



# Walsall Council

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*Planning Committee*

22<sup>nd</sup> March 2018

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

**Section 106 Report – Q4 Financial Year 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> January 2017 to 31<sup>st</sup> March 2017.
- 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

11. **BACKGROUND PAPERS**

All published.

Steve Pretty, Head of Planning, Engineering and Transportation

1. This is the final in a series of quarterly reports covering financial year 2016/17. 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. 4 Planning Obligations were completed in Q4 2016/17 totalling £107,88.00. Of this, £73,458.00 has been received to date and transferred to the relevant service areas for expenditure as set out in Appendix A.
7. Affordable housing provision has been secured on sites at the former Daw End School and also St Lawrence Way.

8. The latest expenditure of received open space contributions as at February 2018 is provided in Appendix B.

Legal Reference	Site Address	Planning Application	31/03/2016	Contribution Type	Open Space Amount	Affordable Housing Amount	Other Amounts	Trigger	Detail
Atlas Quarry REG05.77	Atlas Quarry, Recordon Lane Extension	14/0619/CM	17/02/2017	Monitoring & Restoration					Hydrological Monitoring works
									Restoration Works
The Former Daw End School Section 106	Floyds Lane, Rushall, WS4 1LF	16/1233	27/02/2017	Urban Open Space	£107,880.00			Prior to commencement of development	No location specified
				Affordable Housing				No more than 50% of all dwellings to be constructed until all affordable housing have been built	25% on site provision
Pacific Nurseries S106 - EAE20.54	Chester Road, Streetly, Aldridge, WS9 0PH	16/0186	17/03/2017	Control of Use					Limitations on floor area
				Control of Use					Control of Sales from Coffee Shop
				Control of Use					Limitations on sales areas
				Control of Use					Control of Sales for identified areas
				Control of Use					Link construction of Covered Walkway to application 01/1337/FL/E5
				Control of Use					Control of specific land for agricultural use
St Lawrence Way Section 106 EAE20.83	St Lawrence Way, Darlaston, WS10 8UZ	16/1347	29/03/2017	Affordable Housing					Affordable Housing on site
<b>TOTALS</b>					<b>£107,880.00</b>	<b>£0.00</b>	<b>£0.00</b>		

