



## Democratic Services

**Location:** Phase II  
**Ext:** 0692  
**DDI:** 01895 250692  
**CMD No:** 793

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

**COUNCILLOR JONATHAN BIANCO  
CABINET MEMBER FOR PROPERTY, HIGHWAYS  
AND TRANSPORT**

c.c. All Members of the Property, Highways and  
Transport Select Committee  
c.c. Nicola Wyatt – Place Directorate  
c.c. Perry Scott – Corporate Director of Place  
c.c. Ward Councillors for Hillingdon East

**Date:** 03 May 2023

## Non-Key Decision request

## Form D

### NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: Hillingdon Circus Accessibility Improvements (Release No 1)

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 12 May 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.

Ryan Dell  
Democratic Services Officer

**Title of Report:** NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE  
2023/24: Hillingdon Circus Accessibility Improvements (Release No 1)

**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 Property, Highways and Transport*

# NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: Hillingdon Circus Accessibility Improvements (Release No 1)

<b>Cabinet Members</b>	Councillor Martin Goddard Councillor Jonathan Bianco
<b>Cabinet Portfolios</b>	Cabinet Member for Finance Cabinet Member for Property, Highways and Transport
<b>Officer Contact</b>	Nicola Wyatt – Place Directorate
<b>Papers with report</b>	Appendix A – Capital release requests for approval Appendix B – Location Plan

## HEADLINES

<b>Summary</b>	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at PT/229/441B towards improving the ease at which people with disabilities can move around the area.
<b>Putting our Residents First</b>  <b>Delivering on the Council Strategy 2022-2026</b>	<p>This report supports our ambition for residents/ the Council of: Live active and healthy lives.</p> <p>This report supports our commitments to residents of: A Green and Sustainable Borough.</p>
<b>Financial Cost</b>	<p>This report seeks the allocation and release of £95k from S106 funds made available from the redevelopment of 297 Long Lane approved within the London Borough of Hillingdon and detailed within this report towards enhancement of the area outside 299-335 Long Lane to improve accessibility for those with disability. A further £15k will be contributed from Transport for London LIP grant towards the total cost of the scheme, £110k which includes contingencies.</p> <p>The works will commence upon release of the funds and are due for completion by October 2023.</p>
<b>Relevant Select Committee</b>	Property, Highways and Transport Select Committee
<b>Wards affected</b>	Hillingdon East
<b>Portfolio Member approval</b>	Councillor Jonathan Bianco Councillor Eddie Lavery

## RECOMMENDATIONS

That the Cabinet Member for Finance and Cabinet Member for Property, Highways and Transport:

- 1) Approve the allocation of £94,600 from the S106 contributions held at PT/229/441 to be used towards improving accessibility for disabled people between 299 and 335 Long Lane, Hillingdon; and
- 2) Approve the capital release requesting £94,600 towards the scheme, as outlined in Appendix A to this report.

### 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 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 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 agreements. 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 PT/229/441B**

#### Details of contribution

3. A contribution of £94,600 (including indexation) has been received by the Council in accordance with an obligation contained in a S106 agreement dated 19 February 2019 and relating to the redevelopment of 297 Long Lane, Hillingdon (planning reference 4860/APP/2018/3719). The funds were received as the “Highways Improvement Works Contribution”, towards measures to improve the ease and convenience with which people with disabilities can move around the Hillingdon Circus Shopping Parade between 299 and 335 Long Lane. The works are to primarily include dropped kerbs, tactile paving, localised footway resurfacing and benches. Funds must be spent within 7 years of receipt (December 2026).

#### Planning background

4. Planning permission to redevelop the former dairy site at 297 Long Lane, Hillingdon, was agreed by Major Applications Planning Committee on 24 May 2019 (planning ref: 4860/APP/2018/3719), subject to the completion of an appropriate S106 agreement. The application proposed to provide a four-storey block containing 36 residential units comprising 4 studios, 21 one-bedroom and 11 two-bedroom units, with associated access, parking, and landscaping. 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 financial contribution to be used by the Council towards measures to improve accessibility for people with disabilities around the Hillingdon Circus shopping area which lies in the immediate area of the site.

#### Proposed allocation

5. Officers are requesting that the contribution held at PT/ 229/441B (£94,600) is allocated towards a scheme to provide accessibility improvements in Hillingdon Circus shopping area between 299 and 335 Long Lane, and as outlined in paragraphs 6-11 below. The scheme has been developed in consultation with the Council's Principal Accessibility Officer.

