

GIFT FUNDING FOR PLANNING FUNCTIONS (EMI SITE)

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 'Purplexed' 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 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 with respect to pre-application advice on a masterplan and assessing a subsequent outline planning application. The proposals relate to a regeneration scheme that intends to deliver a mixed use development on the former EMI site, which if successful offers the opportunity for large scale job creation in Hayes.</p> <p>The gift funding 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 up to £40,000 funding from Purplexed will cover the costs of pre-application master planning (which requires highly specialised skills as outlined in the report) and determining an outline planning application. This will provide additional resources to the Council to enable it to carry out its statutory planning functions, in particular with respect to the master planning aspects of the proposals.</p>
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Botwell and the surrounding wards.

RECOMMENDATION

That Cabinet accepts the offer of a gift from Purplexed in accordance with the provisions of Section 93 of the Local Government Act 2003.

INFORMATION

Reasons for recommendation

The former EMI site in Hayes has a one floor of an office building occupied by SITA and a record company (Portal records) in an old warehouse building, in total these cover less than 5% of the existing potential employment floorspace on the site, this is even with substantive areas of the site covered in vast areas of surface parking. The EMI factory was originally built for the manufacture of cabinet gramophones, the factory went on to build radios and telephones and the radar system used during the Battle of Britain. In the sites heyday in the 1960's the factories on site employed over 4,000 people; the pressed records at this time included those by the Beatles, Elvis Presley and the Rolling Stones. The site is now largely vacant and many of the buildings are in need of repair/substantial investment to bring them back into use.

The site is a Conservation Area and some of the buildings are locally listed. The sheer size of the site and need to bring new employment to the site whilst protecting the sites heritage mean that a complex masterplan will be required. There is the need to dedicate significant resources to the masterplanning to make sure that a viable masterplan is produced which will maximise the legacy the site can offer and the employment benefits of the site, whilst also delivering a project that can then obtain outline planning permission. The scale of the development means that consultation will be important with both the local community and the Mayor of London. Taking all the above factors into account 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 these planning functions.

Alternative options considered / risk management

- I. Refuse the gift from Purplexed. This would not be in the best interests of the local communities or the council.
- II. Request changes to the proposed gift from Purplexed. Purplexed are unlikely to increase their offer which has been extensively discussed with Council officers.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

The EMI Site and the master planning function

1. The former EMI site is a large site of approximately 6 hectares in area, there are existing buildings on site with over 50,000sq.m of floorspace. A 0.7 hectare area is the subject of a current planning application, it is the remaining 5.3 hectares approx of land that is the subject of a proposed masterplan which would then form an outline planning application.
2. The former EMI site in Hayes has a one floor of an office building occupied by SITA and a record company (Portal records) in an old warehouse building, in total these cover less than 10% of the existing potential employment floorspace on the site, this is even with substantive areas of the site covered in vast areas of surface parking. The EMI factory was originally built for the manufacture of cabinet gramophones, the factory went on to build radios and telephones and the radar system used during the Battle of Britain. In the

sites heyday in the 1960's the factories on site employed over 4,000 people, the pressed records at this time included those by the Beatles, Elvis Presley and the Rolling Stones. The site is now largely vacant and many of the buildings are in need of repair/substantial investment to bring them back into use.

3. The applicant has requested that the Council enter into a Planning Delivery Agreement for the master planning process and outline planning application determination. Gift funding to cover costs associated with this work is offered by the developer of £40,000. It is envisaged that this would meet the costs of a project officer for up to 9 months.
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 £40,000 from Purplexed. 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 EMI site.
5. Masterplanning requires experience in urban design and an understanding of how to develop spaces so that the bigger picture is considered. In essence, to ensure sites are developed to achieve strategic objectives and meet a clear vision. It is more complex than determining a single development proposal. There are many different definitions of master planning, one definition is *....a masterplan is generally employed where there is a greater degree of certainty regarding the development of a specific site, and is linked to social and economic analysis and a delivery strategy. Although a masterplan may specify more detailed governing principles such as building heights, spaces, movement, landscape type and predominant uses, it does not necessarily preclude a degree of flexibility in designs within the plan...*
In the context of the EMI site it is known that a mixture of uses will be proposed (including large scale employment, leisure uses and housing). The location of the uses, how they relate to public and private spaces, the scale of the uses, siting of new buildings or extensions to existing buildings, whether the proposals meet strategic objectives to generate employment and whether the proposals enhance the public realm/heritage values of the site will be particularly important. Quite clearly the success of master planning on this site will partly depend on the right expertise being devoted by the Council to such a project. In this regard the gift funding offer is considered very appropriate in assisting the Council fulfil its planning function.
6. Whilst the acceptance of a gift cannot in any way influence the outcome of the outline planning process, 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 (with master planning experience) 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.
7. Members will be aware that 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 for a number of major sites in the Borough.
8. 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.

9. 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 pre-application and outline planning process.
10. The Cabinet is recommended to accept the gift funding of up to £40,000. If funding is not provided externally by Purplexed then these on-going costs will need to be met from existing Council resources.

Financial Implications

The offer of £40,000 gift funding from Purplexed will cover the costs of costs of pre-application master planning and determining an outline planning application. This will provide additional resources to the Council to enable it to carry out its statutory planning functions. Given that the majority of the expenditure arising from the masterplanning process will fall in the 2012/13 financial year, it is suggested that any unspent funds from the gift as at 31 March 2012 be carried forward to 2012/13 as an earmarked reserve.

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

The offer of £40,000 gift funding from Purplexed will provide additional resources to the Council to enable it to carry out its statutory planning functions. Any unspent gift funds as at 31 March 2012 to be carried forward to 2012/13 as an earmark reserve, would be subject to the approval process under Financial Regulations.

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 Purplexed would be to expedite the planning application: 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 entirety of the monies from Purplexed will be used to engage additional resources to expedite and assist with progressing the pre-application discussions and the forthcoming outline planning permission.

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 Property and Construction

Corporate Property and Construction 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.