



DM.07 11/12

Development Management
Committee

27th July 2011

Subject: Education contributions pertaining to the development of 95 dwellings, construction of roads and associated hard and soft landscaping – Lincoln Road, Nettleham (Roman Gate)

Report by:

Director of Strategy and Regeneration

Contact Officer:

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Purpose / Summary:

For Members to consider and determine what level of education contribution is required for the proposed development of 95 dwellings – Lincoln Road, Nettleham.

RECOMMENDATION(S):

- A. That the Development Services Manager be delegated powers to resolve the outstanding matters relating to planning application 124283, specifically pertaining to the level of any contributions that are required, to be secured through a section 106 agreement, in order to make the development acceptable.**
- B. That the contribution for capital infrastructure for education be £30,183**

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report as the legal costs will be borne by the applicant .

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The report will have due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:

- Planning application 124283 available at:-
<http://planning.west-lindsey.gov.uk/planning/flarexmlout/default.asp?stylesheet=detail&xmlidoc=XMLFiles\201171493446>
- Planning & Development Services Manager's report for application 124283 (reproduced in appendix A)

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1 Introduction

- 1.1 An application for the erection of 95 dwellings was received in October 2009, the proposal being part of a larger development that predominantly falls within Lincoln City Council's administrative area. Following over a year of negotiations the application was referred to ward members and the Chair of Planning Committee under the now superseded constitutional arrangements (7 day referral). The officer's report is reproduced in appendix A. No members wished the matter to be referred to Planning Committee and therefore the Development Services Manager was delegated the authority to grant permission subject to the conditions contained within the report and the completion of a section 106 agreement. The draft 106 includes obligations relating to affordable housing provision, public open space and fire and rescue. It also requires an education contribution to meet the capital infrastructure costs of providing schooling for pupils coming from the development.
- 1.2 The level of the education contribution has been the subject of negotiation for many months but without resolution. Lincoln City Council also require an education contribution for the housing within their area (this is required by condition rather than s106).

2 Lincolnshire County Council (Children Services) consultation.

- 2.1 The discussion between LCC Children Services, West Lindsey DC and the applicant has resulted in a series of responses from LCC. These have arisen due to challenges regarding the methodology used.
- 2.2 The current LCC Children Services response advises that £157,870 is required as a result of the 63 houses solely within West Lindsey. This is based upon the projected need arising from the specific housing mix proposed taking into account population projections for the area and the existing provision within the catchment. A letter from LCC is reproduced in appendix B illustrating how the need is derived. A summary report produced by LCC is reproduced in Appendix C. Members may note the following:-

(i) LCC have responded to the issue that not all pupils within a catchment will attend the nearest school by including schools within 2 miles of the site. They state on page 1 of their letter that schools in excess of 2 miles have not been included because that would place added costs on the taxpayers as LCC would have to pay for the transport provision and attendance of such schools by pupils living within the development would go against the basic principles of sustainability enshrined within the Regional Plan, Local Plan First Review and national policy such as PPS1. Schools in Reepham, Nettleham village and Cherry Willingham have been included for robustness as they are within 2 miles, but LCC advise that walking to them from the development is not reasonable and therefore, ideally they should also not be included. Members are also referred to point (iv) regarding the "ripple effect."

(ii) The net capacity of the schools has been derived by looking at the actual capacities of the schools within 2 miles. Members will see that this is 3556 (the breakdown per school is detailed in a table on page 8 of LCC's letter). The net number differs slightly from the PAN (Published Admissions Number) but not materially so.

(iii) The projected demand is based upon the number recorded in the School Census for each school in January 2010 (adjusted for summer term). Projections for successive years use Health Trust data for pre-school children in the area that will become school pupils during the projection period. The figures have been adjusted to respond to migration. These projections are referred to as option 2 in the letter in appendix B and were adopted by LCC as they consider that this projection method has been historically the most accurate.

(iv) LCC have considered the "ripple effect" which could potentially result from parental choice (the impact of a pupil being sent to a school outside of the area where they live and the implications for the capacity of that school to respond to needs from its own catchment area). Their thoughts are outlined on pages 8 and 9 of their letter (appendix B) and they conclude that the effect has a negligible impact on projections.

3 Applicant position

3.1 The agent for the applicant's response to the LCC letter is reproduced in Appendix D. Specific points relevant to the consideration of the level of contribution required are as follows:-

(i) The applicant's calculation of base capacity within the schools is 3564. This is only a difference of 8 places to the capacity cited by LCC, but the cost of providing this difference would be £90,211 based on LCC methodology.

(ii) The adjustment of the January 2010 role to provide the summer term role results in a difference of 9 pupils. Again, the applicant states that difference equates to £101,487. added to the cost cited in (i), this would make nearly £200,000 difference to the calculations for the education contribution.

(iii) The applicant questions the projection methodology and the lack of base evidence from LCC to explain how LCC's projections have been derived. They state that Independent Population Projections provided by Experian provide an accurate and legitimate alternative, used by local authorities. Using Experian existing catchment schools would have capacity until approximately 2020.

(iv) If the LCC projections are accepted, then using the projections for the three nearest schools (Our Lady of Lincoln, Ermine and Chad Varah), there will be a surplus capacity in

2014 of some 24 places taking into account both migration and planned for housing developments.

(v) The ripple effect of parental choice will result in some pupils within overlapping catchment areas being able to go to another school and, if this results in a capacity issue, then this has the potential for a further ripple to occur in the next overlapping catchment.

- 3.2 The applicant has stated that, notwithstanding their case that no contribution should be payable, they are prepared to offer a sum of £147,084 for the whole site, equating to £30,183 for the proportion in West Lindsey. This is compared to the £157,870 for the WLDC area alone calculated by LCC.

4 Policy and regulations context

- 4.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation (section 106 agreement) may only constitute a reason for granting planning permission for the 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 reasonably related in scale and kind to the development.
- 4.2 National policy contained within Planning Policy Statement PPS3 (2011) (<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>) cites economic viability as a material consideration when assessing contributions. The citation is specific to affordable housing but, nevertheless, the viability of the scheme is extremely important in ensuring its delivery and such delivery is important to the Council given that the site is allocated in the West Lindsey Local Plan First Review 2006 (saved policies) and part of the supply to meet the provision required for the Principal Urban Area of Lincoln in the East Midlands Regional Plan 2009. In this instance the applicant has not submitted a viability assessment but has agreed to the full affordable housing contribution (25% on-site provision).
- 4.3 The Council's current s106 priorities document states that infrastructure required for the development and then affordable housing are prioritised above other contributions. Currently the applicant is offering a 25% on-site affordable housing provision in line with adopted policy. There is nothing to suggest that other contributions are not viable, although a detailed viability assessment with independent appraisal has not been undertaken.

5 Assessment

5.1 Capital infrastructure relating to the education of pupils coming from a development is necessary to make the development acceptable in planning terms. The fact that these pupils come from this new housing development also means that the securing of a contribution is directly related to that development. What is being contended here is whether there is currently and projected to be capacity within existing schools and therefore whether a contribution, if required, is fairly and reasonably related in scale and kind to the development.

5.2 The methodology employed by LCC includes migration data internally gained by that Council and uses NHS data to inform projections as to what number of pupils from pre-school age will be coming through to the schools. Such information sources are credible and are more location specific than the Experian data used by the applicant. This is not to say that the latter is also not a credible source, but it is not as location specific as LCC's data and therefore should not be used as a reason to dismiss the information obtained by LCC.

The birth rate across Lincoln between 2004 and 2010 show quite wide fluctuations year by year and ward by ward according to information supplied to the WLDC case officer by the NHS, although the general trend is a slight rise in the number of births across the city.

Migration figures for the year ending June 2010 obtained by the WLDC case officer from the National Statistics based on NHS Central Register data show net immigration for both the City of Lincoln and West Lindsey (the data is not available for areas more specific than a local authority). The data is divided into age bands and for all bands in West Lindsey there is either net immigration or a nil movement. In Lincoln, there is either nil movement or net emigration except for 15-19 year olds where there is significant immigration that cancels out and exceeds the emigration in all other bands.

