



## Democratic Services

**Location:** Phase II  
**Ext:** 0833  
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**CMD No:**1008

**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 Services Select Committee  
c.c. Nicola Wyatt – Central Services Directorate  
Sophie Wilmot – Central Services Directorate  
c.c. Dan Kennedy – Corporate Director of Central  
Services  
c.c. Ward Councillors for Hayes Town and Wood End

**Date:** 04 January 2024

## Non-Key Decision request

## Form D

### NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: Dawley Road Pedestrian & Cycle Improvements Release No 6)

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** in order to meet Constitutional **Friday 12 January 2024** 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:  
Dawley Road Pedestrian & Cycle Improvements Release No 6)

**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: Dawley Road Pedestrian & Cycle Improvements Release No 6)

<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 – Central Services Directorate Sophie Wilmot – Central Services Directorate
<b>Papers with report</b>	Appendix A – Capital release requests for approval Appendix B – Location Plan
<b>HEADLINES</b>	
<b>Summary</b>	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at PT/255/564A towards improvement schemes on Dawley Road and Botwell Common Road, Hayes, as detailed within this 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: Live active and healthy lives.  This report supports our commitments to residents of: A Green and Sustainable Borough.
<b>Financial Cost</b>	This report seeks the allocation and release of £121,061 from S106 funds made available from the redevelopment of sites in the London Borough of Hillingdon and detailed within this report towards enhancement schemes across the Borough.  The works will commence upon release of the funds and are due for completion by March 2025.
<b>Relevant Select Committee</b>	Property, Highways and Transport Select Committee.
<b>Relevant Wards</b>	Hayes Town and Wood End.

## RECOMMENDATIONS

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

- 1) Approve the allocation of £121,061 from the S106 contribution held at PT/255/564A to be used towards highways improvements to benefit pedestrians and cyclists, on Dawley Road and Botwell Common Road, Hayes.**
- 2) Approve the capital release requesting £121,061 towards the schemes, 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.

Details of contribution

3. A contribution of £121,061 (including indexation) was received in accordance with a S106 Agreement dated 21 May 2021 and relating to the redevelopment of land at The Cottage in The Wall, Dawley Road, Hayes (planning ref 3886/APP/2020/3751). The funds were received as the "Highways Improvement Contribution" to be used for local highway improvements, including footway works on the western side of Dawley Road and the provision of on-street cycle lanes on Botwell Common Road. Funds must be spent within 7 years of receipt (August 2028).

Planning background

4. On 24 February 2021, the Council resolved at its Major Applications Planning Committee to grant permission for the demolition of existing buildings at The Cottage in the Wall, Dawley Road, and the use of the site as a bus depot with new office/welfare building, bus wash, fuelling facilities and access on to Dawley Road. At Committee, officers advised that based on information submitted by the applicant only 50% of staff would be expected to drive to work, 38% would walk, 11% cycle and 1% use the bus. In order to provide assurances that this modal split could be achieved, a financial contribution was therefore required towards highway improvements to encourage staff and visitors to use means other than the private car to travel to the site. Potential works put forward to benefit pedestrians, cyclists and public transport users in the area included footway works on the western side of Dawley Road, provision of a shared use footway between Botwell Common Road and the Woolpack Public House, and the provision of on-street cycle lane on Botwell Common Road. Planning permission was therefore granted subject to the completion of a S106 agreement to secure this contribution and other obligations to mitigate the impact of the development on the surrounding area.

Proposed allocation

5. Officers are requesting that the contribution held at PT/255/564A (£121,061) is allocated towards the schemes to improve facilities for cyclists and pedestrians in the area of the new bus garage on Dawley Road as outlined in paragraphs 6-10 below.

**Project Proposal: pedestrian and cycle improvements along Dawley Road and Botwell Common Road, Hayes**

6. Dawley Road, Hayes is a key road through Hayes, connecting key residential, industrial and educational areas. There are a number of side roads leading off from Dawley Road, including Botwell Common Road and the link runs alongside Lake Farm open space. Dawley Road is a single carriageway in each direction with a 30mph speed limit. A location plan of the area is shown in Appendix B.
7. A recent development on Dawley Road has seen the creation and operation of a bus garage for Abellio run bus services. This has resulted in more bus and vehicle activities in the area of Dawley Road, in particular close to the junction with Princes Park Lane. In order to reduce reliance on the private car and to encourage use of other modes of transport, plans have been developed to improve facilities for pedestrians and cyclists in the area.

