

GIFT FUNDING FOR PLANNING FUNCTIONS

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

HEADLINE INFORMATION

Purpose of report	<p>This report considers the offer of a gift from Western Homes in accordance with the provisions of Section 93 of the Local Government Act 2003 and Section 139 of the Local Government Act 1972.</p> <p>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 assessing and the reserved matters and pre-commencement conditions discharge applications for a large part of the second phase of the redevelopment of the former National Air Traffic Services (NATS) site, Porters Way, West Drayton. This 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	The recommendations will assist the planning process to realise the objectives of the Sustainable Community Strategy.
Financial Cost	The offer of £12,500 gift funding from Weston Homes will cover the costs assessing and determining the final 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.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	West Drayton and the surrounding wards.

RECOMMENDATION

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

INFORMATION

Reasons for recommendation

The former National Air Traffic Services (NATS) site is a large site in the area of 12.72ha that is available for re-development. Outline planning permission for a residential led redevelopment of the site has been obtained.

The applicant has now sold the right to develop another portion of phase 2 of the development to Weston Homes. This portion of the development involves 88 residential dwellings in a block of flats. The developer (Weston Homes) now need reserved matters and pre-commencement condition applications determined to implement the construction of this portion of the second phase. The processing of these applications will incur costs to the Council. The gift funding offer from Weston Homes will greatly assist the Council in meeting those costs.

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 these planning functions.

Alternative options considered / risk management

- I. Refuse the gift from Weston Homes. This would not be in the best interests of the local communities or the Council.
- II. Request changes to the proposed gift from Weston Homes. Weston Homes are unlikely to increase their offer.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

Former NATS site

1. The former NATS site is a large site of 12.72ha at Porters Way, West Drayton. The site has the potential to provide 773 dwellings, and to significantly improve the aesthetic appeal of the site and the immediate area, and contribute to improving services and facilities in the local area, particularly if the planning process is managed effectively. The Council therefore considered it necessary to prepare supplementary planning guidance for the site. A Supplementary Planning Document (SPD) was adopted by Cabinet at its meeting in September 2009.
2. Outline planning permission for the development was issued on 1st October 2010 (LBH application Ref: 5107/APP/2009/2348). Subsequently reserved matters permission has been granted in relation to the first phase of the scheme.

3. The current situation is that the reserved matters approval is now being sought for the second phase of the development. The second phase involves a number of different development elements, including the provision of 88 dwellings in a four storey block of flats. Weston Homes have acquired the right to develop the 88 flats and approached the Council for pre-application advice in relation to the design of their proposals for the 88 dwellings. The pre-application scheme demonstrates a design which is largely in accordance with the outline proposals and would (subject to minor amendments) be compliant with relevant planning policies.
4. The applicant has requested that the Council enter into a Planning Delivery Agreement for the determination of the reserved matters application for the 88 units 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 £12,500. This would meet the costs of a dedicated project officer.
5. 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 £12,500 from Weston Homes. 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 NATS site.
6. 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.
7. 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 first phase of the NATS redevelopment.
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 reserved matters application process.
10. The Cabinet is recommended to accept the gift funding of £12,500. If funding is not provided externally by Weston Homes then these on-going costs will need to be met from existing Council resources.

Financial Implications

The offer of £12,500 gift funding from Weston Homes 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 National Air Traffic Services (NATS) site, Porters Way, West Drayton. 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 Council's 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 £12,500 from Weston Homes 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 Weston Homes 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 Weston Homes will be used for assessing the reserved matters applications and pre-commencement conditions discharge applications for a large part of the second phase of the redevelopment of the former National Air Traffic Services (NATS) site.

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

The Corporate Property and Construction supports this 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.