5.3 The ripple effect cited by the applicant is relevant and will affect demand at a particular catchment school. The example used by LCC is not reflective of the approach as it studies the numbers of pupils attending schools beyond 2 miles away which are within the catchment of the nearest schools rather than looking at the ripple effect that takes place to the other schools within 2 miles. Some weight should therefore be afforded to this ripple although data suggests that only a small percentage of capacity is affected by this effect.

5.4 More relevant is the apparent capacity at schools near the development. Specifically, whilst the overall picture using LCC's option 2 for schools within 2 miles appears to show no capacity in year 2013/14, the same cannot be said when looking at the three schools nearest the development; Our Lady of Lincoln, Chad Varah and Ermine schools collectively have a net capacity of 1050 whilst the projected need using table 2 in 2013/4 will be 999.

Therefore, notwithstanding the fact that migration will affect the capacity of schools in the area, it does appear that there is capacity in the nearest schools to accommodate the development, using LCC's figures which take into account migration and birth rates.

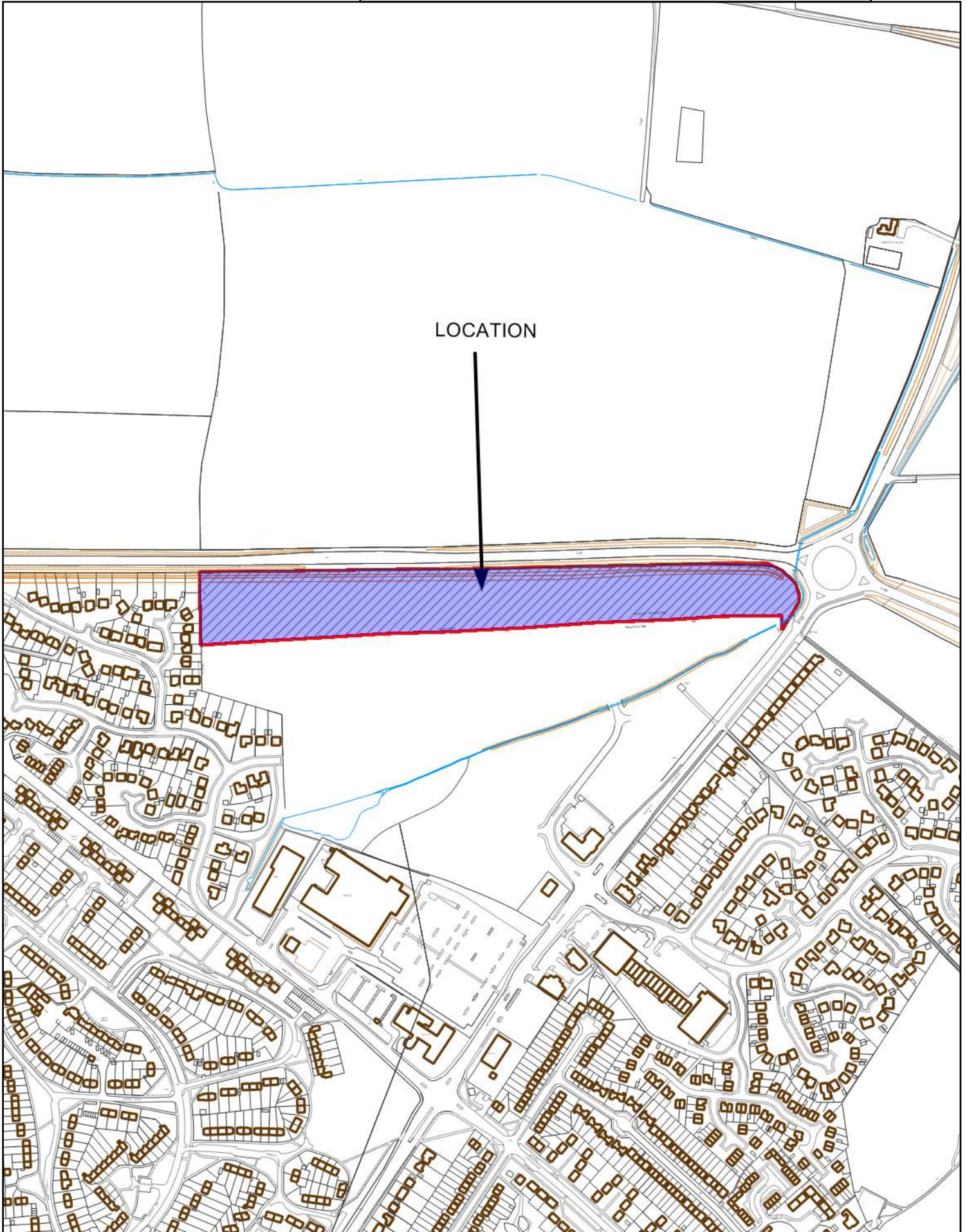
- 5.5 It is accepted that the under supply of places within other, more popular, schools within 2 miles may have an effect on the capacity of the three nearest schools. However, the data provided by LCC appears to show that capacity is maintained in the three nearest schools irrespective of the demands elsewhere and it is unlikely that there will be a change which results in all of the capacity in these three schools from disappearing and places not being available to meet the need derived from the 63 dwellings proposed in West Lindsey.

6 Conclusion

- 6.1 Given the information supplied independently to the Council and examination of the LCC Children Services own projections, it appears that there is capacity within the nearest schools serving the development and that there is a likelihood that this will remain to some extent despite the demand exceeding supply in other schools. In this context, the offer of £30,183 from the applicant should be accepted. The fact that the supply of unused capacity is relatively small and that birth rates are on the increase, as well as there being migration into the two districts, suggests that some contribution, rather than a nil contribution, is reasonably required and related to the development. However, the LCC suggested requirement is not justified.

RECOMMENDATION(S):

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Officer's Report

Planning Application No: 124283

PROPOSAL: Planning application for the erection of 95 dwellings, construction of roads and associated hard and soft landscaping.

LOCATION: Lincoln Road, Nettleham (continuation of Nettleham Road, Lincoln)

WARD: Nettleham

WARD MEMBER(S): Councillors Frith and Leaning

APPLICANT NAME: Parkside Luxury Homes (Lincoln) LLP

TARGET DECISION DATE: 22/01/2010

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: Grant permission subject to conditions. *6/06*

Description:

Site – Also known as Roman Gate, it is a wedge shaped site, north of Nettleham Road, south of the bypass and east of the existing outer suburbs of Lincoln off Searby Road.

A small section of the Roaring Megg watercourse lies within the application site in West Lindsey adjacent to the roundabout at the eastern end.

Proposal – The application to West Lindsey is part of a much larger development of over 300 dwellings, the majority of which lies within the Lincoln City administrative area. The West Lindsey element is a long slither that lies directly to the south of the bypass. 95 dwellings are included in the description but only 63 of them are solely within West Lindsey, the others straddle the district boundary. Most are detached 3 and 4 bed houses although there is also part one apartment block.

Some of the proposed public open space lies within West Lindsey.

A section 106 agreement will secure affordable housing, public open space, maintenance of the acoustic bund, education and fire and rescue infrastructure provision. It is yet to be signed but negotiations are nearing completion.

The following documents were submitted by the applicant in support of the application:-

- Landscape Design Statement and Planting Schedule
- Flood Risk Assessment
- Transport Assessment
- Archaeological Trial Trench Evaluation.
- Ecological Survey and Extended Phase 1 Habitat Survey
- Noise Assessment

The Flood Risk Assessment was amended during the course of the application following comments by the Environment Agency and additional investigation has been received with regard to acoustic protection to proposed private garden areas near to the bypass.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999:

The development has been assessed in the context of Schedule 2 of the Regulations and it is noted that the site area is in excess of that for an urban development project (0.5ha). The proposal has therefore been screened (copy on file) and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

A previous outline application was withdrawn. The area within Lincoln City does have the benefit of outline planning permission which was granted subject to conditions requiring affordable housing and education contributions. Lincoln City Council is now in receipt of an application for approval of all reserved matters with an identical layout to our full application. The plans for both applications have been amended with both Council's being represented by officers at negotiations but with Lincoln City Council taking the lead.

Representations:

Chairman/Ward member(s) - Councillor Leaning enquired about consultation procedure. This followed a representation having been received from 6, Langdale Close, Lincoln questioning whether the right consultations had been carried out and advising that the site was within Nettleham parish not Riseholme. West Lindsey Council has since completed the publicity as required.

