

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 23 January 2023

### **PRESENT:**

Councillor: Keith Welham (Chair)  
James Caston (Vice-Chair)

Councillors: Terence Carter Paul Ekpenyong  
David Muller BA (Open) MCMI Keith Scarff  
RAFA (Councillor)

### **In attendance:**

Councillor(s): Suzie Morley – Leader of the Council  
John Whitehead – Cabinet Member for Finance  
Harry Richardson – Cabinet Member for Economic Growth  
Andrew Mellen – Lead Signatory for the Call-In

Officers: Deputy Chief Executive (KN)  
Director for Corporate Resources (ME)  
Director for Operations (ME)  
Director for Housing (DF)  
Director for Assets and Investments (EA)  
Corporate Manager for Finance, Commissioning & Procurement (RH)  
Service Improvement Advisor (SB)  
Corporate Manager for the Councils' Companies (HB)  
Monitoring Officer (IA)  
Corporate Manager for Governance and Civic Office (JR)  
Lead Officer for Overview and Scrutiny (AN)

## **26 APOLOGIES / SUBSTITUTIONS**

26.1 None received.

## **27 DECLARATION OF INTERESTS BY COUNCILLORS**

27.1 None declared.

## **28 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

28.1 None received.

## **29 QUESTIONS BY THE PUBLIC**

29.1 The Chair read out a question submitted by Victoria Cutmore and the written response provided by the Director for Planning and Building Control.

### **Question:**

Given there is a justified need for housing in Elmswell (as set out in Cabinet Report MCa/22/27) and a desire for a new primary school in Elmswell, are Members aware that the land to the east of Eastern Way, Elmswell is available to provide an exemplar housing development and land for a future primary school as an alternative to or in addition to the land at Church Road?

### **Response:**

The Council is aware of land held by Endurance Estates in Elmswell, which was promoted to the Council through the Babergh and Mid Suffolk Joint Local Plan process. There is a locally expressed desire for a new Primary School, but it should be noted that this is not a feature of Suffolk County Council's Education and Learning Infrastructure Plan or this Council's Joint Infrastructure Delivery Plan. The Council will be developing its Part 2 Joint Local Plan in accordance with the timetable published in its Local Development Scheme, which will include a call for sites. Elmswell are also developing their own Neighbourhood Plan which would provide a further mechanism for you to promote your land for development.

## **30 QUESTIONS BY COUNCILLORS**

30.1 None received.

## **31 MOS/22/02 GENERAL FUND AND HOUSING REVENUE ACCOUNT (2023-24) - REVIEW OF SAVINGS, PROPOSALS, AND UPDATED POSITION**

31.1 Councillor Whitehead – Cabinet Member for Finance – introduced the report to the Committee outlining before Members the changes to the General Fund and Housing Revenue Account since the assumptions came before Mid Suffolk Overview and Scrutiny Committee in November 2022 and the current positions.

31.2 Councillor Morley – Leader of Mid Suffolk District Council – read out a statement on behalf of Councillor Hadingham as the Cabinet Member for Housing in regards to the Housing Revenue Account.

31.3 Councillor Ekpenyong questioned how realistic the savings proposed in the General Fund and Housing Revenue Account were. The Cabinet Member for Finance responded that a lot of research had been conducted and that the

estimates presented were reasonably sound.

- 31.4 Councillor Caston queried the removal of the savings contingency and the increase in the training budget. The Director for Corporate Resources responded that the savings contingency was a historical reserve which had been replaced with more robust savings proposals and that some of the training budget was carried over from 2022/23 to carry out work requested by HR and OD for staff development.
- 31.5 Councillor Scarff questioned if the new Strategic Infrastructure Fund would be funding Member locality budgets. The Cabinet Member for Finance responded that there would be no changes to the Member locality budgets.
- 31.6 Councillor Scarff further questioned the assumption there would be no properties purchased through the Right to Buy mechanism. The Cabinet Member for Finance responded that this was the soundest figure to assume and that any changes to this would not have a big impact on the budgets.
- 31.7 Councillor Ekpenyong questioned the reasons behind an assumed £1.293m of additional income if it was predicted that no properties would be purchased through the Right to Buy scheme. The Cabinet Member for Finance responded that this £1.293m figure included the increased rents for Council Housing.
- 31.8 Councillor Welham queried about the access to resources and tradespeople to deal with the amount of voids. The Director for Housing responded that a number of contractors had been brought into the organisation on a short-term basis and that a significant amount of work had been conducted to predict and manage costs.
- 31.9 Councillor Ekpenyong questioned the reasons for the increase in interests payable. The Cabinet Member for Finance responded that this was partially due to the increase in base rates. The Director for Corporate Resources added that several short term loans needed to mature before being paid off which resulted in an increase in interest.
- 31.10 Councillor Welham put forward the following recommendations to the Committee:
- That the Mid Suffolk Overview and Scrutiny Committee notes the report.
  - That Cabinet considers an increase in the Locality Award allocation for each Member.
- 31.11 Councillor Ekpenyong proposed the recommendations as read out by the Chair.
- 31.12 Councillor Scarff seconded the recommendations.

