



# Walsall Council

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*Development Control  
Committee*

15<sup>th</sup> July 2008

## REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

### **Section 106 1<sup>st</sup> Quarter Financial Year Report 2008/09**

#### **1. PURPOSE OF REPORT**

- i) To advise Members of the out turn information relating to completed Planning Obligations (section 106 agreements/unilateral undertakings) that have been negotiated with planning permissions that were granted between 1<sup>st</sup> April 2008 and 30<sup>th</sup> June 2008.
- 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 first of a series of quarterly reports for financial year 2008/9 to be reported to members of this Committee and subsequently made available to all members for information. It provides a summary of all Planning Obligations (Section 106 Agreements/Unilateral Undertakings) 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 05/2005 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, health care and public art. This follows Supplementary Planning Documents (SPD) being adopted for the Affordable Housing in April 2008, Open Space in April 2006, Health Care in January 2007, Education in March 2007, and Designing Walsall in March 2008 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, health contributions are required for developments of 30 or more dwellings as set out in the UDP and public art contributions (included within recently adopted 'Designing Walsall SPD') as set out in full in the table below:

Type of Development	Threshold	Developer contributions
Residential	15 units and above	£350.00 per dwelling
Non-residential (for example commercial, leisure, industrial)	1,000sqm and above	£5 per sqm up to 2,000sqm £3 per sqm above 2,000sqm
Outline	0.5ha and above	As above – collected at Reserved Matters

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 has been 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 **10** planning obligations were completed in the first quarter of 2008/9 totalling **£990,301.32** in contributions plus the requirement to provide approximately **28** affordable dwellings. Of these no payments have been received to date. A full breakdown of agreements, requirements and contributions are set out in the attached appendix.
9. In comparison, the out turn position for the first quarter of financial year 2007/8 when **10** Planning Obligations were completed totalling **£1,561,417.78** in contributions plus the requirement to provide approximately 70 affordable dwellings (including units sought by planning condition). Of these 13 payments have been received to date totalling **£350,073.38** which has been forwarded to the appropriate service areas. These total £103,626.50 for education; £80,346.88 for open space; £121,100.00 for Highways, and £45,000.00 for other requirements.

Appendix - S106 Contributions and Affordable Housing Provision for 01/04/2008 - 30/06/2008

<b>Application No</b>	<b>Site Address</b>	<b>Description of Proposal</b>	<b>Officer Name</b>	<b>Ward</b>	<b>Decision Date</b>	<b>Decision Detail</b>	<b>S106 Subject</b>	<b>S106 Details</b>	<b>S106 Sum</b>	<b>Amount Received</b>	<b>Received Date</b>
07/0901/FL/W7	22 WINDSOR HOUSE,VICARAGE PLACE,WALSALL, WEST MIDLANDS,WS1 3NA	Erection of 14 new apartments and associated works following the demolition of existing buildings.	Andrew Thompson	St. Matthews	03/04/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	Any unused contribution to be returned within one month of five years from date of payment.	£0.00	£0.00	
07/0901/FL/W7	22 WINDSOR HOUSE,VICARAGE PLACE,WALSALL, WEST MIDLANDS,WS1 3NA	Erection of 14 new apartments and associated works following the demolition of existing buildings.	Andrew Thompson	St. Matthews	03/04/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space facilities within the wider area if the site. RPI linked. Due on commencement.	£11,216.00	£0.00	
05/1664/OL/W3	60,WALSALL ROAD,WILLENHALL,WALSALL,WE ST MIDLANDS	OUTLINE: Residential Development (24 Dwellings) with Detailed Access and Siting - Resubmission of 04/1374/OL/W3	Mrs J Scrivens	Willenhall South	23/04/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	Towards provision of secondary school places within area in accordance with UDP 2005. Due on date the implementation works are commenced.	£45,700.00	£0.00	
05/1664/OL/W3	60,WALSALL ROAD,WILLENHALL,WALSALL,WE ST MIDLANDS	OUTLINE: Residential Development (24 Dwellings) with Detailed Access and Siting - Resubmission of 04/1374/OL/W3	Mrs J Scrivens	Willenhall South	23/04/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	On written request, the Council shall repay any unused contribution to payee on 7th anniversary of date of payment.	£0.00	£0.00	
08/0183/FL	Land adjacent Well Place and Barracks Close, Walsall	Construction of 35 no. 2,3 & 4 bedroom dwellings with associated parking	Paul Hinton	Bloxwich East	01/05/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	Towards provision of primary and secondary school facilities within 3 miles of the site. RPI linked. Due upon service of implementation notice.	£137,880.40	£0.00	

