

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 24th April 2012
Originating Service Group	EDUCATION AND ENTERPRISE	
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Title:	A FLEXIBLE APPROACH TO SECTION 106 AGREEMENTS - UPDATE	

Recommendation

That Planning Committee note the contents of this report.

A FLEXIBLE APPROACH TO SECTION 106 AGREEMENTS - UPDATE

1.0 Purpose of the Report

- 1.1 To inform Planning Committee of flexible approaches to agreements made under Section 106 of the Town and Country Planning Act 1990, between 13th January and 2nd April.

2.0 Background

- 2.1 On 23rd March 2011 a report "Flexible Approaches to Planning Obligations and the Community Infrastructure Levy" was presented to Cabinet. Cabinet agreed the continued application of flexible and proactive approaches to planning obligations in response to the economic downturn.
- 2.2 The report was presented to Planning Committee on 29th March for information. Planning Committee asked for a quarterly update on the implementation of the flexible approach to S106 agreements.

3.0 Flexible Approach to S106 Agreements

- 3.1 Between 13th January and 2nd April, a flexible approach was taken in negotiating the following S106 agreements:
- 3.2 **03/0156/OP - Mixed use development at the former GKN Site off Birmingham New Road.** The original S106 agreement required an area of land to be transferred to the Council for very sheltered housing development. However, on 29th November 2011 Cabinet (Resources) Panel resolved "*To formally advise the landowner that the Council no longer wishes to take ownership of the site, and to request that the landowner seek a deed of variation to the S106 agreement to delete this requirement*". A deed of variation (agreed by Planning Committee 31st January and completed 28th February) deleted the requirement for the land to be transferred to the Council for sheltered housing development
- 3.3 **11/00871/FUL - 97 dwellings at Gatis Street.** S106 agreement (agreed under urgent matters procedure 13th February and completed 27th February) requires:
- 11 affordable housing units provided that the development is completed by 8th December 2014 or 24 affordable housing units (or a financial contribution for off-site provision) if not.
 - No off-site open space and play contribution, or public art or renewable energy generation (on a pro-rata) basis, for all dwellings substantially complete by 8th December 2014, with the full requirement (on a pro-rata basis) for all dwellings that are not.

4.0 Conclusion

- 4.1 A flexible approach is being taken to S106 agreements, in line with the Cabinet resolution of 23rd March 2011.

5.0 Financial, Environmental and Equalities Implications

5.1 There are no financial, environmental or equalities implications to this information report.

6.0 Legal Implications

6.1 The general legal implications are set out in the report at the start of this schedule.

6.2 It should be noted that the publication of the National Planning Policy Framework on the 27th March further supports the Council's approach. In addition to reiterating the tests contained in regulation 122 of the Community Infrastructure Regulations 2010, it also provides that " where obligations are being sought or revised, local planning authorities should take into account changes in market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled".
[LC/02042012/A]