



## Democratic Services

**Location:** Phase II  
**Ext:** 0693  
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**CMD No:** 760

**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  
c.c. Ward Councillors for Heathrow Villages and Pinkwell

**Date:** 31 March 2023

## Non-Key Decision request

## Form D

### NEW ALLOCATION OF S106 CONTRIBUTIONS 2023: Cranford Park Project No.2

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 12 April 2023** 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 2023: Cranford Park Project No.2

**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 2023: Cranford Park Project No.2

<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 £204,126 from the s106 contributions held at E/155/576B, E/156/568C and E/158/580A towards the Cranford Park Project as outlined in the report.
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	This report supports our ambition for residents / the Council of: Enjoy access to green spaces, leisure activities, culture and arts.  This report supports our commitments to residents of: Thriving, Healthy Households.
<b>Financial Cost</b>	This report seeks to allocate £204,126 from the s106 contributions held by the Council towards 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 £144,814 from the S106 contribution held by the Council at E/155/429F, towards recreational improvements to Cranford Park, as part of the Cranford Park Project,
- 2) Approves the allocation of £58,312 from the S106 contribution held at E/158/580A, towards recreational improvements to Cranford Park, as part of the Cranford Park Project, and

- 3) Approves the allocation of £1,000 from the S106 contribution held by the Council at E/156/568C towards the provision of signage at the Watersplash entrance to Cranford Park, as part of the Cranford Park Project.**

### **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/155/576B**

#### **Details of contribution**

3. A contribution of £144,814.19 (including indexation) has been received in accordance with a S106 agreement dated 25 January 2022 and relating to the redevelopment of the former Stanford House, 9 Nestle Avenue, Hayes (planning reference 51175/APP/2020/2543). The funds have been received as the "Open Space Contribution" to be used towards open spaces within the Authority's area. There are no time limits for spending the funds.

#### **Planning background**

4. On 24 February 2021, planning permission for the redevelopment of Stanford House to provide a building of up to 11 storeys comprising residential accommodation, associated

landscaping, access and car parking was approved by Major Applications Planning Committee. At Committee officers reported that due to the constraints of the site, the development could not make on the site provision for open space. In order to mitigate this and also address a shortfall in private and communal amenity space, the developer agreed to provide a financial contribution of £135,700 towards the enhancement of existing off site public open space at nearby Cranford Park. Planning permission was subsequently approved, and the above contribution duly received towards open space provision in the Borough.

## **2. S106 contribution held at case reference E/158/580A**

### **Details of contribution**

5. A contribution of £58,312 (including indexation) has been received in accordance with a S106 agreement dated 30 October 2020 and relating to the redevelopment of 1 Vinyl Square, The Old Vinyl Factory, Blyth Road, Hayes (planning reference 59872/APP/2019/3852). The funds have been received as the Off-site Open Space Contribution towards the provision of open space in the local area and/or enhancements to existing public open space. The funds must be spent within 10 years of receipt (February 2033).

### **Planning background**

6. On 7 May 2020, planning permission for a mixed-use redevelopment within the wider Old Vinyl Factory site was approved by Major Applications Planning Committee subject to a S106 agreement to secure appropriate contributions. At Committee, officers had advised that the development as proposed, was unable to provide adequate open space on the site and a financial contribution would therefore be required towards the provision of off-site open space or enhancement of existing open space in the area. A contribution commensurate with the level of the shortfall, was therefore agreed with the developer. Planning permission was subsequently approved, and the above contribution duly received.

## **3. S106 contribution held at case reference E156/568C**

### **Details of contribution**

7. A contribution of £22,941(including indexation) has been received in accordance with a S106 agreement dated 8 October 2019 and relating to the redevelopment of the former Crane Public House, Watersplash Lane, Hayes (planning reference 11026/APP/2018/3361). The funds were received as the "Cranford Park Contribution" and are to be used to improve the Watersplash Lane entrance to Cranford Park including signage, security, and street lighting. Funds are to be spent within 7 years of receipt (Sept 2029).

### **Planning background**

8. On 17 July 2019, at the Council's Major Applications Planning Committee, authority to determine a planning application to redevelop the former Crane PH to provide a part 2, part 3, part 4 storey building comprising 27 self-contained flats with associated landscaping works was delegated to the Head of Planning, Transport and Regeneration. Authority was deferred subject to the completion of an s106 agreement to secure several obligations including a financial obligation towards Cranford Park which lies near the site. At

Committee officers had advised that to compensate for a shortfall of on-site amenity space, the developer had agreed to provide a 2m footpath connecting the development to the entrance to Cranford Park on Watersplash Lane. A financial contribution of £20,000 was also agreed towards providing security and enhancements to the Watersplash Lane entrance to improve access to the park.

### Proposed allocations

9. Officers are requesting that the contributions held at E/155/576B (£144,814) & E/158/580A (£58,312) are allocated and spent towards the proposed recreational improvements at Cranford Park as outlined in paras 12-16 below. The park is within walking/cycling distance of Hayes Town Centre and there are plans to improve footpath and cycle links to the park via the Grand Union Canal, as part of the redevelopment of the Hayes area. The aim will be to better connect the new residential areas currently being constructed on the Old Vinyl Factory and Nestle sites to public open spaces in the area and encourage residents to access these spaces by more sustainable means.
10. Officers are also requesting that a total of £1,000 from the S106 contribution held at E/156/568C is allocated towards the provision of a new interpretation board and signage at the Watersplash entrance to Cranford Park. It was initially envisaged that the Cranford Park Project would include further improvements to this entrance to the park, however, these have been put on hold due to budgetary constraints. It is intended that further improvement works to the entrance will therefore be made as part of proposals to improve the footpath connection to the park along Watersplash Lane. The proposed allocation will leave a balance of £21,941 available to be allocated towards these works.
11. A total of £418,569 has already been allocated from S106 contributions towards the implementation of the Cranford Park Project (Cabinet Member Decision 02/09/2022). If the above allocations are approved this will take the total S106 allocation to £622,695.

### The Cranford Park Restoration Project.

12. 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.
13. 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.
14. 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.
15. Authorization to progress the Cranford Park Project was obtained in February last 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).
16. 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 currently in progress with completion anticipated in May 2023.

## Financial Implications

The report requests the allocation of £204k 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/155/576B	Stanford House, 9 Nestles Avenue, Hayes	144,814	N/A
E/156/568C	The Crane PH, Watersplash Lane, Hayes	1,000	Sep 2029
E/158/580A	The Old Vinyl Factory, Blyth Road, Hayes	58,312	Feb 2033
	<b>Total S106</b>	<b>£204,126</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 £204k 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/156/568C will have remaining S106 balances of £22k that will be available to allocate towards further schemes.

Previously in September 2022 amounts totalling £419k from three other S106 balances were formally approved for allocation towards the Cranford Park Heritage project.

## **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 £204k.

### **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. The proposals do not conflict with any other plans or projects from an Asset Management and Property and Estates direction.

## **BACKGROUND PAPERS**

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