



Planning Committee

02nd February 2017

REPORT OF HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION

Section 106 Report – Financial Year 2015/16

1. PURPOSE OF REPORT

- i) To advise Members of the out turn information relating to completed Planning Obligations (section 106 agreements/unilateral undertakings/supplemental deeds of variation) that have been negotiated with planning permissions that were granted between 1st April 2015 to 31st March 2016.
- ii) To show a break down of the number of affordable houses negotiated and the level of contributions collected and due to be collected subject to the commencement of developments related to education, open space, health and other requirements.

2. RECOMMENDATIONS

- i) That the Committee notes the report.

3. FINANCIAL IMPLICATIONS

The briefing of members as to the outcome of individual Planning Obligations together with the total sums collected within the year will help inform and assure members of the accounting probity and monitoring that is being followed by officers.

4. POLICY IMPLICATIONS

Within Council policy. All planning applications relate to local and national planning policy.

5. LEGAL IMPLICATIONS

Planning Obligations are primarily negotiated as part of the determination of planning applications in accordance with the National Planning Policy Framework 2012 (NPPF), Community Infrastructure Levy Regulations 2010 (Regulation 122), policy DEL1 of the Black Country Core Strategy, policy GP3 of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

6. **EQUALITY**

No issues arising from the report. The Development Management services have completed Equality Impact Assessments and are accredited to be in compliance.

7. **ENVIRONMENTAL IMPACT**

The impacts of planning decisions on the environment are considered as part of the consideration of the planning applications in accordance with local and national planning policies.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Legal Services

10. **CONTACT OFFICER**

Shawn Fleet, Group Manager: Planning – Extension 0453
Michael Brereton, Senior Planning Officer – Extension 2611

11. **BACKGROUND PAPERS**

All published.

Steve Pretty, Head of Planning, Engineering and Transportation

1. This is the final in a series of quarterly reports covering financial year 2015/16. The report will subsequently be made available to all members for information. It provides a summary of all Planning Obligations (Section 106 Agreements/Unilateral Undertakings/Supplemental Deeds) that have been secured as part of the determination of planning applications in accordance with adopted policy of the Council. These details are set out in the attached appendices and Members will note that the information has been broken down into the various types of contributions.
2. Section 106 of the Town & Country Planning Act 1990 enables developers to submit unilateral undertakings, or local authorities to reach agreements with developers, for certain works to be carried out in association with a development. The Community Infrastructure Levy Regulations 2010 (Regulation 122) sets out a statutory requirement that Planning Obligations must be necessary to make the proposed development acceptable in planning terms; relevant to planning; and directly related in scale and kind to the proposed development. They must also be reasonable in all other respects.
3. The Council is required to comply with the National Planning Policy Framework (NPPF), Community Infrastructure Levy Regulations 2010 (as amended), policy DEL1 of the Black Country Core Strategy (BCCS) and policy GP3 of the Unitary Development Plan (UDP) when seeking developer contributions. The NPPF encourages Local Planning Authorities to be flexible when seeking Planning Obligations to prevent development being stalled, an approach that Walsall Council's Development Management service has already been taking over the last few years to facilitate development in the Borough and will continue to do so where necessary.
4. The Government views planning obligations as useful instruments where they are necessary to a proposed development to overcome obstacles that would otherwise result in the refusal of planning permission. They must not be used to effectively buy planning permissions.
5. From 1st April 2015 the Government has introduced restrictions under the Community Infrastructure Regulations on the number of Section 106 contributions that can be pooled to fund an individual *"infrastructure project or type of infrastructure"*. From 1st April no more than 5 Section 106 contributions (including from agreements completed since April 2010) can be pooled to fund each individual infrastructure project or type of infrastructure. Service areas receiving contributions will need to be mindful of this when planning their expenditure whilst ensuring they are still expended in accordance with the requirements set out in each legally binding completed S106 Agreement. Affordable Housing is not currently defined as infrastructure for the purposes of the Community Infrastructure Levy and contributions for off-site affordable housing do not therefore fall under the pooling restrictions, so they can continue to be secured through S106.
6. The Pre-Submission Proposed Modifications stage of consultation on Walsall CIL started on Monday 7th November and ran until 5pm Monday 19th December 2016, following Cabinet approval on 27th July 2016. If adopted CIL, likely to be a charge on new residential and larger retail developments, will largely replace the use of Section 106 to help fund the boroughs infrastructure providing greater flexibility on how developer contributions are spent in order to best support development.

7. 8 Planning Obligations were completed in 2015/16 totalling £307,244.00. Of this, £73,458.00 has been received to date and transferred to the relevant service areas for expenditure as set out in Appendix A.
8. No on-site affordable housing units were secured during 2015/16.
9. One Supplemental Deed was completed during 2015/16 relating to the Former Neptune Public House, Bilston Lane, Willenhall (reference 05/1566/OL/W3) to provide an off-site affordable housing contribution of £65,000.00 in lieu of the previously agreed on-site affordable units.
10. In comparison, 6 Planning Obligations were completed in 2014/15 totalling £346,539.79 of which £177,601.71 has been received to date and transferred to the relevant service areas for expenditure. Also, a total of 15 on-site affordable housing units were secured during 2014/15.
11. The updated expenditure of received open space contributions as at March 2016 is provided in Appendix B.
12. We are awaiting a further update from Walsall Children's Services and this will be reported when the information is received.

