



Democratic Services

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

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

c.c. Property, Highways and Transport Select
Committee
c.c. Nicola Wyatt – Central Services Directorate
c.c. Sophie Wilmot – Place Directorate
c.c. Perry Scott – Corporate Director of Place
c.c. Dan Kennedy – Corporate Director of Central
Services
c.c. Ward Councillors for Pinkwell and Yiewsley

Date: 17 July 2023

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: North Hyde Road - Healthy Streets Scheme & Provision of Legible London Signage onto the Grand Union Canal Yiewsley (Release No 3)

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 Tuesday 25 July 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.

Rebecca Reid
Democratic Services Apprentice

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: North Hyde Road - Healthy Streets Scheme & Provision of Legible London Signage onto the Grand Union Canal Yiewsley (Release No 3)

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: North Hyde Road - Healthy Streets Scheme & Provision of Legible London Signage onto the Grand Union Canal Yiewsley (Release No 3)

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

HEADLINES

Summary	<p>To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at PT/189/405A & PT/184/399B towards highway capacity improvements along North Hyde Road, Hayes, to improve traffic flow, increase capacity, improve air quality, and encourage active travel modes.</p> <p>To seek Cabinet Member approval to allocate from the S106 contributions held at PT/178/394A & PT/212/425B towards Legible London signage on to the Grand Union Canal towpath at Horton Road, Yiewsley.</p>
Putting our Residents First Delivering on the Council Strategy 2022-2026	<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>
Financial Cost	<p>This report seeks the allocation of £85k and release of £80k from S106 funds made available from the redevelopment of sites approved within the London Borough of Hillingdon and detailed within this report towards improvements to highways capacity improvements along North Hyde Road and the provision of Legible London signage onto the Canal towpath at Horton Road, Yiewsley.</p> <p>The works will commence upon release of the funds and are due for completion by December 2023 & October 2023 respectively.</p>

Relevant Select Committee	Property, Highways and Transport Select Committee
Ward(s) affected	Pinkwell, Yiewsley

RECOMMENDATIONS

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

- 1) Approve the allocation of £80,000 from the S106 contributions held at PT/189/405A & PT/184/399B to be used towards North Hyde Road Healthy Streets scheme;**
- 2) Approve the allocation of £4,500 from the S106 contributions held at PT/178/394A and PT/212/425B to be used towards provision of Legible London signage on to the Grand Union Canal towpath at Horton Road, Yiewsley; and**
- 3) Approve the capital release requesting £80,000 towards the North Hyde Road Healthy Streets 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 within the allocated period, 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 ensure 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/189/405A

Details of contribution

3. A contribution of £50,000 was received by the Council in accordance with an obligation contained in a S106 agreement dated 10 February 2017 and relating to the redevelopment of Mercury House, Westlands Industrial Estate, Hayes (planning reference 22632/APP/2016/2369). The funds were received as the “Highways Contribution”, towards capacity improvements in the surrounding road network. Such improvements to incorporate air quality monitoring of the relevant road network. Funds must be spent within 7 years of receipt (June 2024).

Planning background

4. Planning permission to redevelop the former Mercury House, Westlands Industrial Estate, Hayes, was agreed by Major Applications Planning Committee on 13 September 2016 (planning ref: 22632/APP/2016/2369), subject to the completion of an appropriate S106 agreement. The application proposed a part single storey, part four storey building to provide a 150-bed hotel and restaurant (Now a Premier Inn) including 75 car parking spaces, 11 cycle parking spaces and 1 coach space, with associated landscaping and ancillary development. At committee, officers advised that the proposed development is located in an Air Quality Focus Area, where air quality is poor due to congested roads. The expected increase in trips generated by the development on to already congested roads would exacerbate existing traffic and air quality problems in the area. Officers, therefore, negotiated a financial contribution towards the development of measures to relieve congestion in the surrounding road network and improve air quality. Planning permission was subsequently approved, and the above contribution duly received.

S106 contribution held at case reference PT/184/399B

Details of contribution

1. A contribution of £30,000 was received by the Council in accordance with an obligation contained in a S106 agreement dated 1st July 2016 and relating to a development at Unit A, Bulls Bridge Centre, North Hyde Gardens, Hayes (planning reference 13226/APP/2015/4623). The funds were received as the “Transport Contribution”, for the provision of transport matters related to the development. There are no time limits for spending these funds.

