



## Democratic Services

**Location:** Phase II  
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**To: COUNCILLOR MARTIN GODDARD  
CABINET MEMBER FOR FINANCE**

**COUNCILLOR EDDIE LAVERY  
CABINET MEMBER FOR RESIDENTS' SERVICES**

c.c. All Members of the Residents' Services Select Committee  
c.c. Nicola Wyatt, Place Directorate  
c.c. Charmian Baker, Place Directorate  
c.c. Perry Scott, Corporate Director of Place

**Date:** 23 August 2022

## Non-Key Decision request

## Form D

### NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23: CRANFORD PARK PROJECT

Dear Cabinet Members

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 Thursday 01 September 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.

Steve Clarke  
Democratic Services Officer

**Title of Report:** New Allocation of S106 Contributions 2022/23: Cranford Park Project

**Decision made:**

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

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

Signed .....Date.....

*Cabinet Member for Finance / Cabinet Member for Residents' Services*

## NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23: Cranford Park Project

<b>Cabinet Members</b>	Councillor Martin Goddard Councillor Eddie Lavery
<b>Cabinet Portfolios</b>	Cabinet Member for Finance Residents' Services
<b>Officer Contact</b>	Nicola Wyatt, Place Directorate Charmian Baker, Place Directorate
<b>Papers with report</b>	None

## HEADLINES

<b>Summary</b>	To seek approval to allocate a total of £418,569 from the s106 contributions held at E/138/429F, E/131/420D and EO/001/554D towards a scheme to improve Cranford Park as outlined in the report.
<b>Putting our Residents First</b>	This report supports the Council objective of <i>Strong Financial Management</i> .
<b>Financial Cost</b>	This report seeks to allocate £418,569 from the s106 contributions held by the Council to progress the scheme outlined in this report.
<b>Relevant Select Committee</b>	Residents' Services Select Committee
<b>Ward(s) affected</b>	Heathrow Villages and Pinkwell

## RECOMMENDATIONS

That the Cabinet Member for Finance, in conjunction with the Cabinet Member for Residents' Services:

- 1) Approves the allocation of £358,679 from the S106 contribution held by the Council at E/138/429F, to be used towards recreational improvements to Cranford Park;
- 2) Approves the allocation of £10,000 from the S106 contribution held by the Council at E/131/420D towards the installation of electric charging points in the public car park at Cranford Park; and,
- 3) Approves the allocation of £49,890 from the S106 contribution held at EO/001/554D towards the installation of heat pumps to enable on site buildings to be brought back into use at Cranford Park.

## Reasons for recommendations

In accordance with the Council's Constitution, the allocation of Section 106 (S106) and Section 278 (S278) funds is required to be formally approved by the Cabinet Member for Finance on a case-by-case basis – and any capital release, in conjunction with the relevant Cabinet portfolio holder. This report requests the approval for the S106 funds held at the case references detailed in this report to be committed as outlined in this report.

## Alternative options considered

The Cabinet Member 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.

### **1. S106 contribution held at case reference E/138/429F**

#### **Details of contribution**

3. A contribution of £358,679 (including indexation) has been received in accordance with a S106 agreement dated 27 June 2018 (and subsequent DOV dated 25 June 2021) and relating to the redevelopment of the former Nestle Factory site, Nestle Avenue, Hayes (planning reference 1331/APP/2017/1883). The funds have been received as the "Cranford Park Improvement Contribution" to be used towards the improvement of the historic Cranford Park grounds in the vicinity of the development. Funds to be spent within 10 years of receipt March 2029.

#### **Planning background**

4. On 13 December 2017, planning permission for the redevelopment of former Nestle factory site to provide 1,386 dwellings, office, retail, community, and leisure uses was approved (planning reference 1331/APP/2017/1883). At Committee officers reported that to retain the integrity of the retained factory building, balconies could not be added to the most

prominent locally listed facades of the building. Consequently, some residential units could not therefore be provided with private amenity space, and that this resulted in an overall shortage of amenity space, when assessed against local planning policy requirements. To help mitigate this shortfall, the developer had therefore agreed to provide a financial contribution towards improvement works to Cranford Park, which is the closest public park to the development. Planning permission was subsequently approved, and the above contribution duly received.