**By a unanimous vote**

**It was RESOLVED:**

- 1.1. That Mid Suffolk Overview and Scrutiny Committee notes the report**
- 1.2. That Cabinet considers an increase in the Locality Award allocation for each Member**

**32 MOS/22/03 FORTHCOMING DECISIONS LIST**

32.1 No comments.

**33 MOS/22/04 MSDC OVERVIEW AND SCRUTINY WORK PLAN**

33.1 Councillor Welham proposed that an additional item on Public Realm, as agreed upon at the earlier Babergh Overview and Scrutiny Committee meeting, be added to the Joint Committee work plan for March for consideration by both Councils.

**34 CALL IN OF MID SUFFOLK CABINET DECISION 7 NOVEMBER 2022**

34.1 Councillor Caston proposed that the protocol for the Call-In procedure be approved.

34.2 Councillor Muller seconded the proposal.

By a unanimous vote

**It was RESOLVED:**

**That the protocol for the Call-In procedure be approved**

**35 CALL IN OF THE DECISION FROM THE MID SUFFOLK CABINET MEETING 7 NOVEMBER MCA/22/27**

35.1 The Chair invited the Lead Signatory, Councillor Mellen, to present his reasons for the Call-in.

35.2 The Lead Signatory presented the following reasons in his opening statement:

“Mr Chairman, I am grateful for the committee’s time this afternoon to examine this call-in, and I would like to start with some general opening remarks about the scheme, before going on to look in detail at the reasons given in the call-in request.

I should also probably state for the record that, although I have called in this decision as a District Councillor, I also represent Elmswell and the surrounding villages on the County Council.

The aspiration to deliver low-carbon homes is a good one, which we support. In fact, we wish that all new homes delivered in the district would be built in this way – it would go a long way towards meeting the district’s and the county’s stated goal of reaching net-zero carbon emissions by 2030. It would also provide homes which are cheap to run – a very important consideration when the cost of living has risen so much in the past year.

We are also in complete and whole-hearted agreement with the key design goals which were set out in 11.3 of the cabinet report, these being: People and nature first / improving green infrastructure / using orientation for passive and active solar gain / respecting neighbouring properties and local heritage / fabric-first and future-proof. These all would add up to provide a place which would be pleasant to live in, where walking and cycling are supported and encouraged, and where well-built homes are embedded in the living landscape. Again, these are principles that all developers should be following.

Whilst supporting the broad intentions of this scheme, and commending the officer’s work on it, we do have some concerns about this decision, hence the call-in request. There are two main aspects of this decision which we believe were not addressed either by the cabinet report, nor the subsequent debate at cabinet on the 7<sup>th</sup> November last year.

The first point is around planning. Whilst the piece of land in question is owned by the council’s housing revenue account, it does not have even outline consent for house building. Whilst the area is allocated in the emerging Joint Local Plan as potential development land for 60 homes (allocation LA064), as we all know the JLP is still under examination, and adoption, even of part 1, is still some way off in the future. The land’s current status is as a piece of well-used open amenity land, towards the edge of a village which has seen an enormous amount of development in the last few years. The key point is this: we have no indication that, in the current policy context, this site would gain permission for development, surely a key consideration when deciding whether to move forward with the scheme.

