



Democratic Services

Location: Phase II
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My Ref: CMD 459

To: COUNCILLOR IAN EDWARDS
LEADER OF THE COUNCIL

COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE

c.c. All Members of the Environment, Housing and Regeneration Select Committee
c.c. Nicola Wyatt – Place Directorate
c.c. Perry Scott – Corporate Director for Place
c.c. Conservative and Labour Group Offices (inspection copy)

Date: 08 April 2022

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2021/22 towards end of year financing of Council Schemes: Library Refurbishment Programme, Ruislip High School Expansion, Barra Hall Playground Refurbishment, School Green Screening Programme, Council's CCTV Programme

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 Wednesday 20 April 2022** 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.

Liz Penny
Democratic Services Officer

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS 2021/22 towards end of year financing of Council Schemes: Library Refurbishment Programme, Ruislip High School Expansion, Barra Hall Playground Refurbishment, School Green Screening Programme, Council's CCTV Programme

Decision made:

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

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

Signed Date

Leader of the Council / Cabinet Member for Finance

NEW ALLOCATION OF S106 CONTRIBUTIONS 2021/22 towards end of year financing of Council Schemes: Library Refurbishment Programme, Ruislip High School Expansion, Barra Hall Playground Refurbishment, School Green Screening Programme, Council's CCTV Programme

Cabinet Members	Councillor Ian Edwards Councillor Martin Goddard
Cabinet Portfolios	Leader of the Council Cabinet Member for Finance
Officer Contact	Nicola Wyatt, Place Directorate
Papers with report	None

HEADLINES

Summary	To seek approval to allocate funds from the s106 contributions held at CSL/59/283E, EYL/252/560, E/76/276E, E101/355D and PT/166/359B towards the schemes outlined in this report as part of the Council's end of year financing 2021/22.
Putting our Residents First	This report supports the Council objective of strong financial management.
Financial Cost	This report seeks to allocate £119,375 from s106 contributions held by the Council towards financing the schemes outlined in this report.
Relevant Select Committee	Environment, Housing & Regeneration
Ward(s) affected	All
Portfolio Member approval	Cllr Eddie Lavery, Cllr Susan O'Brien & Cllr John Riley

RECOMMENDATIONS

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

1. The allocation of £92,497 from the S106 contribution held by the Council at CSL/59/283E, to be used towards the Council's ongoing Library Refurbishment Programme.
2. The allocation of £15,193 from the s106 contribution held at EYL/252/560, to be used towards Ruislip High School expansion.
3. The allocation of £6,964 from the s106 contribution held at E/76/276E to be used towards a chrysalis scheme to refurbish the adventure play area at Barra Hall Park.
4. The reallocation of £2,450 from the s106 contribution held at E/101/355D to be used towards the Council's School Green Screening Project.
5. The reallocation of £2,271 from the s106 contribution held at PT/166/359B to be used towards the provision of a CCTV camera in Horton Road, Yiewsley as part of the Council's CCTV Programme.

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 on a case-by-case basis. This report requests approval for the S106 funds held case references detailed in this report 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 the associated development contribute 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.

S106 contribution held at case reference CSL/59/283E

Details of agreement

3. In accordance with an s106 planning obligation dated 18 January 2012, the Council currently holds payments totalling £92,497 (including indexation) as the second, third and fourth instalments of the library contribution from the Former RAF Uxbridge development (now known as St Andrews Park). As specified in the agreement, the funds were received prior to the completion of the 400th, 600th, 800th and 1000th dwelling. They are to be used towards the provision of, or improvement to, library facilities and/or library books within the authority's area. Funds are to be spent within 10 years of receipt of the last relevant payment.

Planning background

4. Outline planning permission to redevelop the former RAF Uxbridge site was agreed by Planning Committee on 24th January 2011 (planning ref: 585/APP/2009/2752), subject to the completion of an appropriate s106 agreement. The application included permission for the creation of up to 1,296 residential properties, 77 one-bed assisted living/ retirement accommodation, a 3 form of entry primary school, energy centre, theatre, GP surgery and District Park. As part of a package of planning obligations to help mitigate the impact of the development and integrate the site into the local area, officers negotiated a contribution towards the provision of library facilities in the Borough.

Proposed allocation

5. The first instalment of this contribution (£21,122) was received prior to the completion of the 200th dwelling on the site. This was spent towards the Council's library book fund as part of the Council's end of year closing in 2016/17 (Cabinet Member Decision 10/05/2017). Officers are now requesting that the remaining instalments totalling £92,497 are allocated towards the refurbishment of the Borough's libraries, as part of the Council's current Library Refurbishment Programme and as outlined in paragraphs 6-8 below.

