

GIFT FUNDING FOR PLANNING FUNCTIONS

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	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 three planning application.</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>Putting our Residents First - <i>Our Built Environment</i></p> <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 three 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	West Drayton, Botwell and South Ruislip

2. RECOMMENDATION

That the Cabinet authorises officers to accept gift funding from three developers (Cathedral Group, City Grove and Inland Homes) 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 three developers who are proposing to lodge planning 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 and additional resources are needed to support that function. 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

Former Arla Foods Site - South Ruislip

City Grove ("Developer") is seeking planning permission to redevelop the site of the former Arla Foods Depot site in South Ruislip.

An earlier application made by City Grove (including a very large ASDA supermarket) was refused by the Council due to concerns over traffic generation and retail trade impacts arising

from the supermarket. The developer has reduced the scale of the proposal (and this has a corresponding reduction in terms of retail and traffic impacts). Officers consider that it is in the Council's and developer's interests to work co-operatively on a resubmission, given the alternative of an appeal being lodged against the earlier refusal of a larger development on the site.

The Developer has advised that they consider it essential to have dedicated planning staff for this project, and additional resources are needed to support that function. The Developer has offered £23,000 to cover the cost of temporary staff to deal with the application.

Former National Air Traffic Service Site

The developer known as Inland Homes are seeking approval of a reserved matters application (associated with approximately 100 homes as part of phase 4 of that scheme), as well as condition discharge applications and a small full planning application (9 houses) located in the northern part of the site. The proposals have been the subject of positive pre-application discussions.

The developer has advised that they consider it essential to have dedicated planning staff to process the application. There are several disparate pieces of work which are required to be undertaken, additionally the reserved matters 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 £18,000 to cover the cost of temporary staff to deal with the application.

Old Vinyl Factory

The developer known as Cathedral Group are seeking reserved matters approval for a parking building, as well as condition discharge and amendments to the original phasing of off-site highway works. The proposals have been the subject of positive pre-application discussions.

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 £18,000 to cover the cost of temporary staff to deal with the application.

Financial Implications

The offers of gift funding totalling £59,000 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 Agreements 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 of 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 Council's 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 these major developments 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

Corporate Property and Construction supports the recommendations as they will help to facilitate the progress of planning applications and subsequently development schemes which will benefit the Council's property development objectives, including helping to deliver an increase in housing supply.

Relevant Service Groups

No other service groups are directly impacted by the recommendation.

6. BACKGROUND PAPERS

NIL