

# GIFT FUNDING FOR PLANNING - BRIDEHALL DEVELOPMENT LTD AND OPTIMISATION DEVELOPMENTS LTD

<b>Cabinet Member(s)</b>	Councillor Keith Burrows
<b>Cabinet Portfolio(s)</b>	Planning, Transportation and Recycling
<b>Officer Contact(s)</b>	Matt Duigan – Residents Services
<b>Papers with report</b>	None.

## 1. HEADLINE INFORMATION

<b>Purpose of report</b>	<p>This report considers a proposed offer of a gift from Bridehall Development Ltd and Optimisation Developments Ltd in accordance with the provisions of Section 93 of the Local Government Act 2003.</p> <p>The gift is required to assist in meeting the Council's reasonable and justifiable costs associated with the provision of discretionary planning services; in particular it would be used to fund an independent highway consultant to review The Transport Assessment which includes complex data and highway modelling.</p> <p>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>
<b>Contribution to our plans and strategies</b>	<p>The recommendations will assist the planning process to realise the objectives of the Sustainable Community Strategy.</p>
<b>Financial Cost</b>	<p>The offer of £10,000 gift funding (plus any cost associated with the assessment of addendum reports up to a total of £20,000) from Bridehall Development Ltd and Optimisation Developments Ltd will cover the costs of an independent transport consultant to review the Transport Assessment which includes complex data and highway modelling for a proposed Morrisons superstore and housing at the Hillingdon Circus site (adjoining Hillingdon Tube station). This will provide additional resources to the Council to enable it to carry out its statutory planning functions.</p>
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	Uxbridge North and surrounding wards.

## **2. RECOMMENDATION**

**That Cabinet accepts the offer of a gift from Bridehall Development Ltd and Optimisation Developments Ltd in accordance with the provisions of Section 93 of the Local Government Act 2003.**

### **Reasons for recommendation**

It has been a long standing practice of the Council to request that developers pay for the cost of independent assessment of financial appraisals that are used to determine what level of affordable housing an applicant can provide.

Bridehall Development Ltd and Optimisation Developments Ltd (who are linked to Morrisons Supermarket) has submitted a planning application which involves a complex Transport Assessment that assesses the impact of the development (which is located on land adjacent to the Hillingdon Tube Station), as well as the cumulative traffic impacts that could arise from the development proposal for another supermarket on the former Master Brewer site.

Agreement has been reached with the applicant that they will gift fund the appointment of a transport consultant to validate the transport assessment (all the technical aspects of the data/modelling in the transport assessment will be looked at and the consultant will advise if the transport assessment has been carried out correctly, and as appropriate, identify any work required to make the assessment valid).

It is considered essential that the highway aspects of the planning application are considered in detail (including a cumulative impact assessment, taking into account the planning application also lodged in relation to the former Master Brewer site) and the use of a consultant will assist the Council in this regard. It will also enable the applications to be determined without unnecessary delay.

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 the above identified planning functions.

### **Alternative options considered**

- I. Refuse the gift from Bridehall Development Ltd and Optimisation Developments Ltd and not provide the discretionary services. This would not be in the best interests of the local communities or the council.
- II. Request changes to the proposed gift from Bridehall Development Ltd and Optimisation Developments Ltd. It is worth noting that Bridehall Development Ltd and Optimisation Developments Ltd are unlikely to increase their offer.

### **Comments of Policy Overview Committee(s)**

None at this stage.

### **3. INFORMATION**

#### **Supporting Information**

1. The former Hillingdon Circus site is located south of the A40, adjacent to Hillingdon Tube station. Bridehall Development Ltd and Optimisation Developments Ltd have lodged a planning application for:

“ Demolition of the existing public house and timber yard, and the erection of a mixed use redevelopment comprising a foodstore (7829m GEA) (Use Class A1); a 6 storey 82 bed hotel (Use Class C1); a 720m<sup>2</sup> restaurant/public house facility (Use Class A3/A4); and 107 residential units (Use Class C3), together with reconfiguration of the existing commuter car park, and associated landscaping, car/cycle parking and ancillary works.”
2. The Council’s highway engineer has prepared a brief to employ a consultant and to illustrate the complex nature of the transport assessment work to be reviewed the consultant would be required to review the following matters (which it should be stressed are not a complete list of the matters to be considered):
  - Latest traffic modelling submitted by the applicant.
  - The validity and suitability of the trip rate data utilized
  - Acceptability of assumptions regarding pass by and destination trips
  - The assignment of development trips on the highway network,
  - Traffic growth over time.
  - The suitability of the modelling scenarios in terms of the network and development peaks.
  - The assumptions and conclusions of the impact of development traffic flows on the adjacent links and at key links and junctions within the affected area.
  - Assumptions regarding committed highway and development proposals that could affect local traffic conditions.
  - The validity of the input and output data and the conclusions of the Transport
  - Assessment that the proposals can be adequately accommodated without serious detriment on the highway network.
  - Proposed site access layout.
  - Acceptability of expected reserve capacity, delays and queue lengths at junctions/signals.
  - Safety assessment of revised junction arrangements.
  - Level of parking provision and justification.
  - Pedestrian routes and linkages.
  - The extent of the study area.
  - The impact of the development on existing public transport services.
3. 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 £10,000 (plus any cost associated with the assessment of addendum reports up to a total of £20,000) from Bridehall Development Ltd and Optimisation Developments Ltd. 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 Hillingdon Circus site (re: The appointment of a transport consultant to validate the applicants Transport Assessment).

4. Whilst the acceptance of a gift cannot in any way influence the outcome of the planning applications, in this case it will assist with considering the validity of the applicants Transport Assessment, particularly given the complexity of the subject matter. It should also be noted that this is a high profile application which the Council would wish to ensure is rigorously scrutinised.
5. 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 different phases of the NATS redevelopment.
6. The alternative, to refuse the gift funding, would involve meeting the costs of the assessment through the existing planning budget.
7. Should comments be received by the Local Planning Authority from third parties such as Resident Associations relating to the validity of the Transport Assessment, which are relevant to considering the transport impacts of the proposal, Council officers will require that such matters are considered by the consultant. In this regard the consultant will be required to not just consider the submitted Transport Assessment but any relevant third party comments arising from the consultation process that relate to the Transport Assessment.
8. Standard procurement rules will be followed and officers wish to be given full authority to appoint the chosen consultant. Officers consider that the gift funding should cover the cost of validating the Transport Assessment.
9. The Cabinet is recommended to accept the gift funding of £10,000 (plus any cost associated with the assessment of addendum reports up to a total of £20,000) If funding is not provided externally by Bridehall Development Ltd and Optimisation Developments Ltd then these on-going costs will need to be met from existing Council resources.

### **Financial Implications**

The offer of £10k of gift funding from Bridehall Development Ltd and Optimisation Developments Ltd will cover the costs of independent transport consultancy to review the transport assessment submitted by the proposed developers of the Hillingdon Circus site. This will provide resources to the Council to enable it to carry out the services outlined in the report and thus achieve a better quality of planning outcomes for residents and the local community.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

It is considered that the use of the specialist transport consultant will both assist the Council in validating the Transport Assessment but also help provide an evidence base to interest third parties to identify that the Council has rigorously considered the highway implications of the development proposal. In this regard there are not considered to be any negative impacts on residents, service users and communities of accepting the gift funding.

## **Consultation Carried Out or Required**

None at this stage.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance concurs with the financial implications set out above, noting that the use of gift funding will enable the Council to expedite planning work on this development. As these funds will be used to support one-off consultancy services there will be no on-going impact on the Council's revenue budgets.

### **Legal**

The Council 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 Bridehall Development Ltd and Optimisation Developments Ltd 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 Bridehall Development Ltd and Optimisation Developments will be used to engage the services of the transport consultant.

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**

There are no property implications resulting from the recommendations set out in this report.

### **Relevant Service Groups**

No other service groups are directly impacted by the recommendation.

## **6. BACKGROUND PAPERS**

NIL