

Report of the Head of Planning and Enforcement Services

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S.106/278 PLANNING AGREEMENTS QUARTERLY FINANCIAL MONITORING REPORT

SUMMARY

This report provides financial information on s106 and s278 agreements in the North Planning Committee area up to 30 September 2010, where the Council has received and holds funds.

RECOMMENDATION

That Members note the contents of this report.

INFORMATION

1. Circular 05/05 and the accompanying best practice guidance requires local planning authorities to consider how they can inform members and the public of progress in the allocation, provision and implementation of obligations whether they are provided by the developer in kind or through a financial contribution.
2. The information contained in this report was reported to Cabinet on 16 December 2010 and updates the information received by Cabinet in September 2010. The attached Appendix 1 provides updated financial information on s106 and s278 agreements in the North Planning Committee area up to 30 September 2010, where the Council has received and holds funds.
3. Appendix 1 shows the movement of income and expenditure taking place during the financial year. The agreements are listed under Cabinet portfolio headings. Text that is highlighted in bold indicates key changes since the previous report of October 2010 to the Planning Committee. Figures shown in bold under the column headed 'Total income as at 30/09/10' indicate new income received. Agreements asterisked under the column headed 'case ref' are those where the Council holds funds but is unable to spend for a number of reasons. These include cases where the funds are held as a returnable security deposit for works to be undertaken by the developer and those where the expenditure is dependant on other bodies such as transport operators. In cases where schemes have been completed and residual balances refunded, the refund amount is either the amount listed in the "Balance of Funds" column or where the amount listed in this column is zero the difference between the amounts listed in

the columns titled “Total Income as at 31/06/10” and “Total Income as at 30/09/10”.

4. Members should note that in the Appendix, the ‘balances of funds’ held include funds that may already be committed for projects such as affordable housing and school expansion projects. Expenditure must be in accordance with the legal parameters of the individual agreements and must also serve a planning purpose and operate in accordance with legislation and Government guidance in the form of Circular 05/2005. The Council has adopted Supplementary Planning Guidance for Planning Obligations that provides the framework in which the Council will operate.
5. Members should also note that the listed “balances of funds”, i.e. the difference between income received and expenditure, is not a surplus. As explained in a previous report, a majority of the funds is linked to projects that are already underway or programmed but have not been drawn down against the relevant s106 (or s.278) cost centre. The column labelled “balance spendable not allocated” shows the residual balance of funds after taking into account funds that the Council is unable to spend and those that it has committed to projects.

Financial implications

6. This report provides information on the financial status on s106 and s278 agreements up to 30 September 2010. The recommendation to note has no financial implications.

CORPORATE CONSULTATIONS CARRIED OUT

Legal

It is a requirement of the District Audit report into planning obligations and the Monitoring Officers report that regular financial statements are prepared.

EXTERNAL CONSULTATIONS CARRIED OUT

There are no external consultations required on the contents of this report.

BACKGROUND DOCUMENTS

ODPM Circular 05/2005 ‘Planning Obligations’

District Auditor’s “The Management of Planning Obligations” Action Plan May 1999
Monitoring Officers Report January 2001

Cabinet Report December 2002 / March 2003 / October 2003 / January 2004 / June 2004 / September 2004 / November 2004 / March 2005 / July 2005 / October 2005 / December 2005 / March 2006 / July 2006 / Sept 2006 / November 2006 / March 2007 / July 2007 / September 2007 / December 2007 / March 2008 / June 2008 / September 2008 / December 2008 / March 2009/ June 2009 / September 2009 / December 2009 / March 2010/ June 2010/ September 2010 / December 2010.

Planning Obligations Supplementary Planning Document Adopted July 2008.

