



Democratic Services

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**To: COUNCILLOR IAN EDWARDS
LEADER OF THE COUNCIL**

**COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**

c.c. Perry Scott, Director of Infrastructure,
Procurement, Business Improvement,
Communications, Waste Services & ICT
c.c. Chairman of the Environment, Housing and
Regeneration Select Committee
c.c. Nicola Wyatt / Dave Grimshaw - Planning,
Environment, Education & Community Services
c.c. Conservative and Labour Group Offices
(inspection copy)

Date: 16 July 2021

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2020/21: Carbon Reduction – Lighting Upgrades at Breakspear Crematorium and Charville Lane Children's Home

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Monday 26 July 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Neil Fraser
Democratic Services Officer

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS 2020/21: Carbon Reduction – Lighting Upgrades at Breakspear Crematorium and Charville Lane Children's Home

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

SignedDate.....

Leader of the Council / Cabinet Member for Finance

NEW ALLOCATION OF S106 CONTRIBUTIONS 2020/21: Carbon Reduction – Lighting Upgrades at Breakspear Crematorium and Charville Lane Children’s Home

Cabinet Members	Councillor Ian Edwards Councillor Martin Goddard
Cabinet Portfolios	Leader of the Council Cabinet Member for Finance
Officer Contact	Nicola Wyatt / Dave Grimshaw - Planning, Environment, Education & Community Services
Papers with report	None

HEADLINES

Summary	To seek approval to allocate a total of £93k from the S106 contributions held at E/116/345C and PPR/104/355B towards upgrading the lighting at Breakspear Crematorium and Charville Lane Children’s Home to LED, as outlined in the report.
Putting our Residents First	This report supports the Council objective of strong financial management.
Financial Cost	This report seeks to allocate £93,000 from the s106 contributions held by the Council to progress the scheme outlined in this report
Relevant Select Committee	Environment, Housing & Regeneration
Ward(s) affected	West Ruislip and Charville
Portfolio Member approval	Councillor Eddie Lavery

RECOMMENDATIONS

That the Leader of the Council and Cabinet Member for Finance:

- 1) approve the allocation of £60,000 from the S106 contribution held by the Council at E/116/345C, to be used towards upgrading the lighting system at Breakspear Crematorium to LED to improve energy efficiency; and**

- 2) approve the allocation of £33,000 from the S106 contributions held by the Council at E/116/345C (£21,000) and PPR/104/355B (£12,000), to be used towards upgrading the lighting system at Charville Lane Children's Home to LED to improve energy efficiency.

Reasons for recommendations

Following a Cabinet decision on 19 March 2009, the allocation of S106 and Section 278 (S278) funds is now required to be formally approved by the Leader of the Council and the Cabinet Member for Finance [Property and Business Services] on a case-by-case basis. This report requests the approval for the S106 funds held case references detailed in this report and to be committed as outlined in this report.

Alternative options considered

The Cabinet Members may agree to fund the scheme and/or suggest alternative projects to which funds could be allocated within the terms of the relevant legal agreements. If the S106 funds are not allocated to an appropriate scheme, the unspent funds may need to be refunded.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Planning obligations, or S106 agreements, are an established mechanism for mitigating planning effects arising from development proposals. The agreements are usually negotiated within the context of planning applications, between Local Planning Authorities and persons with an interest in the piece of land (owners, leaseholders or developers). They are intended to make development acceptable, which would otherwise be unacceptable in planning terms.

2. Any S106 monies generated from planning agreements must be spent on their intended purpose and that the associated development contributes to the sustainability of the area by addressing the impacts of the development proposals. As a result, expenditure of S106 funds must relate to a specific development and must be in accordance with the corresponding legal agreement. If a contribution is not used for the intended purpose or not spent within the period allocated in the S106 agreement, the monies may need to be returned.

