

GIFT FUNDING FOR PLANNING FUNCTIONS

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	James Rodger
Papers with report	None

HEADLINE INFORMATION

Purpose of report	<p>This report considers the offer of a gift from Airport Property Partnership GP No.2' in accordance with the provisions of Section 93 of the Local Government Act 2003 and Section 139 of the Local Government Act 1972. The gift is primarily required to assist in meeting the Council's reasonable and justifiable costs associated with the discharge of its planning function, in providing a high quality planning application service assessing the reserved matters application for the second phase of the redevelopment of the Long Haul Catering Base, Scylla Road, Heathrow Airport. This second phase is to be occupied by Rolls Royce to establish a dedicated engine repair facility, which would be staffed by highly skilled engineers. The gift funding is also proposed to cover the subsequent discharge of conditions of both phase 2 and for an earlier phase of the development which will be occupied by an air freight company. The gift will ensure additional resources are dedicated consistent with the importance of this project to the local community and the wider area. It is recommended that the gift be accepted.</p>
Contribution to our plans and strategies	<p>The recommendations will assist the planning process to realise the objectives of the Sustainable Community Strategy.</p>
Financial Cost	<p>The offer of £16,000 gift funding from Airport Property Partnership GP NO.2 will cover the costs assessing and determining the first portion of the second phase reserved matters and pre-commencement conditions applications. This will provide additional resources to the Council to enable it to carry out its statutory planning functions.</p>
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Heathrow Villages and the surrounding wards.

RECOMMENDATION

That Cabinet accepts the offer of a gift from Airport Property GP (NO2) Limited in accordance with the provisions of Section 93 of the Local Government Act 2003.

INFORMATION

Reasons for recommendation

The former Long Haul Catering Base site is a large parcel of land at the southern side of Heathrow airport covering an area of 4.735ha. An area of approximately one third of the site is proposed for phase 2 of redevelopment of the site. Phase 2 has outline planning permission and phase 1 has full planning permission.

The developer (Airport Property GP (NO2) Limited) now need reserved matters and pre-commencement condition applications determined to implement the construction of phase 2 of the development, as well as pre-commencement condition applications determined to implement construction of phase 1 of the development. The processing of these applications will incur costs to the Council. The gift funding offer from (Airport Property GP (NO2) Limited) will greatly assist the Council in meeting those costs.

It has been made clear to officers from the outset that a named tenant is involved in the detailed plans for phase 2 'Rolls Royce'. Officers have met senior managers in Rolls Royce who have advised that Rolls Royce wish to urgently establish a dedicated engine repair facility for primarily the new A380 engines which are increasingly in use at the airport. Although Rolls Royce has a limited presence at the airport already, they consider that this new facility will involve highly skilled engineering jobs and create new supply chains for local businesses as well as strengthening the strong tradition of engineering in Hillingdon.

As part of fulfilling the requirements of assessment and determination, there will be the need for on-going meetings, and the provision of consistent and timely advice throughout the process. In the case of the reserved matters application, there is an additional requirement for public consultation and finally, to report the matter to Central and South Planning Committee for a decision. It is considered essential to have a dedicated officer for the project, and additional resources are needed to support that function. It is therefore considered appropriate that the Council should accept an offer of a gift to contribute towards the reasonable and justifiable costs of carrying out an expedited planning service.

Alternative options considered / risk management

- I. Refuse the gift from (Airport Property GP (NO2) Limited). This would not be in the best interests of the local communities or the council.
- II. Request changes to the proposed gift from (Airport Property GP (NO2) Limited). (Airport Property GP (NO2) Limited) are unlikely to increase their offer.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

