



Walsall Council

*Development Control
Committee*

20th November 2007

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Section 106 Quarterly Update Report 2007/08

1. PURPOSE OF REPORT

- i) To advise Members of the second quarter out turn information relating to completed Planning Obligations (section 106 agreements) that have been negotiated with planning permissions that were granted between 1st July and 30th September 2007.
- 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 Government Circular 5/2005, policy GP3

of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report.

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**

None

10. **CONTACT OFFICER**

David Elsworthy - Extension: 2409

11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

1. This is the second of a series of reports that will be reported to members of this Committee on a quarterly basis and subsequently made available to all members for information. It provides a summary of all Planning Obligations (Section 106 Agreements) 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 Appendix 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 give unilateral undertakings, or local authorities to reach agreements with developers, for certain works to be carried out in association with a development. Circular 5/2005 states that Planning Obligations should be necessary to make the proposed development acceptable in planning terms; are 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 national planning policy in the form of guidance notes and Government Circulars together with policy GP3 of the Unitary Development Plan (UDP). 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.
4. The Council currently collects contributions for education, affordable housing, open space and health care. This follows Supplementary Planning Documents (SPD) being adopted for the Affordable Housing in May 2005 Open Space in April 2006, Health Care in January 2007 and Education in March 2007 respectively.
5. Planning officers negotiate with applicants (and their agents) of planning applications submitted for residential development of 10 or more dwellings in consultation with Education Walsall for financial contributions where there is a lack of primary and secondary places in school catchments areas. Negotiations for affordable housing are triggered for developments of 25 or more dwellings in consultation with Housing Services and the health contributions are required for developments of 30 or more dwellings as set out in the UDP.
6. The planning application is reported to the Development Control Committee and the details of the proposed agreement are included in the report. At this stage this normally includes the heads of terms of what is required together with details of any reasons such as abnormal costs that the developer claims should be taken into account in reducing the requirements. Assuming the Committee resolves to approve the application then officers instruct Legal Services to complete the Planning Obligation prior to planning permission being issued. Therefore the collection of the contribution depends on whether the planning permission is granted and then on whether the applicant actually implements the planning permission.
7. The details of the amount to be paid (and when) or the action required is set out in the Planning Obligation. The developer pays the councils costs for solicitor and planning staff time together with a set payment to help pay the cost of monitoring the development / agreement. As the call on monitoring developments is largely proportionate to the size of developments, from 1st January 2008 a new monitoring

payment will be introduced for each planning obligation – a minimum of £950 or 9% of the planning application fee (whichever is the highest). Once received the funds are coded to the relevant financial code and all contributions are paid into (held on) the balance sheet code of the Regeneration directorate. The Senior Accountant then liaises with the relevant service area and the funding is transferred to the service area concerned and expenditure is monitored by that service's accountant.

8. A total of 7 planning obligations were completed in the second quarter totalling £1,157,804 in contributions plus the requirement to provide 58 affordable dwellings. Of these two payments totalling £84,234 have been received which have been forwarded to the appropriate service areas. These total £22,109 for education and £62,125 for urban open space. 9 planning obligations were completed in the first quarter totalling £1,530,668 in contributions plus the requirement to provide 70 affordable dwellings. Of these 5 payments totalling £102,719 have been received which have been forwarded to the appropriate service areas. These total £35,149 for education, £12,570 for urban open space, £50,000 for highways and £5,000 for others (in this case town centre management). This shows that a total of 16 planning obligations have been completed for the first two quarters totalling £2,688,472 in contributions plus the requirement to provide a total of 128 affordable dwellings. Of which a total of £186,954 has been collected and forwarded to the appropriate service areas. A full breakdown of agreements, requirements and contributions received are set out in the attached appendix.
9. This compares favourably when compared with the out turn position for the whole of 2006/07 when 29 Planning Obligations were completed totalling £1,402,631 in contributions plus the requirement to provide 63 affordable dwellings. Of these 8 payments was received totalling £296,581 which has been forwarded to the appropriate service areas. These total £222,700 for education; £2,603 for open space and £10,000 for other requirements (in this case relating to trees). Members will note that the total contributions received in 2006-7 were relatively small and that the majority of those received related to education. This is due to the fact that the Supplementary Planning Documents which set out the requirements for collecting contributions are relatively new and that not many developments approved in the last financial year were commenced in the same period. It is anticipated that both the total number of Planning Obligations and the associated contributions required and triggered for payment will increase over time as new developments are approved and work commences on those already approved.

