



Democratic Services

Location: Phase II
Ext: 0833
DDI: 01895 25 0833
My Ref: RD

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

**COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**

c.c. All Members of Executive Scrutiny Committee
c.c. Dan Kennedy, Director of Planning,
Environment, Education and Community Services
c.c. Chairman of the Residents, Education and
Environmental Services Policy Overview Committee
c.c. Nicola Wyatt, Residents Services
c.c. Ward Councillors for Manor and Botwell
c.c. Conservative and Labour Group Offices
(inspection copy)

Date: 16 April 2021

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2020/21: SECONDARY SCHOOL CAPITAL PROGRAMME - SCHOOL EXPANSIONS (RUISLIP HIGH SCHOOL) AND IMPROVEMENTS TO SUBWAY, BLYTH ROAD, HAYES

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 April 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.

Ryan Dell
Democratic Services Apprentice

Title of Report: New Allocation of S106 Contributions 2020/21: Secondary School Capital Programme – School Expansions (Ruislip High School) and Improvements to Subway, Blyth Road, Hayes

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: SECONDARY SCHOOL CAPITAL PROGRAMME - SCHOOL EXPANSIONS (RUISLIP HIGH SCHOOL) AND IMPROVEMENTS TO SUBWAY, BLYTH ROAD, HAYES

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

HEADLINES

Summary	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at EYL/251/444A towards Ruislip High School Expansion and PT/188/404A towards improvements to the subway between Blyth Road and Hayes Town Centre.
Putting our Residents First	This report supports the Council objective of strong financial management.
Financial Cost	This report seeks the allocation and release of £43,658 from S106 contributions currently held by the Council towards the schemes detailed within this report.
Relevant Policy Overview Committee	Residents, Education and Environmental Services
Ward(s)	Manor and Botwell
Portfolio Member approval	Councillor Eddie Lavery Councillor Susan O'Brien

RECOMMENDATIONS

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

1. approve the allocation of £13,658 from the S106 contribution held by the Council at EYL/251/444A to be used as financing towards the Secondary School Capital Programme (Ruislip High School expansion); and

2. **approve the allocation of £30,000 from the S106 contribution held by the Council at PT/188/404A to be used towards improvements to the subway between Blyth Road and Hayes Town Centre.**

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 the approval for the S106 funds held at the case reference 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.

Policy Overview 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 SPD is, however, still relevant for contributions negotiated before the introduction of CIL on 01 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 EYL/251/444A

Details of contribution

4. The Council currently holds a contribution of £13,658 (including indexation) in accordance with a Section 106 planning obligation dated 19 August 2013. The contribution relates to the erection of two detached dwellings, together with associated parking (planning reference 11121/APP/2012/1922). The funds have been received as the education contribution and are to be used towards providing educational improvements or facilities in the Authority's area including new school facilities, improvements to existing school facilities to accommodate extra children, improvement and expansion of playground and external leisure space. There are no time limits for spending this contribution.

Planning background

5. On 11 December 2012 at the Council's North Planning Committee, planning permission for the erection of two detached family dwellings at 138 Linden Road, Ruislip, 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 the Council's supplementary planning document planning obligations July 2008 and amended July 2014. Following the satisfactory completion of the Section 106 agreement, planning permission was subsequently approved, and the above contribution duly received.

Proposed allocation

6. Officers are requesting that the education contribution held at EYL/251/444A (£13,658) is allocated towards the project outlined in paragraphs 7-10 below.

1. School Expansion Projects – Ruislip High School

7. 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 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.
8. A total of £23,326k 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
Total		£23,326k

9. This report requests that the contribution held at EYL/251/444A (£13,658) 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.
10. The forecast total cost of the project is forecast to be £11,303k. To date a total of £179,788 from S106 education contributions has been allocated and spent towards the scheme. Approval is now being sought for the proposed application of £13,658 from the S106 education contribution held at EYL/251/44A towards financing the scheme, as part of the Council's end of year financing for 2020/21.

School Expansion Project	Proposed S106 allocation	Estimated Project Cost
Ruislip High School	13,658	11,303,000

S106 contribution held at case reference PT/188/404A

Details of agreement

11. A contribution of £111,554.62 (including index linking) was received by the Council in accordance with an obligation contained in an S106 agreement dated 27 March 2012 and relating to the redevelopment of Apollo House (land east of the former EMI site), Blyth Road (planning reference 51588/APP/2011/2253). The funds were received as the public realm contribution to be used towards (but not limited to): CCTV; provision of lighting; re-routing/closure of underused paths and links; safety improvements to public interchanges; safer town centres and enhanced night bus networks to and from major new facilities; and leisure units within the Local Authority area. A total of £30,000 from the contribution is required to be used towards an initial upgrade of the pedestrian subway which lies to the east of the site. Funds must be spent within 7 years of receipt (April 2024).

