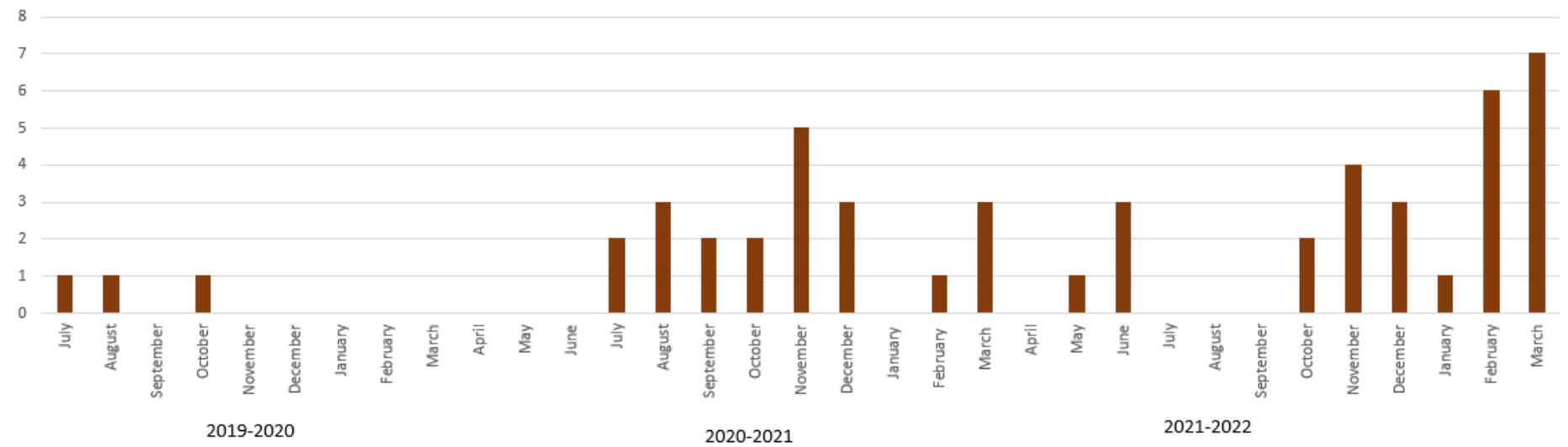
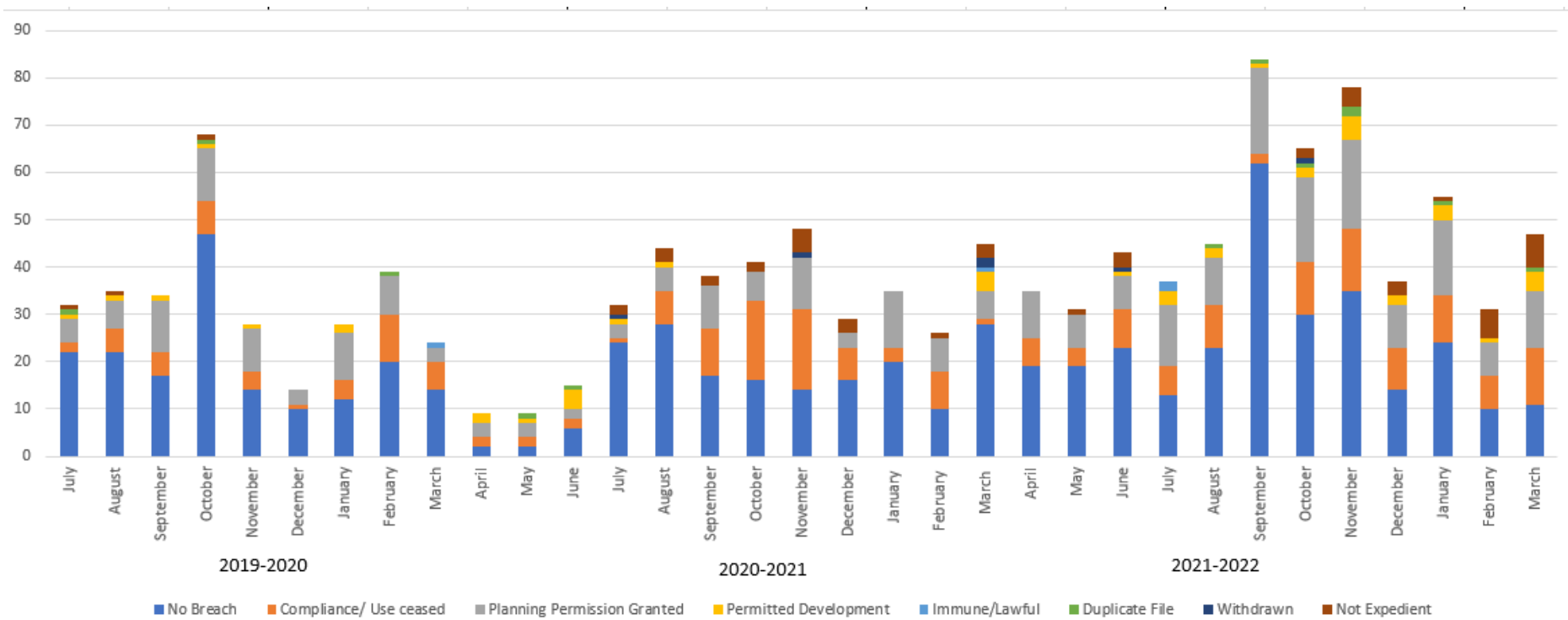