Parish/Town Council/Meeting

1. Nettleham PC :-

- The proposed tree planting scheme and other environmental issues have been well tackled. The tree planting proposals are welcome, sensitive and use very appropriate species and densities.
- The major problem with the site is the proposals for dealing with surface water both from the highway and the residential properties. The details submitted originally go nowhere near satisfying the rigour needed for such an extensive development.
- We are sure that the Highway Authority will deal with ingress and egress from the site. The real issue is the completely false statement

in the Transport Assessment – para 6.3 and repeated in para 7.6.
“Since the local highway is not congested in the vicinity of the site...should be assessed.” It is congested at peak times and the IHT Guidelines do apply and should be used.

2. Riseholme Parish (neighbouring parish):-

“The proposal reinforces the case to preserve the green wedge in the parishes of Nettleham and Riseholme for the benefit of the large population of N E Lincoln which is poorly provided with green, open areas for rest and enjoyment.”

Environment Agency – Withdraw previous objection subject to a condition requiring a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development to be agreed and subsequently implemented.

Local residents - One objection has been received from Brook House, Scothern Lane, Langwoth:-

“Concern is the disposal of surface water from the development. This will obviously go into Nettleham Beck which eventually ends in the Barlings Eau at Scothern Lane, Langwoth. As property in Scothern Lane has been flooded three times in the last 33 years, is provision being made to slow down the run off water and are the Environment Agency and Witham 3rd IDB involved?”

Anglian Water – There are existing Anglian Water assets close to or crossing the site. The proposed layout should take account and accommodate those assets within either prospectively adoptable highway or public open space. Alternatively they should be diverted under the Water Industry Act 1991.

There is also a 15m cordon sanitaire around a pumping station. No development which is potentially sensitive to odour or nuisance should be built within the cordon.

LCC Education - Development will have direct impact on local schools and will need contribution to secure infrastructure required.

LCC Highways - No objection subject to conditions requiring implementation of highways works to standards agreed with LCC, details of on-site drainage attenuation and also a residential travel plan. The requested condition with regard to drainage is because attenuation will be required to restrict surface water discharge flow to the greenfield run-of rate to the Roaring Megg.

Lincolnshire Police – Advice conditions with regards to lighting provision and landscaping maintenance to ensure visibility through the site in the interests of security.

Lincolnshire Wildlife Trust – Satisfied that the relevant issues have been considered (with specific reference to the Roaring Megg Marsh and Stream habitats).

NHS Lincolnshire (PCT) – Advises that practices in the area under consideration are already considerably over subscribed. Suggest a contribution of £86,000 is secured through a Section 106 agreement.

WLDC Environmental Protection – No objections following examination of revised noise report.

Development Plan Policies:

East Midlands Regional Plan 2009 – Since the Cala Homes decision in the High Court on 11th November of this year, the Regional Plan again forms part of the development plan. However, the Secretary of State's advice is that the weight should be afforded to the letter to chief planners in May of this year which outlined his intention to abolish the regional strategies. Accordingly, less weight will be afforded to the Regional Plan but it will be still be referred to in the report and policy 13a which provides the regional housing supply targets is considered to be specifically relevant.

The Plan also notes the growth point status awarded to Lincoln and policy 3 seeks to concentrate significant development in the region's 5 Principal Urban Areas (PUA's), one of which is Lincoln.

Policies SRS1 and SRS2 specifically set out criteria for spatial planning and priorities within the Lincoln Policy Area.

West Lindsey Local Plan First Review 2006 – The site is allocated for housing development (65 dwellings) in the saved parts of this plan (site LF7). The following policies are therefore relevant:-

- STRAT1 – Development requiring planning permission.
- STRAT2 - Residential allocations.
- STRAT4 – Windfall and infill housing development in Gainsborough.
- SUS4 – Cycle and pedestrian routes in development proposals.
- SUS7 – Building materials and components.
- RES1 – Housing layout and design
- RES2 – Range of housing provision in all housing schemes.
- RES5 – Provision of play space/recreational facilities in new residential developments.
- RES6 – Affordable housing.
- CORE10 – Open space and landscaping within developments.

The LF7 allocation includes the following Site Development Requirements:-

1. Site to be developed only in association with site in Lincoln City.
2. Development to accord with principles of a masterplan.
3. Development to be phased to commence once an agreed proportion of District Mixed Use Centre (DUMC) on Nettleham being complete.
4. Buffer planting alongside A46 (by-pass) and at eastern end of site adjoining roundabout.

Other relevant policy

PPS1 – Delivering sustainable development

PPS3 – Housing (2010)

PPS9 – Planning and biodiversity

PPG13 – Transport

PPG24 – Planning and Noise

PPS25 – Development and flood risk (2010)

Main issues

- Principle of the development of 95 dwellings (63 solely within West Lindsey) (Reg Plan policy 13a, policy STRAT2 of the Local Plan and PPS3)
- Design & layout with specific regard to coordinated development with the rest of the site within Lincoln City and the echoing of the masterplan (STRAT1, STRAT2, SUS4, SUS7 and RES1 of the Local Plan Review)
- Surface water drainage with specific regard to discharge into the Roaring Megg (STRAT1 of the Local Plan First Review and PPS25).
- Affordable housing (policy RES6 of the Local Plan Review)

Assessment:

Principle – The principle of the development here is considered to be acceptable; the site is long established as an allocation for residential development in development plan documents. Whilst the current Local Plan Review allocation provides a figure of 65 dwellings, the exact number was always going to depend on the specific layout; a coordinated and comprehensive development was always required by the City of Lincoln Local Plan 1998 in accordance with an agreed masterplan. The fact that only 63 dwellings fall completely in the West Lindsey administrative area is inconsequential in this context; the total number of dwellings for the whole site accords with the totals provided by the City of Lincoln Local Plan and the West Lindsey Local Plan First Review (310 dwellings).

The site is greenfield in nature (as defined by annex B of PPS3) but it is part of the 5 year deliverable housing supply for the Council and an important element in realising the growth of Lincoln following the award of growth point status.

Design and layout - The layout plan clearly shows that the area of land to be developed within West Lindsey is an integral part of the larger development in Lincoln City. As a result the housing largely turns its back away from the bypass and the street hierarchy is rightly focused towards connections to the District Mixed Use Centre off Nettleham Road (much of which is completed and operational) and the Waitrose store to the west. The use of the land abutting the Megg (the easternmost section of which lies within West Lindsey) as a cycleway and wildlife corridor is welcomed and accords with the sustainability principles enshrined in national guidance as well as the Local Plan Review. The corridor also permits a maintenance easement to be maintained but avoids the sterility that is sometimes a

characteristic of such easements. The public open space at the eastern end provides a destination for this corridor and softens the visual impact of the development from the A46 and Lincoln Road (the site is currently very prominent from these vantage points). It also ensures that one of the Site Development Requirements for the allocation is met.

Within the development, there are smaller pockets of public open space (within Lincoln City) that act as focal points with roads bordering rather than dissecting these spaces. This ensures that the spaces are accessible and not pushed to the rear of the houses, but it also means that they are usable insofar as they are more than just an area flanking a road. All of the housing follows a traditional suburban layout with small front gardens between the pavement and the house and then private rear gardens to the rear of the houses, bordering other private rear gardens. This layout ensures that there is surveillance of all public areas, a clear hierarchy of public and private spaces, with the set back ensuring that no buildings are over dominant within the street scenes (the maximum height is three storeys and the majority of the housing is two storeys). The front gardens and spaces between the many detached houses also ensures that the landscaping within the public areas will be able to flourish and mature (avoiding the pressure for trees to be felled or heavily lopped in the future as can happen on developments of higher density when housing closely abuts public spaces).

Finally, there is considered to be an appropriate range of housing; the mainly two storey houses proposed may contrast with the many bungalows on Searby Road, but in doing so provides a greater diversity of housing stock in the area.

Drainage – Strategically, the land is within an area of land at lowest risk of flooding (zone 1) as defined by the Environment Agency's flood risk maps. However, Nettleham Parish Council and one objector have expressed concerns about the downstream effect of the development, following flooding of villages in 2007. These concerns were echoed in the original Environment Agency representation.

