

**Development Control Committee
25 July 2006**

Report by Planning Officer

S06/0366/35 – Residential Development, 201 Barrowby Road, Grantham.

Members will recall that the above application was considered at the Development Control Committee on 16 May 2006 when authorisation was given to determine the application, after consultation with the Chairman and Vice-Chairman, subject to the completion of a section 106 Agreement relating to an educational contribution.

On the 25 April 2006 Lincolnshire County Council gave their written comments on the proposal and were seeking an educational contribution of £55,785.

Members will recall the approval of planning permission for the erection of 24 dwellings on the adjacent site to the west (Nissan garage) at the end of last year. LCC requested an educational contribution as part of that proposal. However, it was determined that as the required funds could not be apportioned to a nearby school and would have essentially been used by LCC for any Grantham school, there was not deemed to be a direct requirement as a result of the development proposed (Circular 05/05) and the request was quashed.

Circular 05/05 provides the Secretary of State policy on Planning Obligations and, at paragraph B5, states that planning obligations should only be sought where they meet all of the following tests.

A planning obligation must be:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development;
- iv) fairly and reasonably related in scale and kind to the proposed development; and
- v) reasonable in all other respects.

All of these tests are relevant here as, at paragraph B8 the Circular states:

*‘... Obligations must also be so **directly related to proposed developments** that the development ought not to be permitted without them – for example, there should be a functional or geographical link between the development and the item being provided as part of the developer’s contribution.’*

In light of the decision made regarding the contribution sought on the adjacent site, LCC were asked to justify their request for the contribution of £55,785. The following information was received from the Education Planning Manager:

I have looked through the predictions of pupil numbers we have made in the past for the Grantham School Organisation Plan (SOP) area, that includes all the Grantham Town schools as well as Corby Glen and Welbourn Schools. Whilst in my consideration of making a s.106 request, I would not wish to see pupils forced to travel out to Welbourn or Corby Glen. I have taken them into account in this calculation, as I am aware that presently they take a great deal of pupils from Grantham and therefore their ability to take pupils in the future has a direct influence on the number of pupils needing school places in Grantham itself. I note in particular that Corby Glen has had considerable surplus places, however it is predicted to see a large rise in the number of pupils attending that school in the forthcoming three years. Welbourn Sir William Robertson is full and is predicted to remain extremely over-subscribed.

When we group these schools together in the Grantham SOP area, I note that in the School Organisation Plan Supplement 2004-2009 we were predicting for Academic Year 2008/9 there would be 5,164 pupils in the secondary sector, whereas the current predictions show some 5,510 pupils for Academic Year 2008/09. This is against an overall capacity of 5,429 places which clearly is an under-capacity of 51.

These predictions do not take into account recently granted planning consent or that currently under consideration, therefore with such a popular growth area as Grantham I would presume that the previous trend of under-estimating pupil numbers may well continue as a result of this. This is what has caused such concern that pupil numbers may well exceed the availability of space overall.

It is noted that in Grantham many of the schools are well and truly over-subscribed leading to severe pressure on school places. It is noted likewise that a number of schools remain under-subscribed as a result of parental reference. However the overall picture for the Grantham SOP area is one of buoyant pupil demand for the next three years, beyond that significant new development will have become occupied leading to more pupils needing to be entered into the predictions, I believe.

I appreciate your Council's concern that any s.106 contribution must be necessary and reasonable as per guidance within Circular 05/2005. I hope the above will go some way to confirming our concerns that excess demand is already being exerted overall in Grantham and will continue for some years to come and that the 'insurance policy' of holding s.106 contributions to allow necessary expansion of secondary school provision were reasonable and necessary would be extremely beneficial.

It is clear that the information received that LCC are hoping to 'bank' the requested educational contribution with the view that the 'buoyant' pupil figures over the next 3 years will result in its utilisation. Furthermore, they have confirmed that there is no specific local school that the funds would go towards as a direct result of the

development proposed. Reference has clearly been given to the 'Grantham area' as well as schools in Corby Glen and Welbourn.

On this basis there is clearly no functional or geographical link between the development and the contribution being asked for and, in the opinion of the planning authority, the request is contrary to the requirements of Circular 05/05 and should not be taken into consideration as part of the proposal.

Recommendation

That, contrary to the decision made at the Development Control Committee on 16 May 2006, the development be permitted without the requirement for an educational contribution through a Section 106 Agreement, with the imposition of the conditions previously suggested.

M Shipman
Acting Development Control Services Manager

RELEVANT CONSIDERATIONS OF THIS REPORT			
	SIGNIFICANT	MINOR	NONE
STATUTORY POWERS	*		
COUNCIL STRATEGIES		*	
COUNCIL POLICIES		*	
T & C PLANNING	*		
BEST VALUE	*		