8. A detailed design has been developed by the Council's term consultants for a scheme to improve the footway on the western side of Dawley Road between the bus depot and Princes Park Lane, and to reposition the existing informal crossing to tie in with the desire line on the eastern side of Dawley Road. The proposed footway works will improve pedestrian access to the bus stops on Botwell Common Road as well as the shopping parade on Dawley Road just north of Princes Park Lane. The planned works are shown in in Appendix B and contain the following elements:
- Realignment of pedestrian footpath on the eastern side of the crossing to improve pedestrian desire line,
  - New improved pedestrian refuge island with dropped kerbs and tactile paving,
  - Isolated footway widening.
  - Removal of overgrown vegetation to widen the available footway, repairs and resurfacing on western side of Dawley Road.
9. In addition to the improvements outlined above, the following works are also proposed to further improve facilities for pedestrians and cyclists in the local area:
- Widening the existing footway on the eastern side of Dawley Road between Botwell Common Road and the access onto the Grand Union Canal. The footway will be widened to 3m where space allows to create a shared path for both cyclists and pedestrians to use as a connection to the Canal Towpath and access into Lake Farm Park.
  - The introduction of advisory on-street cycle lanes on Botwell Common Road.
10. Capital release is requested to implement the measures as outlined above and shown in Appendix B. The works will be carried out by the Council's term contractor O'Hara. The breakdown of scheme costs is provided in the table below:

Scheme Element	Amount
Traffic Management	£1,049
Footpath Works	£16,367
New Pedestrian Refuge	£15,870
Dawley Road Shared Footway	£70,889
On-Street Advisory Cycle Lanes	£1,886
Fees	£5,000
Contingency	£10,000
<b>TOTAL</b>	<b>£121,061</b>

## Financial Implications

### **(S106 2023/24 Budget £121k; Previously Released Nil, Capital Release Requested £121k) – Appendix A**

The report seeks the allocation and capital release of £121k from the S106 contribution held at PT/255/564A relating to the development of land at the Cottage in the Wall, Dawley Road, Hayes, towards Dawley Road Pedestrian and Cycle Improvements.

The total cost of the scheme is £121k. The cost of the works is based on scheduled rates within the Council's Highways term contract and includes engineer fees and contingency of approximately 5% & 9% respectively.

The release of £121k 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 Section 106 contributions in accordance with the planning agreements, with no impact on Council resources.

### **Legal**

Legal Services has considered the content of the Section 106 agreements referred to in this report under planning application under 3886/APP/2020/3751 and conclude that the recommendations presented are consistent with the terms of the respective agreements.

