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Minutes of the meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 13 February 2019 at 6.00 pm.

Present:

Chairman: Councillor L A Keen

Councillors: T A Bond
P M Brivio
P I Carter
G Cowan
R J Frost
P D Jull
M J Ovenden
P Walker

Officers: Head of Regeneration and Development
Principal Infrastructure and Delivery Officer
Democratic Services Manager
Democratic Services Officer

80 APOLOGIES

An apology for absence was received from Councillor N Dixon.

81 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

82 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

83 MINUTES

The Minutes of the meetings held on 4 July 2018, 5 December and 16 January 2019 were deferred to the next meeting.

84 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

85 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

There were no items of business to consider.

86 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE

There were no items for consideration.

87 ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION

There were no items for consideration.

88 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration. Members identified the following items from the Notice of Forthcoming Key Decisions for inclusion within the work programme:

- Item No. 58 (To approve the use of Building Foundations for Growth funding and to authorise the completion of an appropriate legal agreement).
- Item No. 40 (Authority Monitoring Report).

RESOLVED: That the Notice of Forthcoming Key Decisions be noted subject to the inclusion of items 40 and 58 in the Work Programme.

89 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the Scrutiny Work Programme to the Committee for its consideration.

RESOLVED: That the Work Programme be noted subject to the inclusion of the additional items identified in Minute No. 88.

90 REGENERATION UPDATE

The item was withdrawn from the agenda by reason of the Head of Inward Investment being unavailable due to a diary conflict with another meeting he was attending in London.

91 PRESENTATION ON S106 AGREEMENTS

The Committee welcomed the Head of Regeneration and Principal Infrastructure Officer who had been invited to provide a presentation on Developer Contributions (S106 agreements). Members had asked officers to provide details on the role of parish councils, community groups and individuals in the allocation and dispersal of contributions from the agreements which were secured when required to make an otherwise unacceptable development acceptable or to address issues which could not be addressed through planning conditions. They were most commonly used to secure financial contributions toward provision of off-site infrastructure and the provision of affordable housing.

Through the planning application consultation process community groups, individuals and parish councils could suggest or request S106 contributions. In order for the Council to take such suggestions or requests forward these had to be evidenced and meet three legal tests: be necessary to make the development acceptable in planning terms; be directly related to the development; and be fairly and reasonable related in scale and kind. It must be demonstrated that the project requiring the contribution must meet additional needs generated by the development which could not otherwise be supported by existing infrastructure and

also directly relate to the needs of the local community, where the development takes place.

It was encouraged that community groups and parish councils should prepare in advance for what was required if a development were to come forward. Through the Local Plan parish councils would be aware of the allocated sites in the parish. The pre-application process was an opportunity for developers to approach parish councils and inform of their proposals, which was encouraged by officers. Although pre-application advice was confidential and there was no legal obligation for developers to consult. Parish councils were consulted as part of the application process, providing an opportunity for S106 requests to be submitted to the Council. No retrospective contribution requests could be made for infrastructure that had already been delivered. Furthermore, applicants for major developments (15 or more houses) were strongly encouraged by the Council to prepare a Statement of Community Involvement in advance of submitting their scheme, which involved engaging communities at the earliest opportunity to as much information about a development proposal and its likely impact.

Applicants were required to provide proof by way of a financial viability appraisal to support any claim that the contributions requested were beyond what they could afford. The view of the Developer Contributions Executive Committee may also be sought. Each decision would take account of whether the infrastructure deficit was such that permission should be refused or that there were other reasons why it should be granted.

It was confirmed that S106 contributions were not usually triggered by developments of fewer than 15 houses, particularly in the case of contributions for the provision of affordable homes. In response to queries Members were advised it was not possible to apply a fixed fee against every house built in a development to obtain financial contributions as the land costs and sales values of properties differed from area to area within the district, in addition as the cost of required infrastructure also varied for each development.

Members were provided with a brief update on the development of the new Local Plan. This was likely to include policies setting out infrastructure requirements associated with allocated sites that could be funded by planning obligations, an Infrastructure Delivery Plan and Whole Plan Viability Assessment. Members questioned the viability of the Local Plan and its need to meet the district's affordable housing target. The new Local Plan would make it clearer as to the council's expectations in terms of affordable housing and whilst the current plan followed the government's standard approach there was potential scope for a more localised approach.

- RESOLVED:
- (a) That it be recommended to Cabinet that as part of the Local Plan review, the affordable housing scheme and S106 agreements be examined and inculcated into the formal council policies.
 - (b) That a definition as to what constituted affordable housing in the Dover district be provided to the Committee.
 - (c) That officers provide an explanation to the Committee on the Statement of Community Involvement and the role of it in the planning process and what communities can do in its preparation.

The meeting ended at 7.57 pm.