Figure 9: The number of cases closed for each reason shown together during each month, 1 July 2019 – 31 March 2022



Appendix O: The timeframes for the closure of enforcement cases between 1 July 2019 and 31 March 2022.

Figure 1: The percentage of enforcement cases closed during each month that were closed within 1 – 10 days, between 1 July 2019 and 31 March 2022

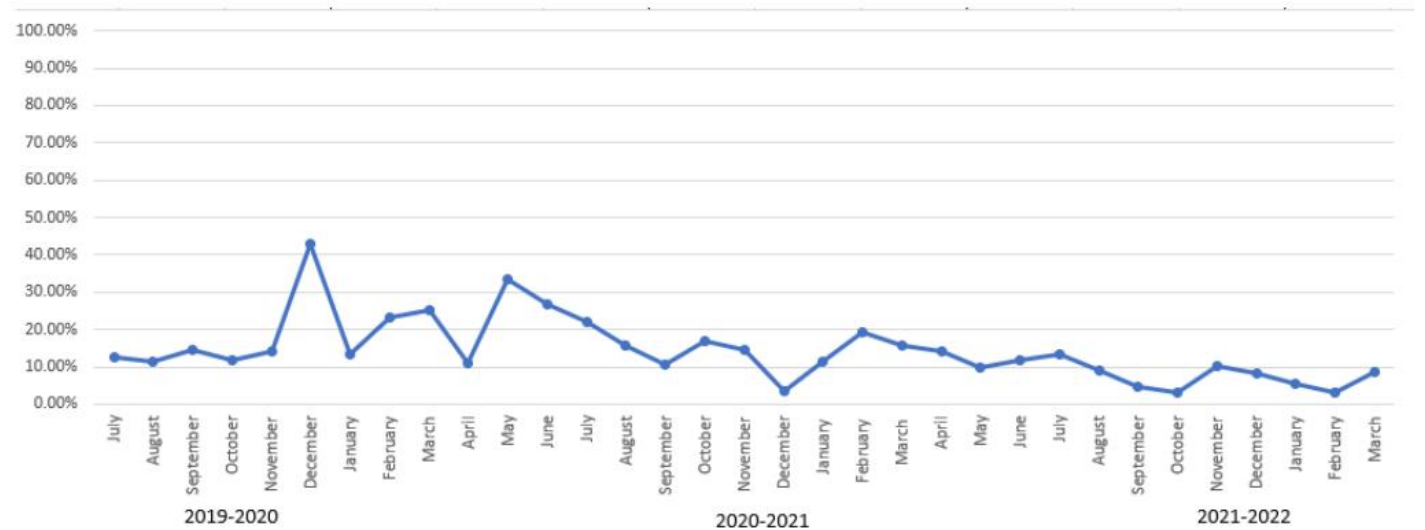


Figure 2: The percentage of enforcement cases closed during each month that were closed within 11 – 20 days, between 1 July 2019 and 31 March 2022

