

## GIFT FUNDING: ADDITIONAL PLANNING RESOURCE FOR ST ANDREW'S PARK (FORMER RAF UXBRIDGE)

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

### 1. HEADLINE INFORMATION

<b>Summary</b>	<p>This report considers recruitment of an additional staff member to assist with providing a discretionary service.</p> <p>Specifically, a Planning Officer is sought to process and determine details applications (planning condition and planning obligation discharges) and undertake report writing and processing of major reserved matters applications associated with the St Andrew's Park site (former RAF Uxbridge).</p> <p>Costs arising from the additional staff member will be paid for by VSM Estates. The funding covers employment of the planning officer for a period of 3 months.</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>
<b>Contribution to our plans and strategies</b>	The recommendations will assist the planning process to realise the objectives of the Sustainable Community Strategy.
<b>Financial Cost</b>	Costs arising from the discretionary services will be paid for by VSM Estates who have made an offer of £15,000 in gift funding which will cover the costs of assessing and determining reserved matter applications and associated pre-commencement conditions and planning obligations applications.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	Uxbridge North and the surrounding wards.

## **2. RECOMMENDATION**

**That Cabinet accepts the offer of a gift of £15,000 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.**

### **Reasons for recommendation**

The key to delivering the development of the former St Andrew's Park (RAF Uxbridge) site is the early commencement of necessary infrastructure (such as new roads within the site and necessary improvements to various highway junctions).

A considerable amount of planning work has already been done to discharge conditions and planning obligations necessary for development to proceed and construction of the first houses on the site is underway.

Notwithstanding this, the scale of the development (which is phased) is such that there are still further reserved matters and pre-commencement condition applications which must be determined before they can implement the construction of some of the site infrastructure.

The developer (VSM Estates) has requested that the Council provide a dedicated planning officer to process reserved matters and pre-commencement condition applications. The processing of these submissions and applications will incur costs to the Council. The sum of £15,000 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.

### **Alternative options considered / risk management**

- I. Refuse to offer the discretionary services and not accept the £15,000 gift funding. It should be noted that should this be refused the costs would need to be met through the existing budget.

### **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

1. St Andrew's Park (i.e. the former RAF Uxbridge site) covers an extensive area 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 outline planning permission has been granted and many of the pre-commencement conditions have been discharged. Some construction work is underway. However detailed approval is still 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 continued provision of the 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 £15,000 would cover costs associated with this work. This would also meet the costs of temporary 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 £15,000 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 might 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, help realise the expectations of the Council through the planning process and also to provide a central contact for the community and key stakeholders.
6. The Council has previously agreed funding in relation to various planning delivery agreements on the former RAF Uxbridge site. 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. Cabinet is recommended to authorise officers to provide the discretionary services to be paid for by VSM Estates in the sum of £15,000. 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 £15,000 from VSM Estates will cover the costs of providing 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.

The additional temporary planning staffing required to deliver the services under the proposed Planning Performance Agreement will be engaged on a temporary assignment, over and above the approved establishment of the planning service, subject to the separate informal approval of the Leader of the Council.

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

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

In terms of service user outputs the sum of £15,000 offers the opportunity to provide a higher standard of service than may otherwise be possible. The dedicated project officer 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.

#### **5. CORPORATE IMPLICATIONS**

##### **Corporate Finance**

Corporate Finance has reviewed this report and is satisfied with the financial implications as stated. The offer of £15,000 from VSM Estates will provide additional temporary 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”.

### **Corporate Property and Construction**

Supports the recommendation in the report.

### **Relevant Service Groups**

No other service groups are directly impacted by the recommendation.

## **6. BACKGROUND PAPERS**

NIL