



Democratic Services

Location: Phase II
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CMD No:1033

**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 – Central Services Directorate /
Sophie Wilmot – Central Services Directorate
c.c. Dan Kennedy – Corporate Director of Central
Services
c.c. Ward Councillors for Yiewsley

Date: 08 February 2024

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: Improved access onto the Grand Union Canal at Horton Road, West Drayton (Release No 8)

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 16 February 2024** 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 & CAPITAL RELEASE
2023/24: Improved access onto the Grand Union Canal at Horton Road, West Drayton
(Release No 8)

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 & Transport

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2023/24: Improved access onto the Grand Union Canal at Horton Road, West Drayton (Release No 8)

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 – Central Services Directorate
Papers with report	Appendix A – Capital release requests for approval Appendix B – Location Plan

HEADLINES

Summary	To seek Cabinet Member approval to allocate and release funds from the S106 contributions held at PT/212/425B towards improved access onto the Grand Union Canal at Horton Road, West Drayton as detailed within this report.
Putting our Residents First Delivering on the Council Strategy 2022-2026	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.
Financial Cost	This report seeks the allocation and release of £23,583 from S106 funds made available from the redevelopment of sites in the London Borough of Hillingdon and detailed within this report towards the enhancement scheme outlined in this report. The works will commence upon release of the funds and are due for completion by March 2025.
Relevant Select Committee	Property, Highways and Transport Select Committee.
Relevant Ward	Yiewsley

RECOMMENDATIONS

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

- 1) Approve the allocation of £23,583 from the S106 contribution held at PT/212/425B to be spent towards improvements to the access on to the Grand Union Canal at Horton Road, West Drayton.**
- 2) Approve the capital release requesting £23,583 to be used 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 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 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 £26,083 (including indexation) was received in accordance with a S106 Agreement dated 31 August 2017 and relating to the redevelopment of land rear of 2-24 Horton Road, West Drayton (planning ref 71582/APP/2016/4582). The funds were received as the "Highway Contribution" towards highway improvement works to include (but not limited to) the installation of a Legible London finger sign and resurfacing of the canal path adjacent to the site boundary in a suitable bitumen macadam material. The contribution is to be spent within 7 years of receipt (December 2025).

Planning background

4. On 10 May 2017, the Council resolved at its Major Applications Planning Committee to grant permission for the demolition of the existing buildings at 2-24 Horton Road, West Drayton and redevelopment of the site to provide 86 residential units. Planning permission was granted subject to the completion of a S106 agreement to secure a number of planning obligations in order to mitigate the impacts of the development. The site is located immediately adjacent to a pedestrian/cycle access to the canal; officers therefore requested a financial contribution to upgrade the access point to include the resurfacing of the access path and provision of a Legible London finger sign to provide greater awareness of the local cycle route which runs along the canal.

Proposed allocation

5. A total of £2,500 from this contribution has already been allocated towards the provision of a Legible London finger sign at this location (Cabinet Member Decision 15/08/2023). Officers are now requesting that the balance of the contribution held at PT/2012/425B (£23,583) be allocated towards improvements to the canal access point as outlined in paragraphs 6-9 below.

Project Proposal: improved access onto the canal at Horton Road, West Drayton

6. The Council has been working with the Canal and Rivers Trust, as the manager of the Grand Union Canal towpath, to upgrade the towpath to Quietway standard (2m wide with a resin bound surface). The upgrade is now completed between Trout Road, Yiewsley and Printing House Lane, Hayes.
7. In order to support the upgrades, officers are now looking at access improvements to encourage and promote the use of the towpath. Where possible, access improvements will include provision for cyclists and those with mobility difficulties. An opportunity has arisen to improve the access onto the canal from Horton Road at the junction with High Street, Yiewsley. The current provision is a ramped access with a small section of carriageway where cars are often illegally parked. A location plan is shown in Appendix B.
8. It is proposed to make improvements in the area to create a shared space and a more open access onto the towpath from the local town centre. All works will be undertaken by the Council's term contractors O'Hara (civils) and McCanns (lighting). The works will include:

- i. Removal of a small section of carriageway;
- ii. Provision of shared use paving to match the paving outside the adjacent development;
- iii. Implementation of removable bollards to maintain service access but prevent illegal parking;
- iv. Replacement of existing bollards with illuminated bollards;
- v. Installation of Legible London fingerpost (*cost of which has previously been released*).

9. Capital release of £23,583 is requested to implement the improvements to the access onto the canal at Horton Road, West Drayton. The costs associated with the scheme are outlined in the table below.

Scheme Element	Amount
Site Clearance, site preparation & traffic management	£500
Civil & lighting works	£19,013
Risk management / contingency	£1,535
Highways Fees	£1,535
Project Management	£1,000
TOTAL	£23,583

Financial Implications

(S106 2023/24 Budget £26k previously Released £2k, Capital Release Requested £24k) – Appendix A

The report seeks the allocation and capital release of £24k from the S106 contribution held at PT/212/425B relating to the development of Land rear of 2-24 Horton Road, West Drayton towards improvements to the access on to the Grand Union Canal at Horton Road, West Drayton.