2nd Quarter 2007/8 (01/07/2007 - 30/09/2007) Appendix

Application No	Print Address	Officer Name	Ward	DOE Type	Date Valid	Decision Date	Decision Detail	Subject	Details	Description of Proposal	Sum	Amount Received	Received Date
03/2062/FL/E5	OPEN SPACE, LEYLANDS FARM,WOOD LANE,PELSALL,W ALSALL,WEST MIDLANDS	Barbara Toy		All other minor developments (e.g. Fire escapes, telecommunications, fences at a factory, satellite dishes, radio equipment etc.)	11/03/04	25/07/07	Grant Permission subject to conditions	Other or Mixed (Please State in Detail Box)	Maintenance of Open Space - Due upon the transfer of land to the council in one years time.	Revised landscaping scheme including the omission of on-site childrens play area.	£40,000.00	£0.00	
03/2062/FL/E5	OPEN SPACE, LEYLANDS FARM,WOOD LANE,PELSALL,W ALSALL,WEST MIDLANDS	Barbara Toy		All other minor developments (e.g. Fire escapes, telecommunications, fences at a factory, satellite dishes, radio equipment etc.)	11/03/04	25/07/07	Grant Permission subject to conditions	Expire Date for Contribution	Any full/part contribution unspent/uncommitted for spend in accordance with the agreement within 5 years from the date of payment will be returned to payee together with interest if a written notice has been served on the council. Should no notice be received within three months of the five years from date of payment, the council shall be at liberty to spend the contributions in accordance with the agreement.	Revised landscaping scheme including the omission of on-site childrens play area.	£0.00	£0.00	
03/2062/FL/E5	OPEN SPACE, LEYLANDS FARM,WOOD LANE,PELSALL,W ALSALL,WEST MIDLANDS	Barbara Toy		All other minor developments (e.g. Fire escapes, telecommunications, fences at a factory, satellite dishes, radio equipment etc.)	11/03/04	25/07/07	Grant Permission subject to conditions	POS Commuted Sum	To be used towards provision of 'Offsite Play Equipment' for the playground within the site. Due upon completion of the agreement dated 25/07/2007.	Revised landscaping scheme including the omission of on-site childrens play area.	£45,000.00	£45,000.00	25/07/07
05/2009/OL/W1	SITE AT CORNER OF,EDISON ROAD,AND ARKWRIGHT ROAD,WALSALL, BEECHDALE	Bob Scrivens	Birchills Leamore	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	06/10/05	27/07/07	Grant Permission subject to conditions	Education commuted sum	Towards Secondary School provision within the vicinity of the wider area of the site. Due 7 days after commencement of development.	Outline: Erection of 11 no. 2 bedroom self contained flats (including approval of siting and means of access)	£20,960.00	£0.00	
05/2009/OL/W1	SITE AT CORNER OF,EDISON ROAD,AND ARKWRIGHT ROAD,WALSALL, BEECHDALE	Bob Scrivens	Birchills Leamore	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	06/10/05	27/07/07	Grant Permission subject to conditions	Expire Date for Contribution	Any unused contributions to be repaid to payee within one month of three years from date of payment.	Outline: Erection of 11 no. 2 bedroom self contained flats (including approval of siting and means of access)	£0.00	£0.00	
06/2220/FL/E11	FORMER EAGLE ENVELOPES,BLOXWICH ROAD,WALSALL, WEST MIDLANDS,WS3 2XG	Alison Deakin	Blakenall	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/12/06	31/07/07	Grant Permission subject to conditions	POS Commuted Sum	Towards the provision of open space within the wider area of the site. Due within one month of completion of this agreement (31/08/2007).	Residential Development Of Dwellings And Associated Works (Revisions To Application Reference 05/0411/FL/E2 Including Increase Number Of Dwellings From 76 To 93)	£17,125.00	£17,125.00	15/10/07
06/2220/FL/E11	FORMER EAGLE ENVELOPES,BLOXWICH ROAD,WALSALL, WEST MIDLANDS,WS3 2XG	Alison Deakin	Blakenall	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/12/06	31/07/07	Grant Permission subject to conditions	Expire Date for Contribution	Any unspent sums within three years of payment to be returned to the landowner.	Residential Development Of Dwellings And Associated Works (Revisions To Application Reference 05/0411/FL/E2 Including Increase Number Of Dwellings From 76 To 93)	£0.00	£0.00	

