

# Minutes

## OF A MEETING OF THE



Listening Learning Leading

## Scrutiny Committee

HELD ON MONDAY 21 NOVEMBER 2022 AT 6.00 PM  
ABBAY HOUSE, ABINGDON OX14 3JE

### Present in the meeting room:

Councillors: Ian White (Chair), Mocky Khan, Anna Badcock, Stefan Gawrysiak, Alexandrine Kantor, George Levy, David Turner, Jo Robb and David Bartholomew  
Officers: Adrianna Partridge, Deputy Chief Executive for Transformation and Operations, Candida Basilio, Democratic Services Officer  
Cabinet Members: Councillors Anne Marie Simpson (Planning) and Councillor Sue Cooper (Environment)

### Remote attendance:

Officers: Vicky Aston, Planning Infrastructure Team Leader, James Carpenter, Head of Property and Corporate Landlord, Harry Barrington-Mountford, Head of Policy and Programmes, Alison Williams, Principal Planning Policy Team Leader, Karen Lister, Strategic Property Manager, Cathie Scotting, Major Applications Team Leader.

### 1 Apologies for absence

There were no apologies for absence.

### 2 Minutes

The informal notes of the meetings held on 26 July and 26 September 2022 were reviewed by committee

#### Resolved:

Committee noted the informal notes and no amendments were raised.

### 3 Declarations of interest

None.

### 4 Urgent business and chair's announcements

Chair was notified that Councillor Bartholomew had to leave the meeting at 8pm.

### 5 Public participation

None.

## **6 Work schedule and dates for all Joint scrutiny and South scrutiny meetings**

There will be a review of the work programme in the new year. A lot of items had been completed in recent months.

It was requested that chair enquire about quarter 1 budget monitoring figures.

A member asked about the Cornerstone and EV charging report - when would these be coming forward. Dates would be provided by officers when known.

## **7 South Oxfordshire Community Infrastructure Levy (CIL) Charging Schedule**

Cabinet member for Planning introduced this report. The charging schedule was developed from a working group and inspector opinion.

There was increased CIL charging opportunities as viability was varied. There were new charging zones, 1-3. Planning Infrastructure Team Leader and the Major Applications Team Leader were present to assist with questions.

A member commented that they were glad to see variable rates, they have risen which was good to cope with the new house building.

Clarification was wanted on the exemption of retirement homes in viability studies. Officers explained that the exemption was in zone 2. Independent living was charged, not care homes.

A member suggested inclusion of a table to show the change in CIL proposed, a comparison. Officers explained that we had an infrastructure funding gap, and we looked to contribute to closing the gap. The index values were from 2016 so out of date. Major Applications Team Leader had included figures on page 38 to show the percentage uplift. On a conversation on sewage infrastructure – it was confirmed that this wasn't directly related to CIL.

A member suggested whether social and affordable housing could be transferred to the housing delivery vehicle – officers explained that it was the decision of Council.

Overall members were pleased to see charging allocated to new categories of development. The cut off dates for charging would be after 3 January 2023, the new rate would apply on planning decisions taken on and after that date.

A discussion around Didcot and Berinsfield zone 2 – the exemptions were queried.

Officers explained that the uplift on value of land was lower on brownfield sites. Flats over three storeys high were exempt too. CIL rate will be mandatory, and we cannot drop or add charges. Education can be included now too. The CIL system was protected by regulations and CIL team chase non-payment to ensure that developers pay the mandatory charge. There were staged payments also.

The committee's main concern was around developments that were deemed non-labile for CIL. Members were concerned about potential loopholes that some developers could potentially find, in applying for a CIL non-labile development, and then later changing the plans to a CIL liable development. Committee were concerned with how the change was flagged so that a change from non-labile to liable could be captured and to start appropriate charging of CIL. It was commented that such warnings should be part of the document. The example given in debate was if a developer applied for planning

permission for a care home (CIL exempt) and then applied for change of use/amendment to an independent living / retirement residential development (where the profit would be much higher due to high-cost apartments for sale).

Officer suggested the addition could be placed in footnotes, informatives or explanatory notes and suggested it was a minor change to examiner and shouldn't need to be resubmitted but would need to check with the examiner to be certain. CIL payments to be made from the date of planning permission granted.

**Recommendation:**

To Council:

"If a CIL exempt development is at a later date subject to planning amendment or change of use, and becomes a CIL liable development, then the CIL monies must be paid."

## **8 Developer Contributions Supplementary Planning Document (SPD)**

Cabinet Member for Planning introduced this report, supported by the Planning Infrastructure Team Leader and Principal Planning Policy Officer.

Committee discussed health contributions and the balance between CIL and S106 and other contributions for health, considering the additional health needs for care homes and elderly residential homes. It was explained that S106 was a case-by-case assessment and would cover health funding. Officers directed committee to Dev 8, (see page 135 in the pack 4.47) and this broadly satisfied queries.

Some concerns raised about what adequate sewage provision was and the committee discussed how we assess and challenge Thames Water data given and the experts who sign off the infrastructure as being adequate for handling new housing developments. Members cited their own experiences of parish issues around housing and sewage flooding. Independent assessment of data was suggested and metrics of what 'adequate' means. Officers directed members to paragraph 4.88, page 149 of the meeting pack, which discussed work with utility providers. The SPD can't make policy it's a supplementary document.

On the Beechcroft development, a member noted that the developer was not required to provide first homes, was that law? Principal Planning Policy Officer responded that there was a national statement on that, with a link to guidance in the SPD. Local interpretation was given as well. National guidance was that care homes do not need to provide for first homes / an affordable element. Developers tend to go for offsite provision rather than onsite. Onsite was preferred if possible.

Chair summed up discussion by suggesting that we should consider planning applications and hold to account those responsible for signing off utilities infrastructure capacity as being adequate. If there was a case of flooding we should be digging out applications and holding those people to account.

**Resolved:**

Committee noted the Developer Contributions SPD and provided comments as above to officers and the Cabinet Member for Planning.

## 9 Exclusion of the public

The item for discussion was confidential in order to potentially discuss site purchasing and was a sensitive topic in early discussion stages.

Some however felt it should be public, transparent, as no finances were detailed in the report.

**Resolved:**

Committee voted in favour of going into confidential session.

## 10 Graveyard and Crematorium Provision

Committee reviewed a paper on graveyard and crematorium provision and provided a recommendation to Cabinet.

The meeting closed at 8.17 pm

Chair

Date

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