Planning background

12. On 14 February 2012, planning permission for the demolition of the warehouse extension to Apollo House and the erection of a part 4, part 5, part 6 and 7 storey building comprising 132 residential units, cafe, community room and 5 workshop units (now known as the Gatefold Building), was considered by the Central and South Planning Committee. The Committee resolved to delegate authority to the Director of Planning, Environment, Education and Community Services to approve the planning application, subject to the completion of an S106 agreement to secure this contribution and a number of other planning obligations in order to mitigate the impacts of the development on the local area.

Following the satisfactory completion of the agreement, planning permission was subsequently approved, and the above contribution duly received from the developer.

Proposed allocation

13. A total of £81,554 from this contribution has already been allocated and spent towards a scheme to upgrade the CCTV cameras located in the Hayes Town Centre and surrounding areas (Cabinet Member Decision 17/01/2019). Officers are now requesting that the remaining balance (£30,000) is now allocated towards a scheme to upgrade the pedestrian subway connecting Blyth Road to the Town Centre, as required under the terms of the agreement. The proposed scheme is described in paragraphs 14 -19 below.

2. Proposed upgrade to the pedestrian subway connecting Blyth Road to Hayes Town Centre

14. Hayes Town Centre has undergone significant improvements to transform the area, making it more attractive to shoppers and visitors. The Council successfully secured £6m funding from Transport for London's 'Major Scheme Fund' to implement a series of improvements which included new paving, street lighting, opening Station Road to through traffic (including buses), planting of semi-mature trees, more safe and convenient crossings and the installation of the 'Gold Disc' canopy replacing the redundant bandstand. With the future arrival of Crossrail at Hayes and Harlington station, the Council secured an additional £2.6m funding through Transport for London and developer Section 106 contributions to extend the town centre scheme to include the area around the new station building. As part of this project, a scheme has been developed to make significant improvements to the Blyth Road area, including the underpass linking to Hayes and Harlington Station.
15. At present, the main pedestrian connection route between Hayes and Harlington Station and the 17-acre, £250 million Old Vinyl Factory mixed use development, is via a very tired and unwelcoming underpass which does little to counteract perceptions of being potentially dangerous, especially at night.
16. The Council plans to create a feature of the underpass to link with the music heritage of Hayes and the proximity to the former EMI site renowned not just as a pressing plant but as a hot spot of technological innovation. The proposed feature will also complement the contemporary 'bandstand' feature now colloquially known as the 'Gold Disc' which was installed in Station Road as part of the Hayes Major Scheme project.
17. The project to create a 'sound and light experience' is intended to be an interactive experience for the public, transforming the underpass into a sensory representation of the neighbourhood. The sounds will be recordings of natural and human presence, from local parks, streets, and public spaces, from birdsong to child's play to local conversations. The LED light will shine through the series of 25 textured panels on each side of the underpass, and visually represent the frequency and volume of the sound waves.
18. The current design invites participants to walk alongside the artwork and therefore must not present any sharp edges, litter traps or fragile surfaces. Both light and sound elements will have adjustable base levels and adjustable timers, although the sound content will be fixed/pre-recorded and distributed through speakers throughout the day.

19. The design is a component assembly to allow full testing and construction at the workshops prior to delivery to site. The work also supports the tunnel ambient lighting system and consideration has been given to durable finishes and ease of maintenance should any incident occur. For example, all surface finishes to allow cleaning of graffiti paint.
20. The total estimated cost of the improvement work to the subway is £248,995.
21. Work is scheduled to commence from summer 2021 for completion in autumn 2021. This will, however, be subject to completion of works for the new Hayes and Harlington Crossrail building.

Financial Implications

Recommendation 1 requests the allocation of £14k from the S106 contribution held at EYL/251/444A relating to 138 Linden Avenue, Ruislip towards the Secondary Schools Expansion Programme for Ruislip High School expansion scheme. The £14k S106 will contribute to the financing of the Schools Expansion Programme which is financed from various funding streams comprised of capital grants, S106 contributions and prudential borrowing.

Recommendation 2 requests the allocation of £30k remaining from PT/188/404A relating to The Gatefold Building, Blyth Road, Hayes towards improvements to the subway between Blyth Road and Hayes Town Centre. The £30k S106 will contribute towards the total estimated cost of £249k for the subway upgrade scheme.

Allocation of both S106 contributions, if approved, will reduce the call on Council resources. The proposals of both schemes meet the conditions stipulated by the developer on the intended use of both S106 contributions.

The S106 contribution held at PT/188/404A has a risk of being returned to the developer with interest if not spent by April 2024 as per the S106 agreement.

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 the £14k allocation of Section 106 monies will marginally offset prudential borrowing on School Expansions in 2020/21, with substantial S106 balances having previously been allocated to the Schools Expansions programme in previous years.

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 respective agreements.

Infrastructure / Asset Management

There are no property implications resulting from the recommendations.

BACKGROUND PAPERS

Planning Obligations Quarterly Monitoring Report to Cabinet March 2021.

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