


STATEMENT OF COMMON GROUND ON EDUCATIONAL MATTERS

SECTION 78 APPEAL BY M7 PLANNING LIMITED

LAND NORTH OF MULBERRY ROAD, CONGRESBURY

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

LPA REF: 22/P/0459/OUT
APPELLANT REF: P24-0848
PINS REF: APP/D0121/W/24/3344142
Date: August 2024

Signed: 	Signed: 
Name: Natalie Richards	Name: Neil Tiley
On behalf of: North Somerset Council	On behalf of: Pegasus Group (acting on behalf of the Appellant)
Date: 16/08/2024	Date: 15/08/2024

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1. INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) on education has been prepared by Pegasus Group and on behalf of M7 Planning Ltd (“the Appellant”) in conjunction with North Somerset Council (“the Council”).
- 1.2 It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of the proposed erection of up to 70 no. dwellings (including 30% affordable housing), public open space, children’s play area, landscaping, sustainable urban drainage system and engineering works with vehicular access of Mulberry Road at Land north of Mulberry Road, Congresbury (“the Appeal Site”).
- 1.3 The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement in respect of education infrastructure provision only. There are no disputed matters between the parties insofar as educational infrastructure is concerned.

2. MATTERS NOT IN DISPUTE

2.1 This section sets out the matters that are not in dispute between the Appellant and the LPA.

The determination of the planning application

2.2 The case officer recommended that the planning application which is now the subject of this appeal was granted subject to securing sufficient contributions.

2.3 In reaching this conclusion, the case officer was cognisant of the fact that the local education authority (LEA) considered that there was insufficient capacity within the nearest primary school, namely St Andrews Primary School, to accommodate the proposed development.

2.4 No material considerations arose either prior to the committee or subsequently which would affect this recommendation.

2.5 Notwithstanding this, the Council resolved to refuse planning permission as a matter of planning judgement.

2.6 Reason for refusal no.3 alleges conflict with Policies CS14, CS32 and H1 and reason for refusal no.4 alleges conflict with Policies CS25 and CS32.

Policy CS14

2.7 Policy CS14 of the North Somerset Core Strategy does not deal with infrastructure, including educational infrastructure, and so is not relevant to the consideration of educational infrastructure and is not addressed in this Statement of Common Ground.

The accessibility of local schools

2.8 The seventh bullet point of Policy CS32 of the North Somerset Core Strategy identifies that development within and adjoining settlement boundaries will be supported where amongst other things, there are safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.

2.9 Policy H1 of the Congresbury Neighbourhood Plan supports developments where they are in locations where residents are able to walk safely and cycle reasonable distances to village facilities and services.

- 2.10 The proposed development is within a safe and reasonable walking distance of St Andrews Primary School.
- 2.11 As recognised in the committee report, new starters accommodated in the proposed development would be likely to secure places at St Andrews Primary School.
- 2.12 The proposed development is therefore supported by the seventh bullet point of Policy CS32 and Policy H1.

Sustainable travel

- 2.13 The sixth bullet point of Policy CS32 of the North Somerset Core Strategy identifies that development within and adjoining settlement boundaries will be supported where amongst other things, the location of development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport.
- 2.14 The proposed development is within a safe and reasonable walking distance of St Andrews Primary School, and as such provides the opportunity for primary school pupils to travel to school on foot or by cycle.
- 2.15 The proposed development is within a reasonable walking distance of Churchill Academy and Sixth Form Centre, albeit the walking route is not safe owing to the absence of a pavement along Brinsea Batch. There are however sufficient places on existing home to school transport services for secondary school pupils which provide the opportunity for secondary school pupils to travel to school using free school bus services.
- 2.16 Therefore, the proposed development will accord with and be supported by the sixth bullet point of Policy CS32.

The sufficiency of educational infrastructure

- 2.17 The third bullet point of Policy CS32 of the North Somerset Core Strategy identifies that development within and adjoining settlement boundaries will be supported where amongst other things, it will not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development.
- 2.18 The latest pupil projections of the LEA suggest that St Andrews Primary School will have 194 pupils in 210 places by 2027.

- 2.19 The LEA suggest that the proposed development will give rise to 33 additional primary school pupils, which would mean there would be 227 pupils seeking 210 places.
- 2.20 Notwithstanding this, the new starters arising from the proposed development will be likely to be accommodated in St Andrews Primary School. Providing primary age children can walk, cycle or have access to home to school transport where required, there is sufficient local infrastructure to accommodate the demands of the development, and the proposals are therefore supported by the third bullet point of Policy CS32.