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08/0183/FL	Land adjacent Well Place and Barracks Close, Walsall	Construction of 35 no. 2,3 & 4 bedroom dwellings with associated parking	Paul Hinton	Bloxwich East	01/05/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	Council to repay any portion of unused contributions within one month of five years from date of final payment of respective contributions.	£0.00	£0.00	
08/0183/FL	Land adjacent Well Place and Barracks Close, Walsall	Construction of 35 no. 2,3 & 4 bedroom dwellings with associated parking	Paul Hinton	Bloxwich East	01/05/08	Grant Permission subject to conditions	<b>Healthcare Contribution</b>	Towards provision of healthcare facilities. Due upon service of implementation notice. RPI linked.	£39,582.90	£0.00	
08/0183/FL	Land adjacent Well Place and Barracks Close, Walsall	Construction of 35 no. 2,3 & 4 bedroom dwellings with associated parking	Paul Hinton	Bloxwich East	01/05/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space within wider area of site. RPI linked. Due upon service of implementation notice.	£70,555.00	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Affordable and Low Cost Market Housing</b>	Towards provision of off-site affordable housing in accordance with UDP and SPD. Due on commencement of construction of dwelling houses.	£20,000.00	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Affordable and Low Cost Market Housing</b>	Towards provision of off-site affordable housing in accordance with UDP and SPD. Due on construction of apartments.	£20,000.00	£0.00	

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07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	Towards provision of education facilities in accordance with UDP and SPD. Due on commencement of construction of dwelling houses.	£5,305.91	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	Towards provision of education facilities in accordance with UDP and SPD. Due on construction of apartments.	£5,305.91	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	Council to repay any unexpended sums to landowner on written request within five years from the date of payment.	£0.00	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Healthcare Contribution</b>	Towards provision of healthcare facilities in accordance with UDP and SPD. Due on commencement of construction of dwelling houses.	£15,564.00	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>Healthcare Contribution</b>	Towards provision of healthcare facilities in accordance with UDP and SPD. Due on construction of apartments.	£15,564.00	£0.00	
07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space within the wider area of the site. Due on commencement of construction of dwelling houses.	£32,643.00	£0.00	

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07/2265/FL/E12	LAND AT,SUNNINGDALE WAY, BLOXWICH, WALSALL, WS3 3TX	Erection Of 4 No 4 Bedroom Detached Houses And 39 no. Retirement apartments to include two guest suites. With Associated Parking And Private Drive.	Devinder Matharu	Bloxwich West	16/04/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space within the wider area of the site. Due on construction of apartments.	£32,643.00	£0.00	
07/2348/FL/W6	LAND BETWEEN,SCHOOL STREET/ ALMA STREET/ WILLENHALL STREET,WALSALL,WS10 8DL	ERECTION OF 22no NEW BUILD DWELLINGS.	Val Osborn	Darlaston South	02/04/08	Grant Permission	<b>Education commuted sum</b>	Towards secondary education facilities within 3 miles of the site. Due upon service of the implementation notice.	£42,005.12	£0.00	
07/2348/FL/W6	LAND BETWEEN,SCHOOL STREET/ ALMA STREET/ WILLENHALL STREET,WALSALL,WS10 8DL	ERECTION OF 22no NEW BUILD DWELLINGS.	Val Osborn	Darlaston South	02/04/08	Grant Permission	<b>Expirey Date for Contribution</b>	Any unused sum will be returned within one month of five years from the date of payment.	£0.00	£0.00	
07/2348/FL/W6	LAND BETWEEN,SCHOOL STREET/ ALMA STREET/ WILLENHALL STREET,WALSALL,WS10 8DL	ERECTION OF 22no NEW BUILD DWELLINGS.	Val Osborn	Darlaston South	02/04/08	Grant Permission	<b>UOS Commuted Sum</b>	Towards provision of open space within the wider area of the site. Due upon service of the implementation notice.	£41,580.00	£0.00	
07/0142/FL/E10	LAND ON THE FORMER COALPOOL CLINIC,SITE, OFF ROSS ROAD,RYECROFT,WALSALL,WEST MIDLANDS	Demolition of existing building and erection of 12 No. 1 bedroom apartments	Alison Deakin	Blakenall	21/05/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	Council to repay any unused contribution within one month of five years from date of payment.	£0.00	£0.00	
07/0142/FL/E10	LAND ON THE FORMER COALPOOL CLINIC,SITE, OFF ROSS ROAD,RYECROFT,WALSALL,WEST MIDLANDS	Demolition of existing building and erection of 12 No. 1 bedroom apartments	Alison Deakin	Blakenall	21/05/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space within the wider area of the site. Due on commencement of development.	£8,220.00	£0.00	