The latest supplemented FRA proposes that soakaways are used for drainage from the houses, an over flow pipe then taking excess water into the surface water sewers. Preferably water from driveways will discharge into these soakaways but some allowance has been made for discharge direct onto the highway and then draining into the surface water sewers. This in turn will discharge into the Roaring Megg. The amount of impermeable surfaces (driveways, house roofs and such like) means that some form of attenuation will be required within the site to store water and ensure discharge into the Megg is throttled back to an appropriate greenfield run off rate of 2.0l/s. The Environment Agency has advised that the supplemented information demonstrates that the strategy provides the potential for the development to cope with 1 in 100 year storm events, factoring in additional 10% increase for climate change. Specifically there are areas of public open space that would allow for surface ponds (preferred), or otherwise underground storage facilities could be used (but not oversize pipes). The locations of open space could enable many storage areas to be created and with more than one discharge point into the Megg. Alternatively, the use of the fall of the land from west to east (approximately 10m) and the public open space at the eastern end, provide

the ability for one storage area to be created and one discharge point into the Megg adjacent to the roundabout. The exact details will need to be agreed before development commences but the lack of them at this juncture should not be a reason to withhold planning permission; Lincoln City have already granted planning permission for the majority of the development and the applicant has demonstrated that there are areas of the site, in the right locations, that can accommodate the required attenuation. The matter can be controlled by condition requiring the exact details to be agreed before development commences but in accordance with the June 2010 FRA supplement.

Affordable housing – Policy RES6 of the Local Plan Review states that the affordable housing provision within sites should be in the region of 25% of the total housing delivery. This would equate to 16 of the houses proposed. This need should always be considered in the context of specific local need derived from the Council's own register and/or local needs surveys. In this instance, there is outstanding need and the negotiations between the developer and the Council's Strategic Housing team have resulted in a s106 agreement being drafted that requires a maximum of 16 houses to be delivered and specific houses identified. The viability clause allows fewer houses to be delivered if independent analysis demonstrates that the full provision is not viable. This reflects the policy on viability contained within PPS3.

Other matters – The distances to existing dwellings and the 2 storey heights of the proposed dwellings adjoining this boundary will ensure no loss significant loss of **residential amenity** in terms of overlooking and overshadowing. Highways congestion and highway safety are largely matters already dealt with by Lincoln City Council as the majority of housing and the vehicular access is within their administrative boundary. Nevertheless, as a specific response to **Nettleham Parish Council's comments regarding congestion**, the County Highways Officer has advised that the proposal does not significantly contribute to the associated flows on and around the bypass roundabout. Members may note that the traffic signal controlled junction onto Nettleham is already in place. Comments have previously been made by the Council's Environmental Protection Officer with regards to **noise pollution from the bypass**. A 2m close boarded fence atop the bund has been agreed and this will not prevent the proposed landscaping plan from being implemented. The maintenance of the bund at the required height and landscape management are covered in the section 106 agreement.

The **education** requirements will be included within the legal agreement, but the request by the PCT regarding a **health contribution** has since been analysed by officers and it is considered that there are no direct requirements resulting from the West Lindsey element of the proposal that could be reasonably be sought from the developer.

Finally, the layout has been checked against the Council's records of utilities within the area in response to **Anglian Water's comments** and it can be confirmed that all of their services will be within public land (highway or open space).

Conclusion and reasons for decision:

The application has been considered against the provisions of the development plan in the first instance and specifically policies 3, 13a, SRS1 and SRS2 of the East Midlands Regional Plan 2009 and policies STRAT1 – Development requiring planning permission, STRAT2 - Residential allocations, STRAT4 – Windfall and infill housing development in Gainsborough, SUS4 – Cycle and pedestrian routes in development proposals, SUS7 – Building materials and components, RES1 – Housing layout and design, RES2 – Range of housing provision in all housing schemes, RES5 – Provision of play space/recreational facilities in new residential developments, RES6 – Affordable housing and CORE10 – Open space and landscaping within developments, of the west Lindsey Local Plan First Review 2006 as well as against all other material considerations. These include PPS1 – Delivering sustainable development, PPS3 – Housing (2010), PPS9 – Planning and biodiversity, PPG13 – Transport, PPG24 – Planning and Noise and PPS25 – Development and flood risk (2010) In light of this assessment the application proposal is considered acceptable. It will enable the comprehensive and coordinated development of a new neighbourhood within the Lincoln Urban Area in accordance with the development plan allocation and Lincoln City Council's masterplan for the locality. The design and layout of the development provides an appropriate level of usable public open space, legibility, a clear hierarchy of public and private spaces, sufficient private garden space for each dwelling, a good range of dwelling types and sizes and an ability for landscaping to mature and be maintained communally. A PPS25 compliant strategy for dealing with surface waters has been demonstrated through the latest June 2010 Flood Risk Assessment supplement. Appropriate acoustic attenuation in the form of a close boarded fence along the bund has also been agreed to protect future residents from noise from the bypass. Affordable is to be secured through a section 106 agreement to respond to an evidenced need.

Recommendation: Grant permission subject to the completion of the s106 pertaining to affordable housing, education and fire and rescue contributions as well as management of public open space and the following conditions:-:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall be commenced until a scheme for the drainage of surface water from the site based on sustainable drainage principles and the parameters detailed in the submitted Flood Risk Assessment as amended in June 2010, including an assessment of the hydrological and hydro geological context of the development has been submitted to and agreed in writing by the local planning authority.

Reason: To ensure that a sustainable drainage scheme is implemented to prevent flooding of properties within the site and downstream without principally relying upon surface water sewers and to accord with policy contained within Planning Policy Statement (PPS) 25 (2010).

Conditions which apply or are to be observed during the course of the development:

3. The development shall be completed in accordance with the surface water drainage scheme required by condition 2 and the said scheme shall thereafter be retained.

Reason: To ensure that a sustainable drainage scheme is implemented to prevent flooding of properties within the site and downstream without principally relying upon surface water sewers and to accord with policy contained within Planning Policy Statement (PPS) 25 (2010).

4. No development shall commence on any of the dwellings hereby permitted until details or samples of the external materials to be used for that dwelling have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that an appropriate palette of materials is used that is harmonious to the character and appearance of the area and respects the prominent edge of settlement location and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development:

5. No dwelling hereby approved shall be occupied until a 2m high close boarded fence, the details and alignment of which shall have previously been submitted to and approved in writing by the local planning authority, has been erected on the bund between points X

and Y as indicated on the approved drawing 915-01 Rev L (revised 20th August 2010). The said fence shall thereafter be retained.

Reason: To ensure that occupiers of these approved dwellings are protected from noise from the bypass (A46), to preserve their residential amenities and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and Planning Policy Guidance (PPG) 24.

6. No dwelling hereby approved shall be occupied until the roads and footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense in accordance with drawings 915-08 Rev A and 919-09 Rev A both dated 7th June 2010, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

7. No dwelling hereby approved shall be occupied until the access and turning space serving it has been completed in accordance with the approved plan drawing number and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

8.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Notes/Informative

Representors to be notified -

(highlight requirements):

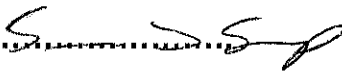
Standard Letter

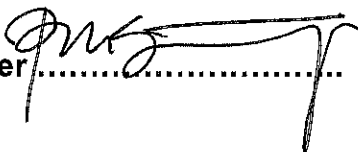
Special Letter

Draft enclosed

Prepared by : Simon Sharp

Date : 20th December 2010

Signed: 

Authorising Officer 

Date: 23 DECEMBER 2010

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee

124243



Children's Services
County Offices, Newland, Lincoln LN1 1YQ
Tel: 01522 782030
Fax Number 01522 553257

Chris Waumsley
Member Planning and Environment Group
Freeth Cartwright LLP
Solicitors
Cumberland Court
80 Mount Street
Nottingham NG1 6HH

My Ref: PTM/SJM/HAB/21335
15 February 2011

Dear Chris

ROMAN GATE/NETTLEHAM ROAD EDUCATION CONTRIBUTIONS

Thank you for your letter of 31 January. The reason for summarising the data was mainly to make it clearer for all concerned.

