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*Planning Committee*

02<sup>nd</sup> February 2017

**REPORT OF HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION**

**Section 106 Report – Quarters 1 to 3 of 2016/17**

**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 1<sup>st</sup> April 2016 to 31<sup>st</sup> December 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 report covers quarters 1 to 3 of 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 1<sup>st</sup> 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 1<sup>st</sup> 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. A total of 3 Planning Obligations were completed in Quarters 1 to 3 of 2016/17 totalling £65,835.00 of which £54,054.00 has been received to date and transferred to the relevant service areas for expenditure as set out in Appendix A.
8. A total of 14 on-site affordable housing units were secured during 2016/17 as set out in Appendix B.
9. No Supplemental Deeds were completed during Quarters 1 to 3 of 2016/17.
10. Contributions due to expire over the next 12 months are provided in Appendix C.
11. In comparison, 3 Planning Obligations were completed in Quarters 1 to 3 of 2015/16 totalling £140,228.00 of which £73,458.00 has been received to date and transferred to the relevant service areas for expenditure. No on-site affordable housing units were secured during this period.
12. Updated details for the expenditure of received Section 106 Open Space contributions as at December 2016 is provided in Appendix D.
13. We are awaiting a further update from Walsall Children's Services and this will be reported when the information is received.
14. The following expenditure details have also been provided by Regeneration and Development:

**Q1 2016/17**

10/0367/FL Former Wagon Automotive, Pelsall Rd, Brownhills: £4423.92 contribution to street furniture in Brownhills.

09/0030/FL Empire Works, Stubbers Green Rd, Walsall: £2500.00 contribution to street furniture in Aldridge.

**Q2 2016/17**

09/1695/FL Former Bloxwich Engineering, Bell Lane, Walsall: £2508.00 contribution to Bloxwich Heritage Project

**Q3 2016/17**

09/1695/FL Former Bloxwich Engineering, Bell Lane, Walsall: £1500.00 contribution to Bloxwich Heritage Project

## Appendix A - Overall S106 Contributions Sought and Received for period 01/04/2016 - 31/12/2016

<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>Indexatio n Rx Recd</u>	<u>Date Cont</u>
15/1683	Erection of 37 dwellings with new vehicular access, landscaping and other associated works.	08/04/2016	LAND AT WILKES AVENUE, BENTLEY, WALSALL	Urban Open Space Contribution	£53,243.19	Towards provision, upgrading and or maintenance of a number of schemes as listed in Schedule 3. Due prior to implementation. No expiry date for spent.	£53,243.19	£0.00	19/04/2016
15/1683	Erection of 37 dwellings with new vehicular access, landscaping and other associated works.	08/04/2016	LAND AT WILKES AVENUE, BENTLEY, WALSALL	Policy 1.5% Monitoring Charge	£810.81	Deducted from Open Space Contribution.	£810.81	£0.00	19/04/2016
15/0455/FL	Golf Academy Centre and 9-hole academy golf course and associated facilities.	02/09/2016	LAND ADJACENT TO CALDERFIELDS GOLF AND COUNTRY CLUB,ALDRIDGE ROAD,WALSALL, WS4 2JS	Other or Mixed (Please State in Detail Box)		Restrictive clauses regarding use of practise area.	£0.00	£0.00	
15/0759/FL	Construction of 6 no two bedroom flats and 5 no. one bedroom flats in a three storey building with associated parking, bin store and cycle store.	13/12/2016	ROAPP HALL, DORSETT ROAD TERRACE, DARLASTON, WEDNESBURY, WS10 8TP	Urban Open Space Contribution	£11,781.00	Due prior to implementation works. Towards provision, enhancement or maintenance of open space.	£0.00	£0.00	

Application No

Proposal

Decision Date

Site Address

Service Area

Contribution Req'd

S106 Details

Contribution Received

Indexation Date Cont'n Rx Recd

3

Total Completed  
Planning  
Obligations

Total Sought

£65,835.00

Total Received

£54,054.00

Total Not Yet  
Due

£11,781.00

## Appendix B - Breakdown of Affordable Housing Secured by Planning Obligation 01/04/2016 - 31/12/2016

**KEY**

BB = Bedroom Bedsit  
BF = Bedroom Flat/Apartment  
BH = Bedroom House

App No	Location	RSL	Total Scheme		Total Aff		Total Reduced		Plot No's	Type	Status	Tenure	Type	Status	Plot No's
			Units	Units	Units	Units	Value	Units							
15/1683	LAND AT WILKES AVENUE, BENTLEY, WALSALL	Not Selected	37		9		0		0						0
16/1000	LAND C/O BILSTON STREET AND CHURCH STREET, DARLASTON	Not Selected	18		5		1	Affordable Rented	3			Affordable Rented			1
							1	Affordable Rented	9			Affordable Rented			1
							1	Affordable Rented	15			Affordable Rented			0
							0								0
							0								0
<b>Grand Total Completed Obligations</b>	<b>2</b>	<b>Grand Total Scheme Units</b>	<b>55</b>	<b>Grand Total Shared Ownership Units</b>	<b>%</b>	<b>Grand Total Aff Rent Units</b>	<b>14</b>	<b>= 25.45%</b>	<b>Grand Total Reduced Value Units</b>	<b>%</b>					