FINANCIAL UPDATE ON SECTION 106 AND 278 AGREEMENTS AT 30 SEPTEMBER 2010 (North Area)

APPENDIX 1

CASE REF.	WARD	SCHEME / PLANNING REFERENCE	TOTAL INCOME	TOTAL EXPENDITURE	TOTAL EXPENDITURE	2010 / 2011 EXPENDITURE	BALANCE OF FUNDS NOT ALLOCATED	COMMENTS (as at mid November 2010)
			AS AT 30/9/10	AS AT 30/6/10	AS AT 30/9/10	To 30/9/10	AS AT 30/9/10	
SECTION 278								
PORTFOLIO: PLANNING AND TRANSPORTATION								
PT278/46/135 *32	Northwood	10a Sandy Lodge Way Northwood 54671/A/PP/2002/54	7,458.07	7,458.07	2,458.00	0.00	5,000.07	Improvement of visibility for junction of Sandy Lodge Way & Woodside Way. ECU fees have been claimed and £5,000 security remains. Works substantially complete 12 month maintenance period ended 16 September 2006. Final certificate has been prepared. Security held to part offset outstanding education contribution which is being sought via legal proceedings.
PT278/63/175A *49	South Ruislip	BFPO, R.A.F Northolt 189/APP/2006/091	5,000.00	5,000.00	0.00	0.00	5,000.00	£5k received as the security deposit for the due and proper implementation of junction works at the White House Gate entrance to the development. Signals complete and in operation. Currently within 12 month maintenance period. Date of final completion to be confirmed.
PT278/64/173	Eastcote & East Ruislip	R.A.F. Eastcote 10189/APP/2004/1781	19,200.00	19,200.00	12,201.13	0.00	6,988.87	Engineers fees paid prior to the execution of an agreement to secure access works associated with this application. Waiting restriction in Lime Grove undertaken. Elm Avenue/Lime Grove junction improvement pending. Elm Ave Pedestrian crossing technical approval pending (£5,500) design fees received plus further £6,700 for temporary loop path works carried out by LBH. £7,500 engineering fees claimed. Funds spent towards temporary loop path works. Further £5,000 security deposit for proper execution of highway works.
PT278/72 *66	West Ruislip	R.A.F West Ruislip (Ickenham Park) Design check on S278 Designs 384/02/APP/2007/1072	53,986.57	53,986.57	27,486.57	27,486.57	26,500.00	Fees received for design checks. Pelican crossing and signals on Long Lane. S278 agreement and technical approval pending. Further £18,000 returnable deposit received to ensure reinstatement of temporary crossover on Ayleham Drive. Further fees received towards inspection fees and traffic orders. Spend towards fees & inspection.
PT278/73	South Ruislip	R.A.F Northolt, South Ruislip Main Gate 189/APP/2007/1321	2,000.00	2,000.00	0.00	0.00	2,000.00	Fees received for design checks. Junction improvements at West End Road/Bridgewater Road. S278 agreement and technical approval pending.
PT278/75/218A	Harefield	The Harefield Academy, Harefield 1109/APP/2006/625	72,011.08	72,011.08	19,112.78	0.00	52,898.30	Fees received for design checks. Alteration to Academy entrance and proposed zebra crossing S278 agreement and technical approval pending. fees received for design checks for pedestrian crossing. £68,011.08 received for provision of zebra crossing on Northwood Road. Scheme currently being implemented.
PT278/77/197 *62	Ruislip Manor	Windmill Hill Public House, Pembroke Road, Ruislip 11924/A/PP/2632	24,000.00	24,000.00	1,000.00	1,000.00	23,000.00	Fees received for design checks (£1,000). £23,000 received as a security deposit to ensure works are carried out to a satisfactory standard. £1,000 engineering fees claimed.
SECTION 278 SUB - TOTAL								
SECTION 106								
PORTFOLIO: PLANNING AND TRANSPORTATION								
PT11/45	Harefield	Springwell Lane Cycle Way / 6679/A/29/08/0897	3,283.20	3,283.20	2,121.57	0.00	0.00	Towards traffic calming in Springwell Lane. Funds earmarked/committed towards traffic calming to benefit a cycle way. Delegated authority granted to advertise for 20/min speed zone. Works complete. Officers chasing confirmation of final s106 expenditure amount. Interest accrued. Unexpended funds at January 2011 to be returned to the owner. Expenditure confirmed and balance spent towards additional works associated with the scheme.