1. Library Refurbishment Programme 2021/22

6. The Council completed a programme of library refurbishment works in 2014. The works consisted of the refurbishment or rebuilding of 17 libraries in the Borough. New residential developments in the Borough have continued to increase demand for library services. As they continue to be a vital and well used service for residents of all ages, the Council has embarked on a further programme of refurbishment works to ensure that the libraries continue to be a valued community facility into the next decade.

7. The current £3 million programme began in 2019 and consists of refurbishment works at 11 libraries, as well as the provision of two new libraries to be provided within the Yiewsley site development and Harlington school rebuild. Refurbishment work has now been completed at all 11 existing libraries. Ruislip Manor, Charville, Harefield, Yeading, South Ruislip, Oak Farm, Hayes

End and Ickenham were completed in 2020/21. Works at Eastcote and West Drayton have recently been completed in 2021/22.

8. The scope of the refurbishment works vary for each library; however, the works typically involved items such as new flooring and wall coverings, upgrades to toilet facilities and updated signage.

S106 contribution held at case reference EYL/252/560

Details of contribution

9. The Council currently holds a contribution of £15,193 (including indexation) in accordance with a Section 106 planning obligation dated 26 January 2007. The contribution relates to the erection of two five bedroom detached dwellings, together with associated parking (planning reference 31475/APP/2006/1001). The funds have been received as the education contribution and are to be used towards Primary and Secondary School places within the locality of the development. The funds are to be spent within 7 years of receipt (May 2028).

Planning background

10. On 27 June 2006 at the Council's North Planning Committee, planning permission for the erection of two five bedroom detached family dwellings at 127 Ducks Hill Road, Northwood, was agreed. Permission was given subject to the completion of a Section 106 agreement to secure a financial contribution towards the provision of additional education facilities in the Borough, commensurate with the size of the development and in line with Policy R17 of the Council's Unitary Development Plan. Following the satisfactory completion of the Section 106 agreement, planning permission was subsequently approved and the above contribution duly received.

Proposed allocation

11. Officers are requesting that the education contribution held at EYL/252/560 (£15,193) is allocated towards the project outlined in paragraphs 12-15 below.

2. School Expansion Projects – Ruislip High School

12. The Hillingdon Primary and Secondary School Capital Programme is part of the Council's legal requirement to meet the educational needs of the Borough. In recent years, the Borough has seen a significant rise in birth rates. The growth in the birth rate, combined with net migration and new large scale housing developments in the Borough, has meant that additional school places have been needed in all areas of the Borough. Future need cannot be met within existing capacity and therefore a substantial programme of primary and secondary school expansions is being undertaken.

13. A total of £23,341k from S106 education contributions has so far been allocated and spent towards the Primary and Secondary Schools Capital Programme as follows:

Financial Year	Programme / Phase	Total allocated
2011/12	Phase 1 and 1a Primary schools	£2,428k
2012/13	Phase 2 primary schools	£3,000k
2013/14	Phase 2 and 3 primary schools	£7,213k
2014/15	Phase 2 Primary schools	£1,204k
2015/16	Primary and Secondary expansions	£3,642k
2016/17	Primary and Secondary expansions	£3,243k
2017/18	Primary and Secondary expansions	£1,922k
2018/19	Secondary School expansions	£494k
2019/20	Ruislip High School expansion	£180k
2020/21	Ruislip High School expansion	£15k
Total		£23,341k

14. This report requests that the contribution held at EYL/252/560 (£15,560) is allocated towards works associated with the expansion of Ruislip High School, as part of the Secondary School Expansions Capital Programme. The school has recently been expanded by the Council from six forms of entry (6FE) to seven forms of entry (7FE) which is necessary to ensure the Council meets its statutory obligations for providing secondary school places in the Borough. The works have comprised: the provision of a new three storey linked building, accommodating school hall, sixth form centre, staff, and ancillary facilities; single storey extension to changing rooms; enhancement to the central courtyard; additional cycle storage and ancillary development (planning reference 64322/APP/2017/3185). The scheme has now been completed and opened for use in December 2020.

15. The total cost of the project is forecast to be £11,303k. To date a total of £194,981 from S106 education contributions has been allocated and spent towards the scheme. Approval is now being sought for the proposed application of £15,193 from the S106 education contribution held at EYL/252/560 towards financing the scheme, as part of the Council's end of year financing for 2021/22.