Planning background

6. Planning permission to install a mezzanine floor at Unit A, Bulls Bridge Centre in North Hyde Gardens, Hayes, was agreed by Major Applications Planning Committee on 31 May 2016 (planning ref: 13226/APP/2015/4623). Approval was subject to the completion of an appropriate S106 agreement to secure several planning obligations including a financial contribution towards traffic mitigation measures. At committee, officers advised that the

proposed development (if not managed correctly) had potential to significantly increase vehicle trips on to the surrounding road network including North Hyde Road and Bull's Bridge Roundabout which are already congested. To mitigate the traffic impact of the development, on site controls were agreed together with a financial contribution of £30,000 towards measures to offset the traffic impacts on the local highway network. Planning permission was subsequently approved, and the above contribution duly received.

Proposed allocation

7. Officers are requesting that the contributions held at PT/189/405A (£50,000) and PT/184/399B (£30,000) are allocated towards a scheme to improve highway capacity and reduce air pollution on North Hyde Road as outlined in paragraphs 8-18 below. The scheme aims to encourage more walking and cycling in the area to reduce local trips by car, reducing congestion and resulting in less pollution on North Hyde Road.

1. Project Proposal: Highway improvements - North Hyde Road Healthy Streets Scheme

Background

8. In January 2022, Hillingdon were invited to submit a formal bid to the Green and Healthy Streets Programme from Transport for London (TfL), who had in turn received ring-fenced funding from the Greater London Authority (GLA) to deliver schemes across London. The criteria for the funding were schemes which provided green infrastructure measures alongside improvements for walking and cycling. As part of these works, there is an aim to reduce the number of vehicles on the road and smooth traffic flow to help traffic capacity and improve air quality with less vehicles idling in congestion.
9. Following discussions between officers in the Transport Team and the Air Quality Officer, the area of North Hyde Road was deemed the most suitable candidate for the bid, as it is one of the Council's top air quality hotspots and work had already been undertaken to design a walking/ cycling scheme with air quality features along the entire length of North Hyde Road.
10. Due to the length of North Hyde Road, the study split the works into three phases as summarised below:
 - Phase A: Old Station Road to existing zebra crossing
 - Phase B: Existing zebra crossing to Cranford Park Road
 - Phase C: Cranford Park Road to North Hyde Gardens.
11. A decision was taken to select, Phase C, as the logical first stage to take forward as it complements works already undertaken to upgrade the local shopping parade as well as allowing for integration with TfL works at Bulls Bridge and connection to Cranford Park which is currently being redeveloped. The aspiration is for the work in this section to be extended as and when funds allow and subject to success with the first phase. A location plan is provided in Appendix B.

Scheme Details

12. Phase C of the scheme looks to improve the width and condition of the footway to allow for a shared use footway to be created to allow for safe walking and cycling in the area.

The footways will be created using asphalt to reduce maintenance costs, in part, as there are a large number of vehicle crossovers in the area. Encouraging more use of walking and cycling in the area will reduce local trips by car and help to improve capacity on North Hyde Road.

13. The scheme aims to encourage more people to travel by the active modes of walking and cycling reducing the number of vehicles on the road resulting in less congestion and less pollution. A key element of the scheme is therefore to improve the residential amenity of the area by planting street trees at regular intervals along this stretch of the highway. This will also assist to improve air quality in this air quality hotspot.
14. The scheme will be informed by the Healthy Streets approach which has clean air as a key element of the Healthy Streets checklist. A before and after assessment will give a clear indication of the improvements brought about by the scheme. In addition, there is an air quality continuous monitoring station along this road which will give real-time pollution information both before, during and post the implementation of the scheme.

Scheme Cost

15. The current estimated cost of implementing Phase C is £312k. A total of £172k has been secured via a successful bid to the Green and Healthy Streets Programme and a further £40k secured via the 23/24 Transport for London Local Implementation Plan budget. A number of S106 schemes have also been identified to help toward the required balance of £100k, of which this £80k release forms part.
16. The total cost of all three phases would be circa £1.5 million – this could be considered as part of a longer-term strategy; it is conceivable that future TfL grants may be available, but it is not possible to be sure at this stage. Similarly, emerging S106 funds could be channelled toward this further work if deemed worthwhile.
17. The Council's term contractor, O'Hara, would undertake all the works proposed. The breakdown of the scheme costs is provided in Table 1.

Table 1: Breakdown of scheme costs	
Scheme Element	Contribution
Civil Works to Highway	£260,000
Project Engineering Fees	£26,000
SUB TOTAL	£286,000
Contingency	£26,000
TOTAL	£312,000

18. This capital release seeks release of a contribution £80k towards the total cost of the scheme. A total of £212k has already been approved from grant funding from Transport for London. The further funds required will be subject to further capital release.

