



Democratic Services

Location: Phase II
Ext: 0185
DDI: 01895 250185
CMD No: 771

**To: COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**

c.c. All Members of the Finance and Corporate Services Select Committee
c.c. Nicola Wyatt - Place Directorate
c.c. Perry Scott – Corporate Director of Place
c.c. Ward Councillors for Hillingdon West and Hayes Town

Date: 13 April 2023

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23: End of Year financing of Council Schemes: Battle of Britain Bunker Enhancements, Blyth Road Subway Improvements

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 Friday 21 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.

Liz Penny
Democratic Services Officer

Title of Report: New Allocation of S106 Contributions 2022/23: End of Year Financing of Council Schemes: Battle of Britain Bunker Enhancements, Blyth Road Subway Improvements

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

NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23: End of Year financing of Council Schemes: Battle of Britain Bunker Enhancements, Blyth Road Subway Improvements

Cabinet Members	Councillor Martin Goddard
Cabinet Portfolios	Cabinet Member for Finance
Officer Contact	Nicola Wyatt, Place Directorate
Papers with report	Nil

HEADLINES

Summary	To seek approval to allocate funds from the s106 contributions held at PPR/91/331C and PT/238/418E towards the schemes outlined in this report as part of the Council's end of year financing 2022/2023.
Putting our Residents First	<p>This report supports our ambition for residents / the Council of: Enjoy access to green spaces, leisure activities, culture and arts.</p> <p>This report supports our commitments to residents of: Thriving, Healthy Households.</p>
Financial Cost	This report seeks to allocate £30,000 from s106 contributions held by the Council towards financing the schemes outlined in this report
Relevant Select Committee	Finance & Corporate Services
Ward(s) affected	Hillingdon West/ Hayes Town
Portfolio Member approval	Councillor Eddie Lavery/ Cllr Jonathan Bianco

RECOMMENDATIONS

That the Cabinet Member for Finance approve:

1. The allocation and spend of £10,000 from the S106 contribution held by the Council at PPR/91/331C to be used towards The Battle of Britain Bunker enhancement project.
2. The allocation and spend of £20,000 from the S106 contribution held at PT/238/418E towards improvements to the subway, Blyth Road, Hayes.

Reasons for recommendations

In accordance with the Council 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 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 PPR/91/331C

Details of agreement

3. The Council currently holds a contribution of £10,000 in accordance with an s106 Unilateral Planning Agreement dated 20th December 2011 and relating to the redevelopment of 216 Field End Road, Eastcote (planning reference 6331/APP/2010/2411). The planning obligation specifies

that the contribution is to be used by the Council towards community facilities within the Authority's area. There is no time limit for spending this contribution and the Council can retain any unexpended balance from the contribution under £1,000 for relevant purposes associated with the development.

Planning background

4. On 3rd August 2011 planning permission for the redevelopment of 216 Field End Road, Eastcote, to provide a four-storey building comprising a new convenience store with 3 one-bedroom and 8 two-bedroom flats above was refused by the North Planning Committee. The application was subsequently approved at appeal (ref: APP/R5510/A/11/2163550/NWF). At appeal the developer had submitted a unilateral Planning Agreement to provide a number of planning obligations to mitigate the impact of the development on the area, which was accepted by the Planning Inspector. These obligations included a financial contribution towards community facilities in the Borough and a contribution of £10,000 was subsequently received from the developer in line with the agreement.

Proposed allocation

5. Officers are requesting that the S106 Contribution held at PPR/91/331C (£10,000) is allocated towards financing the Faces of Britain Exhibition as part of the Battle of Britain Bunker enhancement project, and as outlined in paragraphs 6 - 9 below. The Bunker is a valuable community facility in the Borough and the exhibition will provide residents and visitors with a new and interesting resource to enjoy.

Scheme 1 – Battle of Britain Bunker Enhancement Project – Faces of the Battle Exhibition

6. The Battle of Britain Bunker is owned and operated by the London Borough of Hillingdon and has a national profile in terms of marking important anniversary dates, including the Battle of Britain in 2020 and Operation Jubilee in 2022. As steward of this key piece of national heritage, the Council is pursuing plans to extend the interpretation at the site by installing new permanent exhibitions to refresh and improve the visitor experience.

