

Public Document Pack



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24 November 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **DEVELOPER CONTRIBUTIONS EXECUTIVE COMMITTEE** will be held in the Council Chamber at these Offices on Monday 4 December 2017 at 11.30 am or upon the rising of the preceding Cabinet meeting, whichever is the later, when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Developer Contributions Executive Committee Membership:

K E Morris
J S Back
M J Holloway
P M Beresford

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared an OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Where a Member does not have either a Disclosable Pecuniary Interest (DPI) or Other Significant Interest (OSI) but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a Voluntary Announcement of Other Interests (VAOI). A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

4 **TERMS OF REFERENCE** (Page 4)

To note the Committee's Terms of Reference which are attached for information only.

5 **DECISIONS** (Pages 5-8)

The decisions of the meeting of the Developer Contributions Executive Committee held on 3 July 2017 numbered CAB (S106) 7 to CAB (S106) 11 (inclusive) are attached.

6 **ALLOCATION OF DEVELOPMENT CONTRIBUTIONS FOR PROVISION OF OPEN SPACE FACILITIES IN AYLESHAM** (Pages 9-13)

To consider the attached report of the Chief Executive.

Responsibility: Portfolio Holder for Built Environment

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

**DEVELOPER CONTRIBUTIONS
EXECUTIVE COMMITTEE**

TERMS OF REFERENCE

To exercise the powers and functions of the Executive in relation to:

1. Monitoring the receipt of Section 106 monies, agreeing to their release and reviewing expenditure on approved schemes.
2. Ensuring the co-ordination of the expenditure of Section 106 monies with other Council expenditure, including schemes in the Capital Programme and programmed expenditures by other agencies as required.
3. Reviewing the Council's priorities for seeking developer contributions from time to time, and making recommendations to the Planning Committee and the Council.
4. Making recommendations to the Planning Committee in cases of competing requirements which exceed available developer contributions, including on the priorities which might be pursued in respect of contributions sought by other bodies.
5. Considering other related matters as required.

Record of the decisions of the meeting of the **DEVELOPER CONTRIBUTIONS EXECUTIVE COMMITTEE** held at the Council Offices, Whitfield on Monday, 3 July 2017 at 11.48 am

Present:

Chairman: Councillor P A Watkins

Councillors: P M Beresford
N S Kenton
K E Morris
P Walker

Also Present: Councillor M D Conolly

Officers: Principal Infrastructure and Delivery Officer
Democratic Support Officer

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB (S106) 1 3.7.17 Open Key Decisions No Call-in to apply Yes Implementation Date 11 July 2017	<u>APOLOGIES</u> It was noted that an apology for absence had been received from Councillor B Gardner.	None.	To note any apologies for absence.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB (S106) 2 3.7.17 Open Key Decisions No Call-in to apply Yes Implementation	<u>APPOINTMENT OF SUBSTITUTE MEMBERS</u> It was noted that, in accordance with Council Procedure Rule 14, Councillor P Walker had been appointed as substitute for Councillor B Gardner.	None.	To note any substitutions.	

Date 11 July 2017				
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB (S106) 3 3.7.17 Open Key Decisions No Call-in to apply Yes Implementation Date 11 July 2017	<u>DECLARATIONS OF INTEREST</u> It was noted that there were no declarations of interest.	None.	To note any declarations of interest.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB (S106) 4 3.7.17 Open Key Decisions No Call-in to apply Yes Implementation	<u>RECORD OF DECISIONS</u> It was agreed that the decisions of the meeting of the Developer Contributions Executive Committee held on 8 May 2017, as detailed in decision numbers CAB (S106) 7 to CAB (S106) 11, be approved as a correct record and signed by the Chairman.	None.	The Developer Contributions Executive Committee is required to approve the Record of Decisions of its meeting held on 8 May 2017.	

Date 11 July 2017				
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB (S106) 5 3.7.17 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 11 July 2017</p>	<p><u>ALLOCATION OF SECTION 106 COMMUNITY BUILDING CONTRIBUTION (OBTAINED FROM TIMPERLEY PLACE, SHOLDEN DEVELOPMENT)</u></p> <p>It was agreed:</p> <p>(a) That the Head of Regeneration and Development be requested to seek a deed of variation to the Section 106 agreement to allow transfer of the funds to Sholden Parish Council for the purpose of improving Sholden Village Hall.</p> <p>(b) That, should it prove impossible to agree and complete such a deed of variation within a period of six months, the Council nominate Sholden Parish Council as the recipient of the Community Building Site, for the purpose of providing a new facility.</p>	None.	A total of £217,503 has been received by the Council as a 'Community Building Contribution' in connection with planning permission DOV/10/01012 for Timperley Place, Sholden. £200,000 has already been allocated towards the capital cost of building the new Deal Youth Centre, and Sholden Parish Council has requested that the remaining monies be used to fund improvements to Sholden village hall.	