Former Long Haul Catering Base, Scylla Road site

1. The former Long Haul catering Base site is a large site of 4.735ha at Scylla Road, Heathrow Airport. The site has the potential to provide commercial floorspace for Rolls Royce, and to significantly increase employment on the site, and contribute to improving services and facilities in the local area, particularly if the planning process is managed effectively.
2. Outline planning permission (all matters reserved) for development to provide up to 6,294sqm (GEA) of flexible B1c/B2/B8 floorspace for Phase 1 and up to 8,163sqm (GEA) of flexible B1c/B2/B8 floorspace for Phase 2 with associated car parking, landscaping and ancillary works. (Hybrid Application) was issued on 19th October 2011 (LBH application Ref: 50270/APP/2011/1422).
3. The applicant has requested that the Council enter into a Planning Delivery Agreement for the determination of the reserved matters application for the Phase 2 and the discharge of pre-commencement conditions associated with the same. Gift funding to cover costs associated with this work is offered by the developer to the amount of £12,000 for the Rolls Royce reserved matters application and £4,000 for the subsequent details discharges for phases 1 and 2. This would meet the costs of a temporary project officer.
4. In order to meet the reasonable and justifiable costs to Council, and to ensure that dedicated resources are provided to ensure the best outcomes for the project, it is considered appropriate that the Council should accept an offer of a gift in the order of £16,000 from Airport Property GP (NO2) Limited. The gift funding that is received would be strictly ring-fenced to ensure that it is spent in accordance with the terms of the gift, and the planning functions associated with the former Long Haul Catering Base site.
5. Whilst the acceptance of a gift cannot in any way influence the outcome of the reserved matters and pre-commencement conditions applications, it can provide an adequate staffing resource to enable the development proposals to be afforded a higher level of priority than may otherwise be possible, particularly given the complexity and importance of this project. In this regard, a temporary dedicated project officer would enable the resolution of issues and help realise the expectations of the Council through the planning process, to inform any application at the earliest possible stage, and also to provide a central contact for the community and key stakeholders.
6. The Council has recently accepted gift funding in relation to various planning delivery agreements, and planning initiatives, including the reserved matters and discharge of conditions relating to the Long Haul Catering Base redevelopment.
7. The alternative, to refuse the gift funding, would involve meeting the costs of the assessment through the existing planning budget, which is not likely to achieve the same objectives, given the current constraints on that budget and the competing priorities of other workstreams.
8. The acceptance of the gift would facilitate the dedication of additional resources to provide planning assessment and to offer an important customer service to the community, as the dedicated officer would take a proactive approach to engaging with

the community and various key stakeholders, ensuring the best possible planning outcomes through the reserved matters application process.

9. The Cabinet is recommended to accept the gift funding of £16,000. If funding is not provided externally by Airport Property GP (NO2) Limited then these on-going costs will need to be met from existing Council resources.

Financial Implications

The offer of £16,000 gift funding from Airport Property GP (NO2) Limited will cover the costs of assessing and determining reserved matters and pre-commencement conditions discharge applications for part of the second phase of the redevelopment of the former Long Haul Catering Base, Scylla Road, Heathrow Airport. This will provide additional resources to the Council to enable it to carry out its statutory planning functions.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

In terms of service user outputs the gift offers the opportunity to provide a higher standard of service than may otherwise be possible. A dedicated project officer would be proactive in engaging with various stakeholders, a central point of contact for enquiries and add value to the overall process. The project officer would facilitate the sharing of information, coordinating responses from Council to Weston Homes and other stakeholders and ensure a consistent approach to deliver the best outcomes for redevelopment of the site. Such an approach is consistent with the latest guidance from government, and is in the best interests of achieving Councils objectives, as set out in the Sustainable Community Strategy.

Consultation Carried Out or Required

None.

CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and is satisfied with the financial implications as stated. The offer of £16,000 from Airport Property Partnership GP No.2, will provide additional resources for the Council to carry out its statutory planning functions.

Legal

Section 139 of the Local Government Act 1972 empowers the Council to accept gifts for the purpose of discharging any of their functions. This would include accepting a gift to enable the Council to discharge its planning functions. However, the nature of the transaction in this case is more akin to a payment for the provision of services and therefore Section 139 of the 1972 Act should not be relied upon.

The Council also has powers under Section 93 of the Local Government Act 2003 to charge a person for providing a service provided that the Council is not obliged to provide that service in any event. This report indicates that the service to be provided to the developer would be to expedite the planning applications and offer advice to the developer in relation to such applications: that goes over and above what the Council would be statutorily required to provide

in handling planning applications and giving application advice. The amount charged should not exceed the cost of providing the service. Officers have indicated in this report that the monies will be ring fenced for this project so that the entirety of the monies from the developer will be used to engage the services of additional personnel to handle the applications.

The Council's constitution states that Cabinet shall be responsible for fixing of fees and charges for Council services which would include the one-off bespoke services that are described in this report.

Corporate Landlord

The Corporate Landlord supports this recommendation.

Relevant Service Groups

No other service groups are directly impacted by the recommendation.

BACKGROUND PAPERS

Planning Policy Statement 1 – Delivery Sustainable Development

Department of Communities and Local Government Guidance Circular 03/09 – Costs awards in Appeals and other Planning Procedures.

Department of Communities and Local Government Guidance - *Constructive talk - Investing in pre-application discussions*.

Department of Communities and Local Government - Guidance Note on Implementing Planning Performance Agreements 2007.

Department of Communities and Local Government “Member Involvement in Planning Decisions”, published in January 2007.