#### **Project Proposal: Hillingdon Circus accessibility improvements**

6. Long Lane at the junction with Freezeland Way is known as Hillingdon Circus and provides access to a number of local shops and services for those living in the local area. The section between 299 and 335 Long Lane, is the section being considered within this report as per the S106 agreement, this is shown in the location plan at Appendix B.
7. This section of Hillingdon Circus includes many shops and services, including: a Chinese restaurant; betting shops; local café; dry cleaners and a car showroom. This section of Long Lane also provides access to a bus stop which is served by the U2 and 278 services. A summary of the bus services is provided in Table 1, below, which shows up to 10 buses serving the stop in a peak hour:

Table 1: Summary of Bus Services		
Bus No.	Route	Typical hourly frequency
U2	Brunel University – Hillingdon Hospital – Oak Farm Estate – Hillingdon Station – Honey Hill – Uxbridge College – Belmont Road	3-5/hr

278	Heathrow Airport – Hayes Town Centre – Uxbridge Road – Hillingdon Station – Ruislip	4-5/hr
<b>TOTAL:</b>		<b>7-10/hr</b>

8. In order to understand the current conditions and consider the most appropriate measures for the area, the Council's Principal Accessibility Officer undertook a site visit to the area and provided feedback. This showed that the key concerns were the location of the disabled parking bays; the condition of the footway and particular areas where there was a slight gradient to the footway and lack of compliant dropped kerb facilities.
9. Based on the above, the following highway works are proposed to improve the area to allow better access for those with disabilities. The proposals have been shared with the Cabinet Member for Property, Highways and Transport.
  - Rectify the cross gradients on the footways,
  - Upgrade paving slabs to larger slabs which provide a better footway service
  - Install dropped kerbs and tactile paving at key crossing points,
  - Relocate street furniture to widen the pavement,
  - Relocate the disabled parking bays to make them more accessible (subject to statutory consultation,
  - Provision of black top resurfacing on the island around the bus shelter
10. The Council's term contractor, O'Hara, would undertake all the works proposed and have provided a total cost of £91,677 to complete the works. The breakdown of the scheme costs is provided in Table 2.

<b>Table 2: Breakdown of scheme costs</b>	
<b>Scheme Element</b>	<b>Contribution</b>
Civil Works to Highway	£91,677
Project Engineering Fees	£9,167
<b>SUB TOTAL</b>	<b>£100,844</b>
Contingency	£9,167
<b>TOTAL</b>	<b>£110,011</b>

11. The table shows that without contingencies the scheme will cost £100,844 to complete, a total of £6,244 over the available S106 budget. The additional funding will be secured from the Transport for London Local Implementation grant which has a yearly Accessibility budget. The contingency will also be budgeted for with the Transport for London fund and should this not be used, will be utilised on other Accessibility schemes identified and then agreed with the Cabinet Member for Property, Highways and Transport.

#### **Financial Implications (S106 2023/24 Budget £95k; Previously Released Nil, Capital Release Requested £95k) - Appendix A**

The report is seeking the allocation and release of £95k from the S106 contribution held at PT/229/441 relating to the development at 297 Long Lane, Hillingdon, towards Hillingdon Circus accessibility improvements.

The cost of the works is based on scheduled rates within the Council's Highways term contract and includes engineer fees and contingency of 10% each.

The total cost of the scheme is £110k which is funded £95k from S106 contributions and £15k from TfL LIP Accessibility funding, which will be progressed via a separate capital release report once the official announcement from TfL has been made in relation to the 2023/24 TfL grant allocation.

The release of £95k will enable the project to progress. The proposals meet the conditions stipulated by the developer in the S106 agreement on the intended use of the S106 contributions.

## **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 that the proposed scheme will be funded from a combination of Section 106 contributions in accordance with the planning agreements and Transport for London LIP 2023/24 grant, with no impact on Council resources.

### **Legal**

Legal Services has considered the contents of the Section 106 agreement referred to in the report and concludes that the recommendation presented is consistent with the terms of the agreement.

### **Infrastructure/ Asset Management**

There are no property implications resulting from the recommendations.

### **Capital Release Protocol**

The release of all capital funds, and certain revenue funds, held by the Council is to be made by a formal democratic decision. No expenditure can be placed or committed by officers until this formal approval is given by Democratic Services. Release of funds must be for identified projects only and strictly not for the general release of funds for projects to be identified at a later date. No block releases of capital or funding will be allowed, except if authorised by the Leader of the Council in advance to Corporate Finance. The release of funds will only be made if previous Council, Cabinet or Cabinet Member agreement has been given to the project and only if there is an approved budget.