7. As part of the Battle of Britain Bunker enhancement project, the Faces of the Battle exhibition is an educational and interactive engagement installation aimed to refresh the public offering benefiting public, family and school visits to the site with new interactive elements to explore.

8. The project comprises two components including:

- Renovation of the Intelligence, WAAF and Bomber rooms to a 1940s aesthetic so that visitors will feel as though they are stepping back into the original offices.
- Installation of interpretation panels, silhouette wall plates, wartime maps and artefact labels. Text and images will be aimed at adults and children, ensuring better engagement for younger audiences.

9. The total cost of the project is £20,000 which is due to be financed from the 2022/23 Battle of Britain Bunker and Visitor Centre Enhancement Budget (Capital Release Decision 12/12/2022). The allocation of the above s106 contribution will reduce the call on Council resources towards the scheme.

S106 contribution held at case reference PT/238/418E

10. A contribution of £20,000 was received by the Council in accordance with an obligation contained in a S106 Deed of Variation agreement dated 25 July 2020 and relating to the redevelopment of 20-30 Blyth Road, Hayes (planning reference 1425/APP/2018/2145). 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; environmental projects that contribute to safer town centres and enhanced night bus networks to and from major new facilities and leisure uses; within the Authority's area. Funds must be spent within 7 years of receipt (August 2027).

11. On 27 May 2020, a section 73 application to vary conditions 2,7,32 & 33 of planning permission 1425/APP/2011/3040 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 approved by the Major Applications Planning Committee. The application sought to reduce the number of car parking spaces on the site and increase the number of electric vehicle charging points. The application was approved subject to the completion of a DOV to the original agreement, to secure a financial contribution towards investment in measures that help would help make walking and cycling to Hayes Town Centre a genuine alternative to using a private car. Following the satisfactory completion of the agreement, planning permission was subsequently approved, and the above contribution duly received from the developer.

Proposed allocation

12. Officers are requesting that the contribution held at PT/238/418E (£20k) is allocated and spent towards financing a scheme to upgrade the pedestrian subway connecting Blyth Road to Hayes Town Centre, as part of the Hayes Town Centre Major Scheme. The scheme (outlined in paragraphs 14-18 below) will rejuvenate the subway to provide a safer more inviting environment for users encouraging people to walk and cycle between the new developments in Blyth Road and the town centre and to access the station.

13. The project began on site in the summer of 2021; however, works have been delayed due to unforeseen repairs required to the original steps adjacent to the subway. The subway works are therefore now due for completion in 2022/23.

2. 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 is currently implementing a scheme 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 construction of the underpass light and sound installation is now largely complete with final testing of the sound element underway. The panels are currently in storage while works continue on the site to prepare the underpass for their implementation. The original steps, adjacent to the underpass have now been demolished and are awaiting 3rd party utility works before being fully reconstructed. As part of the rebuild, a new control panel will be built within the structure which will house the electrical components for the new installation. Following completion of the new steps, the panels can be delivered to site ready for implementation.

Financial Implications

The report is seeking the allocation of £30k from S106 contributions stated in the detailed below:-

S106 Funding Reference	Scheme	Amount £	Time Limit to Spend
PPR/91/331C	216 Field End Road, Eastcote	10,000	N/A
PT/238/418E	20-30 Blyth Road, Hayes	20,000	Aug 2027
	Total S106	£30,000	

The above S106 contribution are to be used towards the Battle of Britain Bunker Enhancements scheme and Blyth Road Subway Improvements scheme. Both schemes have had prior capital release approval.

The S106 allocation of £30k 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 concurs with the above financial implications, noting that the use of Section 106 monies as detailed in this report will support financing of existing projects, reducing impact on Council resources.

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 agreement.

Infrastructure / Asset Management

There are no Infrastructure /Asset Management implications arising from the recommendations in this report.

BACKGROUND PAPERS

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