

# Minutes

## OF A MEETING OF THE

# Scrutiny Committee

HELD ON MONDAY 19 OCTOBER 2020 AT 6.30 PM

## VIRTUAL MEETING

### Present:

Ian White (Chairman)  
Councillors Mocky Khan, Sam Casey-Rerhaye, Stefan Gawrysiak, Alexandrine Kantor,  
George Levy, David Turner, Leigh Rawlins and Sue Cooper

### Apologies:

Anna Badcock

### Officers:

Emily Cockle, Adrian Duffield, Simon Hewings, Candida Mckelvey, Lucy Murfett, Adrianna Partridge, Richard Spraggett.

### Also present:

Council Leader, Councillor Sue Cooper, Cabinet member for Finance, Councillor Leigh Rawlins, Cabinet member for Planning, Councillor Anne-Marie Simpson.

## 60 Minutes

The minutes of 29 September 2020 were not available yet, so the committee agreed to defer their review to another meeting.

## 61 Declarations of interest

None.

## 62 Urgent business and chair's announcements

There was no urgent business.

## 63 Public participation



Listening Learning Leading

Mr. Andrew Walker, Development Trustee from the Chinnor and Princes Risborough Heritage Steam Railway, addressed the committee:

“Our Concern relates to the manner in which property developers manipulate the planning regulations to abrogate their responsibility for any conditions the Planning Committee seek impose on a development.

As a Railway, we currently operate a scheduled service from Chinnor Station to Princes Risborough on Sundays, Saturdays and Thursdays in School Holidays. In addition, we operate trains for a number of other purposes giving a total in 2019 of 280 operating days. In 2019 we attracted some number of passengers and our ticket income was £206 thousand This was enhanced by a further £136,000 as non-ticket income. It is estimated that our railway brings an additional income to the surrounding area of £900,000.

We are now planning to extend a further 2.4 miles to Aston Rowant which will double our Catchment Area and we estimate at least a 60% increase in customers.

There are 4 housing developments along the route of the railway to Aston Rowant and a major concern for us is the long-term potential for complaints from residents in these developments about the noise and fumes from the railway and in particular our diesel locomotives.

Our experience to date from the one development completed is that the developer gained outline Planning permission by providing a proposal for a fully engineered noise and fume barrier in order to mitigate the noise from our railway and this was included as a condition in the permission granted by the Planning Committee. Then once the houses were built, the developer provided little more than a simple wooden fence. Our question is - How did we allow this to happen?

Our concern is that the other three developments will follow a similar pattern with detailed approaches to Noise and Fume mitigation, followed by a total abrogation of responsibility for delivering those mitigations, with the consequent ongoing issues between the railway and our neighbours about Noise and Fumes.

We would like this committee to scrutinise the manner in which developers manipulate the council and its planning policy in order to avoid responsibility for mitigating the effect of noise into their properties and thus failing to comply with the National Planning Framework and the Conditions imposed on the developers by the Planning Committee in support of the Framework.

We would suggest that a Study of the Kiln Lakes Development and in particular the Saga of the acoustic barrier between our railway and the Kiln Lakes Development, could form the basis for such a scrutiny, not for the fence itself, but the interesting practices used by developers to circumvent their responsibilities.

The Purpose of this scrutiny would be to attempt to ensure that other developers across the district are unable to abrogate their responsibilities for mitigation of railway noise and fumes.”

A fuller presentation has been circulated to the committee and to Cabinet member for planning, Councillor Anne-Marie Simpson. Individual cases cannot be discussed at scrutiny committee.

## **64 Work schedule and dates for all South and Vale scrutiny meetings**

It was requested if an item could be added regarding inviting Oxfordshire Local Enterprise Partnership (OxLEP) to a scrutiny meeting to discuss green grants which are available until March 2021. There is a view that there are not enough workers skilled in the area of green home improvements – what plans do OxLEP have to increase this in future? It was

confirmed that this request was within the remit of the Scrutiny committee and could be requested through discussions with the relevant Cabinet member and officers.

The committee were informed by the chair that Cabinet member for Planning is being asked to bring reports to committee on the following:

1. We seek to understand how, for new development sites over 200, the distribution of social and affordable housing will be decided, especially with regard to concerns that applicants for this housing is more sensitive to locations for public transport, schooling and leisure facilities and retail/medical facilities like doctors and nurses than potentially those built for commercial sale.
2. We are seeing instances where developers are not able to meet the provision of affordable and social housing on development sites, and instead Council accepts an offer of a cash payment to compensate for this. Sometimes the amount offered and agreed would seem very low compared to the size of the site and the cost of houses on the open market. A report is requested on how these sums are derived and how we audit and scrutinise them and challenge them to ensure that appropriate value is being obtained for the taxpayer.
3. With electric cars and the need for charging points at residencies becoming more prolific, a report is requested setting out what is being done to:
  - i) ensure that the underlying infrastructure can cope with the demand for electricity for new developments?
  - ii) What is being done to ensure that the likely increase in demand caused by the increasing up-take in electric and plug-in hybrid cars by residents in the legacy housing stock can be met?

