

GIFT FUNDING FOR PLANNING FUNCTIONS

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Matt Duigan, Residents Services
Papers with report	None.

1. HEADLINE INFORMATION

Purpose of report	<p>This report considers accepting gift funding to hire additional temporary staff to assist with providing a discretionary service, specifically the use of dedicated planning staff to process planning application associated with the major development proposals within the Borough.</p> <p>The processing of these planning applications will incur costs to the Council. The gift funding offer from the developers will greatly assist the Council in meeting those costs.</p> <p>The 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 funding 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 discretionary services will consist of assessing and determining the planning applications associated with the development proposals which require additional staff to be engaged and the costs arising from these discretionary services will be paid for by the four developers.</p> <p>This will provide additional resources to the Council to enable it to carry out its statutory planning functions.</p>
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Uxbridge North, Uxbridge South and Botwell.

2. RECOMMENDATION

That the Cabinet accept gift funding from four developers (Persimmon Homes, Segro, Cathedral Group, and Brockton Capital LLP & Landid) for the engagement of additional staff that will provide the discretionary services highlighted in this report in accordance with the provisions of Section 93 of the Local Government Act 2003.

Reasons for recommendation

The Council has recently been approached by four developers who are proposing to lodge planning applications and condition discharge applications for developments of a major scale. The developers and sites are set out in detail in section three of this report.

The developers have all advised that they consider it essential to have dedicated planning staff to process their applications. These proposals are complex and will require additional time and resource to process. The developers have offered to cover the cost of temporary staff to deal with their respective applications.

Additional resources are needed to ensure the provision of dedicated planners to these projects. Officers also consider it essential to have dedicated staff to process these applications in order to prioritise and facilitate growth and development within the Borough. It is therefore considered appropriate that the Council engage additional staff to provide the discretionary services to the developers in exchange for gift funding which has been offered to cover the reasonable and justifiable costs of carrying out such discretionary services.

Alternative options considered

- I. Refuse the gift funding from the developers 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 funding. It is worth noting that the developers are unlikely to increase their offer.

Comments of Policy Overview Committee(s)

None at this stage.

3. INFORMATION

Supporting Information

RAF Uxbridge

Persimmon Homes ("Developer") is the Developer of the housing on the former RAF Uxbridge site and requires reserved matters and pre-commencement condition applications determined before they can implement the next phase of development (which is for approximately 100 houses).

They have formally submitted pre-application documentation for the phase, which has been considered by officers.

The Developer has advised that they consider it essential to have dedicated planning staff for this part of the project, and additional resources are needed to support that function. The Developer has offered £15,600 to cover the cost of temporary staff to deal with the application.

Phase 500 (Riverside Way)

The developer known as Segro are seeking full planning permission to build a 2,361sqm industrial unit and an 80 bedroom hotel at the Phase 500 site (located at Riverside Drive). Again, pre-application proposals have been considered by officers.

The developer has advised that they consider it essential to have dedicated planning staff to process the application. The proposal is complex and will require additional time and resource to process and additional resources are needed to support that function. The developer has offered £18,500 to cover the cost of temporary staff to deal with the application.

Stockley Close Industrial Business Park

Segro already have planning permission to build industrial units in the industrial business park at Stockley Close. They have requested dedicated planning resource to process the condition discharge applications associated with that planning permission. The developer has offered £4,725, to cover the cost of temporary staff to deal with the condition discharge applications.

Old Vinyl Factory

The developer known as Cathedral Group are seeking reserved matters approval for the first residential flat block, as well as condition discharge and amendments to the original phasing of the approved master plan of the wider Old Vinyl Factory site, on Blyth Road (this will involve variations to the legal agreement). Pre-application proposals have been considered by officers.

The developer wishes to have dedicated planning staff to process the application. The proposal is complex and involves changes to the original legal agreement, phasing and will require additional time and resource to process. The developer has offered £23,000 to cover the cost of temporary staff to deal with the application.

Charter Place

The new owner of Charter Place (Brockton Capital LLP and Landid) in Uxbridge Town Centre have advised that they wish to substantially renovate the existing building, including adding additional floor space and making external changes to the facades. The pre-application proposals have been considered by officers.

The developer has advised that they consider it essential to have dedicated planning staff to process the application. The developer has offered £18,500 to cover the cost of temporary staff to deal with the application.

Financial Implications

The offers of gift funding totalling £80,325 will cover the costs of additional support needed to determine the planning applications as well as the condition discharge applications. This will provide resources to the Council to enable it to carry out the discretionary planning services

outlined in the report and thus achieve a better quality of planning outcomes for residents and the local community.

The additional temporary planning staffing required to deliver the services under the proposed Planning Performance Agreement will be engaged on agency or consultancy assignments, over and above the approved establishment of the planning service, subject to the separate approval currently delegated to the Chief Executive in consultation with the Leader of the Council.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

Having 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, the developers and other stakeholders and ensure a consistent approach to deliver the best outcomes for redevelopment of the sites. Such an approach is consistent with the latest guidance from government, and is in the best interests of achieving the Councils objectives, as set out in the Sustainable Community Strategy.

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 major development and provide a central point of contact for stakeholders. The use of agency staff to deliver these services will allow this additional investment to be made without impacting on-going revenue budgets.

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.

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