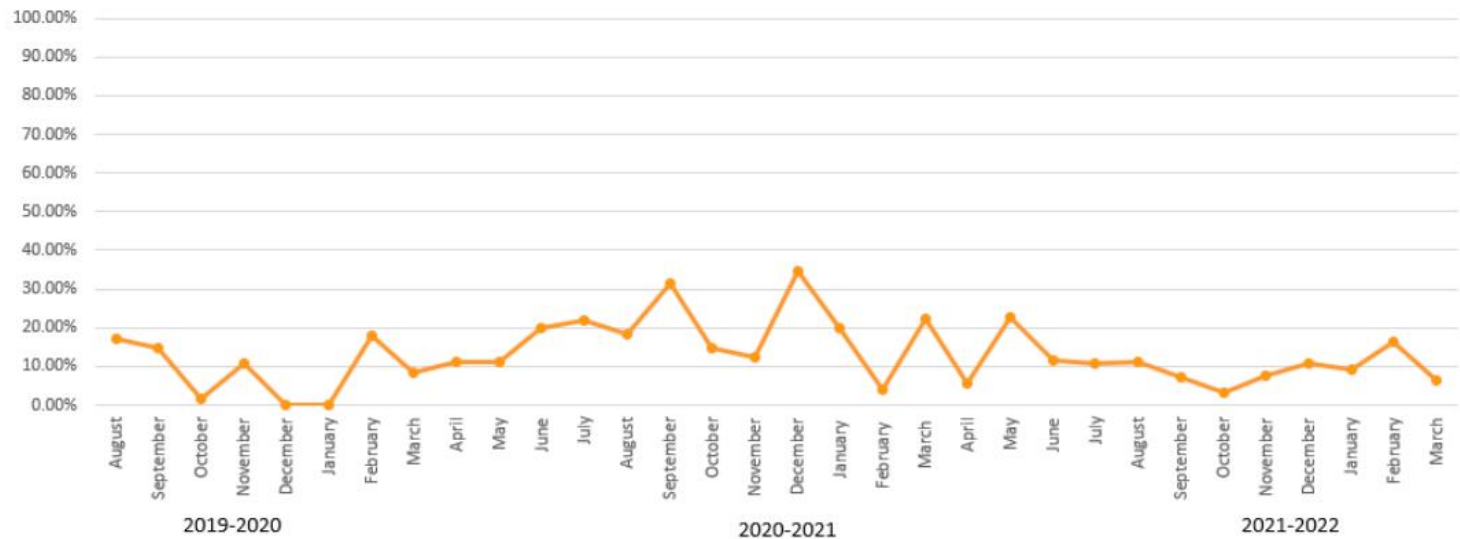


Figure 3: The percentage of enforcement cases closed during each month that were closed within 21 – 30 days, between 1 July 2019 and 31 March 2022