The meeting ended at 11.51 am

Subject:	ALLOCATION OF DEVELOPMENT CONTRIBUTIONS FOR THE PROVISION OF OPEN SPACE FACILITIES IN AYLESHAM
Meeting and Date:	Developer Contributions Executive Committee – 4 December 2017
Report of:	Nadeem Aziz, Chief Executive
Portfolio Holder:	Councillor James Back, Portfolio Holder for Built Environment
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: The Committee is requested to consider allocation of contributions received from the Aylesham development towards ‘Youth Provision’, ‘Aylesham Primary School Pitch’ and ‘Ratling Road and Play Area’.

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- Recommendation:**
- (1) The Committee is recommended to approve award of the following financial assistance in the form of grant:-
 - (i) £5,000 from the ‘Aylesham Primary School Pitch’ contribution to the Aylesham and Snowdown Social Welfare Scheme for a detailed survey of natural grass pitches at the recreation ground by a specialist consultant.
 - (ii) £33,350 from the ‘Aylesham Primary School Pitch’ contribution to the Aylesham and Snowdown Social Welfare Scheme for conversion of its Multi Use Games Area into an artificial grass pitch.
 - (iii) £85,710.50, to Aylesham Parish Council to support the skate park project, comprising the £70,039 balance of the ‘Youth Provision’ contribution plus the £15,671.50 play area element of the ‘Ratling Road and Play Area’ contribution
 - (2) That the Director of Finance, Housing and Community be authorised to determine the terms and conditions subject to which the grants are paid.
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1. Summary

- 1.1 The Council has received development contributions of £80,039 towards ‘Youth Provision’ in Aylesham, £96,116 towards the ‘Aylesham Primary School Pitch’ and £100,852 towards ‘Ratling Road and Play Area’. Therefore a total of £277,007 was received to fund open space and outdoor sports facilities projects in the village.
- 1.2 The Aylesham and Snowdown Social Welfare Scheme (ASSWS) is developing a proposal to undertake improvements of its natural grass pitches and to convert its multi-use games area (MUGA) into an artificial grass pitch. Expert input is required to finalise the scope of the pitch improvements, but works required for the MUGA conversion are well defined. Awards of £5,000 and £33,350 from the ‘Aylesham

Primary School Pitch' contribution to the ASSWS are recommended to fund a survey of the pitches by a specialist consultant and conversion of the MUGA respectively.

- 1.3 On 8th May 2017 the Committee decided to award financial assistance of £10,000 to Aylesham Parish Council for the development of a detailed project proposal to provide a skate park, teen shelter, outdoor gym and teen play equipment. The Parish Council has progressed the project, for example by securing planning consent, and is now requesting a further £140,000 to support delivery of the facility.
- 1.4 It is proposed that £85,710.50 is awarded to Aylesham Parish Council in the form of grant to support the skate park project, comprising the £70,039 balance of the 'Youth Provision' contribution plus the £15,671.50 play area element of the 'Ratling Road and Play Area' contribution. This will not fully meet Aylesham Parish Council's request, however two of the development contributions were secured primarily to support playing pitch provision and at the moment there is insufficient information available to determine how much of the funding will be required for pitch improvements. Once the grass pitches have been assessed, the findings will be presented to the committee, and it will be asked to decide how the remaining £142,946.50 should be allocated.

2. Introduction and Background

- 2.1 The Council has received development contributions of £80,039 towards 'Youth Provision' in Aylesham, £96,116 towards the 'Aylesham Primary School Pitch' and £100,852 towards 'Ratling Road and Play Area'. The history of these consultations was reported to the Committee on 8th May 2017. In summary the 'Youth Provision' contribution was originally secured for works and alterations to the former Kent County Council skate park, Aylesham Primary School does not wish to open its pitches for public use and therefore will not request financial assistance from the 'Aylesham Primary School Pitch' contribution, while the third contribution was secured in lieu of providing a football pitch and play area at an isolated location away from the ASSWS recreation ground. As a result, a total of £277,007 was received to fund open space and outdoor sports facilities projects in the village.
- 2.2 On 8th May 2017 the Committee decided to award £10,000 of the 'Youth Provision' contribution to Aylesham Parish Council to develop a detailed project proposal for a skate park, teen shelter, outdoor gym and teen play equipment. The Parish Council has gained planning consent (reference DOV/17/00920) for these facilities at Station Field, has continued to engage with the user group, has made applications to a number of organisations and local businesses for funding and is in discussion with Dover District Council regarding a lease of the site.
- 2.3 The Parish Council has also procured suppliers for the equipment and is negotiating with groundworks contractors. In May, the total capital cost of the project was estimated at £150,000, but now it is estimated at £254,686, excluding VAT and the £10,000 previously transferred by DDC. The clerk to Aylesham Parish Council has indicated that £140,000 (in addition to the initial £10,000) will be sought from DDC to support the project, with the remainder of the cost to be funded from Parish Council reserves and grant applications. This proposed budget is scheduled for discussion at the next full Parish Council meeting on 14th December.
- 2.4 The ASSWS is developing a proposal to undertake improvements of its natural grass pitches and to convert its MUGA into an artificial grass pitch. The Kent Football Association was approached for advice, which recommended that a detailed

assessment of the national grass pitches should be undertaken by a specialist consultant. A grant of £5,000 to the ASSWS would be sufficient to fund this work.