Section 106 contributions held at case references PT/178/394A and PT/212/425B

Planning background - Developer contributions towards improvements to the Grand Union Canal in Hillingdon

19. The contributions outlined in the table below were received from new residential developments over 10 units, where it was considered that the new development would increase the use of the Grand Union Canal and its towpath as a walking and cycling link. In accordance with the Council's Supplementary Planning Document on Planning Obligations 2014, the developments were therefore required to provide a financial contribution commensurate with the size of the development, to be used to improve access to the canal and improvements to the towpath in the Yiewsley area, including the provision of Legible London signage.

CASE REF.	WARD	SCHEME / PLANNING REFERENCE	PROPOSED ALLOCATION	COMMENTS
PT/178/394A	Yiewsley	Padcroft Works, Tavistock Road, Yiewsley. 45200/APP/2014/3638	2,000.00	£22,330 received to be used towards canal side signage (£2000) and £20,000 towards improvements to the Grand Union Canal frontage. £20,330 allocated and spent towards canal towpath improvements between Stockley Park and Horton Bridge Road (Cabinet Member Decision 03/04/2018). Funds to be spent within 7 year of receipt (Oct 2023).
PT/212/425B	Yiewsley	Land rear of 2-24 Horton Road, West Drayton 71582/APP/2016/4582	2,500.00	£26,083 received towards the cost of carrying out highway works including Legible London finger posts and resurfacing canal towpath adjacent to the site. Funds to be spent within 7 years of receipt (Dec 2025).
		TOTAL	4,500.00	

Proposed allocation

20. The Council in partnership with Transport for London and the Canals and River Trust are currently carrying out works to upgrade sections of towpath in Hillingdon to "Quiet Way" standard. This includes sections of the canal which runs through Yiewsley. Officers are requesting that a total of £4,500 from the contributions outlined in the table above is allocated towards providing appropriate signage onto the towpath at Horton Road, Yiewsley as outlined below.

2. Project Proposal: Signage improvements onto the Grand Union Canal

21. The London Borough of Hillingdon alongside the Canal and Rivers Trust have been working on a comprehensive upgrade of the Canal towpath to Quietway standard. To complement these works, investigations have begun to improve signage onto the towpath.

22. The access at Horton Road, Yiewsley by Colham Bridge is the closest canal access point to West Drayton Station which has recently seen the addition of Elizabeth Line services. This access also provides step free access onto the towpath. It has been identified that there is a lack of visibility of the access and the canal from Yiewsley High Street. A location plan is provided in Appendix A.

23. Based on the above it is proposed to use S106 funding available from the redevelopment of the site next to Horton Road and other recent developments in the area to provide improved signage onto the Grand Union Canal. It is proposed to install two Legible London finger posts to direct people down the access and onto the Canal Towpath.

24. The costs associated with the provision of the Legible London finger posts have been provided by Trueform Ltd who are the specialist supplier for Legible Signage. Trueform Ltd will manufacture and install the signs, therefore there are no other costs associated with the provision of the signage. The cost for supplying two signs is £4,546.

Financial Implications

S106 Revenue Budget 2023/24 £5k

(S106 2023/24 Capital Budget £80k; Previously Released Nil, Capital Release Requested £80k) - Appendix A

The report seeks the allocation of £85k from four S106 contributions as detailed in the table below:

S106 Funding Reference	Scheme	Amount	Time Limit to Spend
PT/184/399B	Unit A Bulls Bridge Centre, North Hyde Gardens, Hayes	30,000	N/A
PT/189/405A	Mercury House, Westlands Estate, North Hyde Road, Hayes	50,000	Jun 2024
PT/178/394A	Padcroft Works, Tavistock Road, Yiewsley	2,000	Oct 2023
PT/212/425B	Land rear of 2-24 Horton Road, West Drayton	2,500	Dec 2025
Total Costs		£84,500	

The above S106 contributions are to be used towards two schemes, for which expenditure is both capital and revenue in nature.

The report seeks the capital release of £80k from the first two contributions (PT/184/399A & PT/189/405A) in the above table towards the North Hyde Road Healthy Streets scheme.

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 Phase C of the scheme is £312k which is funded £80k from S106 contributions, £212k TfL grant with the balance of £20k to be funded from further S106 funding if needed.

The release of the £80k will enable the project to progress.

The S106 contributions of £5k held at PT/178/394A and PT/212/425B are to be used towards Legible London signage on the Grand Union towpath at Horton Road, Yiewsley. These costs will be accounted for under S106 revenue projects.

The proposals for both schemes meet the conditions stipulated by the developer on the intended use of the S106 contributions.

The S106 contribution held at PT/178/394A is at a high risk of being returned to the developer with interest if it is not spent by October 2023 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 contribution towards the improvement of the width and condition of the footway to allow for a shared use footway and the installation of the two Legible London finger posts as detailed in the above in the main report, will be funded from developer contributions in accordance with the planning obligation agreements.