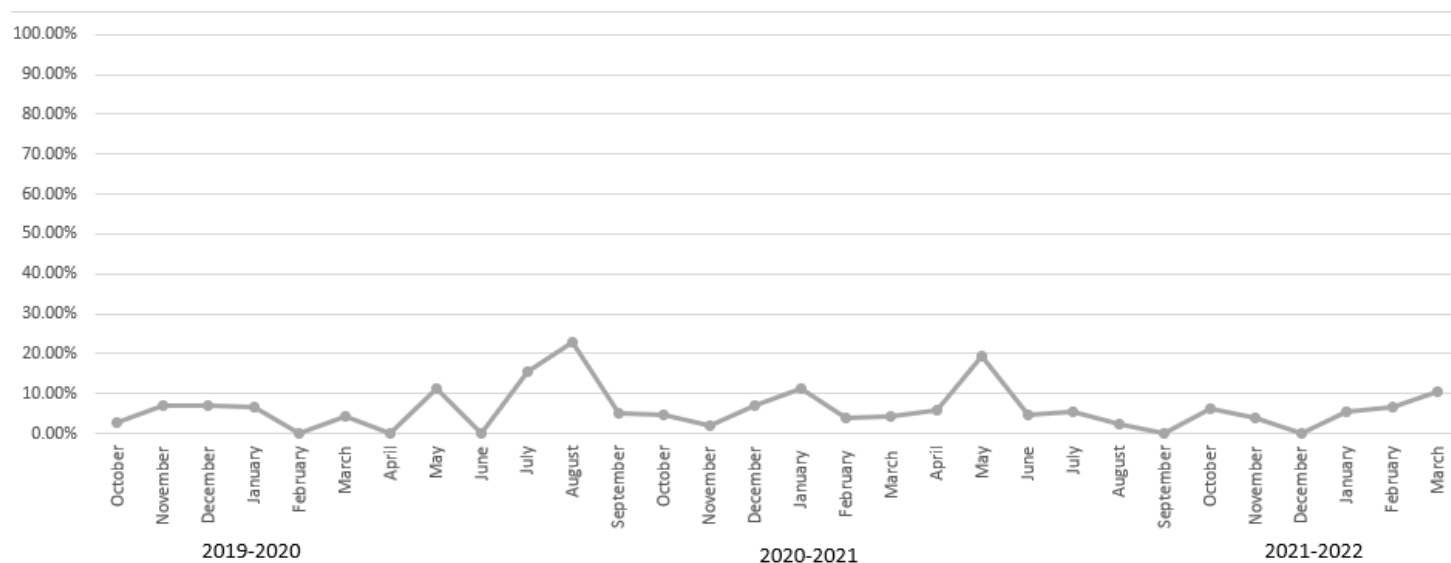


Figure 4: The percentage of enforcement cases closed during each month that were closed within 31-40 days, between 1 July 2019 and 31 March 2022