2nd Quarter 2007/8 (01/07/2007 - 30/09/2007) Appendix

06/2220/FL/E11	FORMER EAGLE ENVELOPES,BLOXWICH ROAD,WALSALL, WEST MIDLANDS,WS3 2XG	Alison Deakin	Blakenall	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/12/06	31/07/07	Grant Permission subject to conditions	Affordable and Low Cost Market Housing	4 x additional units being 2 x two-bedroom apartments and 2 x three-bedroom houses in accordance with Schedule 3 of the first S106 agreement (under 05/0411/FL/E2) as amended by this agreement.	Residential Development Of Dwellings And Associated Works (Revisions To Application Reference 05/0411/FL/E2 Including Increase Number Of Dwellings From 76 To 93)	£0.00	£0.00	
06/2220/FL/E11	FORMER EAGLE ENVELOPES,BLOXWICH ROAD,WALSALL, WEST MIDLANDS,WS3 2XG	Alison Deakin	Blakenall	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/12/06	31/07/07	Grant Permission subject to conditions	Education commuted sum	Towards provision of secondary school places in the area. Additional sum payable in accordance with Schedule 2 of the first S106 (under 05/0411/FL/E2). Due within one month of completion of this agreement (31/08/2007).	Residential Development Of Dwellings And Associated Works (Revisions To Application Reference 05/0411/FL/E2 Including Increase Number Of Dwellings From 76 To 93)	£22,109.95	£22,109.95	15/10/07
07/0358/FL/E11	BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL,WEST MIDLANDS	Alison Deakin	Bloxwich West	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/02/07	31/07/07	Grant Permission subject to conditions	POS Commuted Sum	Index linked. Towards provision of open space within the Walsall Borough. Due no later than the occupation of the 50th dwelling.	Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.	£116,210.20	£0.00	
07/0358/FL/E11	BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL,WEST MIDLANDS	Alison Deakin	Bloxwich West	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/02/07	31/07/07	Grant Permission subject to conditions	Education commuted sum	Index linked. Towards provision of education within 3 mile radius of the site. Due no later than the occupation of 60th dwelling.	Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.	£137,069.30	£0.00	
07/0358/FL/E11	BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL,WEST MIDLANDS	Alison Deakin	Bloxwich West	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/02/07	31/07/07	Grant Permission subject to conditions	Expire Date for Contribution	Any unused contributions from five years of date of payment will be returned to payee including interest.	Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.	£0.00	£0.00	
07/0358/FL/E11	BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL,WEST MIDLANDS	Alison Deakin	Bloxwich West	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/02/07	31/07/07	Grant Permission subject to conditions	Education commuted sum	Index linked. Towards provision of education within 3 mile radius of the site. Due no later than the occupation of the 30th dwelling.	Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.	£137,069.30	£0.00	
07/0358/FL/E11	BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL,WEST MIDLANDS	Alison Deakin	Bloxwich West	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/02/07	31/07/07	Grant Permission subject to conditions	Affordable and Low Cost Market Housing	33 affordable housing units (25%). Size and location of such units to be submitted and subsequently approved by council prior to commencement. Not to occupy more than 80% of the open market dwellings until the affordable units have been disposed of.	Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.	£0.00	£0.00	
07/0358/FL/E11	BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL,WEST MIDLANDS	Alison Deakin	Bloxwich West	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	28/02/07	31/07/07	Grant Permission subject to conditions	Healthcare Contribution	Index linked. Towards provision of primary care facilities which will serve occupiers of development. Due no later than the occupation of the 80th dwelling.	Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.	£144,881.10	£0.00	
07/0693/OL/W5	LAND AT SERVIS UK LTD,DARLASTON ROAD,WEDNESBURY,WALSALL, WEST MIDLANDS,WS10 7SR	Karon Hulse	Darlaston South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	20/04/07	06/08/07	Grant Permission Subject to Conditions and a Planning Obligation	POS Commuted Sum	Towards the provision of open space within vicinity of site. Due 7 days after the commencement date based on £693 per bedroom.	Outline: Residential Development including location of access point	£0.00	£0.00	

