



## **PLANNING COMMITTEE**

**19<sup>h</sup> August 2010**

**Report of Head of Planning and Building Control- Regeneration**  
**Erection of 19 houses, access, parking & associated works at**  
**rear of 160-164 Broad Lane, Bloxwich, Walsall**  
**Application No 07/1492/FL/E11**

**1.0 PURPOSE OF REPORT**

To seek Committee authority to defer payment of contributions towards education and urban open space provision as approved by a variation of a Section 106 Agreement associated with permission 07/1492/FL/E11 from commencement of the development to sale of the 10<sup>th</sup> dwelling.

**2.0 RECOMMENDATIONS**

That the request is rejected.

**3.0 FINANCIAL IMPLICATIONS**

Agreeing the request would allow the developer to carry out development without complying with the terms of the agreement and intensify pressure on urban open space and education in the locality by delaying the contribution to improvements.

**4.0 POLICY IMPLICATIONS**

Policy GP3 of Walsall Unitary Development Plan states that Planning Obligations will be used, as appropriate, to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development. Policy LC1 requires new residential developments to make financial or other contributions to enable provision of new urban open spaces. Policy 8.8 states where residential development necessitates the provision of new or improved educational facility developers will be required to make financial contributions towards the cost of providing these. Supplementary Planning Documents for Urban Open Space and Education explains these policy aims further.

**5.0 LEGAL IMPLICATIONS**

No significant implications.

**6.0 EQUAL OPPORTUNITY IMPLICATIONS**

Agreeing the request would intensify pressure on urban open space and education in the locality by delaying a contribution to improvements which may impact unevenly across the community.

**7.0 ENVIRONMENTAL IMPACT**

The environmental impact of the development has already been considered in determining planning permission 07/1492/FL/E11.

8.0 **WARD(S) AFFECTED**

Bloxwich West

9.0 **CONSULTEES**

9.1 Greenspace Services

Objects to the proposals to defer payment of the contributions towards urban open space provision –see attached report.

9.2 Walsall Children's Services – Serco

It is for the Planning Committee to consider the developer's case and whether or not to accept deferring the contributions.

10.0 **CONTACT OFFICER**

Alison Deakin

Principal Planning Officer 01922 652487

11.0 **BACKGROUND PAPERS**

Planning Application 07/1492/FL/E11.

David Elsworthy

Head of Planning and Building Control.

**Planning Committee**  
**19<sup>th</sup> August 2010**

**12.0 BACKGROUND AND REPORT DETAIL**

- 12.1 Planning permission 07/1492/FL/E11 for residential development of 19 houses on land at the rear of 160-164 Broad Lane, Bloxwich was granted subject to a S106 Agreement on 27<sup>th</sup> November 2007. The Agreement required commuted sum contributions of £39,045.00 towards provision of urban open space and £42,005.12 towards provision for education.
- 12.2 On 27<sup>th</sup> May 2010 Planning Committee resolved to grant a Deed of Variation to the original S106 Agreement to allow the urban open space and education contributions to be reduced by 50% provided the development is commenced within 6 months. This Deed of Variation has not yet been completed. The current proposal is another request by the developer, Broad Lane Developments, to defer the trigger for payment of the reduced contributions from commencement of the development to sale of the 10<sup>th</sup> dwelling.
- 12.3 Greenspace Services do not support the reduction or deferment of payment of the contributions towards urban open space provision given the needs of the area and local priorities around the enhancement and provision of high quality green space facilities for the benefit of the inhabitants of the development and existing residents.
- 12.4 They state that originally, as per the SPD for Urban Open Space, 10 – 20% of the contribution would be allocated to borough level sites with 80% staying within the local and LNP area. Given the 50% reduction in the level of funding it is proposed that the full 100% of the reduced funding would be allocated to King George V Playing Field and the proposals for the improvement of this site (as per the Greenspace Strategy priorities and the specific site Improvement Master Plan) to bring the park up to Green Flag standard. The allocation of S106 funding from this development albeit it at a reduced sum has been reported to local partners, priorities for improvement works have been identified utilising this funding and the achievement of improvements with this funding is crucial to achieving these aims and local targets.
- 12.5 Greenspace Services consider that to defer the trigger payment of the reduced S106 contribution until the occupation / sale of the 10th dwelling will have a major impact on the ability of the Green Space Services to carry out significant improvements at King George V Playing Fields to raise its value and quality within the necessary timescales to achieve the quality required for a Green Flag Award Greenspace and to meet local targets / actions. Accordingly, Greenspace Services would not support the developer's request to vary the S106 agreement
- 12.6 Walsall Children's Services state they have no scope to negotiate contributions as they should be as per the SPD and note it is for the Planning Committee to consider the developer's case and whether or not to accept deferring the contributions.

- 12.7 No evidence has been provided to justify the reason for payment to be deferred. It is now almost three months since Committee resolved to allow reduced contributions to ensure an early start on site and the Deed of Variation to the S106 Agreement has not yet been completed. Given the above comments officers recommend that Committee should not agree to release the developer from the trigger point for payment of contributions given the delays already encountered in completing the Deed of Variation to the S106 Agreement. However, Committee could agree another trigger as may be deemed appropriate notwithstanding that it has already agreed to reduce the payments by 50% if work commenced within 6 months of commencement on site.

07/1492/FL/E11 - rear 160-164 Broad Lane, Bloxwich