The total cost of the scheme is £24k. 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 8% each.

The release of £24k 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 agreement referred to in this report and concludes that the recommendations presented are consistent with the terms of the respective agreement.

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

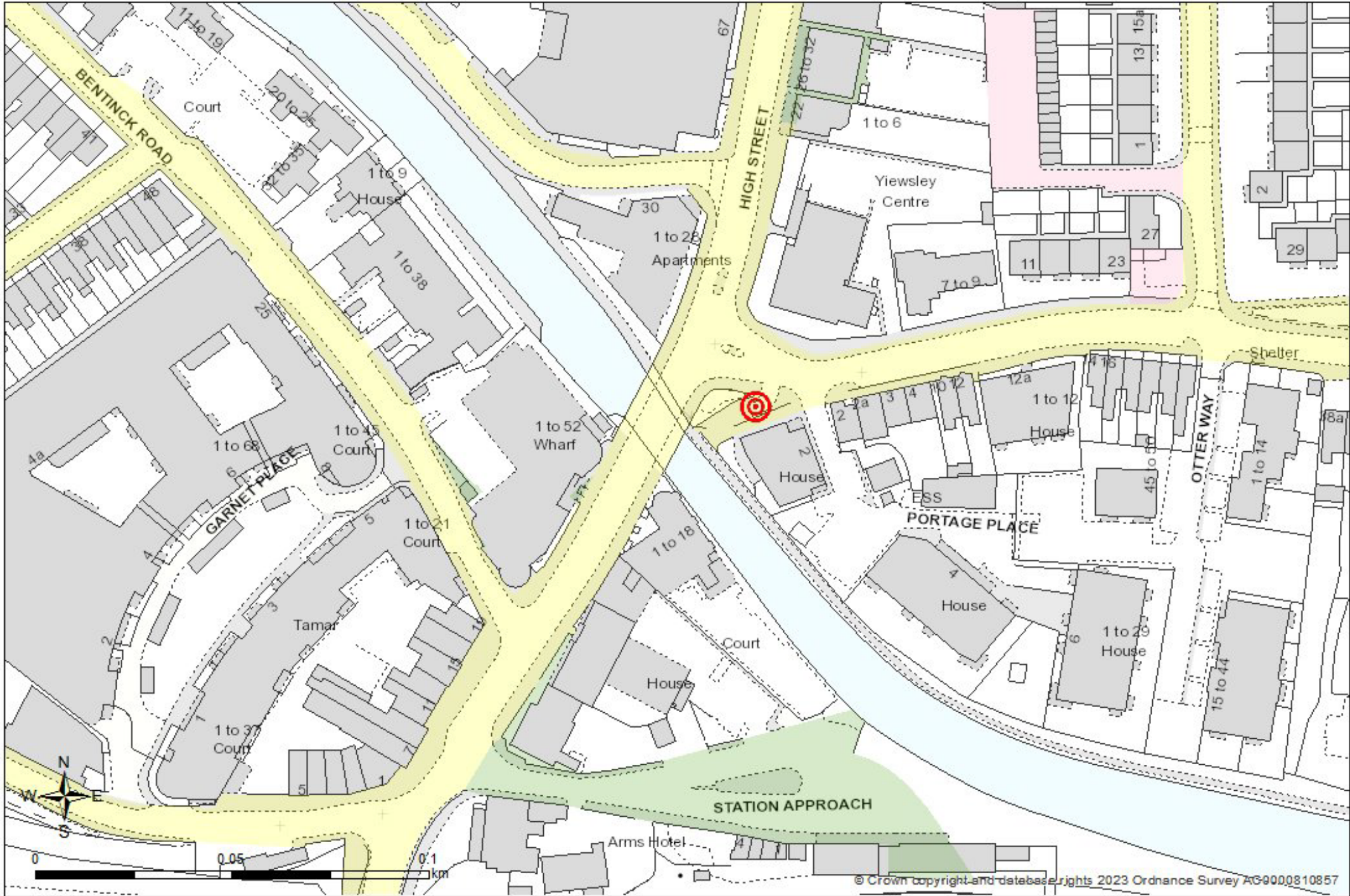
Planning Obligations Supplementary Planning Document 2014

APPENDIX A - CAPITAL RELEASE REQUESTS FOR APPROVAL

S106 Capital Release 2023/24: Improved access onto the Grand Union Canal at Horton Road, West Drayton (Release No 8)

Location	Project/ Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
Horton Road, West Drayton	Access onto the Grand Union Canal	Scheme to improve access onto the upgraded sections of the Grand Union Canal towpath.	24			
Total seeking release			24			
Previously released			2			
Budget			26			
Remaining budget			0			

Appendix B - Location Plan



Map Notes