This is illustrated by the decision taken by development control committee A on another application in Elmswell on the 9<sup>th</sup> November (just 2 days after the cabinet meeting). The application DC/22/03423 was for one dwelling to be built off Crown Mill, but was refused, the primary reason being (and I quote from the refusal notification):

*“The site subject of this proposal is an existing area of open space and should only be built on if the local authority is satisfied the requirements of paragraph 99 of the NPPF have been met . . . The open space is an intrinsically important amenity space for local residents and the community, thereby contributing to their well-being. Its loss demonstrably adversely affects the character and appearance of the settlement and open space which provide important facilities or amenities for the local community.”*

If this applies to the footprint for one dwelling, surely it would apply even more to the land under consideration for the 50-home development. Yet in the committee report we are given no indication of this.

The risk matrix at 8.1 (on page 6) of the cabinet report does acknowledge that the scheme may not achieve planning consent and suggests in mitigation “thorough engagement with all stakeholders throughout the design and planning process.” However, to date no informal discussions with planning officers appear to have taken place, nor yet formal pre-planning advice - or if it has taken place, it was not reported to cabinet.

The second main point of concern regarding this decision is the justification of this site for this scheme. Is this the best place? All we are told is that the land is in the ownership of the HRA and is therefore suitable for housing. What would have been helpful would have been a list of all the HRA-owned sites above a certain size across the district, with some kind of rough and ready ranking of their suitability for development for this type of scheme. This site has been chosen, but the cabinet was not given information as to whether any sequential test had been applied to the selection.

It could also be the case that there is other land available in the district for a scheme such as this, land which is currently owned by parishes, communities or privately. A district-wide call for sites may well have brought forward another site or sites which are suitable – or possibly more suitable / less contentious than this site, for example land already in a Community Land Trust.

The cabinet report states that “there is need for affordable homes in Elmswell” but this is not quantified. Elmswell has, of course, seen a large number of new houses built in recent years, including developments still under construction, many of which are delivering their proportion of affordable homes. The parish council itself has plans to deliver an affordable housing scheme on land behind the Elmswell Tavern. It is not clear how far the proposed exemplar scheme meets the need for affordable homes in Elmswell, whether that need is already being met from existing developments, or whether the proposed exemplar scheme would undermine the parish council’s own scheme.

In conclusion Mr Chairman, for the reasons I have outlined, I believe that the cabinet decision bears re-examination. The cabinet report may or may not be sound, but it was lacking in some respects, incomplete, and more information is required if the cabinet is to make a sound and informed decision.”

35.3 The Chair then asked Councillor Morley, the Leader of Mid Suffolk District Council, to present her reasons why the decision was taken by Cabinet.

35.4 The Leader presented the following reasons in her opening statement:

“In November a report was brought to cabinet to secure funding for the development of a site owned by the Council in Elmswell as an exemplar

sustainable housing scheme. This would be subject to the usual development gateways being achieved such as community engagement and seeking to achieve planning consent. The cabinet supported the recommendations set out in the report because we are keen to deliver new low carbon affordable and market housing providing high quality homes with lower running costs- which is even more important during the current cost of living challenges. Elmswell is a sustainable village benefiting from good public transport links and local facilities and this site is already within the ownership of the Council making it a viable option for an exemplar low carbon scheme.

By approving the budget and the appointment of our own development company, Mid Suffolk Growth Ltd at this early stage in the project the cabinet were enabling the project to progress through development gateways and did so in the knowledge that if those gateways (such as planning and wider community engagement) were not successful the development would not proceed, but equally if the development gateways were achieved that necessary budgets would be in place to progress the development.

Since the cabinet meeting in November and the subsequent call in of that decision, the first public engagement event has been held with a number of residents attending to share their views and a petition against the proposed development has also been received and noted by cabinet. Alongside this formal pre application advice has been received from the planning authority.

The Cabinet are keen to deliver housing that works well with existing communities whilst delivering the councils housing aspirations to provide high quality housing for all. We value the contributions made by our residents and in light of the consultation feedback and recent response from the planning authority we feel it is right to return this item to cabinet for further discussion on the options available at this time and as such do not contest this call-in.”