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 agreements.

Infrastructure / Asset Management

There are no property implications resulting from the recommendations and the proposals do not impede any plans or strategies from an Asset Management / Property Estates perspective.

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

TITLE OF APPENDICES

Appendix A – Capital release requests for approval

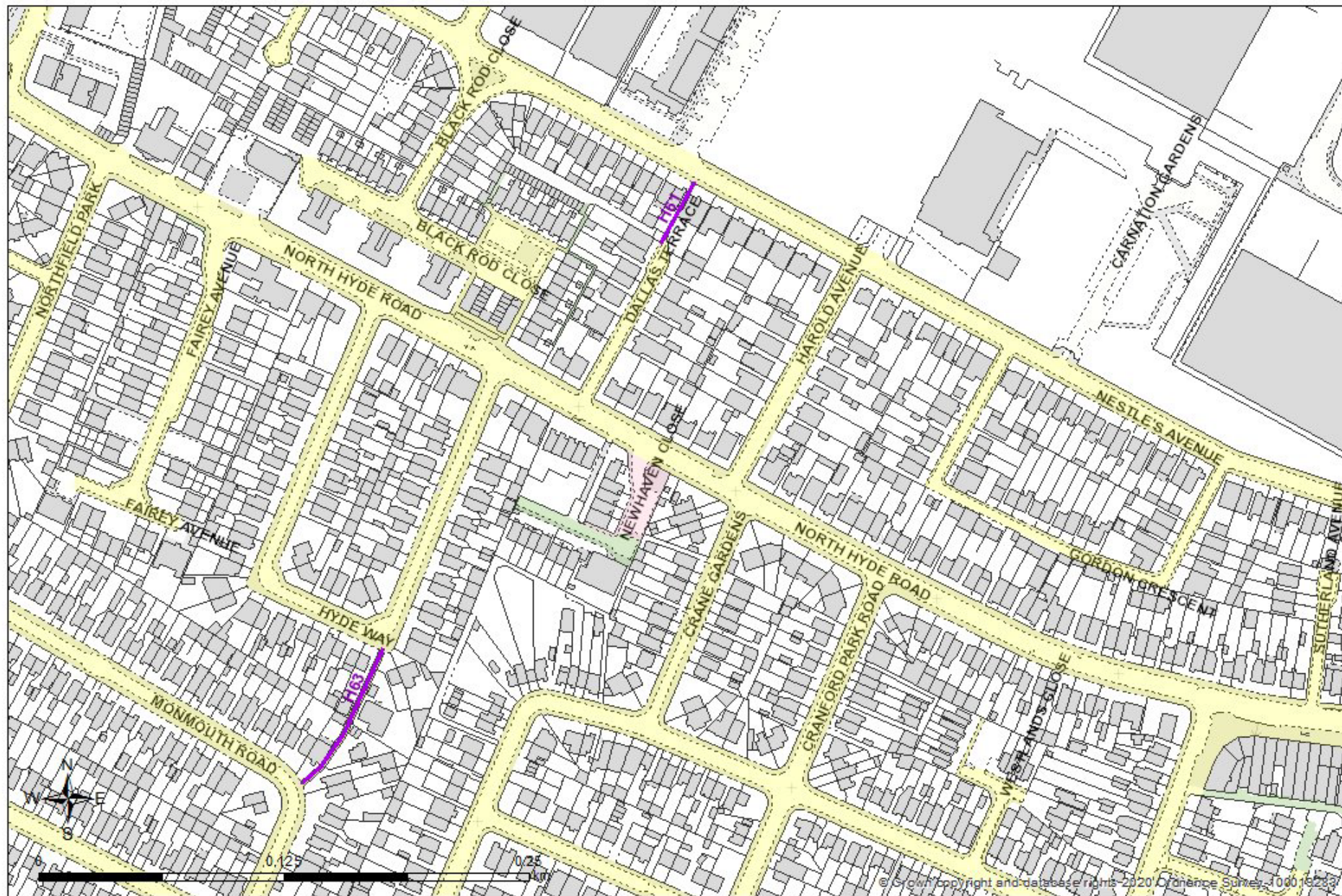
Appendix B – Location Plan

APPENDIX A - CAPITAL RELEASE REQUESTS FOR APPROVAL

S106 Capital Release 2023/24: North Hyde Road, Healthy Streets Scheme. (Release No 3)

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
North Hyde Road, Hayes	Healthy Streets - Highways Capacity Improvements	Improvements to traffic flow and active travel improvements	80			
Total seeking release			80			
Previously released			0			
Budget			80			
Remaining budget			0			

Appendix B - Location Plan



Map Notes

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