2nd Quarter 2007/8 (01/07/2007 - 30/09/2007) Appendix

07/0693/OL/W5	LAND AT SERVIS UK LTD,DARLASTON ROAD,WEDNESBURY,WALSALL,WEST MIDLANDS,WS10 7SR	Karon Hulse	Darlaston South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	20/04/07	06/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Healthcare Contribution	Towards provision of healthcare within vicinity of site. Due 7 days after commencement based on the formula in clause 3 of the second schedule.	Outline: Residential Development including location of access point	£0.00	£0.00	
07/0693/OL/W5	LAND AT SERVIS UK LTD,DARLASTON ROAD,WEDNESBURY,WALSALL,WEST MIDLANDS,WS10 7SR	Karon Hulse	Darlaston South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	20/04/07	06/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Expirey Date for Contribution	Any unspent/uncommitted sums to be returned within one month of three years from the date of payment.	Outline: Residential Development including location of access point	£0.00	£0.00	
07/0693/OL/W5	LAND AT SERVIS UK LTD,DARLASTON ROAD,WEDNESBURY,WALSALL,WEST MIDLANDS,WS10 7SR	Karon Hulse	Darlaston South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	20/04/07	06/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Affordable and Low Cost Market Housing	25% affordable housing units to be provided on site. Location of units to be agreed with council prior to commencement. Not to occupy more than 50% of the open market dwellings on site until the affordable units have been disposed of. Should the affordable units not be disposed of within 4 months of commencement, the units may be marketed as discount market dwellings instead.	Outline: Residential Development including location of access point	£0.00	£0.00	
07/0693/OL/W5	LAND AT SERVIS UK LTD,DARLASTON ROAD,WEDNESBURY,WALSALL,WEST MIDLANDS,WS10 7SR	Karon Hulse	Darlaston South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	20/04/07	06/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Education commuted sum	Contribution required should the development include over 10 residential units (not including 1 bedroomed units). Amount, and timing of payment of contribution to be agreed with council prior to commencement.	Outline: Residential Development including location of access point	£0.00	£0.00	
07/1156/FL/W6	GEORGE CARTER PRESSINGS LTD,CLOTHIER STREET, WILLENHALL, WV13 1BG	Val Osborn	Willenhall South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	14/06/07	12/09/07	Grant Permission subject to conditions	Expirey Date for Contribution	Council will repay any unused contributions to party that makes payment within one month of 5 years from the date of payment.	Demolition of existing buildings and erection of 22 houses and apartments.	£0.00	£0.00	
07/1156/FL/W6	GEORGE CARTER PRESSINGS LTD,CLOTHIER STREET, WILLENHALL, WV13 1BG	Val Osborn	Willenhall South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	14/06/07	12/09/07	Grant Permission subject to conditions	POS Commuted Sum	Towards the provision of open space within the wider area of the site. Due on commencement.	Demolition of existing buildings and erection of 22 houses and apartments.	£42,966.00	£0.00	
07/1156/FL/W6	GEORGE CARTER PRESSINGS LTD,CLOTHIER STREET, WILLENHALL, WV13 1BG	Val Osborn	Willenhall South	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	14/06/07	12/09/07	Grant Permission subject to conditions	Education commuted sum	Towards provision of secondary education facilities within the vicinity of the wider area of the site. Due on commencement.	Demolition of existing buildings and erection of 22 houses and apartments.	£43,331.60	£0.00	
07/1255/FL/E11	TENACRES INDUSTRIAL SITE,STATION ROAD,RUSHALL, WALSALL.	Alison Deakin	Rushall-Sheffield	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	08/06/07	30/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Affordable and Low Cost Market Housing	21 (19%) two bedroomed apartments. Not to occupy more than 60% of the open market dwellings until the affordable units have been disposed of. Plan to be submitted to Council prior to commencement for approval showing location of affordable units.	Demolition of existing industrial buildings and erection of 106 houses, flats, garaging and parking, access roads, landscaping and associated works.	£0.00	£0.00	

2nd Quarter 2007/8 (01/07/2007 - 30/09/2007) Appendix

07/1255/FL/E11	TENACRES INDUSTRIAL SITE,STATION ROAD,RUSHALL, WALSALL.	Alison Deakin	Rushall-Sheffield	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	08/06/07	30/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Education commuted sum	Towards provision of Secondary School Education within 3 miles of site. Due upon commencement.	Demolition of existing industrial buildings and erection of 106 houses, flats, garaging and parking, access roads, landscaping and associated works.	£162,272.40	£0.00	
07/1255/FL/E11	TENACRES INDUSTRIAL SITE,STATION ROAD,RUSHALL, WALSALL.	Alison Deakin	Rushall-Sheffield	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	08/06/07	30/08/07	Grant Permission Subject to Conditions and a Planning Obligation	POS Commuted Sum	Towards the provision of Open Space within the wider area of the site. Due upon commencement.	Demolition of existing industrial buildings and erection of 106 houses, flats, garaging and parking, access roads, landscaping and associated works.	£228,810.00	£0.00	
07/1255/FL/E11	TENACRES INDUSTRIAL SITE,STATION ROAD,RUSHALL, WALSALL.	Alison Deakin	Rushall-Sheffield	Application for erection of dwellings, major (outline, 0.5 Hectares or 10 dwellings or more)	08/06/07	30/08/07	Grant Permission Subject to Conditions and a Planning Obligation	Expirey Date for Contribution	Council will repay any unused contributions within one month of five years from the date of payment.	Demolition of existing industrial buildings and erection of 106 houses, flats, garaging and parking, access roads, landscaping and associated works.	£0.00	£0.00	
											SECURED	RECEIVED	OUTSTANDING
										TOTALS FOR 2ND QUARTER 07	£1,157,804.85	£84,234.95	£1,073,569.90
										TOTALS FOR 1ST QUARTER 07	£1,530,668.00	£102,719.14	£1,427,948.86
										TOTALS FOR WHOLE OF 2006	£1,402,631.17	£296,581.00	£1,106,050.17
										TOTALS FOR WHOLE OF 2005	£518,187.03	£361,160.35	£157,026.68
										GRAND TOTALS	£4,609,291.05	£844,695.44	£3,764,595.61