**Appendix C - Expiry dates for spend of received S106 contributions within 12 months of January 2017**

<u>Application No</u>	<u>Proposal</u>	<u>Decision Date</u>	<u>Site</u>	<u>Service Area</u>	<u>Contribution Req'd</u>	<u>S106 Details</u>	<u>Contribution Rec'd</u>	<u>Date Cont. Received</u>	<u>Indexation Fx</u>	<u>Cont. Expiry Date</u>
07/1492/FL/E11	Erection Of 19 Houses, Access, Parking Associated Works	27/11/2007	SITE R/O 160-164 BROAD LANE,WALSALL,	Education commuted sum	£20,687.52	Towards provision of primary education facilities within 2 miles radius and secondary education facilities within 3 miles radius of the site. Due upon commencement	£20,687.52	27/02/2012	£0.00	27/02/2017
07/1492/FL/E11	Erection Of 19 Houses, Access, Parking Associated Works	27/11/2007	SITE R/O 160-164 BROAD LANE,WALSALL,	UOS Commuted Sum	£19,229.66	Towards provision of UOS within wider area of site. Due upon commencement	£19,229.66	27/02/2012	£0.00	27/02/2017
11/1197/FL	Demolition of care home and erection of 14 detached houses with garages.	10/01/2012	Former Sanstone House Care Home, Sanstone Road, Bloxwich, WS3 3SJ	Urban Open Space Contribution	£44,531.85	Towards open space within wider vicinity of site. Due on or before site commences.	£44,531.85	29/02/2012	£0.00	29/02/2017
09/0507/FL	Proposed erection of 13 dwellings	01/04/2010	Land adjacent 18 Park Road, Willenhall, West Midlands	Urban Open Space Contribution	£17,747.73	Provision of open space within the site. Due on or before first occupation.	£17,747.73	07/06/2012	£0.00	07/06/2017
11/0105/FL	New residential development (amendment to previously approved scheme).	11/07/2012	LAND BEHIND BENTLEY MOOR CLUB,BENTLEY DRIVE,WALSALL, WEST MIDLANDS, WS2 8RY	Urban Open Space Contribution	£14,793.72	Deducted from education contribution received 03/05/2007 for 05/2300/FL/W5. Towards open space (in accordance with policies GP3, LC1(d) and Open Space SPD).	£14,793.72	27/06/2012	£0.00	27/06/2017
09/1695/FL	Proposed erection of 108 dwellings, garages and associated parking, construction of access roads, landscaping and associated works.	10/03/2010	FORMER BLOXWICH ENGINEERING LTD,BELL LANE,WALSALL,	Healthcare Contribution	£63,828.00	Due prior to or upon occupation of 30th dwelling plus BCIS index.	£63,828.00	10/07/2012	£4,924.80	10/07/2017
09/1695/FL	Proposed erection of 108 dwellings, garages and associated parking, construction of access roads, landscaping and associated works.	10/03/2010	FORMER BLOXWICH ENGINEERING LTD,BELL LANE,WALSALL,	Secondary School Education Contribution	£206,850.00	Due on or prior to 05/08/2012 plus BCIS index.	£206,850.00	16/08/2012	#####	16/08/2017
09/1695/FL	Proposed erection of 108 dwellings,	10/03/2010	FORMER BLOXWICH	Urban Open Space	£113,669.00	Towards provision of open space within wider	£113,669.00	16/08/2012	£8,770.40	16/08/2017



	<u>Contribution</u>						
<p>garages and associated parking, construction of access roads, landscaping and associated works.</p>	<p>ENGINEERING LTD,BELL LANE,WALSALL,</p>	<p>10/03/2010</p>	<p>Proposed erection of 108 dwellings, garages and associated parking, construction of access roads, landscaping and associated works.</p>	<p>£19,503.00</p>	<p>Due on or prior to 05/08/2012 plus BCIS index.</p>	<p>£19,503.00 16/08/2012</p>	<p>£1,504.80 16/08/2017</p>
<p>Amendments to planning permission 10/0763/FL relating to the erection of 267 dwellings reducing the amount to 251 dwellings, amending details of phasing and location of affordable housing, drainage detail, landscaping, house types, and associated works.</p>	<p>FORMER BLOXWICH ENGINEERING LTD,BELL LANE,WALSALL,</p>	<p>09/12/2011</p>	<p>Site Formerly known as Walsall Depot, Norfolk Place, Bloxwich Road, Walsall</p>	<p>£185,278.50</p>	<p>Towards open space provision within vicinity of wider area of site. BCIS index linked. Due on commencement. BCIS calculated from August 2012 (309.7) to Sep 2012 (309.8). Indexation received as part of invoice 619999 for £474.89.</p>	<p>£185,278.50 03/09/2012</p>	<p>£56.43 03/09/2017</p>

