

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 VSM Estates (the developer associated with the redevelopment of the former RAF Uxbridge site) in accordance with the provisions of Section 93 of the Local Government Act 2003 and Section 139 of the Local Government Act 1972 and the Council's power to charge for the provision of discretionary services.</p> <p>The gift is required to assist in meeting the Council's reasonable and justifiable costs associated with providing dedicated urban design and highways officers (the discretionary service) to deliver a high quality service including pre-application advice and the subsequent processing of the reserved matters and pre-commencement conditions discharge applications for the initial stages of the redevelopment of the former RAF Uxbridge site.</p> <p>This will ensure additional resources are dedicated to provide the discretionary service, consistent with the importance of this project to the local community and the wider area.</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>Costs arising from the discretionary services will be paid for by VSM Estates who have made an offer of £60,000 in gift funding and will cover the costs providing pre-application urban design advice (including assessing proposed changes to the approved design code) and assessing and determining reserved matter applications in relation to new spine road and associated pre-commencement conditions applications.</p> <p>Further assessment and determination of submissions will also be required from the Council in relation to works required under Section 278 and 38 of the Highways Act. The funding will also cover the cost of this work.</p>
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Uxbridge North and the surrounding wards.

RECOMMENDATION

That Cabinet accepts the offer of a gift of £60,000 from VSM Estates and authorises officers to provide the discretionary services in accordance with the provisions of Section 93 of the Local Government Act 2003.

INFORMATION

Reasons for recommendation

The former RAF Uxbridge site is a large site that is available for re-development. VSM Estates have obtained planning permission for a residential led redevelopment. The hybrid planning approval is for the following:

1. Outline Application (all matters reserved, except for access):

- Demolition of some existing buildings;
- Creation of up to 1,303 residential dwellings (Class C3);
- Creation of up to 77 one bedroom assisted living retirement accommodation;
- Creation of a three-form entry Primary school of 2 storeys;
- Creation of a hotel (Class C1) up to 90 beds;
- Creation of a 1,200 seat theatre with ancillary café (Sui Generis) of up to 2,900sqm; office (Class B1a) of up to 13,860sqm; energy centre (Sui Generis) of up to 1,200sqm; and retail (Class A1,A2,A3,A4,A5) of up to 2,850sqm. These buildings are between 4 to 6 storeys and the tower element associated with the theatre is up to 30m;
- Creation of a local centre to provide up to 150sqm of retail (Class A1 and A2) and 225sqm GP surgery (Class D1);
- Means of access and improvements to pedestrian linkages to the Uxbridge Town centre; car parking; provision of public open space including a district park; landscaping; sustainable infrastructure and servicing.

2. In addition to the above, full planning permission exists for:

- Change of use of the Grade II listed former cinema building to provide 600sqm Class D1/2 use (no building works proposed);
- Change of use and alterations to the Grade II listed Hillingdon House to provide 600sqm for a restaurant (Class A3) on the ground floor and 1,500sqm of office (Class B1) on the ground, first and second floor;
- Change of use and alterations to the Carpenters building to provide 1 residential dwelling (Class C3);
- Creation of 29 residential dwellings (Class C3) to the north of Hillingdon House of between 2 to 3 storeys as well as associated amenity space and car parking;
- Change of use of Lawrence House (Building No. 109) to provide 4 dwellings (Class C3), associated amenity space and car parking including a separate freestanding garage;
- Change of use and alterations to the Sick Quarters (Building No. 91) to provide 4 dwellings (Class C3) as well as associated amenity space and car parking;
- Change of use of Mons barrack block (Building No. 146A) to provide 7 dwellings (Class C3) as well as associated amenity space and car parking.

The key to delivering the development of the site is the initial delivery of necessary infrastructure (such as new roads within the site and necessary improvements to various highway junctions). The developer (VSM Estates) needs reserved matters and pre-

commencement condition applications determined before they can implement the construction of some of the site infrastructure (including the new spine road). In addition, before commencing any work, the S106 legal agreement (associated with the planning permission) requires that various submissions are made to and assessed by the Council. The processing of these submissions and applications will incur costs to the Council. The sum of £60,000 in relation to discretionary services 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 dedicated planning and highway staff for this part of the project, and additional resources are needed to support that function. It is therefore considered appropriate that the Council provide discretionary services to VSM Estates in exchange for payments of the Council's reasonable and justifiable costs of carrying out such services.