- 35.5 The Chair invited committee members to ask questions of the Lead Signatory, The Leader, and Officers present.
- 35.6 Councillor Scarff questioned why public engagement was not conducted before the decision went before Cabinet. The Director for Assets and Investments responded that the purpose of the initial Cabinet report was to secure budget to ensure that the scheme could develop further and carry out consultations.
- 35.7 Councillor Ekpenyong queried the rationale for suggesting the land be reserved for a school site. The Lead Signatory responded that this suggestion came from consultation with Elmswell Parish Council and local residents about their needs and what they wish the land be used for.
- 35.8 The Chair invited The Leader to make a summary.
- 35.9 The Leader presented the following summary to the Committee:

“The Cabinet are keen to deliver housing that works well with existing

communities whilst delivering the councils housing aspirations to provide high quality housing for all. We value the contributions made by our residents and in light of the consultation feedback and recent response from the planning authority we feel it is right to return this item to cabinet for further discussion on the options available at this time and as such do not contest this call-in.”

35.10 The Chair invited the Lead Signatory to make a summary.

35.11 The Lead Signatory presented the following summary to the Committee:

This proposal is being described as an “exemplar” scheme. I looked up the word “exemplar” in the dictionary and it is described as “a typical example or appropriate model”. I think what is meant in this context is that a development on this site, if successful, would serve as a template or pattern for the sort of development that would take place subsequently in other locations (i.e. we would learn from this development).

I would just point out that Elmswell has already had an exemplar low-carbon housing scheme - 26 homes at Clay Fields – and it has even won a number of awards so it is not clear what lessons from that previous scheme are feeding into this current proposal. The question is – are we doing the same thing again without really learning from what happened a few years ago?

After the Cabinet meeting on the 7<sup>th</sup> November an article appeared in the East Anglian Daily Times. Unfortunately, it gave the headline “Plan for 50 eco homes in £15 million project given go ahead” and it seems to indicate to people that this was a fake accompli. Clearly, as we know and has been discussed, this was only the first stage in a very long process.

I think this did slightly tee up the community to strongly object to the proposals that came forward at the community engagement event. Clearly, we don’t have any control of what the newspapers say but it did cause a certain amount of consternation in the community.

Elmswell Parish Council have proposed a potential land swap within the village which would provide land for a low-carbon housing scheme whilst retaining the current site for future education provision. If this proposal is to come back to Cabinet, which I’m glad to hear they are willing to discuss it again, I hope that this possibility will have been explored and discussed prior to the decision being made.

I am really pleased to hear that some formal pre-application planning advice has now been received and I’d be very interested in seeing that if that’s possible. I’m really grateful that the Call-In is not contested and I think it will end up in a better place with a better decision if Cabinet looks at it again.”

35.12 The Lead Signatory, The Leader and Officers left the meeting at 14:51pm.

35.13 The Chair opened up the Call-In for debate.



35.14 Councillor Caston expressed his support for the scheme, raised concerns about the possibility of the decision being reversed by Cabinet and highlighted the need for specific matters to be dealt with by the Development Control committees rather than Overview and Scrutiny.

35.15 Councillor Ekpenyong raised that there was a significant demand for high-standard affordable housing that needed to be met.

35.16 Councillor Carter expressed concerns about the lack of public engagement before the Cabinet decision was taken and suggested that more consultations be conducted before a future decision is reached.

35.17 Councillor Ekpenyong proposed that the decision be upheld and implemented immediately.

35.18 Councillor Caston seconded the proposal.

By a vote of 3 For and 3 Against

On the casting vote of the Chair the motion was lost

35.19 Councillor Scarff proposed to refer the matter back to the Cabinet for reconsideration with the following observations:

- That Officers undertake further public engagement regarding the scheme
- That Officers and the Cabinet consider alternative sites across the wider district for an exemplar housing scheme
- That Cabinet takes into consideration the planning advice provided

35.20 Councillor Carter seconded the proposal.

By a vote of 4 For, 1 Against and 1 Abstention

**It was RESOLVED:**

**That the Overview and Scrutiny Committee refer the matter back to Cabinet for reconsideration with the following observations. Cabinet will then take a final decision and that decision cannot be called in.**

**Observations:**

- **That Officers undertake further public engagement regarding the scheme**
- **That Officers and the Cabinet consider alternative sites across the wider district for an exemplar housing scheme**
- **That Cabinet takes into consideration the planning advice provided**

The business of the meeting was concluded at 15:15pm.

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Chair