

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY GLADMAN DEVELOPMENTS LIMITED AGAINST THE NON-DETERMINATION OF
THE PLANNING APPLICATION FOR UP TO 25 DWELLINGS**

AT MILLTOWN WAY (LAND AT), LEEK

**WRITTEN REPRESENTATION FROM THE SCHOOL ORGANISATION TEAM,
STAFFORDSHIRE COUNTY COUNCIL**

PLANNING INSPECTORATE REFERENCE: APP/B3438/W/17/3177010

COUNCIL REFERENCE: SMD/2016/0413

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1 Introduction

- 1.1 This written representation concerns the impact of the proposed development (SMD/2016/0413) and the justification for the need for additional school places to mitigate its effects in accordance with the tests set out in CIL Regulations 122 and 123.
- 1.2 Under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) (the 'CIL Regulations') "a planning obligation may only constitute a reason for granting planning permission for a proposed development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonable related in scale and kind to the development".
- 1.3 Regulation 123 requires that "in most circumstances no more than 5 or more separate obligations can be entered into within a given local authority area which contribute towards funding or provision of a specific project or type of infrastructure".
- 1.4 The purpose of this written representation is to elaborate upon the necessary education provision with a view to assisting the inspector's consideration of the nature and extent of the education contribution required in the event that the appeal is successful.

2 Summary

- 2.1 In accordance with the County Council's Education Planning Obligations Policy (EPOP) in Appendix 1, and government policy and guidance, an education contribution has been requested towards the additional school places necessary to accommodate the children generated by this residential development.
- 2.2 The proposed development of 25 dwellings (SMD/2016/0413) was refused on the 23/03/2017 by Staffordshire Moorlands District Council.
- 2.3 The development is located within the north east of Leek Town, within the District of Staffordshire Moorlands (SMDC). In this part of the District a three-tier education system of first, middle and high schools operates. Staffordshire County Council (SCC) has requested an education contribution for first and middle school education only.
- 2.4 The School Organisation Team responded to the application on the 31/01/2017 stating that the education contribution request would be £44,124 for first school places (4 first school places) and £41,481 for middle school places (3 middle school places) giving a total education contribution of £85,605.
- 2.5 The proposed development is located within the catchment areas of Leek First School, Churnet View Middle School and Leek High School. The total education contribution requested from the current appealed application is £44,124 for first school places and

£41,481 for middle school places, giving an education contribution request of £85,605. No education contribution was sought for high school places.

- 2.6 A draft S106 agreement has been received and we note that the requested education contribution has been included. It is anticipated that this will be sealed before the hearing.

3 Background to delivering school places

- 3.1 The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities (LPA) and decision-makers both in drawing up plans and as a material consideration in determining applications.
- 3.2 In accordance to the Education Act (EA) 1996 Section 14(1), the county council has a statutory duty “to secure sufficient primary and secondary schools”, through working with schools and other partners. When ensuring the sufficient supply of school places, the local authority has duties to “secure diversity in the provision of schools and to increase opportunities for parental choice” (section 14 of the EA 1996, as amended by the Education and Inspections Act 2006 (EIA2006)).
- 3.3 Section 86(8) of the School Standards and Framework Act 1998 places a duty on the county council to comply with parental preference in respect of parents living within and outside their boundary. This means that parents are able to express a preference for any state-funded school in any area. Paragraph 1.14 of the School Admissions Code 2015 (Department for Education) makes clear that “catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school”
- 3.4 SCC has an Education Planning Obligations Policy (EPOP), which was adopted in April 1999. The EPOP is consistent with local planning guidance in the National Planning Policy Framework (NPPF). The NPPF sets out the Government’s planning policies for England, how these are expected to be applied and how the planning system is to contribute to achieving sustainable development. The Education Planning Obligations Policy references guidance in the NPPF, including paragraphs 38, 162, 176, 204 and 72, which states that “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”.
- 3.5 Each school has a Published Admission Number (PAN), which is the number of pupils that a school can admit each academic year taking into account accommodation, school organisation and the resources available.
- 3.6 Where a school is undersubscribed, any parent that applies must be offered a place. When oversubscribed, a school’s admission authority must rank applications in order against its published oversubscription criteria and unsuccessful applicants added to a school’s waiting list.

4 Background to Planning Application SMD/2016/0413

4.1 The impact of this development has been assessed in accordance with the current County Council's Education Planning Obligations Policy (EPOP) (see Appendix 1) and SCC submitted a response to the application to SMDC on the 31/01/17 advising that:

a) it would be necessary to seek first school places for the site to mitigate the impact of the development on first school places in the vicinity of the development. A contribution totalling £44,124 was requested;

b) it would be necessary to seek middle school places for the site to mitigate the impact of the development on middle school places in the vicinity of the development. A contribution totalling £41,481 was requested; and

c) no education contribution would be sought for high school places, as there are sufficient high school places projected to accommodate the likely number of pupils generated from the development.

4.2 SCC assessed the need for places based on the delivery of 25 dwellings, using a standard child yield of 3 pupils per 100 houses per school year group, in accordance with paragraph 20 of SCC's EPOP.

4.3 The number of dwellings proposed in this development and a child yield of 3 pupils per 100 dwellings per school year group (i.e. 0.03 per dwelling) calculates the following pupil generation from the development (this has been rounded to the nearest integer):

a) First School Provision; pupils generated; 25 dwellings x 0.03 x 5 year groups (Reception to Year 4) = 4 first school aged pupils

A building cost multiplier provided by the Department for Education (DfE), was applied to the number of pupils generated, in accordance with "Annex 1 – contribution per pupil place" of SCC' EPOP.