### Proposed allocation

5. Officers are requesting that the S106 contribution held at E/138/429F (totalling £358,679) is allocated towards recreational improvements to the grounds at Cranford Park as part of the Cranford Park Project which is outlined in paras 16-20 below.

## **2. S106 contribution held at case reference E131/420D**

### Details of contribution

6. A contribution of £14,012 (including indexation) was received in accordance with a S106 agreement dated 20 February 2014 and relating to the redevelopment of the former Kings Arms Public House, 109 Coldharbour Lane, Hayes (planning reference 10954/APP/2011/1997). The funds were received as the "air quality contribution" and are to be used towards initiatives to improve air quality in the local authority's area. There are no time limits for spending these funds.

### Planning background

7. On 7 January 2014, at the Council's Major Applications Planning Committee, authority to determine a planning application to erect a part 2, part 3, part 4 storey building comprising a non-food retail space and 4 residential units at ground level and a further 17 residential units above was delegated to the Director of Residents Services. Authority was deferred subject to the completion of an s106 agreement to secure several 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.

### Developer obligations taken towards the Borough's Air Quality Strategy

8. The South of the Borough suffers from levels of pollution above the national European Union Health Limits. Due to these levels of pollution, and as part of its statutory local air quality management duties, Hillingdon declared an Air Quality Management Area (AQMA) across the bottom two thirds of the Borough and developed an Air Quality Action Plan which includes measures to both monitor and improve local air quality.
9. The s106 contribution referred to in para 6 above was taken in relation to a planning application which is located within the AQMA. Given that the proposal would bring new residents into an area of poor existing air quality and in accordance with the Council's Supplementary Planning Document on Planning Obligations 2014, the development was therefore required to make a financial contribution towards the monitoring and implementation of air quality management measures and initiatives to improve air quality in the Authority's area.

### Proposed allocation

10. Officers are requesting that a total of £10,000 from the S106 air quality contribution held at E/131/420D is allocated towards the provision of electric car charging points in the public car park at Cranford Park, as part of the Cranford Park Project which is outlined in paras 16-210 below. The provision of electric charging points at this facility will encourage the use of electric cars to visit the site and contribute to the Council's aims to reduce the levels of carbon and nitrogen dioxide emissions in the Borough. The proposed allocation will leave a balance of £4,012 available to be allocated towards another eligible scheme.

### **3. S106 contribution held at case reference E/O/001/554D**

#### Details of contribution

11. A contribution of £392,066.78 (including indexation) was received in accordance with a S106 agreement dated 2 October 2019 and relating to the redevelopment of the former Chailey Industrial Estate, Pump Lane, Hayes (planning reference 2102/APP/2018/4231). The funds have been received as an Offset Carbon Contribution and are to be used by the Council towards the provision of offsite carbon reduction measures to mitigate the impact of the development. The funds must be spent within 7 years of receipt (June 2028).

#### Planning background

12. On 19 June 2019, planning permission for the redevelopment of the former Chailey Industrial Estate to provide 1331 residential units, 710 sqm of ground floor commercial space and provision of communal amenity areas, child play space and parking was considered by Major Applications Planning Committee. At Committee, officers advised that the proposed development did 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

13. A total of £1,776 from this contribution has been allocated to the Trees for Cities Planting Programme (Cabinet Member Decision 27/01/2022). Officers are now requesting that a further sum of £49,890 is allocated towards the installation of two Air Source Heat Pumps as part of the Cranford Park Project (proposed Scheme outlined in paras 16-20 below). If approved, this will leave a balance of £340,400 available to be allocated towards another eligible scheme.
14. The installation of the heat pumps will provide a sustainable source of heating for the proposed new café area, as well as enabling the existing stable buildings and cellars to be brought back into use. The new system will also ensure that carbon emissions are as low as they can be as compared with traditional heating systems.
15. The request has been assessed by the Council's Sustainability Officer who has confirmed that the proposal as described would be capable of generating carbon savings commensurate with the level of funding requested.