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CASE REF.	WARD	SCHEME / PLANNING REFERENCE	TOTAL INCOME	TOTAL EXPENDITURE	TOTAL EXPENDITURE	2010 / 2011 EXPENDITURE	BALANCE OF FUNDS	BALANCE SPENDABLE NOT ALLOCATED	COMMENTS (as at mid November 2010)
PT/25/56 24	South Ruislip	J Sainsbury, 11 Long Drive, Ruislip 3367/T/97/0654	AS AT 30/9/10 37,425.09	AS AT 30/6/10 37,425.09	AS AT 30/9/10 0.00	AS AT 30/6/10 0.00	To 30/9/10 0.00	AS AT 30/9/10 37,425.09	AS AT 30/9/10 0.00 Highway improvements adjacent to the site. Legal advice stated that because of time that has elapsed, it would not be reasonable to proceed without Sainsbury's agreement. Officers investigating the potential to utilise these funds for traffic congestion mitigation at that junction to complement current works that have been commissioned for that location. A portion of land owned by Sainsbury's would need to be dedicated as public highway for the scheme to be feasible. Traffic congestion mitigation scheme is fully funded. Officers investigating whether improvements could be tied into 114 bus route project. Excess funds are to be refunded to the developer following the date of the Final Account.
PT/76/119	Northwood	Land at 64 Ducks Hill Road Northwood / 26300/L98/1077	35,253.56	23,472.70	8,853.02	18,875.70	11,780.86	0.00	To provide a speed camera, anti-skid surface and associated road markings in Ducks Hill Road. Speed camera cannot be installed in this location, as the accident rate in this location is below the threshold established by TfL. Deed of variation not required. Site included in vehicle activated sign (VASI) forward programme. Officers looking into feasibility of Driver Feedback Sign - Implementation due Spring 2007, subject to feasibility. Quotes being sought with the view to possible purchase of signs. Interest accrued. No time constraints. Utilities works completed Nov 08. Anti-skid can be implemented following 3 months after completion of utilities works. Scheme programmed for implementation April/May 2010. Spending towards the provision of anti skid and electrical work.
PT/31/1142A	Northwood	3 Reginald Road, Northwood 58866/AP/2005/4087	1,049.35	1,049.35	0.00	0.00	0.00	1,049.35	0.00 For the introduction and maintenance of white lines on the highway adjacent to the development. Funds not spent within 7 years of receipt of POF Form to be refunded. Schemes completed and final invoices received. Expenditure charged to non-s106 code. Officers investigating whether spend can be recharged.
PT/112/205A	Eastcote	RAF Eastcote, Lime Grove, Ruislip 10189/AP/2004/1781	7,502.15	7,502.15	0.00	0.00	0.00	7,502.15	0.00 Contribution towards improvements to the London Cycle network within a radius of 1500m of the site. Funds to be spent by September 2013
PORTFOLIO: CULTURE, SPORT AND LEISURE									
CSU/5/184A	West Ruislip	31-46, Pembroke Road, Ruislip 58816/AP/2006/2896	49,601.53	49,601.53	0.00	0.00	0.00	49,601.53	0.00 Funds have been allocated to the dining centre for Northwood and Ruislip elderly persons association. Funds not spent by 1/07/2015 to be returned.
CSU/6/189A	Ruislip	30 Kings End, Ruislip. 48289/AP/2006/2165	7,674.48	7,674.48	0.00	0.00	0.00	7,674.48	0.00 Towards the provision of community facilities in the immediate vicinity of the land. No time limits. Earmarked towards Manor Farm Library. Subject to formal allocation of funding.
CSU/7/195A	Eastcote	Highgrove House, Eastcote Road, Ruislip. 10622/AP/2006/2494	9,578.00	9,578.00	0.00	0.00	0.00	9,578.00	9,578.00 Funds received towards the improvement of community facilities in the vicinity of the site. No time constraints on the expenditure of funds.
CSU/9/199A	Ruislip	41, Kingseed, Ruislip. 2792/AP/2006/3451	9,338.43	9,338.43	0.00	0.00	0.00	9,338.43	0.00 Funds received towards the provision of community facilities in the Brough. No time constraints. Earmarked towards Manor Farm Library. Subject to formal allocation of funding.
CSU/10/200B	Manor	Former Ruislip Manor Library, Victoria Road, Ruislip. 14539/AP/2008/2102	5,200.00	5,200.00	0.00	0.00	0.00	5,200.00	0.00 Funds received towards improvements to near by community facilities. Earmarked towards Ruislip Manor Library and Community Resources Centre. Subject to formal allocation of funding.
CSU/11/205B	Eastcote	RAF Eastcote, Lime Grove, Ruislip. 10189/AP/2004/1781	277,131.54	277,131.54	0.00	0.00	0.00	277,131.54	0.00 Contribution towards the provision or improvement of leisure, youth and cultural services within Eastcote and East Ruislip boundary. Funds to be spent by September 2014. Earmarked towards Highgate pool improvement programme. Subject to formal allocation of funds.
CSU/12/215A	Ruislip	5, -1, Reservoir Road, Ruislip 61134/AP/2006/260	13,338.00	13,338.00	0.00	0.00	0.00	13,338.00	13,338.00 Contribution received towards the provision of community facilities in the locality. No time limits on spend.