Section 106 - February 2018													
Capital													
CFR	Scheme name	Value remaining	Deadline	Postcode	Virement 1	Virement 2	Virement 3	After virements	Planned expenditure	After planned spend	Details of planned spend	Planning Ref	S106 Restrictions
CFR 898	Reedswood Park - now to be used on CFR 1247	10,213.42						10,213.42					Match to the Reedswood & Water EU sheme
	Arboretum Restoration Project	28,862.00						28,862.00					
CFR 632	Arboretum Restoration Project £81,488 required	26,757.41						26,757.41					
CFR974	King George V Playing Fields	-						0.00					
CFR1054	Allotment Improvement Programme	18,485.00						18,485.00					Will be spent in 18/19
CFR 1247	Reeds Wood and Water Project - new contributions required	29,541.50						29,541.50					
Revenue													
Scheme number	Scheme name	Value remaining	Deadline	Postcode	Virement 1	Virement 2	Virement 3	After virements	Planned expenditure	After planned spend	Details of planned spend	Planning Ref	S106 Restrictions
M	Maintenance budget	41,334.30						41,334.30		41,334.30			
Rethinking Parks	Maintenance top slice and Match funding	72,000.00						72,000.00		72,000.00			
Deadlines overdue													
150	Goscote Lane& Well Lane, Walsall	0.00	29/10/2015	WS3				0.00		0.00		07/2323/FL/E12 & 07/2340/FL/E9	Towards provision of open space within wider area of site.
151	Thames Road, Goscote, Walsall	0.00	29/10/2015	WS3				0.00		0.00		07/2323/FL/E12 & 07/2340/FL/E9	Towards provision of open space within wider area of site.
155	13-14 Bradford Street	0.00	31/03/2016	WS1				0.00		0.00		08/1086/FL	Towards provision of open space within wider area of site.
159	Bentley Moor Club	0.00	27/06/2017	WS2				0.00		0.00		11/0105/FL	Towards open space.
161	Norfolk Place	26,666.68	03/09/2017	WS2				26,666.68		26,666.68		11/1364/FL	Towards open space provision within vicinity of wider area of site.
Future Deadlines													
164	Victoria Avenue	46,968.98	16/04/2018	WS3				46,968.98		46,968.98		11/0516/FL	If so it should be used towards open space within wider area of the site.
165	The Limes Linley Road	0.00	01/08/2018	WS4				0.00		0.00		11/1576/FL	Towards open space within the wider vicinity of the site.
166	Watermead Grange	51,864.42	29/11/2018	WS8				51,864.42		51,864.42		10/1593/FL	Towards open space.
167	Former St Johns School	22,676.76	10/06/2021	WS9				22,676.76		22,676.76		12/0736/FL	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		3,842.98		13/0008/FL & 13/0090/FL	Towards open space provision within vicinity of the site.
171	Redhouse School	66,945.84	13/11/2020	WS9				66,945.84		66,945.84		10/1706/FL	Towards compensatory sports pitch provision
170	Park Tavern	3,399.38	21/04/2022	WS1				3,399.38		3,399.38		13/1529/FL	open space contribution
177	Leve Lane Willenhall	7,061.14	27/06/2024	WV13				7,061.14		7,061.14		09/0215/FL	Provision of Open space within the wider area of the site
178	Teddesley Street	46,952.98	25/09/2022	WS4				46,952.98		46,952.98		16/1241	Urban Open Space contribution towards the maintenance or enhancement of habitats and provision of public access, public information boards and measures to combat anti-social behaviour at the urban open spaces at Mill Lane Nature Reserve and the area of land to the east of Mill Lane and north of Borneo Street Walsall and for no other purpose whatsoever.
179	Leighswood Road	49,416.96	31/01/2025	WS9				49,416.96		49,416.96		15/1268	conditions leighswood Road'A1
No deadline (although guidance states to try and spend within 5 years)													
118	Former Derby Arms, Raleigh Street	839.81	2012/13	WS2				839.81		839.81		04/0845/OL/W3	Towards improvement of open space facilities in the wider area.
96	The Saddlery Investment Limited	0.00	2009/10	WS1				0.00		0.00			Unable to locate any record based on this description.
99	15-19 Selbourne St Walsall	0.00	2009/10	WS1				0.00		0.00		03/1619/FL/W3	I don't have any record of this being received on the S106 database.
138	Stackhouse Drive	2,344.30	2013/14	WS3				2,344.30		2,344.30		03/1308/FL/E4	Towards provision of open space.
139	Hawbush Rd former Welcome Stranger	998.66	2013/14	WS3				998.66		998.66		03/1853/FL/E6	Towards provision of off site recreational facilities.
143	Field Road(Industrial Est) Bloxwich	4,688.60	2014/15	WS3				4,688.60		4,688.60		02/1494/FL/E2	See attached last Open Space Update Table (2013) provided to me.
152	Providence Close/Leamore Lane	1,243.00	2016/17	WS3				1,243.00		1,243.00		02/1983/FL/W3	To be used towards improving public open space facilities in the wider area.
162	Brewers Drive	34,000.00	2017/18	WS3				34,000.00		34,000.00		BC64477P	Maintenance of open space.
163	Shire Oak Reservoir	39,031.01	2018/19	WS9				39,031.01		39,031.01		06/2209/OL/E9	If so it should be used towards provision of urban open space.
168	Former Jebron works	1,736.62	2019/20	WS10				1,736.62		1,736.62		13/1056/FL	Towards urban open space, in particular Kings Hill Park
172	Lichfield Road Rushall	25,828.93	2020/21	WS4				25,828.93		25,828.93		07/2731/FL/E11	open space in the wider area of the site
173	Clothier Street School (Harry Perks Street)	49,502.71	2020/21	WV13				49,502.71		49,502.71		15/0238/FL	open space willenhall area
174	Park Lane/Wood Street	39,639.07	2021/22	WS10				39,639.07		39,639.07		15/1744	open space contribution
175	Land at Wilkes Avenue Bentley	33,256.71	2021/22	WS2				33,256.71		33,256.71		15/1683	open space contribution
176	Daw End School Rushall	66,322.53	2022/23	WS4				66,322.53		66,322.53		16/1233	
180	Former Coalpool Clinic	6,882.19	2022/23	WS3				6,882.19		6,882.19		14/1345/FL	Coalpool Clinic'A1
	2017/18 spend to be allocated									0.00			
<b>Capital</b>		<b>84,317.83</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>84,317.83</b>					
<b>Revenue</b>		<b>745,444.56</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>745,444.56</b>	<b>0</b>	<b>745,444.56</b>			
										£745,444.98	calculation of carry forward matches reserves expectation		
										-0.42			