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07/2731/FL/E11	LAND TO THE REAR OF 201-217 LICHFIELD ROAD, RUSHALL, WALSALL, WS4 1EA	Demolition of Nos. 215 and 217 Lichfield Road and Erection of 21 New Dwellings Including Access Road and Associated Works	Alison Deakin	Rushall-Shelfield	15/04/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	Towards provision of secondary education places within the area. Due on commencement of development.	£45,585.19	£0.00	
07/2731/FL/E11	LAND TO THE REAR OF 201-217 LICHFIELD ROAD, RUSHALL, WALSALL, WS4 1EA	Demolition of Nos. 215 and 217 Lichfield Road and Erection of 21 New Dwellings Including Access Road and Associated Works	Alison Deakin	Rushall-Shelfield	15/04/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	Any unexpended contribution to be repaid 10 years from date of payment upon written request of the developer.	£0.00	£0.00	
07/2731/FL/E11	LAND TO THE REAR OF 201-217 LICHFIELD ROAD, RUSHALL, WALSALL, WS4 1EA	Demolition of Nos. 215 and 217 Lichfield Road and Erection of 21 New Dwellings Including Access Road and Associated Works	Alison Deakin	Rushall-Shelfield	15/04/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space within wider area of site. Due on commencement of development.	£57,420.00	£0.00	
06/2186/OL/W5	MIDLAND ROAD,WALSALL, WEST MIDLANDS	Outline: Erection of 112 apartments and associated works	Karon Hulse	St. Matthews	16/05/08	Grant Permission subject to conditions	<b>Affordable and Low Cost Market Housing</b>	25% as shared ownership	£0.00	£0.00	
06/2186/OL/W5	MIDLAND ROAD,WALSALL, WEST MIDLANDS	Outline: Erection of 112 apartments and associated works	Karon Hulse	St. Matthews	16/05/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	primary and secondary	£172,847.10	£0.00	
06/2186/OL/W5	MIDLAND ROAD,WALSALL, WEST MIDLANDS	Outline: Erection of 112 apartments and associated works	Karon Hulse	St. Matthews	16/05/08	Grant Permission subject to conditions	<b>Landscape d Areas and Areas of Public Open Space</b>	open space	£140,200.00	£0.00	

Appendix - S106 Contributions and Affordable Housing Provision for 01/04/2008 - 30/06/2008

07/2167/FL/E6	THREE CROWNS P.H.,SUTTON ROAD,WALSALL, WS5 3AX	Change of use including minor extension to public house to form 12 residential apartments	Paul Hinton	Pheasey Park Farm	02/06/08	Grant Permission subject to conditions	<b>Education commuted sum</b>	Towards provision of primary education facilities within a 2 mile radius of the site and secondary education facilities within a 3 mile radius of the site. Payment index linked. Due prior to occupation of the development.	£16,945.79	£0.00	
07/2167/FL/E6	THREE CROWNS P.H.,SUTTON ROAD,WALSALL, WS5 3AX	Change of use including minor extension to public house to form 12 residential apartments	Paul Hinton	Pheasey Park Farm	02/06/08	Grant Permission subject to conditions	<b>Expirey Date for Contribution</b>	Council to repay any unused sum within one month of five years from date of payment of the contributions including any interest accrued.	£0.00	£0.00	
07/2167/FL/E6	THREE CROWNS P.H.,SUTTON ROAD,WALSALL, WS5 3AX	Change of use including minor extension to public house to form 12 residential apartments	Paul Hinton	Pheasey Park Farm	02/06/08	Grant Permission subject to conditions	<b>Landscape d Areas and Areas of Public Open Space</b>	An area of urban open space to be made accessible to the public identified on plan 2 attached the completed agreement. On site open space management plan to be submitted to the Council prior to the commencement date. No residential apartment to be occupied until Council has approved the plan in writing.	£0.00	£0.00	

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07/2167/FL/E6	THREE CROWNS P.H.,SUTTON ROAD,WALSALL, WS5 3AX	Change of use including minor extension to public house to form 12 residential apartments	Paul Hinton	Pheasey Park Farm	02/06/08	Grant Permission subject to conditions	<b>UOS Commuted Sum</b>	Towards provision of open space within the wider area of the site. Payment index linked. Due prior to occupation of the development.	£13,538.00	£0.00	
07/2586/AD/W1	WALSALL F.C. BANK'S STADIUM,BESCO T CRESCENT,WALSALL,WS1 45A	Free standing two faced display sign	Bob Scrivens	Palfrey	24/04/08	Approve Advert 5 Years	<b>Other or Mixed (Please State in Detail Box)</b>	Not to erect/display the advertisement to which the 2008 advertisement consent relates until the South Stand posters have been removed.	£0.00	£0.00	
07/2586/AD/W1	WALSALL F.C. BANK'S STADIUM,BESCO T CRESCENT,WALSALL,WS1 45A	Free standing two faced display sign	Bob Scrivens	Palfrey	24/04/08	Approve Advert 5 Years	<b>Other or Mixed (Please State in Detail Box)</b>	Not to erect/display the advertisement to which the 2004 advertisement consent relates and furthermore not to seek any redress or compensation.	£0.00	£0.00	
									<b>TOTAL SECURED</b>	<b>TOTAL RECEIVED TO DATE</b>	<b>TOTAL NOT YET DUE</b>
									£990,301.32	£0.00	£990,301.32