- 2.5 The specification for conversion of the MUGA is well developed; the project will not require planning permission as works are minimally intrusive to the existing structure and will affect neither the existing fencing nor the lighting. The MUGA is currently little used in spite of repeated attempts to engage with potential user groups, including the local netball league and netball development officer. By contrast, there is a high level of demand for additional artificial grass pitch facilities in Aylesham and the conversion would increase capacity to accommodate a number of user groups including youth football and rugby and walking football. The cost of this project is valued at £33,350 including VAT, for which the ASSWS is liable.
- 2.6 It is proposed that the £70,039 balance of the 'Youth Provision' contribution plus the £15,671.50 play area element of the 'Ratling Road and Play Area' contribution, i.e. a total of £85,710.50, is allocated to the skate park project. Payment of the funds will be subject to the Parish Council publishing formal minutes accepting the funding and stating its purpose. Payment of the funding will also be subject to the site lease being completed.
- 2.7 It is proposed that £38,350 from the Aylesham Primary School Pitch contribution is allocated to a survey of the pitches by a specialist consultant (at a cost of up to £5,000) and conversion of the MUGA (at a cost of £33,350). Payment of the funds will be subject to the ASSWS publishing formal minutes accepting the funding and stating the purposes.
- 2.8 The recommended approach will not fully meet Aylesham Parish Council's request, however two of the development contributions were secured primarily to support playing pitch provision and at the moment there is insufficient information available to determine how much of the funding will be required for pitch improvements. Once the grass pitches have been assessed and priority projects identified and costed, the findings will be presented to the Committee, and it will be asked to decide how the remaining £142,946.50 should be allocated. In addition, when the Committee considers the contributions again, Aylesham Parish Council will have discussed the proposed budget for their skate park project and will have received responses from other potential funders. In the meantime, an allocation of £85,710.50 from development contributions can be publicised to other potential funding partners.

3. Identification of Options

Natural Grass Pitch Survey

- 3.1 Option 1 To approve the award of a grant of £5,000 to the ASSWS for a detailed survey of natural grass pitches at the recreation ground
- 3.2 Option 2 Not to approve the award of a grant of £5,000 to the ASSWS for a detailed survey of natural grass pitches at the recreation ground

Conversion of the Multi Use Games Area into an Artificial Grass Pitch

- 3.3 Option 1 To approve the award of a grant of £33,350 to the ASSWS for conversion of the MUGA to an artificial grass pitch
- 3.4 Option 2 Not to approve the award of a grant of £33,350 to the ASSWS for conversion of the MUGA to an artificial grass pitch

Provision of a skate park

3.5 Option 1 To approve the award of a grant of £85,710.50 to the Parish Council to support the skate park project

3.6 Option 2 Not to approve the award of a grant of £85,710.50 to the Parish Council to support the skate park project

4. **Evaluation of Options**

Natural Grass Pitch Survey

4.1 Option 1 is the recommended option. This would allow the ASSWS to develop a detailed and well informed project proposal for works to increase capacity of the natural grass pitches at the recreation ground.

4.2 Option 2 is not recommended because further information is needed to inform allocation of the funding. In addition, if the funding is not allocated to a project, it would eventually have to be returned to the developer.

Conversion of the Multi Use Games Area into an Artificial Grass Pitch

4.3 Option 1 is the recommended option. This would allow the ASSWS to convert its MUGA into an artificial grass pitch to meet an identified need and therefore increase capacity for a number of user groups including youth football and rugby and walking football.

4.4 Option 2 is not recommended because if the funding is not allocated to a project, it would eventually have to be returned to the developer.

Provision of a skate park

4.5 Option 1 is the recommended option. This would help the Parish Council to deliver a skate park.

4.6 Option 2 is not recommended because if the funding is not allocated to a project, it would eventually have to be returned to the developer.

5. **Resource Implications**

The funding was received for the purpose of providing open space and outdoor sports facilities projects in Aylesham would have to be returned to the planning applicant if it is not allocated to a deliverable project. There are no wider corporate financial implications.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications, however in discharging their responsibilities members are

required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. **Background Papers**

Development Contributions Executive Committee Report of 8 May 2017

Contact Officer: Emma-Jane Allen, Principal Infrastructure and Delivery Officer