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			AS AT 30/9/10	AS AT 30/6/10	AS AT 30/9/10	AS AT 30/6/10	AS AT 30/9/10	
		CULTURE, SPORT AND LEISURE SUB - TOTAL	371,861.98	371,861.98	0.00	0.00	371,861.98	22,916.00
PORTFOLIO: EDUCATION AND CHILDREN'S SERVICES								
EYL/66/144	Northwood	68 Ducks Hill Road 11900/A/PP/2005/1087	183,044.65	183,044.65	99,819.57	99,819.57	0.00	83,225.08
EYL/87/143B	Harefield	Dairy Farm, Brookspur Rd, Harefield 27314/APP/2005/844	103,122.52	103,122.52	74,935.52	74,935.52	0.00	28,187.00
EYL/102/196	Harefield	19, Vernon Drive, Harefield, 57498/APP/2008/3031	739.00	739.00	0.00	0.00	739.00	739.00
EYL/103/197A	Ruislip Manor	Windmill Public House, Pembroke Road, Ruislip. 11924/APP/2632	68,689.00	68,689.00	34,980.79	34,980.79	0.00	33,708.21
EYL/105/198B	Ruislip	41, Kingsend Ruislip, 2792/APP/2006/3451	37,459.20	37,459.20	0.00	0.00	37,459.20	0.00
EYL/108/200A	Manor	Former Ruislip Manor Library, Victoria Road, Ruislip. 14539/APP/2008/2102	3,519.00	3,519.00	0.00	0.00	3,519.00	0.00
EYL/108/202	Ickenham	178, Swakeleys Road, Ickenham. 52293/APP/2006/2360	8,037.00	8,037.00	0.00	0.00	8,037.00	8,037.00
EYL/109/205C	Eastcote	RAF Eastcote, Lime Grove, Ruislip. 10189/APP/2004/1781	1,830,551.09	1,830,551.09	0.00	0.00	1,830,551.09	829,553.09
EYL/112/206B	Northwood	110, Green Lane, Northwood 46543/APP/2005/2897	4,085.75	4,085.75	0.00	0.00	4,085.75	4,085.75
EYL/113/211	Ickenham	1a, Woodstock Drive, Ickenham. 65754/APP/2009/200	8,953.00	8,953.00	0.00	0.00	8,953.00	8,953.00
EYL/115/215B	Ruislip	5 to 11 Reservoir Road, Ruislip. 61134/APP/2006/280	22,087.13	22,087.13	0.00	0.00	22,087.13	22,087.13
EYL/117/213	Northwood	1, Oakhurst, Northgate, Northwood. 30779/APP/2009/2036	4,441.00	4,441.00	0.00	0.00	4,441.00	4,441.00
EYL/120/217A	Harefield	34 High Street, Harefield. 259/APP/2009/2391	7,193.00	7,193.00	0.00	0.00	7,193.00	7,193.00