There is one item that has come to light as we prepare to publish the School Organisation Plan (SOP) Update 2010-15 (you will recall the data we had used was draft data prior to publishing the SOP update). There was a data error where nursery pupils had been included in the 2010 Number on Roll at a few schools quoted. In all the data below the error has been corrected by excluding these numbers. I apologise for this. It makes Paragraph 4 of my letter dated 11 December and Paragraph 6.2 in my letter of 7 January incorrect and the correct data is as below. It does not, however, materially alter our request or the justification for it.

For completeness we have considered a wide range of schools collectively, including those such as Cherry Willingham, Nettleham and Reepham which are not accessible by primary pupils on foot. This allows us to consider your assumption that there is interplay between schools and areas with not all pupils going to their most local school. I must point out, however, as Nettleham, Reepham and Cherry Willingham are not accessible by a safe walking route of under 2 miles, they cannot be considered as suitable and have merely included them to show the situation beyond the main urban area and allow a broader comparison.

We see no reason to extend the area of consideration any further but we are willing to engage in a sensible discussion about parental choice and demand for schools though by already including such a wide range of schools hopefully this has been covered satisfactorily.

LCC does not expect primary pupils to walk more than 2 miles to their local school and indeed legislation says we must provide transport for young primary pupils where home to local school exceeds 2 miles. Insisting pupils commute so far puts a great burden on

them, their parents, the road network and LCC – and therefore the taxpayer – in terms of transport cost (where appropriate). We must provide local capacity to ensure your development is sustainable and the residents have local school places available. We provide further notes below on the “ripple effect”.

While parental preference cannot guarantee that children will attend school locally, we would want children to be able to attend school locally to support sustainable travel, allow opportunities for wider school activities and to route the schools in the community. This is in line with planning policy such as those in PPS1 and the West Lindsey Local Plan. Such objectives are also in line with the assertion in the development’s planning statement. This states that the development is “consistent with the current policy objective of delivery of sustainable development” and that it “responds to those objectives” of WLDC Policy SUS1 and is “within walking and cycling distance” of community facilities.

Without prejudice to our belief that provision must be offered within a 2 mile safe walking distance, any assumption that schools beyond this radius can be used will have implications for travel and transport, which may require a travel plan and/or new transport infrastructure to overcome. In relation to the transport implications, I have copied this letter to our transport colleagues for their consideration.

1 Pupil projections

These are shown in detail below giving all 3 options and detail of how they are calculated.

We must be clear that all children in the area must have a school place. Where the nearest school becomes full, the projection system is not sophisticated enough to automatically allocate a school place to the next nearest school. Instead, the system continues to allocate places to the nearest school even when full. For that reason, we manually check projections and historic patterns of school attendance so we can reallocate pupils to create a more sensible estimate of spare places.

By using the wide cluster of schools in our discussion (and from current attendances we can see they already have interplay between them) we have compared overall pupil numbers locally as a group. I had no intention to hide evidence from you previously, just simply to make it clearer by summarising.

Projected Number on Roll (NOR) at wider range of schools covering the whole of North Lincoln and rural schools as at May 2010

Projections Option 1	Base	2010/11	2011/12	2012/13	2013/14
Cherry Willingham Primary School	273	270	270	271	278
Lincoln Chad Varah Primary School	410	406	426	436	454
Lincoln Ermine Primary School	370	373	373	376	385
Lincoln Monks Abbey Primary School	353	346	359	402	433
Lincoln Mount Street Infant and Nursery School	255	257	287	298	316
Lincoln Our Lady of Lincoln Catholic Primary School	183	184	195	198	215

Projections Option 1	Base	2010/11	2011/12	2012/13	2013/14
Lincoln St Faith & St Martin Church of England Junior School	185	179	175	175	177
Lincoln St Faith's Church of England Infant School	157	158	173	186	206
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	88	89	92	95	100
Lincoln Westgate Junior School	395	395	390	398	393
Nettleham Church of England Voluntary Aided Junior School	220	219	221	231	245
Nettleham Infant School	175	174	179	183	194
Reepham Church of England Primary School	179	182	187	187	187
Total	3243	3232	3327	3436	3583
Net Capacity	3556				

Projections Option 2	Base	2010/11	2011/12	2012/13	2013/14
Cherry Willingham Primary School	273	283	295	306	323
Lincoln Chad Varah Primary School	410	387	392	390	395
Lincoln Ermine Primary School	370	373	378	381	392
Lincoln Monks Abbey Primary School	353	359	383	436	477
Lincoln Mount Street Infant and Nursery School	255	255	284	295	313
Lincoln Our Lady of Lincoln Catholic Primary School	183	184	195	198	212
Lincoln St Faith & St Martin Church of England Junior School	185	185	185	187	189
Lincoln St Faith's Church of England Infant School	157	158	173	186	206
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	88	93	98	101	106
Lincoln Westgate Junior School	395	392	387	394	389
Nettleham Church of England Voluntary Aided Junior School	220	219	223	233	247
Nettleham Infant School	175	180	188	192	203
Reepham Church of England Primary School	179	182	187	187	187
Total	3243	3250	3368	3486	3639
Net Capacity	3556				

Projections Option 3	Base	2010/11	2011/12	2012/13	2013/14
Cherry Willingham Primary School	273	273	281	285	295
Lincoln Chad Varah Primary School	410	407	431	441	461
Lincoln Ermine Primary School	370	373	376	380	392
Lincoln Monks Abbey Primary School	353	354	382	431	465
Lincoln Mount Street Infant and Nursery School	255	261	303	323	346
Lincoln Our Lady of Lincoln Catholic Primary School	183	185	200	205	222
Lincoln St Faith & St Martin Church of England Junior School	185	179	175	175	177
Lincoln St Faith's Church of England Infant School	157	160	192	221	250
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	88	91	99	105	111
Lincoln Westgate Junior School	395	395	390	398	393
Nettleham Church of England Voluntary Aided Junior School	220	219	221	231	245
Nettleham Infant School	175	175	190	202	220
Reepham Church of England Primary School	179	182	192	194	196
Total	3243	3254	3432	3591	3773
Net Capacity	3556				

Pupil Number Projections - Primary Sector Methodology 2009/10

General Points

All projections aim to reflect the maximum number on roll in each academic year and are based on a nationally adopted model approved by the Audit Commission.

Projections do not take account of any future school closures or openings.

Pupils of nursery age (less than 4 years old) are not included in either the projected or historical numbers on roll. School capacity figures also exclude any designated nursery unit provision.

Predictions are not able to account for significant changes in parental preference and the impact of additional migrant workers.

Option 1

The year 2009/10 is based on the number on roll that was recorded in the School Census of January 2010. This has been updated to reflect the expected summer term roll based on the additional information that may have been sent with School Census. Where this exceeds the number on roll returned as a result of School Census numbers are then cascaded forward an age group for each subsequent year (2010/11 to 2013/14 for Primary Schools, and 2010/11 to 2019/20 for Secondary Schools). For example, the number of age 4 children in 2009/10 will become the number of age 5 children in 2010/11.

The number of pupils aged 4 for 2010/11 has been calculated using Admissions Data from the Schools Admissions Team, showing the expected September intake for schools. Pupils aged 4 for 2011/12 onwards have been calculated using data from the Health Trust which gives the number of pre-school children in each Super Output Area (SOA) of Lincolnshire. The Health Trust data for age 3 children for the previous 3 years has been averaged out and compared to the actual number of age 4 children starting school in the following year and used accordingly. In this way, we can calculate the intake year for Infant and Primary schools based on historical catchment areas.

The intake year for Junior schools is based directly on the current and projected number on roll at each Junior school's 'feeder' schools. Some Primary schools may have an additional intake of pupils at age 7 due to local movement from Infant schools.

Option 2

This option uses the same pupil numbers as in Option 1 but with the addition of a migration factor to reflect the changes in a school's roll that can occur as a result of a moving population, the popularity of a school or as a result of recent housing developments. Changes can be negative as well as positive. If the migration factor is greater than 0% then the school roll under Option 2 will not be less than that shown in Option 1. If the migration factor is less than 0% then Option 2 will be less than, or equal to, the figures shown in Option 1.

Migration rates for primary schools have been calculated by comparing the number of pupils aged 6-10 to the number of pupils aged 5-9 in the previous year. This calculation is repeated to give 3 migration figures which are then averaged to give the migration rate shown.