School Expansion Project	Proposed S106 allocation	Estimated Project Cost
Ruislip High School	15,193	11,303,000

S106 contribution held at case reference E/76/276E

Details of agreement

16. A contribution of £199,656.76 (including index linking) was received in three instalments in accordance with a Section 106 planning obligation dated 27 January 2011. The contribution relates to the development of the former Hayes Football Club, Church Road, Hayes (planning reference 4327/APP/2009/2737). The planning obligation specifies that these funds are to be used towards improvements to local recreational and sports facilities within the vicinity of the land. The funds must be spent within seven years of receipt (February 2022 for the final instalment). Under the terms of the agreement, the contribution must be spent within 7 years of receipt. The Council can however retain any unexpended balance from the contribution under £10,000 for relevant purposes associated with the development.

Planning background

17. On 16 September 2010, at the Council's Central & South Planning Committee, planning permission for the redevelopment of the former Hayes Football Club to provide 183 residential units, with associated amenity space, landscaping, new access road and car parking was agreed subject to the completion of a Section 106 agreement to secure a number of obligations. At Committee, officers had reported that the development would result in the loss of a playing field on the site and could also be expected to increase demand for recreational facilities in the area. In order to mitigate this impact, the developer had therefore agreed to re-provide and enhance the playing pitches at Yeading Football Club and to provide a financial contribution of £184,000 (plus appropriate indexation) towards enhancements to local recreational and sports facilities in the vicinity. Following the satisfactory completion of the Section 106 agreement, planning permission was subsequently approved, and the above contribution duly received.

Proposed allocation

18. A total of £145,156 from this contribution has previously been allocated and spent towards a scheme to refurbish and relocate the former Yiewsley Bowls Club House to Sipson Recreation Ground, for use by West Drayton Explorers Football Club (Cabinet Member Decision 21/06/2018). This scheme was completed in November 2018.
19. A further £54,500 was also subsequently allocated towards the refurbishment of the ball court at Barra Hall Park (Cabinet Member Decision 20/02/2020). This scheme was substantially completed in November 2020 leaving an unspent balance of £6,963.
20. Officers are requesting that the unspent balance (£6,963) is now reallocated towards a scheme to refurbish the adventure play area at Barra Hall Park (as described below). This scheme has recently been completed as part of the Council's Chrysalis Programme. The park is located in close proximity to the former football club site and is therefore highly likely to be used by residents from the development.

3. Refurbishment of adventure play area at Barra Hall Park (Chrysalis Scheme 2021/22)

21. This scheme has been implemented as part of the 2021/22 Chrysalis Programme and involves the replacement of the existing wooden play equipment which has deteriorated over time due to frequent use. The play area has now been updated with more robust equipment that requires a lower level of maintenance, together with upgraded surfacing to provide a safer environment for play. The scheme was completed in February 2022.

S106 contribution held at case reference E/101/355D

22. A contribution of £12,500 was received in accordance with a S106 agreement dated 9th October 2015 and relating to the redevelopment of the former EMI site, Dawley Road, Hayes (planning ref 8294/APP/2015/1406). The funds were received as the "air quality contribution" and are to be used towards (but not limited to); use of low fuel technology, tree and other planting, restrictions on certain types of vehicle, use of cleaner fuels, use of combined heat and power, environmental management systems and air quality strategy in the Authority's area (see agreement for details). Funds from this contribution are to be spent within 7 years of receipt (September 2022).

Planning background

23. On 16 July 2015, at the Council's Major Applications Planning Committee, authority to determine a planning application for the redevelopment of the former EMI site, Dawley Road to provide 10,728sqm of class B1(c) and B2 (general industrial) and B8 (storage and distribution) floor space with associated parking, servicing, access and landscaping was delegated to the Head of Planning and Enforcement. Authority was deferred subject to the completion of an s106 agreement to secure a number of obligations including a financial obligation towards the monitoring and improvement of air quality in the Borough. A financial contribution commensurate with the size and type of development was subsequently received towards this purpose.

Proposed allocation

24. A total of £10,050 from this contribution has already been allocated and spent towards a scheme of street tree planting in the Borough (Cabinet Member Decision 05/04/2017). The remaining balance of £2,450 was allocated towards a tree planting scheme for Borough residents (Cabinet Member Decision 05/04/2017). These funds were subsequently not required towards the scheme.

25. Officers are now requesting that the unspent balance of £2,449 is reallocated towards the Council's School Green Screening project (outlined below) as part of the Council's end of year financing for 2021/22.

4. Council's School Green Screening Project 2021/22

26. The provision of green barriers at school sites can provide a form of protection from exposure to pollution from busy roads. They can also complement other mitigation measures such as reducing the school run traffic and no idling enforcement at the school gates to help provide a healthier environment at the school premises.

