

# Public Document Pack

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District Council House, Frog Lane  
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000  
6 June 2022

Dear Sir/Madam

## **PLANNING COMMITTEE SUPPLEMENT**

Please find attached supplementary papers for Planning Committee on **MONDAY, 6TH JUNE, 2022** at **6.00 PM**.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Christie Tims', written over a light grey background.

Christie Tims  
**Chief Operating Officer**

## **SUPPLEMENT**

4. Planning Applications

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## SUPPLEMENTARY REPORT

### **PLANNING COMMITTEE (6 June 2022)**

#### OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

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**20/00262/FUL: Erection of 6 no. detached dwellings and associated works  
Land North of Deanslade Farm, Claypit Lane, Lichfield**

#### **Amended Recommendation**

- (1) Subject to the owners/applicants first entering into a S106 to secure the following:-
  - i A financial contribution of £69,631.10 towards Primary School Education;
  - ii A financial contribution of £24,026.00 towards Secondary School Education
- (2) If the S106 legal agreement is not signed/completed by 6<sup>th</sup> August 2022 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.

#### **Additional Consultations**

**SCC Education** - The County position regarding education contributions has changed since the situation outlined in the report within their response of May 2020. The County have noted that there was an uplift from the originally requested contribution of £49,705.72 (as set out in the report) to £57,573.28, which is reflected in the latest draft of the S106, and has been agreed by the applicant. However, due to the length of time which has since passed there has been another annual update to the cost of providing school places based on latest information on building costs.

The latest build cost to deliver a 1FE primary school has increased to £7,311,265 which means that each pupil place now costs £34,815.55 to deliver. The cost to this developer for the provision of two primary school places is now £69,631.10.

Following the original comments and above financial request for primary school places, County no longer rely on CIL to fund secondary school places, and instead request necessary contributions through S106 agreements. They have confirmed that this development would result in the requirement for one secondary school place, which would cost £24,026 based on the latest Building Cost Multiplier.

This would mean that the full contribution due from the applicant would be £93,657.10 for education provision. (25/5/2022).

#### **Updated Observations**

The updated position raised by County Education has been put to the applicant, who has responded raising concerns about the timeliness of the application progression, and the reasoning behind why Staffordshire Education are demanding an increased education contribution when it had agreed and signed the S106 agreement. The applicant considers that Staffordshire County Council should be asked to honour the agreement that they freely entered. The applicants' agent has also raised concern

regarding an email confirmation they received from the County Solicitors that a S106 has been completed and noting that they had instructed Lichfield District Council to release the decision.

In policy terms, the request by Staffordshire County Council is based upon the 'Staffordshire Education Infrastructure Contributions Policy'. This policy document provides the broad approach to identifying the impact of new residential development on education infrastructure and the necessary mitigation to make developments acceptable in planning terms. It provides the basis for calculating likely education infrastructure contributions.

The above policy confirms that the total costs to deliver the various sizes of new primary schools is calculated based on Staffordshire's standard school designs using the latest Building Cost Information Service (BCIS) All-in Tender Price Index (TPI) (Appendix 2). The total cost to deliver specific school expansion projects to current schools is used where available. Project costs may increase in the time between the County's initial response to the planning application and the determination of the planning application. The education infrastructure contribution request may be amended, if updated project costs are available prior to determination of the planning application. The final contribution required will be based on the latest build costs or BCM. In this case, there is an increase in contribution sought for primary school provision due to the increase in build costs.

In terms of the request for a contribution towards Secondary Education, this is based on the County Policy set out above in relation to the scale of the development.

The National Planning Policy Framework sets out that the impact of residential development, which would otherwise be unacceptable, must be mitigated to be acceptable in planning terms, as outlined in paragraphs 55, 56 and 57 of the NPPF.

Paragraph 57 states that "planning obligations should only be sought where they meet all the following tests:

- 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.

Within the Local Plan Strategy, there are a number of key policies that identify infrastructure requirements for the District. These policies are supplemented by the Developer Contributions SPD. The Local Plan Strategy includes two policies that provide the strategic context for infrastructure requirements: Core Policy 4: Delivering Our Infrastructure Policy IP1: Supporting & Providing our Infrastructure.

It is therefore considered that the updated request from the County Education Authority justified in policy terms and meets the tests for a planning obligation, with the financial requirements associated with this development being based on adopted policies by the County Council, directly related to the development and fairly and reasonably related in scale and kind to the proposed development also.

Notwithstanding the concerns raised by the applicant/agent, a number of issues had to be addressed during the progression of this application, including design and heritage impacts. Whilst the County had previously agreed to a figure to provide necessary education contributions, this has been updated to reflect the most recent evidence and policy base and therefore is appropriate to have regard to. It is noted that a S106 had been drafted, however this has not been completed and could not be released until the planning team had made a recommendation and resolution to grant given thereto. Therefore, the development is not acceptable without the relevant required education contribution being secured via a S106 agreement.

Subject to the above, the officer recommendation is updated as set out below:

**AMENDED RECOMMENDATION:**

- (1) Subject to the owners/applicants first entering into a S106 to secure the following:-**
  - i A financial contribution of £69,631.10 towards Primary School Education;**
  - ii A financial contribution of £24,026.00 towards Secondary School Education**
- (2) If the S106 legal agreement is not signed/completed by 6<sup>th</sup> August 2022 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

**RECOMMENDATION: Approve, subject to the following conditions as set out in the report.**

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