Junior school migration rates have been calculated in the same way as for primary schools except that we compare the number of pupils aged 8-10 to those aged 7-9. For infant schools the number of pupils aged 6 have been compared to the number of pupils aged 5. Option 2 has historically generated the most accurate projection figures for the county.

Option 3

Option 3 is based on the result of Option 1 but includes additional pupils that may be expected as a result of known future housing developments.

Information has been obtained from District Councils which shows the number of dwellings with outstanding planning permission. In previous years the factor which determines the number of pupils that may be expected per dwelling (Pupil Product Ratio or PPR) has varied depending upon the District Council area.

There is now one rate for all areas as follows:

- 0.20 primary pupils per dwelling
- 0.19 secondary pupils per dwelling

For example, if a new housing development of 100 houses was to be built next to a primary school (with no other primary schools in the area), then that development would introduce approximately 20 new pupils that could potentially attend that school.

These figures are from national research from District Councils and the Audit Commission.

2 Accuracy comparison between previous projections for the wider range of schools and actual outcomes

As requested, the table of projected intakes for 2010-11 made in May 2007, 2008 and 2009 is below and I have included all schools in North Lincoln plus Nettleham, Cherry

Willingham and Reepham so this can allow you to compare the Autumn 2010 headcount and see why, for this group of schools, the projections are accurate despite huge variables in the area over the period (migration, housebuilding boom then fall, university accommodation, recession etc). Please note the Autumn Headcount tends to be the lowest of the year but it is useful as gives us the latest data.

A Accuracy of previous projections

Option 1	Projections made for 2010-11			
School	May 2007	May 2008	May 2009	Actual 2010
Lincoln Chad Varah Primary School	426	375	439	395
Lincoln Ermine Primary School	440	340	372	357
Lincoln Our Lady of Lincoln Catholic Primary School	162	192	177	186
Nettleham Infants School	138	167	167	176
Nettleham Church of England Voluntary Aided Junior School	198	194	202	226
Cherry Willingham Primary School	221	233	255	275
Reepham Church of England Primary School	179	174	182	180
Lincoln Westgate Junior School	399	404	405	392
Lincoln St Faith's Church of England Infant School	168	158	160	167
Lincoln St Faith & St Martin Church of England Junior School	177	164	173	190
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	78	98	89	86
Lincoln Mount Street Infant and Nursery School	275	315	259	260
Lincoln Monks Abbey Primary School	307	344	346	359
Total	3168	3158	3226	3249

Variance compared to Autumn 2010 Headcount

2007	-2.5%
2008	-2.8%
2009	-0.7%

B Option 2	Projections made for 2010-11			
School	May 2007	May 2008	May 2009	Actual 2010
Lincoln Chad Varah Primary School	429	356	420	395
Lincoln Ermine Primary School	425	326	361	357
Lincoln Our Lady of Lincoln Catholic Primary School	182	206	177	186
Nettleham Infants School	139	164	173	176
Nettleham Church of England Voluntary Aided Junior School	199	192	207	226
Cherry Willingham Primary School	264	270	277	275
Reepham Church of England Primary School	179	169	177	180
Lincoln Westgate Junior School	394	426	390	392
Lincoln St Faith's Church of England Infant School	170	156	161	167

B Option 2	Projections made for 2010-11			
School	May 2007	May 2008	May 2009	Actual 2010
Lincoln St Faith & St Martin Church of England Junior School	171	174	166	190
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	76	98	94	86
Lincoln Mount Street Infant and Nursery School	264	306	257	260
Lincoln Monks Abbey Primary School	335	375	371	359
Total	3227	3217	3231	3249

Variance compared to Autumn 2010 Headcount

2007	-0.6%
2008	-0.9%
2009	-0.5%

C Option 3	Projections made for 2010-11			
School	May 2007	May 2008	May 2009	Actual 2010
Lincoln Chad Varah Primary School	427	379	441	395
Lincoln Ermine Primary School	445	346	378	406
Lincoln Our Lady of Lincoln Catholic Primary School	168	198	182	186
Nettleham Infants School	187	193	180	176
Nettleham Church of England Voluntary Aided Junior School	193	194	202	226
Cherry Willingham Primary School	234	247	261	275
Reepham Church of England Primary School	192	184	185	180
Lincoln Westgate Junior School	399	404	405	392
Lincoln St Faith's Church of England Infant School	194	170	168	167
Lincoln St Faith & St Martin Church of England Junior School	177	164	173	190
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	93	105	97	86
Lincoln Mount Street Infant and Nursery School	312	331	277	260
Lincoln Monks Abbey Primary School	318	362	359	408
Total	3339	3277	3308	3249

Variance compared to Autumn 2010 Headcount

2007	2.8%
2008	0.1%
2009	1.8%

3 PAN and Net Capacities of Schools

School	PAN Capacity (including Mobiles)	NET Capacity (including Mobiles)
Lincoln Chad Varah Primary School	420	420
Lincoln Ermine Primary School	420	420
Lincoln Our Lady of Lincoln Catholic Primary School	210	210
Nettleham Infants School	180	180
Nettleham Church of England Voluntary Aided Junior School	240	240
Cherry Willingham Primary School	315	315
Reepham Church of England Primary School	175	175
Lincoln Westgate Junior School	480	477
Lincoln St Faith's Church of England Infant School	150	153
Lincoln St Faith & St Martin Church of England Junior School	196	200
Lincoln St Peter in Eastgate Church of England (Controlled) Infants' School	90	90
Lincoln Mount Street Infant and Nursery School	270	270
Lincoln Monks Abbey Primary School	420	406
Total	3566	3556

4 "Ripple Effect"

If I follow your argument about a "ripple" effect, I consider it to be flawed. There is no opportunity in the school system for this to happen, except through parental choice or at admission time. The Local Authority cannot push children already in the school system to other schools. Even children currently of pre-school age are more likely to have elder siblings in that school which would give them preference in admissions over your client's purchaser's children. The implication from your correspondence therefore is that your client would expect the purchasers of his homes, and their neighbours around the site, to have to send their primary school children to schools far across a city at risk to their safety and impacting upon their ability to fully participate in the wider school day, with the financial and other burdens noted above. Perhaps I have misunderstood and perhaps you can explain more clearly what you meant.

However, we understand that would mean expecting parents across the North of the City to have to settle for schools other than their nearest preferences. You also mention considering schools even further away than the ones we have discussed, several miles away in fact.

To demonstrate the irrelevance of schools beyond the ones we have discussed, I have the following data based on current pupils:-

Out of the pupils who currently live closest to Ermine and Chad Varah schools (the nearest non-denominational schools to your proposal) there are in total 11 pupils going to the 5 schools beyond the ones I have considered, as follows:-

Bishop King Church of England (Aided)	4
St Peter at Gowts	3
Sir Francis Hill	1
Welton Church of England	2
Dunholme St Chads	1

The two schools (Ermine and Chad Varah) draw 3 pupils in from the above schools ie the net loss is just 8.

It is clear parents are not sending significant number of pupils to these schools, to force them to do so appears quite contrary to the planning policy objectives noted above and would put an unaffordable burden on local parents and the taxpayer as all schools are beyond 2 miles from your development.

Our concerns over lack of places must, as I have stated before, be clearly communicated to the Highway Authority, Planning Authority and prospective purchasers.

5 Conclusion and Way Forward

The conclusion we draw is:

- Our projections are the best evidence we have of future pupil demand;
- The projections are shown to be historically relatively accurate and option 2 is shown to have been the most accurate, consistently slightly underestimating demand that had occurred;
- All of our projection methods show a lack of capacity in the future in this area, including the most accurate methodology, option 2;
- There is no sensible way we can ignore this projected rise, especially as it takes us beyond available capacity, even including a wide range of schools and temporary accommodation;
- We therefore maintain our request for the education contribution which the evidence seems to us to demonstrate a requirement directly related to your development.

We agree that there is interplay between schools in most areas where access between them is easy and distances modest. We have taken a logical group of schools and based comparisons on those. For completeness, we have gone beyond this geographical area to show comparisons with some of the rural schools surrounding North East Lincoln. This wider analysis underlines our concerns about capacity. Likewise we have included mobiles in capacity calculations just to demonstrate the severity of the pressure compared to capacity.