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EW/J121/221	Ruislip Manor	2. Windmill Hill, Ruislip. 35993/AP/2008/2951	AS AT 30/9/10 6,438.00	AS AT 30/6/10 0.00	AS AT 30/9/10 0.00	To 30/9/10 0.00	AS AT 30/9/10 6,438.00	AS AT 30/9/10 6,438.00 Funds received towards the provision of additional nursery and primary school places in the vicinity of the site. No time limits.
		EDUCATION YOUTH AND LEISURE SUB - TOTAL	2,288,359.34	2,281,921.34	209,735.88	0.00	2,078,623.46	953,422.18
		PORTFOLIO: FINANCE AND CORPORATE SERVICES						
		FINANCE & CORPORATE SERVICES SUB - TOTAL	0.00	0.00	0.00	0.00	0.00	
		PORTFOLIO: IMPROVEMENT, PARTNERSHIPS AND COMMUNITY SAFETY						
		PERFORMANCE, PARTNERSHIPS & REGENERATION SUB - TOTAL	0.00	0.00	0.00	0.00	0.00	
		PORTFOLIO: ENVIRONMENT						
E/46/176B	Northwood	Former True Lovers Knot Public House, Rickmansworth Road, Northwood 27717/AP/2007/1440	21,195.00	21,195.00	0.00	0.00	21,195.00	0.00 Funds received towards the costs of providing environmental improvements at The Gravel Pits, within the vicinity of the Development or other green space within the Borough. No time constraints. Area officer is drawing up a programme of works to be implemented at this site. Funds allocated towards scheme of improvements at The Gravel Pits. (Cabinet Member Decision 3/9/2010).
E/47/177B	Manor	41-55, Windmill Hill, Ruislip planning ref. 48233/AP/2006/2353	38,258.39	38,258.39	0.00	0.00	38,258.39	0.00 Funds received towards open green space and recreational open space within a 3 mile radius of the land. This sum includes approximately £8k for bins and benches and £30k for children's play space. Funds not spent within 5 years of receipt (24 December 2012) are to be refunded. Officers currently drawing up a programme of works for Warrender Park. Funds allocated towards a scheme of improvements at Warrender Park (Cabinet Member Decision 3/9/2010).
E/48/181A	West Ruislip	Bury Wharf, Bury Street, Ruislip. Planning ref. 19033/AP/2007/3269	2,030.70	2,030.70	1,315.31	0.00	715.39	0.00 Funds received for an interpretation sign to be located in the nearby plot of land known as Murphy's field, more particularly described as Public Open Space to the south of the development site immediately adjoining Ducks Hill Road. Interest accrued must be applied to the above purpose. Funds not spent prior to 8 February 2013 are to be refunded. Project complete, awaiting invoices. Spend against revenue account, costs to be journalised to show for March quarter. Journal completed.
E/50/180B	Northwood Hills	16, Watford Rd and 36, Brookend Drive, Northwood planning ref. 62535/AP/2007/2726	20,253.00	20,253.00	0.00	0.00	20,253.00	0.00 Funds received towards improvements to nearby open space facilities. No time limits for spend. Funds allocated towards improvements at Bassinby Park Complex. (Cabinet Member Decision 3/9/2010).
E/56/200C	Manor	Former Ruislip Manor Library, Victoria Road, Ruislip. 14539/AP/2008/2102	5,652.00	5,652.00	0.00	0.00	5,652.00	0.00 Funds received towards improvements to nearby open space facilities. No time limits for spend. Funds allocated towards improvements at Bassinby Park Complex. (Cabinet Member Decision 3/9/2010).
E/57/205D	Eastcote	RAF Eastcote, Lime Grove, Ruislip. 10189/AP/2004/1781	118,803.95	118,803.95	0.00	0.00	118,803.95	118,803.95 Contribution received towards the provision or improvement of outdoor sports facilities within a 300m radius of the land. Funds to be spent by September 2014.
E/58/205E	Eastcote	RAF Eastcote, Lime Grove, Ruislip. 10189/AP/2004/1781	28,275.50	28,275.50	0.00	0.00	28,275.50	0.00 Contribution received to improve the High Grove Nature Reserve and upgrade the path network. Works are specified in the agreement. Funds to be spent by Sept 2011.
E/60/215C	Ruislip	5 - 11 Reservoir Road, Ruislip. 61134/AP/2006/280	28,994.76	28,994.76	0.00	0.00	28,994.76	28,994.76 Contribution received towards open space/recruitment improvements or other green spaces in the locality. No time limits on spend.