## **Proposed Scheme: The Cranford Park Restoration Project.**

16. Cranford Country Park is located in the south of the Borough, south of the M4. The Park includes 58 hectares of parkland and features a number of historical relics remaining from the former Cranford House which was demolished in 1945. These include a walled garden, icehouse, a 18<sup>th</sup> century stable block and the medieval St Dunstan's Church. Facilities currently include a car park, children's playground and nature trails. The river Crane flows through the park.
17. The Cranford Park Project involves the restoration of the historic buildings, structures and landscapes at Cranford Park, with the introduction of new visitor facilities, signage and interpretation and an activity programme for visitors and volunteers.
18. The proposed works involve:
  - Repair and conversion of the stables into usable and lettable space
  - Repair of the cellars and conversion into interpretation/hire space
  - Provision of heating and ventilation systems for the on-site buildings, with a new transformer and cable bridge to bring electricity on to the site
  - Repair of the garden walls and ha-ha
  - Provision of a café in the footprint of the former Cranford House, expression of that footprint through gardens and sitting out areas and re-instatement of the former gravel driveway
  - New playground to be installed in the Pleasure Grounds
  - Works to landscape and restore the Pleasure Grounds and Oval
  - Conversion of the interpretation centre into public toilets
  - Repair and extension of the public car park with provision of electric charging points and disabled spaces
  - Interpretation works to include, audio trail, films in cellars, soundscape in the stables
  - Improvement to St Dunstan's Subway (main pedestrian access to the park). Works to improve signage, lighting, and flood management
  - Introduction of a cycle path in northern part of the park
  - Provision of a children's playground in the northern part of the park
  - Access improvements to the courtyard and relaying for public events space
  - Programme of activities for visitors, schools, and volunteers
  - Recruitment of Community Engagement Officer and Site Manager.
19. Authorization to progress the Cranford Park Project was obtained in February this year (Cabinet Member Decision 17/02/2022) and the tender for works was accepted by Cabinet in March 2022 (Cabinet Member Decision 17/03/2022).
20. The total capital budget for the Cranford Park Project is currently set at £3.8 million and is to be financed from both external and internal sources including a grant of £2.5 million from the National Lottery Heritage Fund. Works began on site in June 2022 and are anticipated to be completed by March 2023.

## Financial Implications

The report requests the allocation of £419k from the following S106 contributions:-

Table 1: S106 Contributions

<b>S106 Funding Reference</b>	<b>Scheme</b>	<b>Amount £</b>	<b>Time Limit to Spend</b>
E/131/420D	Fmr Kings Arms PH, 109 Coldharbour Lane, Hayes	10,000	N/A
E/138/429F	Fmr Nestle Factory, Nestle Avenue, Hayes	358,679	Mar 2029
EO/001/554D	Chailey Industrial Estate, Pump Lane, Hayes	49,890	Jun 2028
	<b>Total S106</b>	<b>418,569</b>	

The above S106 contributions are to be used towards the Cranford Park Heritage Project. The total cost of the project is £3,862k which is to be funded by a combination of Council resources, various grants including the Heritage Lottery Fund and S106. The approval of the £419k S106 is included in the project financing budget and will reduce the call on Council resources.

The allocation of the S106 contributions meets the conditions stipulated within the S106 agreements.

Subject to the approval of these allocations, the S106 contributions held at E/131/420D and EO/001/155D will have remaining S106 balances of £4k and £340k respectively that will be available to allocate towards further schemes.

## 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 above financial implications, confirming that up to £960k existing and future Section 106 monies are included in the Cranford Park restoration project budget, inclusive of the above balances of £419k.

### Legal

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

## **Infrastructure / Asset Management**

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

### **BACKGROUND PAPERS**

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