Alternative options considered / risk management

- I. Refuse to offer the discretionary services and not accept the £60,000 gift funding. It should be noted that should this be refused the costs would need to be met by the budget and would result in a negative impact to the planning department
- II. Request changes to the proposed discretionary services. VSM Estates are unlikely to increase their offer.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

Former RAF Uxbridge site

1. The former RAF Uxbridge site is a large site near to Uxbridge Town Centre. The site has the potential to provide over 1,300 new 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, including through the provision of a new primary school.
2. The current situation is that the Hybrid application has been approved and detailed approval is now being sought in relation to the initial works necessary to ensure delivery of infrastructure required to facilitate the wider redevelopment of the site.
3. The applicant has requested that the Council enter into a Planning Performance Agreement for the provision of urban design, pre-application advice and then the subsequent determination of the reserved matters application for the provision of preliminary infrastructure as well as the discharge of pre-commencement conditions associated with the same. The sum of £60,000 would cover costs associated with this work. This would also meet the costs of temporary Urban Design, Highway Engineering and Planning staff.

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 the sum of £60,000 from VSM Estates. The sum would be strictly ring-fenced to ensure that it is used in accordance with the planning functions associated with the former RAF Uxbridge site
5. Whilst the acceptance of the sum 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 agreed funding in relation to various planning delivery agreements, and planning initiatives, including the reserved matters and discharge of conditions relating to the NATS redevelopment. There is a proven track record of Planning Performance Agreements delivering a high quality and efficient planning service.
7. The alternative, to refuse the sum, 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 work streams.
8. The acceptance of the sum 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 authorise officers to provide the discretionary services to be paid for by VSM Estates in the sum of £60,000. If funding is not provided externally by VSM Estates then these on-going costs will need to be met from existing Council resources.

Financial Implications

The sum of £60,000 from VSM Estates will cover the costs of providing urban design, pre-application advice, assessing and determining reserved matters and pre-commencement conditions discharge applications for the initial component of redevelopment of the former RAF Uxbridge site.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

In terms of service user outputs the sum of £60,000 offers the opportunity to provide a higher standard of service than may otherwise be possible. Dedicated project officers would be proactive in engaging with various stakeholders, act as a central point of contact for enquiries and add value to the overall process. The project officers would facilitate the sharing of information, coordinating responses from Council to VSM Estates 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 £60,000 from VSM Estates 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.

Section 93 of the Local Government Act 2003 provides a general power to local authorities to charge for discretionary services. Discretionary Services are those services that an authority has the power, but is not obliged, to provide. This power aims to encourage local authorities to provide wider ranging and new and innovative services for their communities. The Council may utilise this power if:

1. the Council already has the power to provide the service, but is not mandated or has a duty to provide; and
2. the recipient of the discretionary service has agreed to its provision and to pay for it.

Charges may be set differentially, so that different people are charged different amounts. The Council is not required to charge for discretionary services. They may provide them for free if they have the resources to do so. However, by virtue of Section 93 (3) & (4) of the LGA 2003 there are limitations to the cost of recovery in that for “each kind of service” the income from charges for that service does not exceed the costs of provision. Each Council can decide the method they wish to adopt for assessing the costs.

In planning terms, the effect of the above legislation is that the Council can provide extensions to statutory services including a range of advisory services linked to planning and development control. These are not a statutory requirement, but can make an important contribution to the operation of the statutory services. The Council are entitled to receive income for provision of the discretionary services so long as it does not exceed the cost of providing the service.

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.

In order to conform to government guidance the Planning Performance Agreements ought to be negotiated by officers and properly formalised. In terms of member involvement, Members and

officers should have regard to the helpful guidance on Members pre-application involvement set out in the Department of Communities and Local Government “Member Involvement in Planning Decisions”.

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.