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			AS AT 30/9/10	AS AT 30/6/10	AS AT 30/9/10	To 30/9/10	AS AT 30/9/10	NOT ALLOCATED
E/61/217B	Harefield	34 High Street, Harefield. 259/APP/2009/2391	7,000.00	7,000.00	0.00	0.00	7,000.00	Funds received towards additional or improved recreation/open space facilities within a 3 mile radius of the site.
		ENVIRONMENT SUB-TOTAL	270,463.30	270,463.30	1,315.31	0.00	269,147.99	154,798.77
PORTFOLIO: SOCIAL SERVICES, HEALTH AND HOUSING								
H/9/184C *55	West Ruislip	31-46 Pembroke Rd, Ruislip 59816/A/PP/2006/2896	21,675.10	21,675.10	0.00	0.00	21,675.10	Funds received towards primary health care facilities within a 3 mile radius of the development. Funds not spent by 01/07/2015 must be returned to the developer.
H/11/195B *57	Ruislip	Highgrove House, Eascole Road, Ruislip. 10622/APP/2006/2494	3,156.00	3,156.00	0.00	0.00	3,156.00	Funds received towards the provision of local health care facilities in the vicinity of the site. No time limits.
H/12/197B *58	Ruislip	Windmill Public House, Pembroke Road, Ruislip. 11924/APP/2006/2632	11,440.00	11,440.00	0.00	0.00	11,440.00	Funds received for the provision of health care facilities in the Uxbridge area. Funds to be spent within 5 years of receipt (Feb 2014).
H/15/205F *65	Eastcote	RAF Eastcote, Lime Grove, Ruislip. 10183/A/PP/2004/1781	184,653.23	184,653.23	0.00	0.00	184,653.23	Funds received towards the cost of providing primary healthcare facilities within the Eastcote and East Ruislip ward boundary. Funds to be spent by September 2014.
		HOUSING SUB-TOTAL	220,924.33	220,924.33	0.00	0.00	220,924.33	0.00
		SECTION 106 SUB-TOTAL	3,236,122.30	3,229,684.30	237,807.09	222,025.78	18,875.70	2,998,315.21
		GRAND TOTAL ALL SCHEMES	3,419,778.02	3,413,340.02	300,065.57	265,171.48	52,975.05	3,119,712.45
NOTES								
The balance of funds remaining must be spent on works as set out in each individual agreement.								
Bold and strikethrough text indicates key changes since the Cabinet report for the previous quarter's figures.								
Bold figures indicate changes in income and expenditure								
Income figures for schemes within shaded cells indicate where funds are held in interest bearing accounts.								
* Denotes funds the Council is unable to spend currently totals £309,349.12)								
'24: PT/25 £37,425.09 reasonable period' for expenditure without owner's agreement has lapsed								
'24: PT/278/46 £5,000.00 is to be held as a returnable security deposit for the highway works (to be later refunded).								
'49: PT/278/63 £5,000.00 is to be held as a returnable security deposit for the highway works (to be later refunded).								
'55: H/9/184C £21,675.10 funds have been received to provide health care facilities in the borough therefore are for the Hillingdon PCT to spend.								
'57: H/11/195B £3,156.00 funds have been received to provide health care services in the borough therefore are for the Hillingdon PCT to spend.								
'58: H/12/197B £11,440.00 funds have been received to provide health care services in the borough therefore are for the Hillingdon PCT to spend.								
'62: PT/278/197 £23,000.00 held as security for the due and proper execution of the works.								
'65: H/15/205F £184,653.23 funds have been received to provide health care services in the borough therefore are for the Hillingdon PCT to spend.								
'66: PT/278/72 £18,000.00 funds received as a security deposit to ensure the proper execution of works.								
£309,349.42								