### **Infrastructure/ Asset Management**

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

### **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

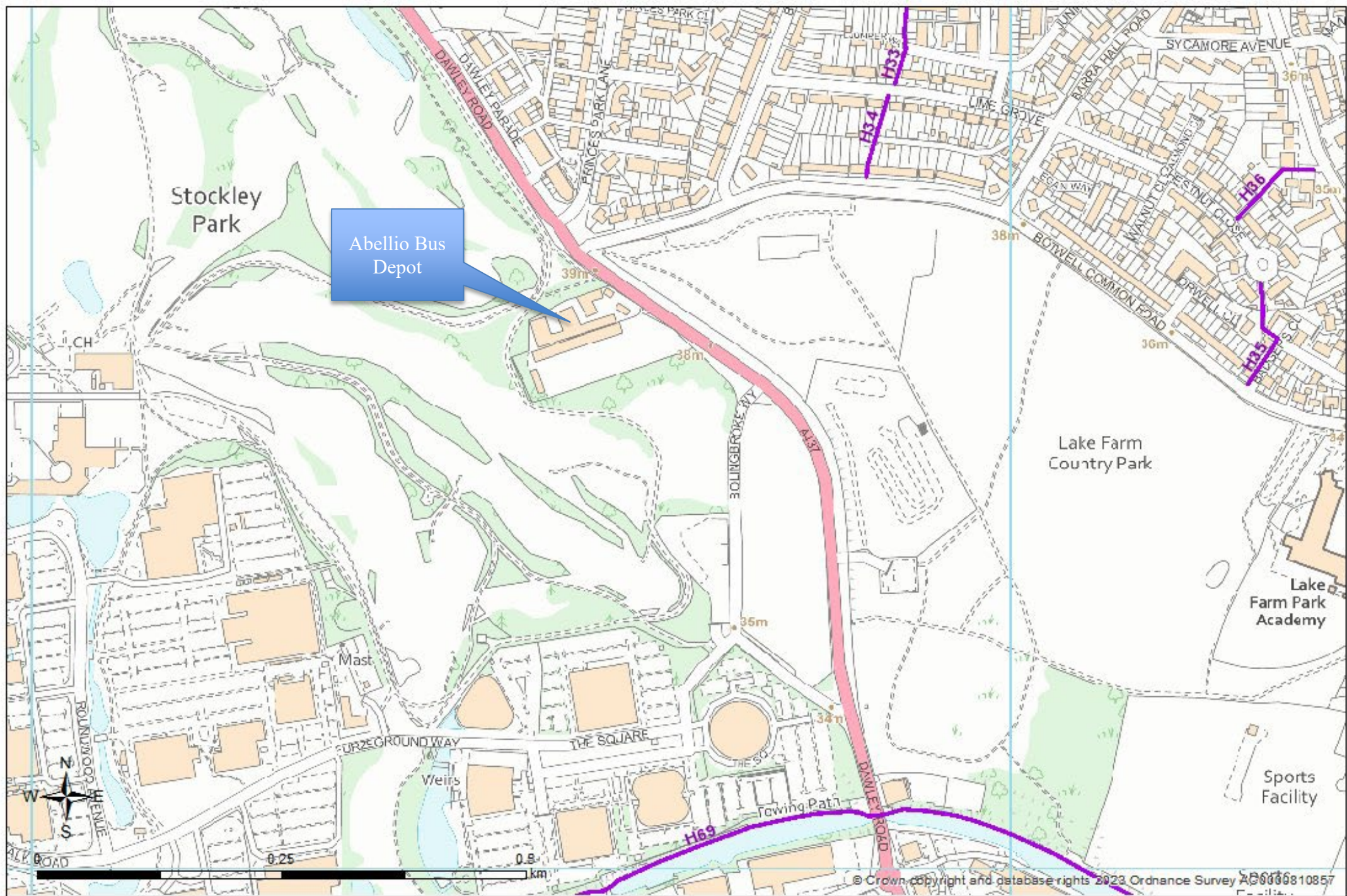
Appendix B – Location Plan

## APPENDIX A – CAPITAL RELEASE REQUESTS FOR APPROVAL

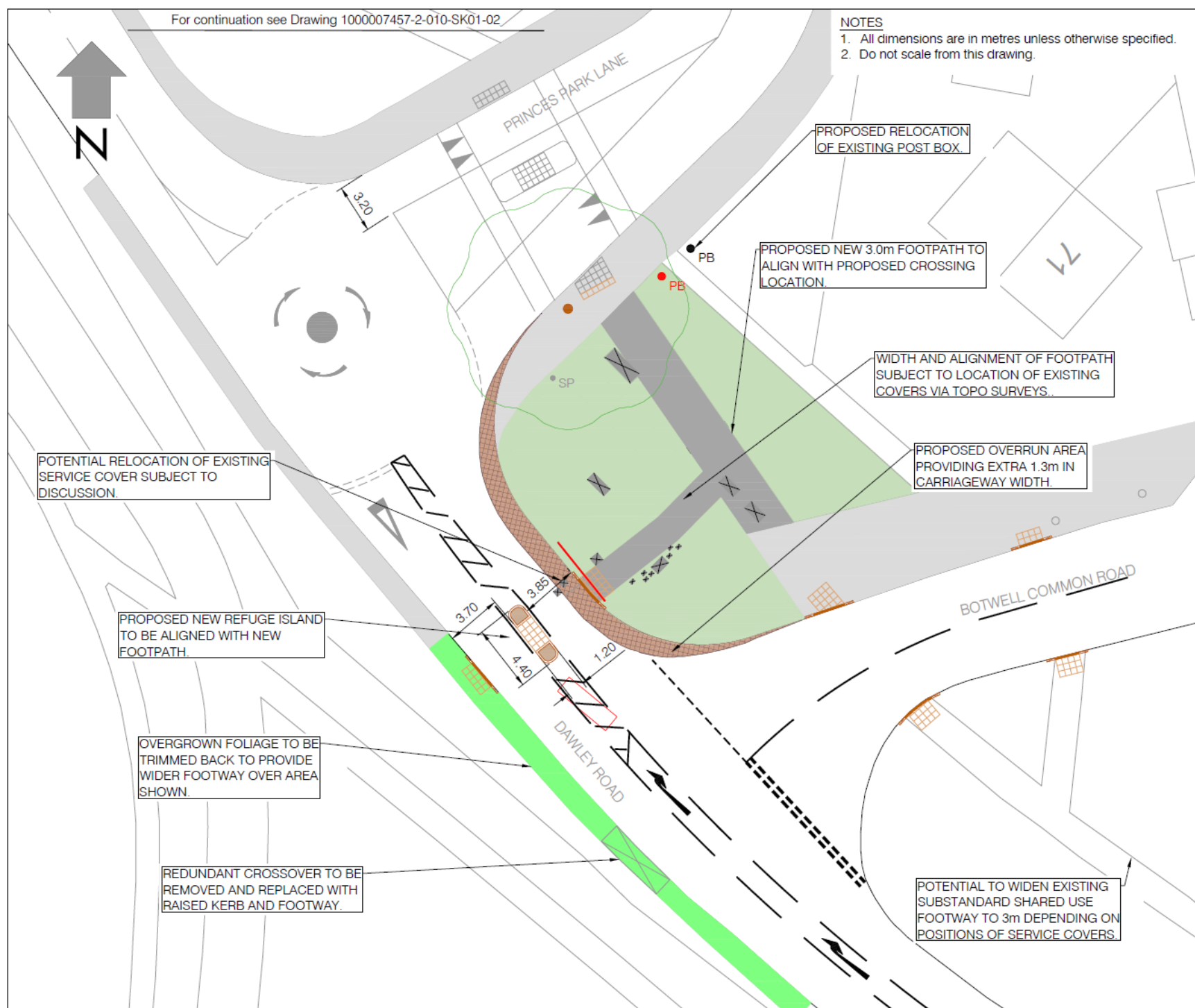
### S106 Capital Release 2023/24: Dawley Road/ Botwell Common Road Pedestrian & Cycle improvements (Release No 6)