## **65 Financial outturn 2019-20**

Cabinet member for finance and corporate assets, Councillor Leigh Rawlins, introduced the report for financial outturn 2019-20. Simon Hewings, Interim Head of Finance and Richard Spraggett, Senior Finance Business Partner were also present to answer questions.

Revenue outturn:

There is an underspend of £3.9 million on net service expenditure. Table one details the underspend on page two of the report. Table three shows that the underspend is mainly due to one-off schemes, which have been carried forward to 20/21.

Capital outturn:

This is detailed on page six of the report. For 2019/20 there was an underspend of £1.4 million against the approved programme for the year. Details are in appendix three of the report. The report explains the main variances.

Chair thanked officers for the report, it is very clear.

Written responses are to be given to queries regarding:

- What was the variance from the third quarter budget prediction?
- One-off budgets - can these be separated due to distorting the year end position.

- Item 12, page four of the report – income from council buildings – why was this reduced even before Covid-19, and how did it compare with budget?

The committee noted the report. Chair thanked Councillor Rawlins and officers.

## **66 South Oxfordshire Authority Monitoring Report 2018-19**

The Authority Monitoring Report was introduced by Cabinet member for planning, Councillor Anne-Marie Simpson.

The purpose of the annually produced report is to track progress on meeting the district's development needs and whether the adopted policies of the development plan are implemented effectively. This report is for 2018-19 and was published in December 2019. The adopted core strategy is the main focus. When the new Local Plan 2035 is adopted, future AMRs will reflect policies in that document.

This report contains a lot of useful data and officers were present to help answer any questions.

The committee were asked to consider the Authority Monitoring Report and provide feedback to the Cabinet Member for Planning, noting that the report is already published and cannot be changed for 2018-19.

Comments were made as follows:

- A view was fed back that transport links to main employment and leisure hubs were not adequate in the evenings. It was asked when the next survey for rural transport would be. Item 1.17, page 3. Lucy Murfett to check.
- Committee asked about the spend for Community Infrastructure Levy (CIL) – it was explained the staffing resource was for collecting CIL. Two teams use this administration income.
- 6.13 – affordable homes were discussed – what is included in affordable? How do we get up to the 40% level? The committee were informed that the figure is the outcome of negotiations by officers. Sites for affordable housing are assessed, and priorities are given to access to roads and closeness to schools. We negotiate to get a balance of affordable housing and the priorities needed for the site to go ahead. Viability on a case by case basis. Viabilities for developers are checked by an external independent body. We tell developers that we make the document public.
- Committee asked about traveller consultation and the process for this. It was confirmed that interviews were carried out by specialists, it's a thorough piece of work, and has been done in conjunction with other authorities. Includes housed travellers and travelling show people. Ten pitches are now needed. Potential pitches undergo the same fair assessment and there is no added pressure on other applications if a previous application is refused.
- The committee discussed social rent. Not all can afford shared ownership, and we want to deliver social rent. Cabinet member for Planning replied that it is difficult to achieve and we need to see what happens going forward. Affordable vs social rent – what is the definition, is there a difference? Planning clearly sets out percentage affordable housing in planning applications going to planning committee. Planning negotiates as best as it can under the regulations. It was asked if there could be a running total of secured affordable homes. There is currently a yearly data

collection, can quarterly be achieved for housing land supply? Picture is distorted by the delay due to Covid-19.

- Loss of retail floor space – worsened by Covid-19, conversion to accommodation is happening more often and could be worse in future. Permitted development rights have been given by Central Government. Issues to be addressed in the new Local Plan. There is also a new ‘use class’ and we have no ability to stop that. Permitted development rights cannot be stopped, maybe under Article four if there are strong reasons. We have to wait and see the effect of Covid-19 on the retail market. The AMR is an opportunity to learn lessons for the future.

**Recommendation:**

Cabinet member for Planning to discuss with the Head of Planning to decide if we can bring forward more data on the delivery of affordable housing.

The Head of Planning, Cabinet member and planning officers were thanked for their work.

The meeting closed at 19:30pm

Chairman

Date