First School provision; contribution requested; **4 first school aged pupils x £11,031 DfE cost multiplier = £44,124.**

b) Middle School Provision; pupils generated; 25 dwellings x 0.03 x 4 year groups (Year 5 to Year 8) = 3 middle school aged pupils

A building cost multiplier provided by the Department for Education (DfE), was applied to the number of pupils generated, in accordance with "Annex 1 – contribution per pupil place" of SCC' EPOP.

Middle school provision; contribution requested; **3 middle school aged pupils x £13,827**
DfE cost multiplier = £41,481.

- 4.4 This methodology is widely used by most local authorities. This demonstrates that the education contribution is fairly and reasonably related in scale and kind to the development.

5 First School Places

- 5.1 For first school provision this development falls into the catchment area of Leek First School within the Leek Town Primary School Planning Area. Each school has a Published Admission Number (PAN) which is the number of pupils that the school can admit into Reception each year. The PAN for Leek First School is 30 and the capacity is 150.
- 5.2 In line with the current EPOP, when assessing the necessary education requirements for a proposed residential development, the number of pupils at the catchment school is the projected roll in the academic year three years ahead.
- 5.3 The School Organisation Team assessed the impact of this development as likely to generate 4 first school pupils. The Leek Town School Place Planning Area is projected to be full in the future and additional first school places will be required to mitigate the impact of this development to make the development acceptable in planning terms.
- 5.4 As stated in the formal response submitted to Staffordshire Moorlands District Council on the 31/01/17, a contribution has been sought for 4 first school aged pupils, which is directly related to the size of the development.
- 5.5 A site capacity study shows that there is no potential to expand Leek First School within its very constrained site. However, a local school in close proximity to the development can be expanded within its existing site: Beresford Memorial First School.
- 5.6 Although this development sits within the catchment of Leek First School, (the development is 0.29 miles straight-line distance from Leek First School), the development is only 0.78 miles straight-line distance from Beresford Memorial First School. It is therefore considered appropriate to mitigate the impact of this site through the expansion of Beresford Memorial First School.
- 5.7 Beresford Memorial First School is the only first school within Leek Town, which currently has an Outstanding Ofsted rating. Beresford Memorial First School admits very few children that live outside of its catchment; however, 69 pupils from Beresford Memorial First School's catchment attend Leek First School.
- 5.8 **The provision of additional places at Beresford Memorial First School** would therefore in time, enable a higher proportion of children that live within the Beresford Memorial catchment

to attend that school. This movement of pupils back to Beresford Memorial would release capacity at Leek First School to enable the impact of this development to be mitigated.

- 5.9 It is intended that the education contribution from this development will be used to provide an additional teaching room Beresford Memorial First School.
- 5.10 Additional first school places are necessary to make the development acceptable in planning terms. The education contribution requested is directly related to the development as it will be utilised towards providing the additional first school places necessary to meet the education requirements of the development. The additional first school places required are fairly and reasonably related in scale and kind to the development and the site is expected to generate 4 first school aged children.
- 5.11 Currently there are three further developments, which have planning permission in Beresford Memorial First School catchment area, with a sealed S106 agreement, which could be utilised towards the provision of additional school places at Beresford Memorial First School. These agreements would be within the limit of 5 pooled contributions are per CIL Regulation 123 if pooled with the contribution from this land at Milltown Way development, see Table 1 below.

Application Number	Development Name	S106	Secured Education Contribution
13/00310/FUL_MJ	Ascent Housing: Haregate Hall, Haregate Road (built)	Sealed S106 (May 2017)	£ 33,093.00
13/00673/FUL_MJ	Ascent Housing: Horse Croft Farm, Tittesworth Ave (built)	Sealed S106 (May 2017)	£ 44,124.00
13/000523/FUL_MJ	Ascent Housing: Community Centre, Leek (built)	Sealed S106 (May 2017)	£ 22,062.00

Table 1: Other Pooled Education Contributions Towards the Expansion Project at Beresford Memorial First School, Leek

6 Middle School Places

- 6.1 For middle school provision this development falls within the catchment area of Churnet View Middle School. Each school has a Published Admission Number (PAN) which is the number of pupils that the school can admit into Year 5. The PAN for Churnet View Middle School is 125 and a capacity of 500.
- 6.2 Additional middle school places are necessary to make the development acceptable in planning terms. The education contribution requested is directly related to the development as it will be utilised towards providing the additional middle school places necessary to meet the education requirements of the development.

- 6.3 The additional middle school places are fairly and reasonably related in scale and kind to the development and the site is expected to generate 3 middle school aged children.
- 6.4 The education contribution sought will be utilised towards a **project at Churnet View Middle School to provide additional teaching room.**
- 6.5 The education contribution from this site would be pooled with education contributions from other residential developments proposed in the Leek Town middle school place planning area; up to a maximum of 5 as per CIL Regulation 123 legislation.
- 6.6 Currently there are no further developments that have planning permission with a sealed S106 agreement, which could be utilised towards this project.

7 High School Places

- 7.1 For High School provision, this development falls within the catchment of Leek High School. There is sufficient capacity at the high school for the projected number of pupils generated from this development; therefore no education contribution request has been made for the provision of additional high school places.

8 List of Appendices

- 8.1 Appendix 1: Staffordshire County Council Education Planning Obligations Policy