27. A total of £52,462 from S106 air quality contributions has already been allocated towards the Council's School Green Screening Project (Cabinet Member Decision 20/03/2020). The funds were allocated and have been spent towards the provision of green barriers at 5 school sites as listed below:

- Cherry Lane Primary School
- Newham Infant School
- Minet Infant & Junior School
- Holy Trinity C of E School
- Yeading Infant & Junior School

28. The above schemes were completed in 2020/21. A further 23 schemes have since been completed at school sites throughout the Borough in 2021/22.

S106 contribution held at case reference PT/166/359B

Details of contribution

29. A contribution of £50,500 (including indexation) was received in accordance with a S106 Agreement dated 16 January 2014 and relating to the redevelopment of 26-36 Horton Road,

Yiewsley (planning ref:3507/APP/2013/2327). The funds were received as the "Public Realm Contribution" to be used towards (but not limited to) the provision of CCTV; provision of lighting; rerouting/closure of underused paths & links; safety improvements to public transport interchanges, facilities and car parks where new developments may be located; environmental projects that contribute towards safer town centres and other areas affected by the development; enhanced night bus networks to provide safe forms of travel to and major new facilities within the Authority's area. The funds must be spent within 7 years of receipt (January 2023).

Planning background

30. On 10 December 2013, the Council resolved at its Major Applications Planning Committee to grant permission for the demolition of the existing building and redevelopment to provide 50 residential units in 3 buildings with associated parking, communal amenity area, landscaping, private gardens and balconies. Planning permission was granted subject to the completion of an S106 agreement to secure a number of financial obligations in order to mitigate the impact of the development on the surrounding area.

Proposed allocation

31. This contribution was allocated towards lighting improvements and the extension of the Santander Bike Scheme to Yiewsley Town Centre (Cabinet Member Decision 22/12/2020). The scheme was substantially completed in November 2020 leaving an unspent balance of £2,271.

32. Officers are now requesting that the unspent balance of £2,271 is reallocated towards the Council's CCTV Programme, specifically towards the provision of a camera at the junction of Horton Road and Iron Bridge Road (outlined below) as part of the Council's end of year financing for 2021/22

5. Installation of ANPR camera at junction of Horton Road and Iron Bridge Road (Council's CCTV Programme 2021/22)

33. The 2021/22 Capital Programme approved by Cabinet and Council in Feb 2021, included a budget of £583k for the Council's CCTV Programme. As part of the Programme, CCTV installations at 19 town centre locations were approved, including 7 Automatic Number Plate Recognition (ANPR) cameras to be located on arterial road routes.

34. Whilst CCTV is prevalent in all town centres, the next step has been to cover several arterial roads connecting these locations as well as the main arterial routes into the Borough. One of the key locations identified is at the junction of Horton Road and Iron Bridge Road, a main arterial route into Yiewsley Town Centre.

35. The new camera was installed in January 2022 and will allow the Council to gain accurate traffic information and vehicle recognition to help prevent and detect crime and improve public safety in the town centre.

Financial Implications

The report requests the allocation of £119,375 towards five schemes as detailed above in the body of the report, from the S106 contributions stated in the table below:-

S106 Case Ref	S106 Development	Capital Scheme	Amount £'s	Time Limit
CSL/59/283E	Former RAF Uxbridge, Hillingdon Road, Uxbridge	Libraries Programme	92,497	Jan-31
EYL/252/560	127 Ducks Hill, Northwood	Ruislip High School Expansion	15,193	May-28
E/76/276E	Former Hayes FC, Church Road, Hayes	Chrysalis Programme	6,964	N/A
E/101/355D	Former EMI Site, Dawley Road, Hayes	Pollution Screening	2,450	Nov-22
PT/166/382A	26-36 Horton Road, Yiewsley	CCTV programme	2,271	Jan-23
Total			£119,375	

All of the five schemes have had prior capital release approval and the schemes are expected to complete in 2021/22.

The S106 allocation of £119,375 if approved will reduce the call on Council resources, which were previously identified to finance the schemes.

The allocation of the S106 contributions meet the conditions specified in the S106 agreements, if these S106 contributions are not spent on their intended purpose by the stipulated deadline the funds will need to be returned to the developer as per the S106 agreements.

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 notes that the allocation of the Section 106 balances totalling £119k set out in this report will finance existing capital programme expenditure that is eligible within the terms of the respective planning agreements, favourably reducing Council resources required in the 2021/22 capital outturn.

Legal

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

Infrastructure / Asset Management

There are no property implications resulting from the recommendations.

BACKGROUND PAPERS

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