3. In July 2008, the Council adopted a Supplementary Planning Document (SPD) for Planning Obligations which outlined the Council's approach, policies and procedures in respect of planning obligations. This document has recently been replaced by the Updated Planning Obligations SPD (adopted July 2014) which reflects the introduction of Hillingdon's Community Infrastructure Levy (CIL). The original SDP is, however, still relevant for contributions negotiated before the introduction of CIL on 1 August 2014 and provides stakeholders with a fair, transparent and predictable basis for the implementation of S106 agreement. Details of the financial planning obligations held by the Council and the progress being made in their allocation and implementation are reported to Cabinet on a quarterly basis through the 'Planning Obligations Financial Monitoring Report.' The purpose of this report is to further assist in providing a transparent approach to the allocation of S106 funds.

S106 contribution held at case reference E/116/345C

Details of agreement

4. A contribution of £81,000 was received in accordance with a S106 Unilateral Undertaking dated 19 April 2016 and relating to the refurbishment and extension of the Charter Building, Vine Street, Uxbridge (planning references 30675/APP/2014/1345 & 30675/APP/2016/645). The funds have been received as an offsite carbon contribution and are to be used towards reducing carbon emissions within the London Borough of Hillingdon. The funds must be spent within 5 years of receipt (October 2021).

Planning background

5. On 17 February 2016, planning permission for a non-material amendment to an existing planning permission (planning reference 30675/APP/2014/1345) for the refurbishment and extension of the existing office building with up to 1000sqm of ancillary class A1, A3 and D2 uses was approved. The amendment included a proposal to reduce the number of PV panels to be installed on the roof of the building, to reduce the visual impact on the setting of the Old Uxbridge/Windsor Street Conservation Area. Officers concluded that the loss of some of the PV panels would reduce the level of carbon emission reduction the development could achieve from 32.4% to 25%. The developer therefore agreed to provide a financial contribution commensurate with the level of the shortfall, for the Council to secure delivery of carbon dioxide savings elsewhere in the Borough. Planning permission was subsequently approved, and the above contribution duly received.

Proposed allocation

6. Officers are requesting that a total of £60,000 from the S106 carbon saving contribution held at E/116/345C is now allocated towards a scheme to upgrade the lighting at Breakspear Crematorium as outlined in paragraphs 10-13 below. This will leave a balance of £21,000 that officers are requesting is allocated towards a similar scheme to upgrade lighting at Charville Lane Children's Home as outlined in paragraphs 14-17 below.

S106 contribution held at case reference PPR/104/355B

Details of agreement

7. A contribution of £82,800 was received in accordance with a S106 agreement dated 9 October 2015 and relating to the redevelopment of the former EMI site, Dawley Road, Hayes (planning reference 8294/APP/2015/1406). The funds have been received as an offsite carbon contribution and are to be used towards investment in local energy efficiency and carbon reduction measures within the authority's area. The funds must be spent within 7 years of receipt (November 2022).

Planning background

8. On 16 July 2015, planning permission for the redevelopment of the former EMI site to provide 10,728sqm of class B1(C) (general industrial) and class B8 (storage and distribution) floor space was considered by the Major Applications Planning Committee. At Committee, officers advised that, despite best efforts, the development could not meet the required energy reduction target for the scheme. The developer had therefore agreed to provide a financial contribution

commensurate with the level of the shortfall, for the Council to secure delivery of carbon dioxide savings elsewhere in the Borough. Planning permission was subsequently approved, and the above contribution duly received.

Proposed allocation

9. Officers are requesting that a total of £12,000 from the S106 carbon saving contribution held at PPR/104/355B is allocated towards the scheme to upgrade lighting at Charville Lane Children's Home as outlined in paragraph 14-17 below. This will leave a balance of £70,800 available to be allocated towards another eligible scheme.

1. Proposed Scheme: Breakspear Crematorium, upgrade of lighting to LED

10. Breakspear Crematorium was opened in December 1957 and subsequently extended in 1972 when a second Chapel was built. The site is used by customers and visitors for cremation services and for memorial purposes.

11. Following a survey of the top energy consumers on the corporate estate, Breakspear Crematorium has been identified as the third highest consumer, with most energy being consumed by the existing lighting. Officers are therefore proposing to replace all the internal and external light fitting with more efficient LED.