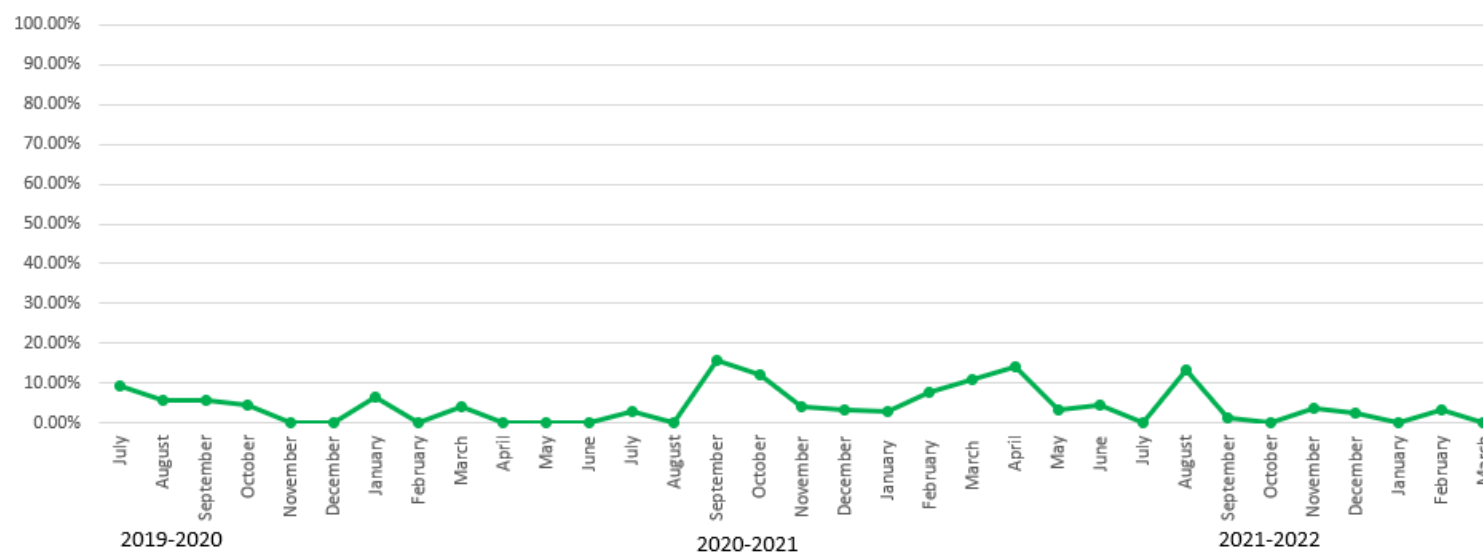
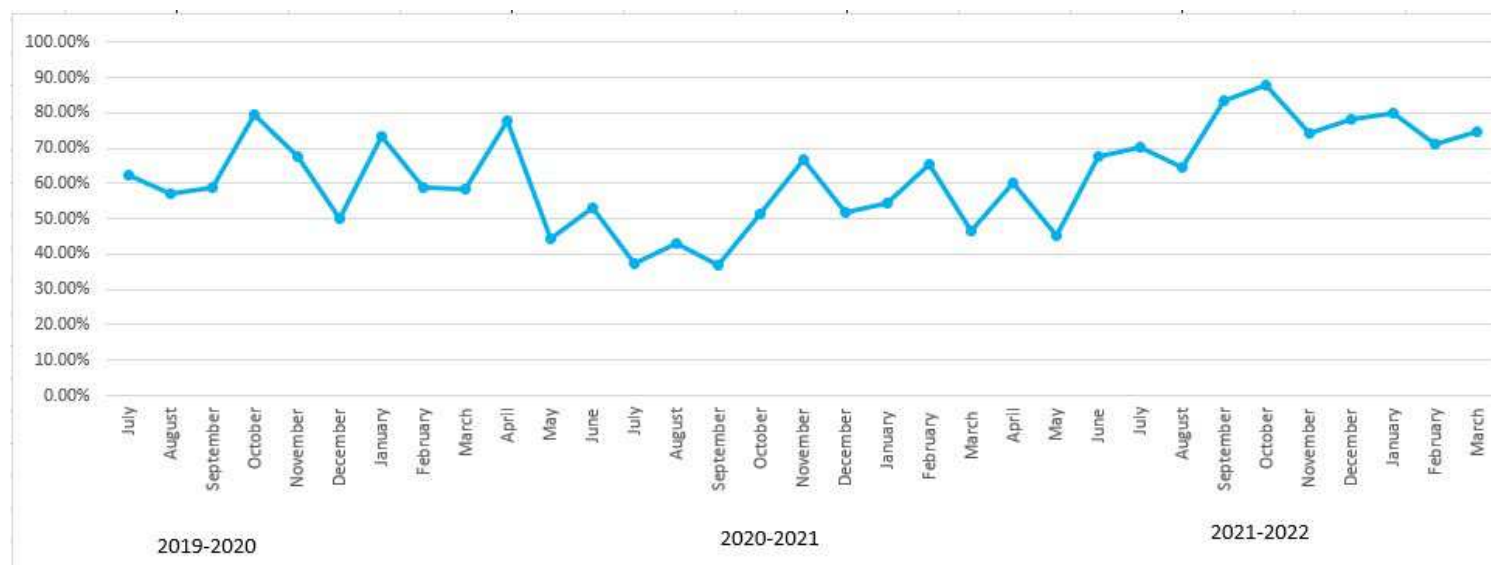
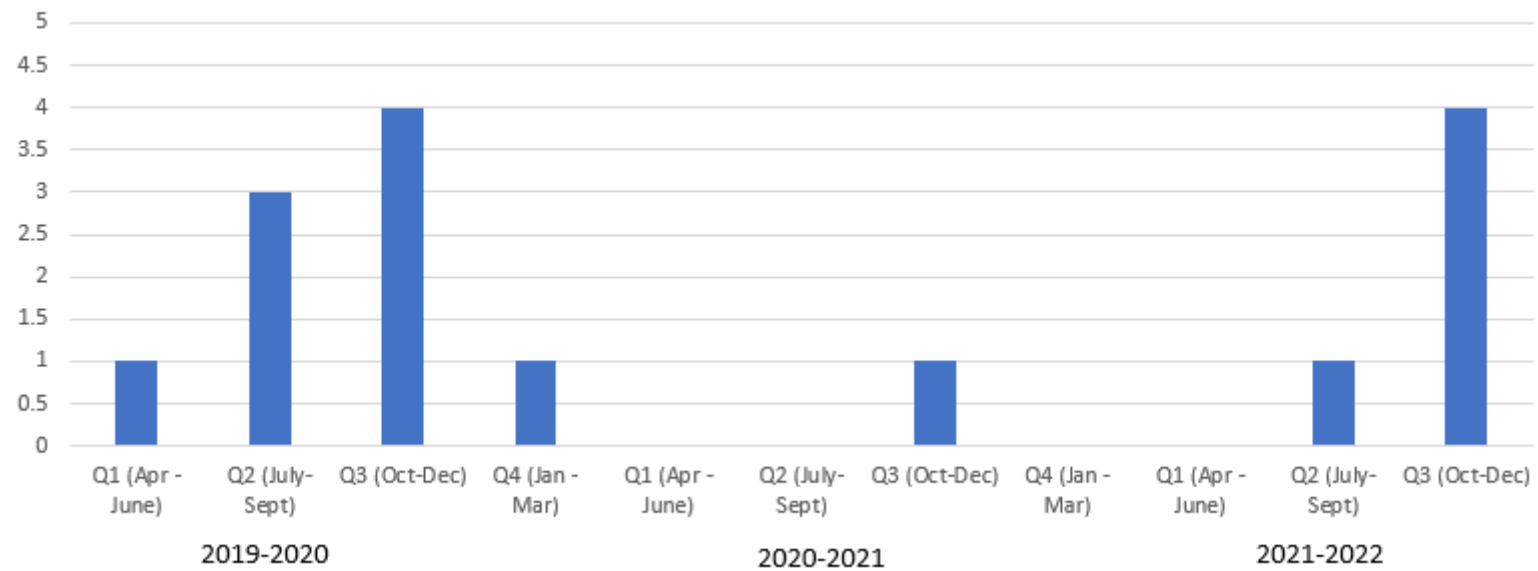