Enhancing the sustainability of Congresbury

- 2.21 Policy CS32 allows for new development within or adjoining the settlement boundaries of Service Villages which enhance the overall sustainability of the settlement.
- 2.22 As new starters arising from the proposed development will be likely to be accommodated in St Andrews Primary School if they choose to apply for places there, a greater proportion of the pupils attending the local school could live closer and possibly use sustainable modes of transport to access the school in future..
- 2.23 As a result of the proposed development, it is likely that some pupils that would otherwise have attended St Andrews Primary School may need to attend other local schools.
- 2.24 If there are insufficient places in schools within a safe walking distance of the place of residence of any pupil that would otherwise have attended St Andrews CofE Primary School, then either additional school places or additional places on home to school transport will be required as set out in paragraph 3.309 of the Core Strategy.
- 2.25 It would be most sustainable and beneficial to address any such local infrastructure shortfalls through the provision of additional school places, which could be achieved through St Andrews Primary School increasing its PAN as recognised in the committee report. It should be recognised however that there are no current plans to do this or funding in place.
- 2.26 This increase would be funded using CIL receipts as recognised in the committee report.

- 2.27 The proposed development in combination with current commitments, the sites allocated in the Neighbourhood Plan and the allocations proposed in the emerging Local Plan would provide for 234 homes. Based on the assumption of the LEA that 70 homes would generate 33 primary school pupils, these 234 homes would generate 101 primary school pupils. These 101 pupils in addition to the 194 pupils forecast in 2027 would result in there being 295 pupils. This would be sufficient to support the viable operation of 315 places in St Andrews Primary School. Indeed, it would provide for a surplus of 6% which aligns with the aspiration of around a 5% to 7% surplus set out at the top of page 99 of the Core Strategy.
- 2.28 By contrast, without the proposed development it may be more difficult to increase the PAN of St Andrews CofE Primary School. Therefore, the proposed development could assist in support a potential viable expansion of the local school, if desired, which would provide the most sustainable outcome to support adopted and emerging allocations in the settlement.

Contributions required

- 2.29 If there are insufficient places in schools within a safe walking distance of the place of residence of any pupils that would otherwise have attended St Andrews CofE Primary School, then additional places on home to school transport will be required either prior to or in the absence of an expansion of St Andrews CofE Primary School.
- 2.30 These contributions will vary depending on the rate of development but should be calculated as follows:
- i. The number of dwellings occupied in each monitoring year (1st April to 31st March) will be reported to the LPA.
 - ii. The number of primary school pupils arising from this number of dwellings will be calculated using a ratio of 33 pupils in every 70 dwellings based on the ratios identified by the Council.
 - iii. Funding to accommodate the resultant number of pupils will be required for 3 years from the monitoring year, so for example funding should be provided for pupils arising in the dwellings built in 2027/28 for 2027/28 to 2029/30, and for pupils arising the dwellings built in 2028/29 for 2028/29 to 2030/31.
 - iv. If in any year (taking account of the pupils arising from any dwelling built in the preceding three years) there are 6 or fewer pupils this will require

the provision of a taxi at a daily cost of £114.35. If in any year there are between 7 and 16 pupils this will require the provision of a minibus at a daily cost of £225. If in any year there are in excess of 16 pupils this will require the provision of a coach at a daily cost of £280, based on the costs provided by the Council.

- v. Home to school transport will need to be funded for 195 days each year, such that it would cost £22,298.25 to fund a taxi for a year, £43,875 to fund a minibus and £54,600 to fund a coach, based on the information provided by the Council.

Policy implications

- 2.31 The proposed development has the potential to enhance the sustainability of Congresbury in respect of access to primary schools in the event that it in connection with other developments leads to an expansion of St Andrews Primary School, or in the alternative by allowing a greater number of the pupils attending St Andrews Primary School to live close to the school than they otherwise would. The local infrastructure is sufficient to accommodate the demands of the development subject to home to school transport being in place where required, and there are safe pedestrian routes to the local school within a reasonable walking distance. As such the proposed development is supported by Policy CS32 insofar as educational infrastructure is concerned.
- 2.32 The proposed development enables residents to walk safely to the local school and so accords with Policy H1 insofar as educational infrastructure is concerned.
- 2.33 Providing the above contributions are secured in a legal agreement, there will be adequate educational infrastructure to accommodate the proposed development as required by Policy CS25.
- 2.34 Accordingly, providing these contributions are secured, the proposals accord with the Development Plan and reasons for refusal 3 and 4 are resolved insofar as educational infrastructure is concerned. The first part of reason for refusal 3 remains in dispute between the parties but this is not relevant to educational matters.