Location	Project/ Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Dawley Road & Botwell Common Road, Hayes	Pedestrian & Cycle upgrades	Improved crossing, new pedestrian islands/shared use cycle path & advisory cycle lane.	121			
<b>Total seeking release</b>			<b>121</b>			
<b>Previously released</b>			<b>0</b>			
<b>Budget</b>			<b>121</b>			
<b>Remaining budget</b>			<b>0</b>			

Appendix B - Dawley Road Location Plan



For continuation see Drawing 1000007457-2-010-SK01-02



## NOTES

1. All dimensions are in metres unless otherwise specified.
2. Do not scale from this drawing.

PROPOSED RELOCATION  
OF EXISTING POST BOX

PROPOSED NEW 3.0m FOOTPATH TO  
ALIGN WITH PROPOSED CROSSING  
LOCATION.

WIDTH AND ALIGNMENT OF FOOTPATH  
SUBJECT TO LOCATION OF EXISTING  
COVERS VIA TOPO SURVEYS..

PROPOSED OVERRUN AREA  
PROVIDING EXTRA 1.3m IN  
CARRIAGEWAY WIDTH.

PROPOSED NEW REFUGE ISLAND  
TO BE ALIGNED WITH NEW  
FOOTPATH.

OVERGROWN FOLIAGE TO BE TRIMMED BACK TO PROVIDE WIDER FOOTWAY OVER AREA SHOWN.

REDUNDANT CROSSOVER TO BE  
REMOVED AND REPLACED WITH  
RAISED KERB AND FOOTWAY.

POTENTIAL TO WIDEN EXISTING  
SUBSTANDARD SHARED USE  
FOOTWAY TO 3m DEPENDING ON  
POSITIONS OF SERVICE COVERS.

### LEGEND

- 
- Legend:
- Proposed tarmac footpath
  - Proposed over-run area
  - Proposed verge
  - Proposed refuge island
  - Existing footway
  - Existing overgrown foliage
  - Existing service cover
  - Proposed kerb
  - Proposed dropped kerb
  - Proposed tactile paving buff
  - Proposed post box
  - Proposed post box to be removed
  - Existing sign post
  - Existing bollard
  - Proposed road markings white
  - Proposed road markings yellow
  - Existing guardrail to be removed

## NOTES

Proposed overrun area will consist of either granite setts or carriageway standard concrete blocks

1	28/05/2021	ORIGINAL ISSUE	HC	SA	TM	
Rev	Date	Description	Drn	Chk	App	

This drawing has been specifically prepared to meet the requirements of the named client and may contain design and innovative features which differ from conventional design standards.

**PROJECT CENTRE**  
part of Marston Holdings



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Client



Project

DAWLEY ROAD S106  
FOOTWAY IMPROVEMENTS

Drawing Title

GENERAL ARRANGEMENT  
1 OF 2

Drawing Status

FOR INFORMATION

Drawn HC	Designed JC	Date MAY 2021	Scale 1:250	Size A3
Drawing No. 1000007457-2-010-SK01-01				Rev 1