The data leads to the conclusion that locally available capacity will become non-existent. This data excludes the development in question which will produce additional pupils. We have requested an education contribution to mitigate the effect of the development and would use this money only in addition to available Local Authority funding to only provide additional capacity in North East Lincoln and for no other purpose.

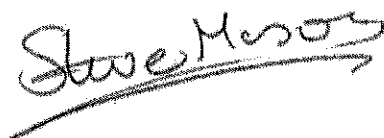
As previously mentioned, I am more than willing to compromise with your client and allow for a recalculation of the education request at May 2013, allowing two more sets of headcounts and projections to have occurred and us to check our projections have correctly predicted a large increase in pupil numbers beyond present permanent capacity at the Lincoln North East Schools discussed in this letter. Whilst your without prejudice offer of funding 12 places is welcome, I feel that deferring the final calculation is fairer to your client and LCC. It allows us to ensure we have made a justifiable request and, if proved an inaccurate over-projection, your client would owe us nothing, rather than the £135,317 that your without prejudice offer would cost.

We have not seen detailed locally based comparable data that refutes our concerns based on local schools and local demand.

Therefore, without a full education contribution, the Local Authority must reiterate its concern that sufficient local school capacity will not be available to cope with demand from the proposed development. The Local Planning Authority, prospective home buyers and the Highway Authority must be made aware of our concerns and the implication it will have in that we believe local children will have to unnecessarily commute long distances to schools other than the most local ones due to this lack of capacity.

We are unable to support the proposed development without the education contribution but remain committed to find a fair and reasonable solution which will meet the necessary needs of children from this development.

Yours sincerely

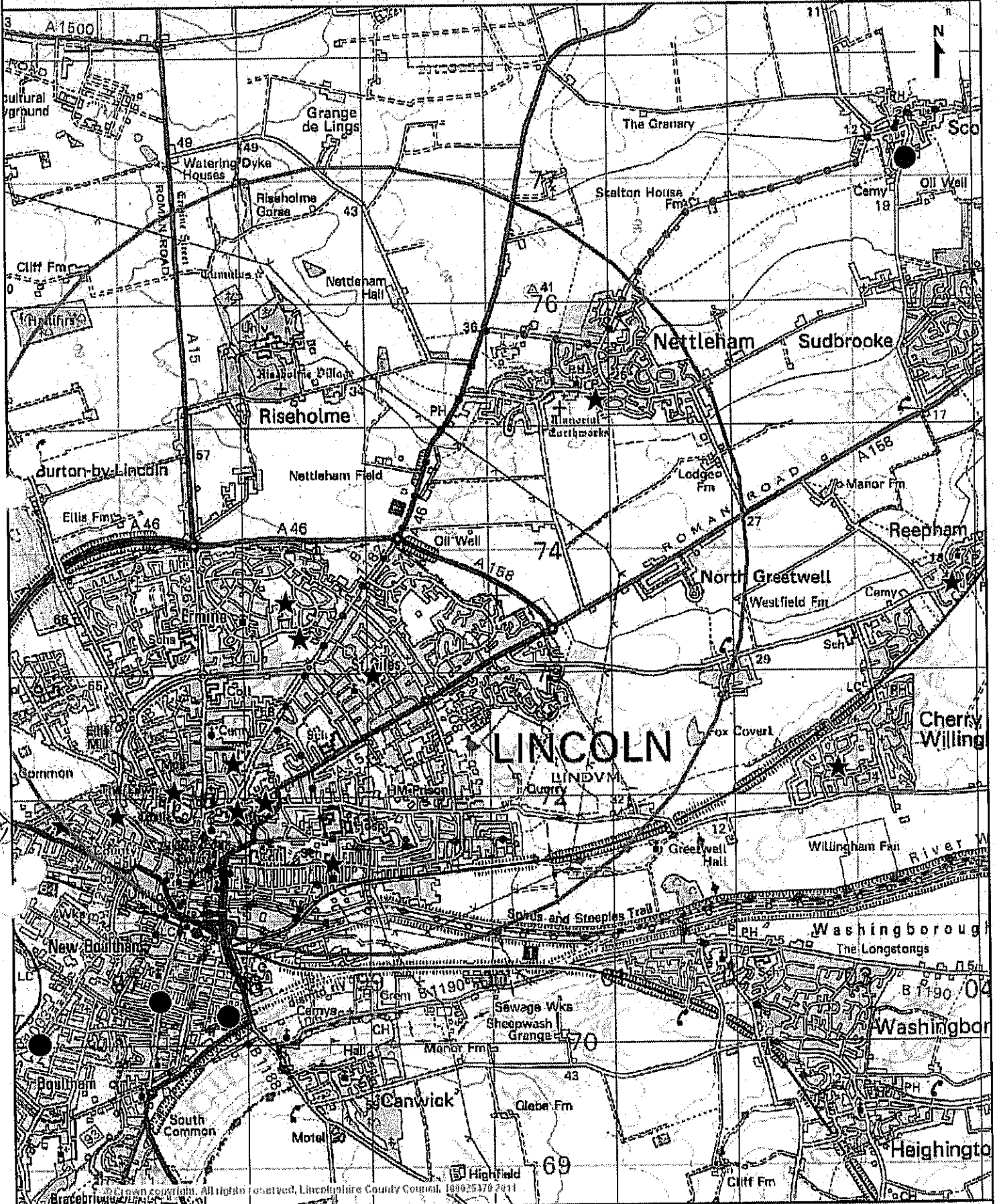
A handwritten signature in black ink that reads "Steve Mason". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Steve Mason
Strategic Planning and Major Planning Manager
Property and Technology Management
email stephen.mason@lincolnshire.gov.uk
Direct Dialling 01522 553391

cc:
Robin Taylor – Taylor Lindsey
Nick Ethelstone – West Lindsey District Council

Map to show 2 mile radius

Stars = schools considered Circles = Additional full schools



Lincolnshire
COUNTY COUNCIL

Scale 1/41451

CHILDREN'S SERVICES
Director: Peter Duxbury
County Offices, Newland,
Lincoln,
LN1 1YQ

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Summary Report

Primary Request Only

Total site 307 homes (comprising 81x4+ bed, 137x3 bed, 47x2 bed, 42x1/2 bed apartments).

Less Lincoln City Council portion (51x4+ bed, 107x3 bed, 44x2 bed, 42x1/2 bed apartments).

Remaining WLDC portion understood to be

30x4+ bed units

30x3 bed units

3x2 bed units

This WLDC portion yields the following pupil numbers

(4 bed)	$30 \times 0.29 = 8.7$	primary pupils
(3 bed)	$30 \times 0.18 = 5.4$	primary pupils
(2 bed)	$3 \times 0.09 = \underline{0.27}$	primary pupils
	14	primary pupils generated

Capacity Available 2013/14 in local schools = 3566

Demand Projected 2013/14 in local schools = 3639

Projected Shortfall (excluding proposed development) 73

Therefore we have no available capacity and request the developer funds 14 additional places calculated as follows:

14 primary places @ £12,257 each (national multiplier) x 0.92 (local cost multiplier)
= £157,870

Funding will only be spent within 2 miles of the development on provision of additional primary school places.

For the attention of Steve Mason
Strategic Planning and Major Planning Manager
Property and Technology Management
Lincolnshire County Council
DX 701680 LINCOLN 5

15 March 2011

Our Ref: CW/1104/239025/6/JW
Your Ref: PTM/SJM/HAB/21335

By email and DX Stephen.Mason@lincolnshire.gov.uk

Dear Steve

ROMAN GATE/NETTLEHAM ROAD EDUCATION CONTRIBUTIONS

Thank you for your letter of the 15 February and I apologise for the time it has taken me to respond, however, there was a considerable amount of information in that letter which has required detailed consideration.

I have sought to reconcile the information you have now provided with that in your earlier correspondence and this has been difficult as we have yet another data set which is unjustified without any evidence of its derivation. You provide 3 projections or options and whilst you explain the components of those options you do not provide, in most cases, the base data only your estimated outcomes as whole school totals and as a total for the "catchment area". It is difficult therefore for me to verify your estimates or compare them with the data we have supplied in anything other than a fairly basic form. There are also a number of factors with which we disagree or which your figures fail to take into account it would seem. The omission from your calculations of these factors may explain some of the anomalies between your figures and what appears to be the picture in reality, as we see it, and may explain why you over estimate the demand for school places in the area. However, there are some facts that emerge from your figures that I think are informative.

