



PLANNING COMMITTEE

6th January 2011

Report of Head of Planning and Building Control- Regeneration
Demolition of 215 and 217 Lichfield Road and erection of 21 new dwellings at
land to the rear of 201-217 Lichfield Road, Rushall, Walsall
Application No 07/2731/FL/E11

1.0 PURPOSE OF REPORT

To seek Committee authority for a variation of a Section 106 Agreement associated with permission 07/2731/FL/E11, to defer the date for payment of the obligations for education and urban open space provision to not later than the occupation of the tenth dwelling.

2.0 RECOMMENDATIONS

That the request for a Deed of Variation to the S106 Agreement to defer payment of the obligations for education and urban open space to no later than occupation of the tenth dwelling is granted.

3.0 FINANCIAL IMPLICATIONS

Agreeing the request would defer payment of the obligations to a later date.

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 assist towards provision of education and urban open space in the locality to benefit the local community.

7.0 ENVIRONMENTAL IMPACT

The environmental impact of the development has already been considered in determining planning permission 07/2731/FL/E11.

8.0 **WARD(S) AFFECTED**

Rushall Shelfield

9.0 **CONSULTEES**

9.1 Walsall Children's Services - Serco – No objections to the proposed deferment of the payment arrangements.

9.2 Greenspace Services – Support the delay in receiving the S106 contribution on the basis that this will help stimulate the commencement of the development and ensure the sum is received in the future.

10.0 **CONTACT OFFICER**

Alison Deakin

Principal Planning Officer 01922 652487

11.0 **BACKGROUND PAPERS**

Planning Application 07/2731/FL/E11.

David Elsworthy

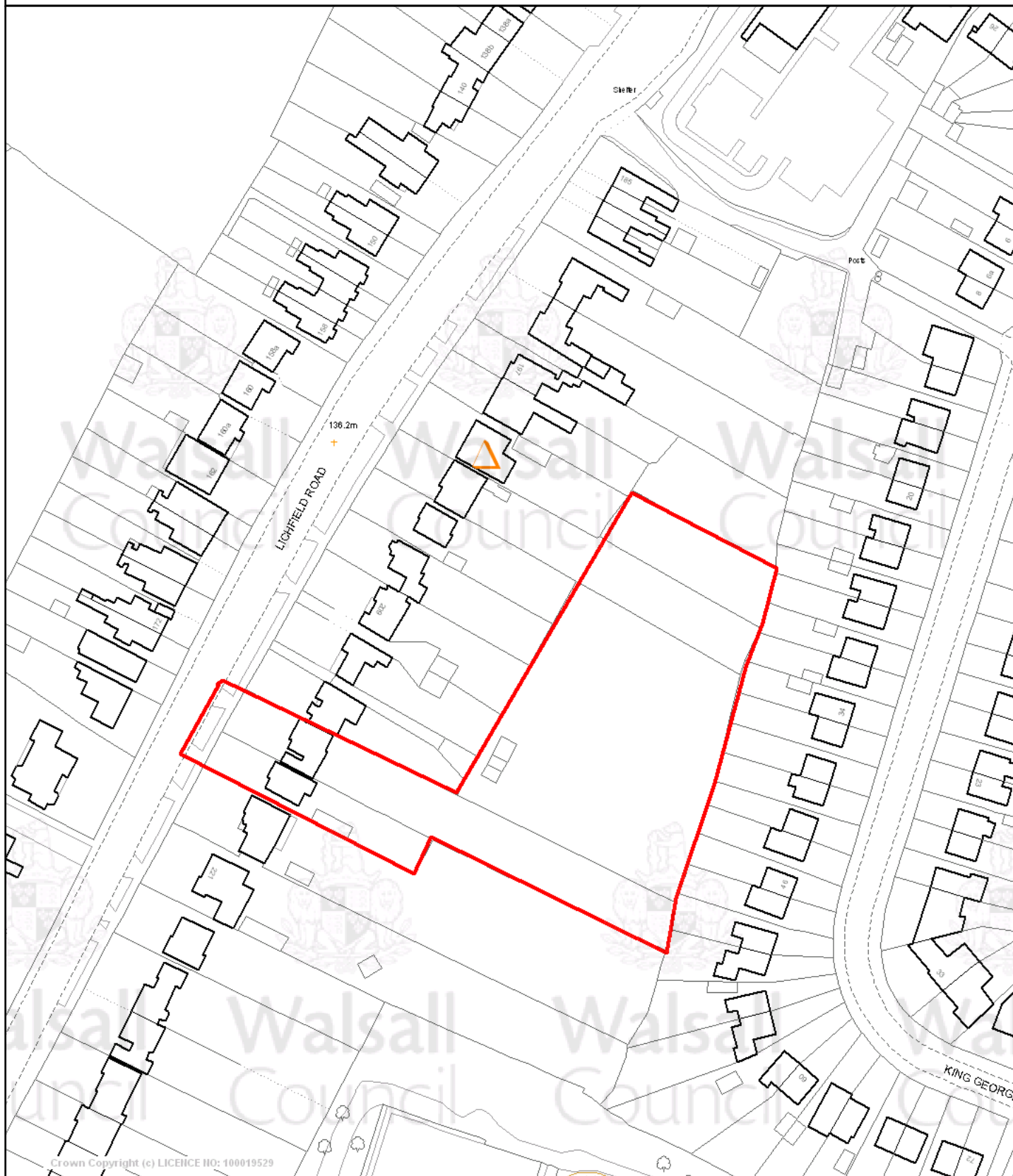
Head of Planning and Building Control.

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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 Planning permission 07/2731/FL/E11 for residential development of 21 dwellings on land at the rear of 201-217 Lichfield Road, Rushall was granted subject to a S106 Agreement on 15th April 2008. The Agreement required contributions of £57,420.00 towards the provision of urban open space and £45,585.19 towards education.
- 12.2 The land owners and Cameron Homes Limited want to vary the agreement to defer payment of the contributions. The original S106 Agreement requires payment on the date implementation works are commenced. The request is to change the date of payment to no later than the occupation of the tenth dwelling.
- 12.3 The developer states that to commit to any development in the current climate involves major expenditure and in this case payment of S106 contributions of over £100,000 upon commencement of the development is difficult due to cash flow issues. They propose payment upon tenth occupation as this would generate sufficient inflow of cash to meet the S106 payment.
- 12.4 Allowing the change to the payment date would resolve cash flow issues that the developer is encountering to enable the development to take place at the earliest opportunity without unduly prejudicing the purpose of the S106 Agreement.

07/2731/FL/E11 - Land at rear of 201-217 Lichfield Road, Rushall, Walsall



Walsall Council

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