

Eleanor Overton
South Derbyshire District Council

By email

Mike Ashworth
Executive Director

Economy, Transport & Environment
County Hall
Matlock
Derbyshire
DE4 3AG

Email: planningpolicy@derbyshire.gov.uk
Telephone: (01629) 539667
Our Ref: Developer Contributions/AR
Your Ref: DMPA/2019/0984
Date: 30th September 2019

Dear Eleanor,

DMPA/2019/0984 The Castle Hotel, Station Road , Hatton - Proposed change of use from (D1) Drinking Establishment to (C3) 4 no. one bedroom flats and 9 no. two bedroom flats.

Thank you for your consultation dated 11th September 2019 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's [Developer Contributions Protocol](#).

Local Member Comments

The local County Councillor Julie Patten has been consulted for her views on the potential infrastructure requirements that may require contributions from developers.

At the time of writing, no comments have been received with regard to items covered in this response, however, I will forward any relevant comments received at a later date for your consideration.

With regard to any highways issues, the County Council's highways response as a statutory consultee offers impartial technical analysis as Highway Authority and is provided under delegated powers. Comments received from the Local Member regarding highway related matters will always be considered by officers, however it is not always possible to incorporate these into the statutory technical response. Members may therefore provide direct responses to the Local Planning Authority in their role as a County Council community representative.

Officer Comments

The information provided below is based on the application consultation details as provided by the District Council.

In the absence of a Community Infrastructure Levy, financial contributions will be secured via Section 106 planning obligations.

1) Education

The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development. With regard to education, paragraph 94 of the NPPF (2018) reiterates this:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'*

Whilst education provision is a statutory function of the County Council, and the Government provides funding to address natural demographic growth, it does not provide monies to accommodate additional pupils generated as a result of new housing development as a matter of course.

Assessing the Proposed Development

The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school(s). The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates (this projection does NOT include the impact of any new housing with planning permission or allocated in local plans) and then add the pupil yield from approved planning applications in the normal area of the school. The requirement for financial contributions towards education provision is therefore based on the net capacity and current number on roll as well as projected pupil numbers over the next five years.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

	Per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary school	20 places	£16,812.24	£3,362.45	£33,624.48	£336,244.77
Secondary school	15 places	£25,332.89	£3,799.93	£37,999.34	£379,993.35
Post-16 education	6 places	£27,474.03	£1,648.44	£16,484.42	£164,844.16



Primary Level

The proposed development falls within and directly relates to the normal area of Heath Fields Primary School. The proposed development of 13 dwellings (minus 4 x 1 bedroom) would generate the need to provide for an additional 2 primary pupils.

Heath Fields Primary School has a net capacity for 270 pupils, with 231 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 255.

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Heath Fields Primary School shows new development totalling 400 dwellings, which would generate a demand for 80 primary places.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 2 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of John Port Spencer Academy. The proposed development of 13 dwellings (minus 4 x 1 bedroom) would generate the need to provide for an additional 1 secondary and 1 post16 pupils.

John Port Spencer Academy has a net capacity for 2,070 pupils with 1,862 pupils currently on roll. The number of pupils on roll is projected to increase to 1,905 during the next five years.

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of John Port Spencer Academy shows new development totalling 1,937 dwellings, which would result in demand for 291 secondary and 116 post16 places.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 1 secondary and 1 post 16 pupils arising from the proposed development.

Mitigation

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms as the normal area primary and secondary school would not have sufficient capacity to accommodate all of the additional pupils generated by the proposed development.. The County Council therefore requests financial contributions as follows:

- £33,624.48 for the provision of 2 primary pupils at Heath Fields Primary School towards new classroom accommodation
- £52,806.92 for the provision of 1 secondary and 1 post 16 places towards additional accommodation at John Port Spencer Academy

CIL Compliance/ Use of Funding

Since April 2015, local authorities have not been able to fund an infrastructure project or type of infrastructure by pooling contributions from 5 or more separate section 106 agreements. Amendments to the CIL Regulations which came into force on 1st September 2019 have deleted



Regulation 123 which governed pooling and therefore the County Council no longer needs to provide evidence to ensure their request for contributions is in conformity with Regulation 123.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Should it emerge that there are viability issues associated with the proposals in the above planning application and the District Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions.

If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

2) Broadband

Currently access to the internet is mainly through the national telephone network infrastructure. Broadband service quality varies across Derbyshire and access to superfast broadband speeds in the County is limited. Improvement to broadband connectivity is identified as a key priority in the County Council's Council Plan 2019 – 2021. The County Council aims to broaden Derbyshire's economic base and improve economic performance and broadband plays an essential role.

The Digital Derbyshire programme is providing access to high speed broadband services for residential and business users. The roll-out applies to existing households and businesses. This is supported by Part R of the Building Regulations which took effect on 1st January 2017 which requires that new buildings and buildings subject to major renovation works accommodate the physical infrastructure required to connect to high speed electronic communication networks.

Mitigation

The County Council requests that an advisory note be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.

More information on how to incorporate broadband services as part of the design of new development is available by following the link below:

<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>



Not applicable as this is only a request for information to be made available to the developer.

3) Local Authority Collected Waste

The County Council is currently reviewing its approach to assessing the impact of housing development on waste services and is not currently requesting mitigation measures with regards to waste management.

4) Other Information

Please note that a separate response may be provided by:

- The Highways Development Control Team in its role as the Highway Authority. This response will cover Public Rights of Way and Greenways where relevant. Your area's Highway Development Control Engineer can be contacted through our call centre: 'Call Derbyshire', on 01629 533190 or email ETE.DevelopmentControl@derbyshire.gov.uk.
- The Flood Risk Team as the Lead Local Flood Authority. Your area's Flood Risk Engineer for the Lead Local Flood Authority can be contacted through our call centre: 'Call Derbyshire' on 01629 533190, and ask for the Flood Risk Team or email flood.team@derbyshire.gov.uk.

The County Council wishes to support development which constitutes sustainable growth and requests that the required contributions as set out above, or ones subsequently agreed through negotiation, and the reasons why they are necessary be included in the officer's report considered by your authority's relevant committee or under delegated powers as appropriate.

Please keep me informed of progress with this planning application and any related legal agreements. The County Council would wish to be a signatory on any legal agreements containing planning obligations that relate to County Council infrastructure and services. Please contact me if you would like to discuss this response.

Yours sincerely,

Alison Richards
Economy, Transport and Environment

Copies:
Councillor Julie Patten, c/o Corporate Resources
Jennie McCusker, Children's Services
Highways Development Control, Economy, Transport and Environment
Steve Buffery, Economy, Transport and Environment