Figure 5: The percentage of enforcement cases closed during each month that were closed after 41 days or more, between 1 July 2019 and 31 March 2022



Appendix P: The numbers of enforcement notices served during each quarter between 1 July 2019 and 31 March 2022.

Figure 1: The number of Enforcement Notices served during each quarter between 1 July 2019 and 31 March 2022



STRATEGIC PLANNING COMMITTEE

Monday, 06 June 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 / Andrea McMillan Planning Manager (Policy, Delivery & Specialist Services) desi.reed@eastsuffolk.gov.uk / andrea.mcmillan@eastsuffolk.gov.uk 01502 523055 / 01394 444567

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 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. Updates, as appropriate, are also included for the planning service specialist services (Design and Conservation, Arboriculture and Landscape (including Rights of Way) and Ecology) that now form part of the Planning Policy and Delivery Team.

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 East Suffolk Strategic Plan. There has been an acknowledgment that staff capacity,

particularly in the specialist planning services has been stretched. This was cited in previous reports as a risk in relation to delivering on the Strategic Plan and the changing national planning agenda. Recruitment has now taken place, with additional ecology, design and conservation, landscape and arboriculture and rights of way resource now in place to ensure we have a resilient and quality team to deliver on our objectives.

External Consultees: None

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 adoption of the Affordable Housing Supplementary Planning Document (SPD) and preparation of 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 Plans, 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 being provided 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 is now supporting 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. In addition, the opportunity is taken to provide relevant updates on the work of the Infrastructure Team relating to the collection and spend of the Community Infrastructure Levy and Section 106 monies.
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 the work of the planning applications and appeals service and 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 7 th March 2022 the following key milestones have been met:
2.2	<p>With respect to Neighbourhood Plans:</p> <ul style="list-style-type: none"> • Bungay and Rushmere St Andrew neighbourhood plans - regulation 16 publication commenced on 11 April and concluded on 6 June • Oulton neighbourhood - Regulation 16 publication began on 13 May and will conclude on 24 June. • Halesworth neighbourhood plan - Regulation 16 publication began in May/June (date not confirmed at time of writing) • Carlton Colville neighbourhood plan - Regulation 14 consultation started on 26 March and ended on 21 May. • Lound with Ashby, Herringfleet and Somerleyton neighbourhood plan - Decision Statement issued on 17 March. • Worlingham neighbourhood plan - examination commenced on 17 May.
2.3	The Sustainable Construction Supplementary Planning Document was adopted by Cabinet on 5 April 2022.
2.4	The Affordable Housing Supplementary Planning Document was adopted by Cabinet on 3 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. Most of the responses have now been 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 have now been considered and the final revised Charging Schedule and associated documents are being prepared for submission for independent Examination.
2.7	Good progress has been made on preparing the draft Supplementary Planning Document (SPD) that will 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) policies of the Suffolk Coastal and Waveney Local Plans, respectively. Workshops have been held with Parish and Town Councils, developers and agents and district councillors to discuss issues and ideas around the implementation of the policies and these views are informing the preparation of a draft version of the SPD for wider consultation.
2.8	<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"> • Consultation on a review of the Thorpeness Conservation Area Appraisal and Management Plan was completed on 11th March 2022. • Good progress has been made on the preparation of consultation draft review documents for the Southwold and Southwold Harbour and Walberswick Quay, and the Halesworth Conservation Area Appraisal and Management Plans. • Good progress has been made on draft appraisals for a proposed new Conservation Area at Aldeburgh Park and three proposed extensions to the existing Aldeburgh Conservation Area. • Consultants have been commissioned to undertake fieldwork in support of a pilot review of the existing Article 4 Directions in place in both Lowestoft Conservation Areas. The existing Directions need to take account of the