Appendix A - Overall S106 Contributions Sought and Received for period 01/04/2015 - 31/03/2016

<u>Application No</u>	<u>Proposal</u>	<u>Decision Date</u>	<u>Site Address</u>	<u>Service Area</u>	<u>Contribution S106 Details Req'd</u>	<u>Contribution Received</u>	<u>Indexatio n Rx Recd</u>
14/1554/FL	Proposed demolition of Labour Club. Residential and commercial development of a new Labour club, 24 dwellings total (23 for private sale and 1 flat above club for manager only). New access road, ancillary garages/car parking, external store and smoking shelter. Affecting the setting of a public rights of way (no. Ald15).	06/05/2015	PELSALL LABOUR CLUB, CHURCH ROAD, WALSALL, WS3 4QW	Urban Open Space Contribution	£53,070.00 Towards the provision, upgrading and or maintenance of Urban Open Space in the vicinity of the development. Due prior to first occupation of the 12th dwelling within the development.	£0.00	£0.00
15/0238/FL	Erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access road	06/11/2015	FORMER CLOTHIER STREET PRIMARY SCHOOL, HARRY PERKS STREET, WALSALL	Urban Open Space Contribution	£72,356.13 Open space within vicinity of Willenhall area.	£72,356.13	£0.00 09/11/2015
15/0238/FL	Erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access road	06/11/2015	FORMER CLOTHIER STREET PRIMARY SCHOOL, HARRY PERKS STREET, WALSALL	Policy 1.5% Monitoring Charge	£1,101.87	£1,101.87	£0.00 09/11/2015

<u>Application No</u>	<u>Proposal</u>	<u>Decision Date</u>	<u>Site Address</u>	<u>Service Area</u>	<u>Contribution Req'd</u>	<u>S106 Details</u>	<u>Contribution Received</u>	<u>IndexatioDate Cont n RxRecd</u>
14/0793/FL	Demolition of former Royal Naval Club; erection of 10 no. flats with associated works (resubmission of application 10/1008/FL)	26/10/2015	FORMER ROYAL NAVAL CLUB, 120 ELMORE GREEN ROAD, WALSALL, WS3 2HS	Urban Open Space Contribution	£13,700.00	Towards provision, upgrading and or maintenance of open space within vicinity of development. Due prior to implementation works.	£0.00	£0.00
15/0612/FL	Demolition of former accident and repair facility and erection of 10 two bedroom apartments.	02/02/2016	Brico, Stubbers Green Road, Aldridge, Walsall, WS9 8BJ	Urban Open Space Contribution	£23,060.00	Towards provision, upgrading and or maintenance of open space within vicinity of the site. Due upon first occupation.	£0.00	£0.00
14/1537/OL	Outline application for a proposed 58 bedroom specialist care home (access, appearance, layout and scale to be determined).	16/02/2016	LAND SOUTH OF 370, CHESTER ROAD, WALSALL (FORMER BLOCK WORKS)	Other or Mixed (Please State in Detail Box)		Implement travel plan prior to implementation works. Travel Plan performance report to be submitted every three months within the first year and every 12 months thereafter for a period of 5 years. Provision of shuttle bus service.	£0.00	£0.00

<u>Application No</u>	<u>Proposal</u>	<u>Decision Date</u>	<u>Site Address</u>	<u>Service Area</u>	<u>Contribution Req'd</u>	<u>S106 Details</u>	<u>Contribution Recieved</u>	<u>IndexatioDate Cont n Rx Recd</u>
15/0165/FL	Construction of new access off The Broadway together with new car park and associated landscaping, plus closure of access from Magdalene Road.	12/01/2016	UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD	Other or Mixed (Please State in Detail Box)	£120,000.00	Prior to commencement a sports pitch application shall be submitted. Within six months of submission of sports pitch application a funding application shall be submitted to the Football Association. Within 18 months of the permission or receipt of funding provide and complete a 3G Sports Pitch. Should the permission not be granted or funding not be received the existing pitches shall be improved and contribution paid (index linked).	£0.00	£0.00

Application No **Proposal** **Decision Date** **Site Address** **Service Area** **Contribution Req'd** **S106 Details** **Contribution Received** **IndexatioDate Cont n Rx Recd**

15/0105/FL Demolition of existing Working Men Club and construction of no. 11 residential units.

07/03/2016

PLECK WORKING MEN CLUB,502 PLECK ROAD,WALSALL, WS2 9HE

Urban Open Space Contribution

£14,366.00

Towards provision, upgrading and maintenance of open space within vicinity of development. Due prior to implementation. No spend date specified.