09/1695/FL

11/1364/FL

**APPENDIX D - Section 106 - December 2016**

Capital	Value remaining	Deadline	Postcode	Virement 1	Virement 2	Virement 3	After virements	After virements	Planned expenditure	After planned spend	Details of planned spend	Planning Ref	S106 Restrictions
CFR 888	Reedswood Park	36,054.75					36,054.75						
CFR 880	Arboretum Waterplay	0.00				0.00							
CFR 632	Arboretum Restoration Project £81,488 required a	105,185.91				105,185.91							This has been freed directly from revenue and utilised in year but needs to be attributed to a scheme below
CFR974	King George V Playing Fields	0.01				-0.01							
CFR1054	Allotment Improvement Programme	25,000.00				25,000.00							
CON 42	Clayhanger skatepark					0.00							RCCO Not completed
CFR1105	Rushall Skatepark					0.00							This has been reversed and re done in 16/17
CFR 1124	Pocket Park - Edible Garden Bentley	3,856.00				-3,856.00							Already spent in 2016/17 will be utilised in full
<b>Revenue</b>													
<b>Scheme number</b>	<b>Scheme name</b>	<b>Value remaining</b>	<b>Deadline</b>	<b>Postcode</b>	<b>Virement 1</b>	<b>Virement 2</b>	<b>Virement 3</b>	<b>After virements</b>	<b>Planned expenditure</b>	<b>After planned spend</b>	<b>Details of planned spend</b>	<b>Planning Ref</b>	<b>S106 Restrictions</b>
<b>Deadlines overdue</b>	<b>Maintenance budget</b>	48,188.39						48,188.39					
<b>Deadlines within current financial year</b>													
150	Gosscote Lane & Well Lane, Walsall	7,136.55	29/10/2015	WS3				7,136.55					Towards provision of open space within wider area of site.
151	Thames Road, Gosscote, Walsall	15,655.83	29/10/2015	WS3				15,655.83					Towards provision of open space within wider area of site.
155	13-14 Bradford Street	6,731.86	31/03/2016	WS1				6,731.86					Towards provision of open space within wider area of site.
<b>Future Deadlines</b>													
159	Bentley Moor Club	10,930.04	27/06/2017	WS2				10,930.04					Towards open space.
161	Norfolk Place	106,552.75	03/09/2017	WS2				106,552.75					Towards open space provision within vicinity of wider area of site.
164	Victoria Avenue	33,324.96	16/04/2018	WS3				33,324.96					If so it should be used towards open space within wider area of the site.
165	The Limes, Linley Road	14,667.77	01/08/2018	WS4				14,667.77					Towards open space within the wider vicinity of the site.
166	Watermead Grange	84,664.69	29/11/2018	WS8				84,664.69					Towards open space.
167	Former St Johns School	22,676.76	10/06/2021	WS9				22,676.76					Towards providing, servicing and maintaining public open space within vicinity of development.
169	Bentley Moor Club	3,842.98	20/02/2020	WS2				3,842.98					Towards open space provision within vicinity of the site.
171	Redhouse School	66,980.00	13/11/2020	WS9				66,980.00					Towards compensatory sports pitch provision open space contribution
170	Park Tavern	25,071.98	21/04/2022	WS1				25,071.98					
<b>No deadline (although guidance states to try and spend within 5 years)</b>													
118	Former Derby Arms, Raleigh Street	839.81		WS2				839.81					Towards improvement of open space facilities in the wider area.
96	The Saddlery Investment Limited	3,363.40		WS1				3,363.40					Unable to locate any record based on this description.
99	15-19 Selbourne St Walsall	1,360.00		WS1				1,360.00					I don't have any record of this being received on the S106 database.
138	Stackhouse Drive	2,344.30		WS3				2,344.30					Towards provision of open space.
139	Hawbush Rd former Welcome Stranger	3,016.66		WS3				3,016.66					Towards provision of off site recreational facilities.
143	Field Road (Industrial Est) Bloxwich	189.80		WS3				189.80					See attached last Open Space Update Table (2013) provided to me.
152	Providence Chase/Leamore Lane	1,243.00		WS3				1,243.00					To be used towards improving public open space facilities in the wider area.
162	Brewers Drive	26,406.60		WS3				26,406.60					Maintenance of open space.
163	Shire Oak Reservoir	44,406.01		WS9				44,406.01					If so it should be used towards provision of urban open spaces.
168	Former Lebron works	41,862.50		WS10				41,862.50					Towards urban open space, in particular Kings Hill Park
172	Lichfield Road Rushall	48,074.89		WS4				48,074.89					open space in the wider area of the site
173	Clother Street School (Harry Perks Street)	61,502.71		WV13				61,502.71					open space will/mhall area
174	Park Lane/Wood Street	51,639.07		WS10				51,639.07					open space contribution
175	Land at Wilkes Avenue Bentley	45,256.71		WS10				45,256.71					open space contribution
2015/16	Spend not allocated to a scheme as yet							-9,650.58					
2016/17	Spend not allocated to a scheme as yet							-19,588.16					
<b>Capital</b>		<b>162,584.65</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>162,584.65</b>					
<b>Revenue</b>		<b>681,553.24</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>681,553.24</b>	<b>(29,238,741)</b>	<b>652,314.50</b>			