	latest national planning policy framework guidance (NPPF) on their use, hence the need to review.
2.9	Ecology: The Council's Senior Ecologist co-ordinated a response from East Suffolk Council to the Government's (DEFRA) Biodiversity Net Gain consultation (11 th January to 5 th April 2022) on how mandatory Biodiversity Net Gain (BNG) for new developments will be regulated and implemented. Responses to the consultation will be used to help shape the developing legislation, processes, and guidance. It is anticipated that mandatory biodiversity net gain will apply in England by amending the Town & Country Planning Act and it is due to be implemented in late 2023.
2.10	CIL Collection and Spend: <ul style="list-style-type: none"> For the financial year 2021-22 we received just over £6.25m in total CIL. In April we made Neighbourhood CIL payments in relation to income between 1 October 2021 and 31 March 2022, worth over £590k, to Town and Parish Councils, and retained £4k for Parish Meeting areas. Just under £2.5m was released for District CIL projects during February and March. The 2022 bid round for applications for District CIL funding opened on 1 April and closes 31 May.
2.11	Housing Delivery - The annual anticipated housing delivery figure for East Suffolk is 916 dwellings, based on the figures in the two Local Plans for the District. For the year 2021/22, 812 dwellings have been delivered, up by approximately 100 dwellings on the figures for last year. Of the total, 223 were for affordable housing, nearly twice as many as last year.

3 How to address current situation

3.1	During the next 3/4 months, some of the key project milestones will include:
3.2	With respect to Neighbourhood Plans : <ul style="list-style-type: none"> Examinations for the Bungay, Oulton, and Rushmere St Andrew plans will take place over the summer Lound with Ashby, Herringfleet and Somerleyton neighbourhood plan - referendum will take place on 23 June. Saxmundham neighbourhood plan – expected to submit their final draft plan to the Council Wickham Market neighbourhood plan - Regulation 14 consultation carried out in Spring 2019, and now working towards Regulation 16 consultation. Guidance for neighbourhood plan groups on delivering new housing through their plans will be published in 2022.
3.3	Following consideration of all the comments on the draft Cycling and Walking Strategy , the final version will have been adopted by Cabinet in early summer.
3.4	The final version of the Community Infrastructure Levy Charging Schedule will have been submitted to an Examiner for independent scrutiny, with a view to Full Council adopting it for implementation at the end of the year.
3.5	Work will have progressed on development briefs for sites allocated for housing in the Local Plans.
3.6	An initial consultation, focusing on the nature of the content for the Healthy Environments Supplementary Planning Document , will have taken place during June/July.
3.7	Design and Conservation:

	<ul style="list-style-type: none"> • Having taken account of feedback on the draft consultation, the Thorpeness Conservation Area Appraisal and Management Plan will have been considered by Cabinet for adoption on 7 June 2022. • Southwold and Southwold Harbour/Walberswick Quay Conservation Area draft appraisal and boundary review will have been received and good progress made towards undertaking a draft consultation. • Halesworth Conservation Area draft appraisal and boundary review will have been received and good progress made towards undertaking a draft consultation. • Good progress will have been made in consulting on the draft appraisals for a proposed new Conservation Area at Aldeburgh Park and three proposed extensions to the existing Aldeburgh Conservation Area.
3.8	<p>CIL Collection/Spend and Exacom:</p> <ul style="list-style-type: none"> • Following the District CIL bid round ending on 31 May, bids will be validated and prioritised, and considered by the CIL Spending Working Group in the summer. <p>The Exacom data transparency project (relating to the management of CIL, Section 106 and RAMS payments) continues to make steady progress with almost all s106 agreements now loaded into the system. Phase 2 project work has started to record S106 financial receipts in the first step towards reconciling the s106 financial position with the Finance System.</p>
3.9	<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 2022, there were 1110 dwellings under construction (of which 213 are affordable units), nearly 200 more than at a similar time last year. This bodes well for continued good delivery throughout 2022/23. 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>
3.10	<p><u>Planning White Paper</u> 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 Government received a huge response to the consultation, including a response from this Council. The last Strategic Planning Committee Report (March 7 2022) noted the publication of the <u>Levelling Up White Paper</u>, the important role that planning has to play and that a further update on the Government’s approach to changes in the planning system would be provided in the Spring.</p> <p>On 10th May, on the opening of parliament, the Queen’s speech referred to the forthcoming Levelling Up and Regeneration Bill, which was subsequently published on the 11th May and received its first reading in parliament. As well as delivering against some of the ambitions set out in the Levelling Up White Paper, it also incorporates some of the proposals for planning reform outlined in the Planning for the Future White Paper where they support the levelling up approach.</p> <p>A ‘<u>Policy paper – Levelling Up and Regeneration: further information</u>’ has been published on the Governments website and provides an overview of the proposals in the <u>Bill</u> and some forthcoming consultations. The Bill contains considerable content relating to planning and this will require further consideration by officers before appraising members of the content and the potential implications for East</p>

Suffolk. Pending detailed consideration, some key points, largely related to planning policy, include:

- Greater digitisation of the whole planning system
- Increased weight for Local Plans
- National Development Management Policies
- Duty to provide a design code for the whole district
- Power to prepare Supplementary Plans (replacing SPDs), with the full weight of a Local Plan e.g. such as design codes
- Streamlining plan making with 30 months to prepare (Planning for the Future White Paper proposals for all land to be placed in prescribed categories and linked to automatic 'in principle' permission for development in areas identified for development are not being taken forward.)
- Local Plans still to be considered for their 'soundness' at examination but the current tests are to be reviewed
- Local Development Scheme to be replaced by a Local Plan timetable
- Infrastructure providers have a duty to engage in plan making
- Removal of the need to demonstrate a 5-year housing land supply where the adopted Local Plan is less than 5 years old
- 'Duty to Cooperate' for plan making to be repealed and replaced with a policy test of alignment with neighbouring authorities
- Groups of local authorities can voluntarily prepare a spatial development strategy
- Neighbourhood Plans will be given greater weight in planning decisions
- Ability for parish councils and neighbourhood forums to produce a simpler 'neighbourhood priorities statement' which the local authority must take into account when preparing its Local Plan
- Also included are 'street vote' powers, allowing residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences
- Introduction of a simple, mandatory and locally determined Infrastructure Levy, linked to the value of the property when sold and based on gross development value rather than floorspace. This will replace the existing system of developer contributions under CIL and S106
- Duty to prepare an Infrastructure Delivery Strategy
- An Environment Outcomes Report to replace Environment Impact Assessment Reports (EIA) and Strategic Environmental Assessment Reports (SEA)
- A streamlined Compulsory Purchase Order procedure to be consulted on with powers to use for regeneration purposes
- Duty to maintain Historic Records

A review of the National Planning Policy Framework (NPPF) is also proposed, as well as the publication of transitional arrangements around the implementation of the proposals in the Bill. There will also be several other consultations forthcoming over the next year or so related to the proposals (such as the Infrastructure Levy and the Environment Outcomes Report).

The overview policy paper also suggests that 'in broad terms changes to planning procedures will begin to take place from 2024, once the Bill has Royal Assent and associated regulations and changes to national policy are in place'.

4 Reason/s for recommendation	
4.1	This report is for information only.

Appendices

Appendices:	
	None

Background reference papers:	
	None