## BACKGROUND PAPERS

Planning Obligations Supplementary Planning Document 2014

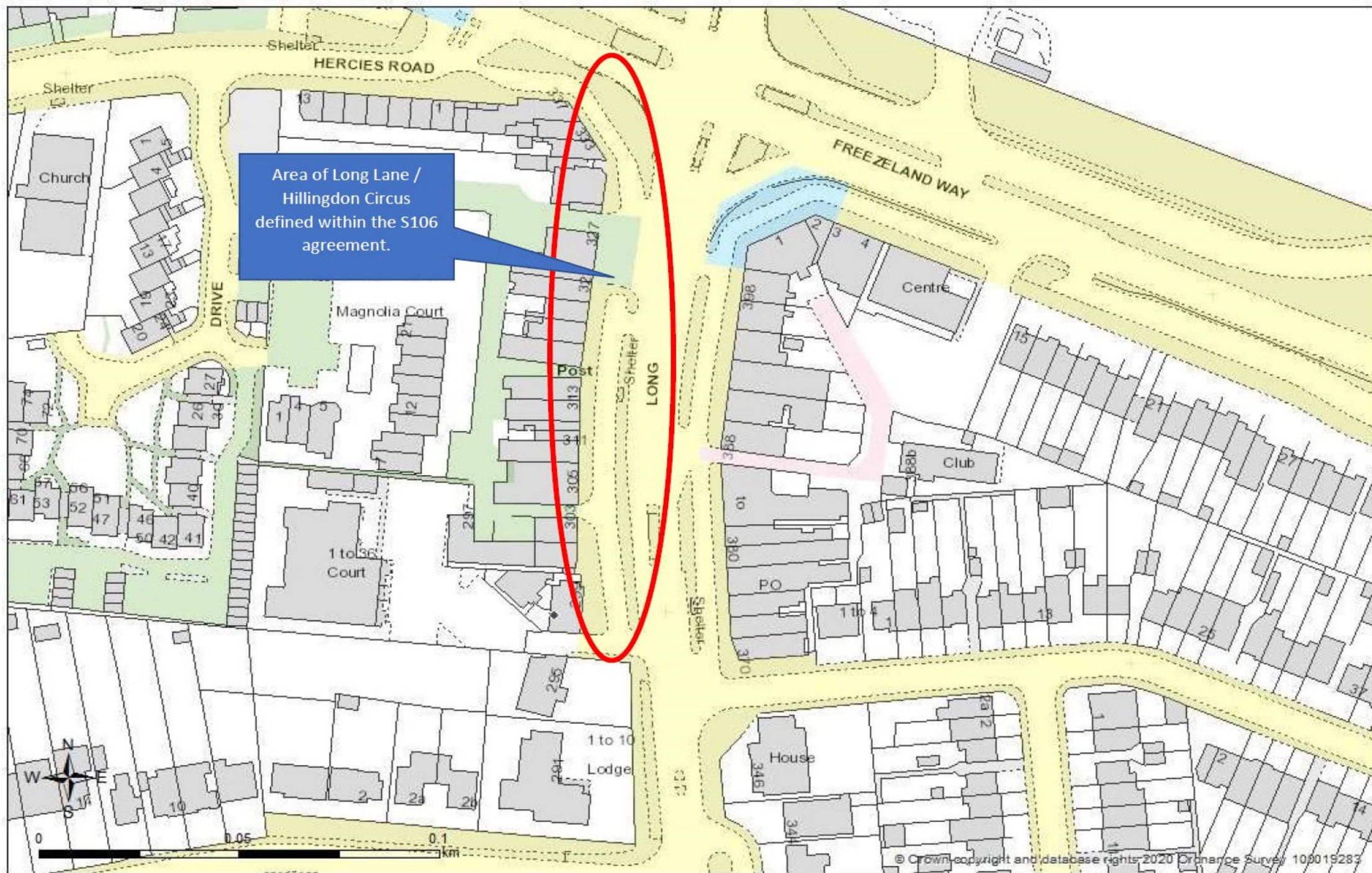
## APPENDIX A - CAPITAL RELEASE REQUESTS FOR APPROVAL

### S106 Capital Release 2023/24: Hillingdon Circus accessibility improvements for people with disabilities. (Release No 1)

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Informati on Required
299–335, Long Lane, Hillingdon	Improvements for those with disabilities.		95			
<b>Total seeking release</b>			<b>95</b>			
<b>Previously released</b>			<b>0</b>			
<b>Budget</b>			<b>95</b>			
<b>Remaining budget</b>			<b>0</b>			



# Appendix B - Location Plan



## Map Notes