£0.00

£0.00

15/1606 Demolition of the former Bulls Head public house and erection of 14 supported living units and associated communal hub.

17/03/2016

BULLS HEAD, 79, Park Road, BLOXWICH, WALSALL, Walsall, WS3 3SW

Urban Open Space Contribution

£9,590.00

Towards king George V Playing Fields including, but not limited to horticultural planting and car parking. Due prior to implementation.

£0.00

£0.00

Total Completed

8

Total Sought

£307,244.00

Total Received

£73,458.00

Total Not Yet Due

£233,786.00

Planning Obligations

APPENDIX B - Section 106 - March 2016

	Value remaining	Deadline	Postcode	Virement 1	Virement 2	Virement 3	After virements	Planned expenditure	After planned spend	Details of planned spend	Planning Ref	S106 Restrictions
Capital												
CFR 898	52,914.00						52,914.00					
CFR 880	0.00						0.00					
CFR 632	28,862.00				81,488.00		110,350.00			This has been freed directly from revenue		
CFR974	37,806.00						37,806.00					
CFR1054	-			25,000.00			25,000.00					
CON 42	-					35,931.00	35,931.00					
CFR1105	-					16,000.00	16,000.00					
Revenue												
Scheme number	Scheme name	Deadline	Postcode	Virement 1	Virement 2	Virement 3	After virements	Planned expenditure	After planned spend	Details of planned spend	Planning Ref	S106 Restrictions
Deadlines overdue												
M	Maintenance budget			(25,000.00)	(81,488.00)	(51,931.00)	-67,494.16		-67,494.16			
Deadlines within current financial year												
150	Goscote Lane& Well Lane, Walsall	29/10/2015	WS3				7,136.55		7,136.55		07/2340/FL/E9	of site.
151	Thames Road, Gosscote, Walsall	29/10/2015	WS3				15,655.83		15,655.83		07/2340/FL/E9	of site.
155	13-14 Bradford Street	31/03/2016	WS1				6,731.86		6,731.86		08/1086/FL	of site.
Future Deadlines												
159	Bentley Moor Club	27/06/2017	WS2				10,930.04		10,930.04		11/0105/FL	Towards open space.
161	Norfolk Place	03/09/2017	WS2				106,552.75		106,552.75		11/1364/FL	wider area of site.
164	Victoria Avenue	16/04/2018	WS3				33,324.96		33,324.96		11/0516/FL	wider area of the site.
165	The Limes Linley Road	01/08/2018	WS4				14,667.77		14,667.77		11/1576/FL	the site.
166	Watermead Grange	29/11/2018	WS8				84,664.69		84,664.69		10/1593/FL	Towards open space.
167	Former St Johns School	10/06/2021	WS9				22,676.76		22,676.76		12/0736/FL	public open space within vicinity of development.
169	Bentley Moor Club	20/02/2020	WS2				3,842.98		3,842.98		13/0090/FL	the site.
171	Redhouse School	13/11/2020	WS9				66,980.00		66,980.00		10/1706/FL	Towards compensatory sports pitch provision
170	Park Tavern	21/04/2022	WS1				25,071.98		25,071.98		13/1529/FL	open space contribution
No deadline (although guidance states to try and spend within 5 years)												
118	Former Derby Arms, Raleigh Street		WS2				839.81		839.81		04/0845/OL/W3	the wider area.
96	The Saddlery Investment Limited		WS1				3,363.40		3,363.40			description.
99	15-19 Selbourne St Walsall		WS1				1,360.00		1,360.00		03/1619/FL/W3	the S106 database.
138	Stackhouse Drive		WS3				2,344.30		2,344.30		03/1308/FL/E4	Towards provision of open space.
139	Hawbush Rd former Welcome Stranger		WS3				3,016.66		3,016.66		03/1853/FL/E6	Towards provision of off site recreational facilities.
143	Field Road(Industrial Est) Bloxwich		WS3				189.80		189.80		02/1494/FL/E2	See attached last Open Space Update Table (2013)
152	Providence Close/Leamore Lane		WS3				1,243.00		1,243.00		02/1983/FL/W3	facilities in the wider area.
162	Brewers Drive		WS3				26,406.60		26,406.60		BC64477P	Maintenance of open space.
163	Shire Oak Reservoir		WS9				44,406.01		44,406.01		06/2209/OL/E9	open space.
168	Fomer Jebron works		WS10				41,862.50		41,862.50		13/1056/FL	Park
172	Lichfield Road Rushall		WS4				48,074.89		48,074.89		07/2731/FL/E11	open space in the wider area of the site
173	Clothier Street School (Harry Perks Street)		WV13				61,502.71		61,502.71		15/0238/FL	open space willenhall area
Actual Spend in 2015/16							19,305.77		19,305.77			
Capital	119,582.00			25,000.00	81,488.00	51,931.00	278,001.00					
Revenue	614,193.09			(25,000.00)	(81,488.00)	(51,931.00)	790,438.69	0	584,657.46			
					Need to identify scheme							