12. Modelling has shown that, by replacing the 600 light fittings with LED equivalent, energy consumption can be reduced by 56% and reduce the carbon footprint of the building by 19.18 tonnes of CO² per annum. It is anticipated that the upgrade will also reduce energy costs by £11,400 per annum and will repay the capital expenditure within 9 years.

13. The total cost of providing the scheme is budgeted to be £113,329. This will be funded from the Property Works Programme budget. If approved, the allocation of £60,000 from the S106 contribution held at E/116/345C will contribute towards financing the scheme and consequently will reduce the call on Council resources.

2. Proposed scheme: Charville Lane Children's Home, upgrade of existing communal and emergency lighting to LED

14. Charville Lane Children's Home is a Council owned residential home for young refugees. The care home provides accommodation for 13 vulnerable children and 3 staff.

15. The existing lighting layout within the care home consists mainly a mixture of non energy efficient Compact Fluorescent Lamps (CFL). The proposal is to install new LED communal and emergency lighting with 24v Commulite fully remote monitored lighting system. This will upgrade the lighting in compliance with current regulations and ensure sufficient levels of lighting to enable residents to be evacuated safely in the event of a mains failure or emergency situation.

16. The installation of the Commulite LED intelligent emergency lighting system will also assist to reduce the Council's carbon footprint. It is anticipated that the upgraded system will provide the care home with up to 9 hours of lighting in emergency conditions and reduce energy costs by 50%.

17. The breakdown of the costs of the recommended tender, and the overall costs of the installation of the LED communal and emergency lighting, is shown in Table 1 below.

Table 1: Cost Plan

Project cost plan	Cost (£)
Cost of works	£28,916
Project contingency (10%)	£2,892
FM Management fees (5%)	£1,446
Total	£33,254

18. Both schemes have been assessed by the Council's Sustainability Officer who has confirmed that the measures as described would be capable of generating savings commensurate with the level of funding requested.

Financial Implications

The report requests the allocation of £93k from the following S106 contributions towards two schemes:

Table 2: S106 Contributions

S106 Funding Reference	Scheme	Amount	Time Limit to Spend
E/116/345C	Charter Place, Vine Street, Uxbridge	81,000	Oct-21
PPR/104/355B	Fmr EMI Site, Dawely Road, Hayes	82,800	Nov-22
Total S106		£163,800	

Recommendation 1 requests the allocation of £60k from the S106 contribution held at E/116/345C. The S106 contribution is to be used towards upgrading the lighting system at Breakspear Crematorium for LED lights to improve energy efficiency. The total cost of the project is £113k, which is to be funded by Council resources.

Recommendation 2 requests the allocation of £33k from two S106 contributions. The remaining £21k from E/116/345C and £12k from PPR/104/355B. These S106 contributions are to be used towards upgrading the lighting system at Charville Lane Children's Home for LED lights to improve energy efficiency. The total cost of the scheme is £33k which is to be fully funded by S106.

The approval of the £93k S106 will contribute towards the financing of the schemes and will reduce the call on Council resources. The allocation of the S106 contributions meets the conditions as stipulated in the S106 agreements.

The S106 contribution held at E/116/345C is at high risk of being returned to the developer if it is not utilised by October 2021. The remaining S106 balance of £71k held at PPR/104/355B is subject to the allocation process and needs to be spent by November 2022 to avoid being returned to the developer.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon residents, service users and communities?

The recommendations will enable external funds to be spent to maximum effect to provide viable improvements for the benefit of local communities.

Consultation carried out or required

Consultations will be carried out as part of individual project development.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance concurs with the financial implications above, noting that the introduction of LED lighting at Breakspear Crematorium and Charville Children's Home is eligible to be funded from carbon saving related Section 106 contributions and will reduce future energy costs at both sites.

Legal

Legal Services has considered the contents of the Section 106 agreement referred to in the report and concludes that the recommendations presented are consistent with the terms of the agreement.

Infrastructure / Asset Management

Infrastructure and Asset Management comments are included within the report.

BACKGROUND PAPERS

Planning Obligations Quarterly Monitoring Report to Cabinet June 2021

Planning Obligations Supplementary Planning Document Adopted July 2008 and amended July 2014