Firstly, can we at least agree the base capacity figure for the "catchment area" as defined by the list of schools in your options. Our original calculation of this would indicate that there are 3,564 places although your latest tables suggest a figure of 3,556. Whilst the difference may be small, I should point out that on the basis of your calculations of the cost of providing the difference of 8 places would be some £90,211.



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Doc Ref: 10101190.doc

If we then consider the figures for 2010/11 as the starting point, my understanding is that 3 projections are an estimate base, as you say in the last paragraph of page 4 of your letter, on the "expected summer term role". This figure is greater than the base figure which I understand to be the actual number on role from the January 2010 School Census. It is also more than the "actual 2010" figure given in the analysis of previous projections on pages 6 & 7. Again whilst the difference is small at around 9 pupils, if we relate it to the financial contributions you seek and the formula you use, it would make a difference of £101,487. This alone is a very significant figure to my client, never mind when added to the £90,211 difference in the capacity figure which in total would make nearly £200,000 difference to the calculation of Section 106 contributions.

Turning to the projections, I am afraid that I have a number of issues with the methodology you use, as far as I can discern it from your letter and the assumptions that feed into your projections. I will set out some of these in my commentary that follows. However, as I understand it, option 1 is in essence an estimate of indigenous growth within the catchment area. As I point out above, the base figure is subject to significant variation between the various tables you provide and the earlier figures provided. Nevertheless, you say the expected September intake for age 4 pupils for 2011/12 onwards is calculated by using Health Trust data. You do not provide this data nor explain its origin so it is difficult for us to determine its accuracy or legitimacy. We have used the Independent Population Projections provided by Experian for population projections in the various age group cohorts and these are widely used by local authorities and other bodies in the planning arena. These show that if we use your "actual figure" for 2010/11 of 3,249 for that total catchment area, there will be capacity in the existing schools identified until approximately 2020. That is well beyond the end date of the development in question. I cannot therefore agree that your option 1 projections are either accurate or realistic nor that they demonstrate a need for the provision of additional school places in this part of Lincoln.

You say in relation to the option 2 figures that they are derived by an accumulation of the option 1 indigenous growth figures with the addition of a migration factor. This is derived from the moving population, the popularity of the schools and/or as a result of recent housing developments. Again, you do not provide any breakdown of the figures between these elements or any explanation as to how they are calculated from the individual components. In fact from your explanation, it would seem that they are merely a projection forward of the difference in numbers between the 5-9 cohort one year and the 6-10 cohort the following year, in relation to junior schools the 7-9 cohort one year compared with the 8-10 the following. I do not necessarily wish to dispute these figures but if we consider the three schools nearest to the development site (our Lady of Lincoln, Ermine and Chad Varah) on your projected figures for 2013/14 there are 55 less pupils in these schools under option 2 than there are in option 1. In fact if you add the 3 options together (i.e. include the factor for

additional dwellings - the difference between options 1 and 3, as I read it) and compare this to the capacity of those schools as estimated there will be a surplus capacity in 2014 of some 24 places in these schools (this capacity derived from our initial survey which showed 1,044 places at these schools, the table 3 factor of the difference between table 1 and table 3 and add table 2 from the migration equals 1,020). On this basis alone, your figures do not justify a contribution from the Nettleham Road/Roman Gate development for additional education provision in the area. The reason for this being there is clearly going to be capacity for the foreseeable future in the 3 schools nearest to the site which you consider to be the most important in terms of provision of places to serve the development.

It is perhaps not therefore necessary for me to go into any more detail as the point seems to be very clearly proven. Nevertheless, I will address a couple of the other points that I think deserve a response from your letter.

Ripple Effect

I am afraid you have misunderstood my point on the ripple effect. I do not suggest that the Local Authority can or should push children already in the school system to other schools nor that the children with siblings at particular schools should be precluded from attending that school. My point is that over time the ripple effect will generally ensure that where there is capacity in particular schools, perhaps beyond the immediate catchment area, this will absorb some of the demand created by a new development in a particular area. To explain this more simply, if we took the example of the Monks Abbey Primary School which would have a catchment potentially overlapping to the north with that of Ermine and Chad Varah and to the south of the Bishop King Primary School. Some children living towards the southern fringes of the Chad Varah catchment would find it equally convenient or possibly more convenient to attend Monks Abbey. In circumstances where Chad Varah were at capacity, new pupils entering the education system without a sibling at Chad Varah would not be disadvantaged in attending Monks Abbey. Similarly, a child in the Monks Abbey catchment but living to the south of that would not be seriously disadvantaged in the same situation if it were to attend Bishop King should that capacity.

To summarise, the catchment areas for each school will overlap and parents will have a choice not only based on personal preference but also on convenience. The implication of this is that where there is capacity in one school it will be able to absorb demand from another for a proportion of the pupils within its catchment without inconvenience in terms of travel distance to the pupil. The "knock on" effect of this around an urban area such as Lincoln is that schools with capacity generally absorb demand from adjacent or overlapping catchment areas of schools that do not have capacity. It is not therefore strictly appropriate to merely look at the immediate vicinity of a particular development site to consider school capacity. However I accept your point in general that it is better for such capacity to be met from a planning

and sustainability point of view at the nearest school. The analysis above, based on your own figures, shows that the nearest schools to the development site will have capacity throughout the development period.

A further point not taken account of in your figures is the independent sector and recent evidence suggests this is a growing factor in the choice of parents, particularly at infant and junior school level. Evidence from the Independent Schools Council suggest that the independent sector educates around 6.5% of the total number of school children in the UK. No allowance has been made in your figures for this factor.

The parental choice point you make is valid here but also in relation to state schools. Thus although Cherry Willingham/Nettleham and Reepham schools are more distant than Chad Varah and Ermine, it is clear that they are preferred choices for a number of parents. The usual reason for this being educational achievement and we note that currently Chad Varah and Ermine's KS2 results are significantly lower than the 3 more distant schools mentioned. For this reason we can expect that for the foreseeable future parents will continue to exercise their right to chose to send their children to these more distant schools even when there are nearer schools to their home. That pattern will continue in the new development and these schools have additional capacity at present.

Conclusions

I am afraid that we do not agree that the evidence you have presented so far demonstrates that there is a lack of capacity within the relevant local schools to accommodate the infant/junior school education needs of the pupils of the development. There is capacity in the local schools that are within the 2 mile radius you refer to and there will continue to be capacity in those schools for the foreseeable future. In addition there is capacity in the schools most likely to be chosen by parents as alternative on the basis of educational achievement.

It is evident from your analysis however that where the Council does have some need for additional education provision, this is a not a consequence of new development but of a lack of provision for the indigenous population across some areas of Lincoln. This is not a matter that should be funded by way of Section 106 contributions from development on an opportunistic basis. That would be contrary to both the Secretary of State's policy in relation to Section 106 contributions and unlawful.

On this basis we cannot advise our client that there is a justification for the education contributions sought and on the basis of the evidence presented to date, we would be confident of defending this position at appeal before the Secretary of State's Inspector. I would reiterate my previous comments that if the County Council is going to dispute this they should produce clear, detailed

and justified evidence to support its position and to date the evidence does not fulfil those requirements.

I note your suggestion that you are willing to compromise with our client and allow for a re-calculation of the education requirements in May 2013. I am afraid this is simply not acceptable either as a matter of policy under the tests set out in the Secretary of State's Circular 05/05 nor is it a reasonable commercial proposition. My clients are entitled and indeed must know what the obligations are and how they relate to the development. Without knowing the quantum of contribution that will be payable, how can my clients establish the viability of their development or otherwise? The sums involved, over £600,000 for the site in total are too great to be left to some future calculation particularly given that we are unable to agree to any significant extent the current position.

I think it is now essential that we bring this matter to a conclusion. I shall be writing to the two authorities concerned providing them with a copy of this letter and pointing out our client's position on this matter. They will then have to take a view as to whether they are willing to support your request or satisfy themselves that you have the evidence to defend the position at appeal before the Secretary of State's Inspector.

Yours sincerely

Chris Waumsley
Head of Planning & Environment Group
LLP Member
Please respond by e-mail where possible