

The application which came before the 10<sup>th</sup> October 2017 Planning Committee is for outline planning permission for the erection of up to 85 dwellings. Vehicular access from the highway network into and from the site is for consideration as part of this application with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The Committee has resolved to permit the application subject to the applicant entering into planning obligations to secure policy compliant affordable housing, financial contributions towards public open space and education places, a residential travel plan monitoring fee, along with suitable planning conditions. This report is solely concerned with the purpose to which the Education contribution is to be spent.

**The applicant has agreed an extension of time to the statutory determination period to the 13<sup>th</sup> April 2018 to allow the Section 106 agreement to be completed and the decision notice issued.**

### **RECOMMENDATION**

That the Section 106 agreement referred to in the resolution of the Planning Committee of the 10<sup>th</sup> October 2017 secure a contribution of £198,558 (index linked) towards primary education places at either the Sun Primary Academy or Bursley Academy, along with the other policy compliant obligations referred to in the resolution of the 10<sup>th</sup> October 2017 Planning Committee.

### **Reason for Recommendation**

It is considered appropriate for the financial contribution towards education places to be allocated towards either the Sun Primary Academy or Bursley Academy.

### **Key Issues**

At its meeting of the 10<sup>th</sup> October 2017 the Planning Committee resolved to permit outline planning permission for the erection of up to 85 dwellings on land to the North of Bradwell Hospital. Vehicular access from the highway network into and from the site is for consideration with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The Committee resolved that:-

A. Subject to the applicant entering into planning obligations by the 11<sup>th</sup> November 2017 securing 25% Affordable Housing onsite and financial contributions of £5,579 (index linked) per dwelling on the site towards the maintenance and improvement of public open space at Bradwell Dingle, £198,558 (index linked) towards primary education places at Sun Primary Academy (formerly Bradwell Primary), or such amounts as reflect the eventual development, and a residential travel plan monitoring fee, the application should be permitted subject to various conditions that were indicated in the main agenda report and an amendment by the Committee. One of the conditions it should be noted was a Grampian condition to secure a direct pedestrian link from the application site to the adjoining Sun Primary Academy (at school opening and closing times).

B. That should the obligations referred to above not be secured within the above period, the Head of Planning had delegated authority to refuse the application on the grounds that without such an obligation the development would fail to secure an acceptable provision of public open space, appropriate provision for required education facilities, residential travel plan and

an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.

The principle of the development has already been established by the previous resolution. Consequently, this report does not provide the opportunity to revisit that issue. This item relates solely to the purpose to which the Education contribution is to be put, and not the amount.

A draft S106 agreement has been in circulation for a number of months but there have been a number of delays on all sides which has resulted in the Head of Planning agreeing, pursuant to the second resolution above, extensions of time for the completion of the agreement. The current agreed date is the 10<sup>th</sup> April, to enable the issue raised in this report to be addressed.

The Education Authority, have since the reporting of this application to the Planning Committee, advised that due to the large pupil movement between the Sun Primary Academy and Bursley Primary Academy, plus with the benefit of knowing where the Local Plan Housing sites are to be located, they require greater flexibility in the future to expand either school for strategic education planning. Therefore they indicate that the obligation should secure the financial contribution to be spent at either the Sun Primary Academy or Bursley Primary Academy.

The planning application site is within the school catchment area of the Sun Primary Academy but is within the vicinity of the Bursley Primary Academy.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the Community Infrastructure Levy (CIL) Regulations, and take into account guidance. It must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

The approach being taken by the County Council is in accordance with their published Education Planning Obligations Policy.

The reference to the Bursley Primary Academy as a potential site to which the education contribution might be put is considered to meet the requirements of Section 122 of the CIL Regulations, i.e. is considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Furthermore, there has only been one previous obligation entered into since April 2010 for a contribution towards the Bursley Primary Academy and on this basis, it is considered that the contribution would comply with CIL Regulation 123.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP10 Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

### **Other material considerations include:**

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2016 – Version 1.7

### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

### **Date Report Prepared**

9<sup>th</sup> March 2018