

From: [Sarah Burgess](#)
To: [Planning](#)
Subject: 6/2019/27114/OUTLINE-One YMCA 90 Peartree Lane-AMENDED APPLICATION
Date: 17 December 2020 11:08:05
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

**** WARNING: This email originated outside the WHBC Network. Please be extra vigilant when opening attachments or clicking links ****

Good morning

UPDATED RESPONSE REFLECTING AMENDED DEVELOPMENT MIX, TYPE OR TENURE

Good afternoon

Response by HCC's Growth & Infrastructure Unit to Application Reference: 6/2019/2714/OUTLINE Proposed development at: One YMCA, 90 Peartree Lane, Welwyn Garden City AL7 3UL Proposal: Outline planning application for a hybrid application for demolition of existing hostel, development of a four storey 100 bed YMCA Hostel (All details submitted for determination) and a 2, 3 and 4 storey building providing up to 43 residential apartments (All details retained for future determination as reserved matters, except means of access) with associated car parking and landscaping

I am writing in respect of planning obligations sought towards education, library and youth services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 43 dwellings, details of which are shown below in the table, we would seek financial contributions towards the following projects:

Development Mix by Tenure and Size					
HOUSES			FLATS		
Number of bedrooms	A) Open Market	B) Affordable (Social Rent)	Number of bedrooms	A) Open Market	B) Affordable (Social Rent)
1			1	19	
2			2	24	
3			3		
4+			4+		
Total	0	0	Total	43	0

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought

Primary Education-HCC can confirm that there is insufficient spare primary education capacity in the area. Therefore HCC would be seeking a primary education contribution from this development. This should be through proportionate contributions towards a new primary school in Welwyn Garden City.

The recent DfE guidance (*Securing developer contributions for education*, Nov 2019) is clear that when calculating the cost of education provision the assumed cost of mainstream school places should be based on the national average costs published in the DfE school place scorecards. The DfE scorecard costs can be found at the following link – <https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2019>. Based on the DfE scorecard the cost of a new 2FE primary school (including nursery provision) is £9,228,600.

Based on the development mix set out above, the forms of entry of primary aged pupils (including nursery places) modelled to arise from the development (based on the Hertfordshire Demographic Model) is **0.03FE**. This is **1.5%** of the capacity of the new 2FE primary school (0.3FE/2FE).

Therefore, the primary education contributions (which include the cost of nursery provision at the new primary school) which would be sought from this development are **£138,429** (9,228,600 x 1.5%) These are based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.

Secondary Education towards the expansion of Ridgeway Academy Secondary School by 1 form of entry, from 7 forms of entry to 8 forms of entry (**£11,549 This contribution is based on Table 2 below index linked to PUBSEC 175**)

Childcare Service towards the expansion of Peartree Primary School (**£1,520 This contribution is based on Table 2 below index linked to PUBSEC 175**)

Nursery Education provision provided at the new 3FE Peartree Primary School (see primary education above)

Library Service towards the Welwyn Garden City Library (**£4,559 This contribution is based on Table 2 below index linked to PUBSEC 175**)

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Toolkit as appropriate base costs for the obligations sought in this instance.

HCC's standard approach is to request Table 2 of the Toolkit (below) is referred to and included within any Section 106 deed. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".

Table 2: Hertfordshire County Council Services planning obligations contributions table

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Secondary education	£263	£802	£2,561	£4,423	£5,662	£47	£444	£1,677
Childcare	£14	£64	£138	£199	£244	£8	£57	£89
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	HOUSES Social Rent					FLATS Social Rent		
Secondary education	£62	£450	£1,676	£2,669	£2,405	£14	£261	£1,084
Childcare	£12	£121	£188	£226	£277	£4	£65	£113
Library facilities	£48	£91	£130	£156	£155	£38	£82	£107

*uses an assumed relationship between bedrooms and habitable rooms

All figures are subject to indexation and will be indexed using the PUBSEC index base figure 175

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

Justification

The above primary education requirements have been calculated using the national average costs published in the DfE school place scorecards, available via the following link: <https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2019>). Whilst the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertfordshire.gov.uk/planningobligationstoolkit, have been used for calculating the secondary education, other requirements.

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83). In addition, for education requirements, paragraph 94 of Section 8 of the NPPF states: " 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."

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions.

Kind regards

Sarah



Sarah Burgess
Growth & Infrastructure Officer | Growth and Infrastructure Unit |
Environment and Infrastructure
Hertfordshire County Council

County Hall, Pegs Lane, Hertford, SG13 8DE, Postal Point: CHN114

T: 01992 588303 (**Internal:**28303)

E: sarah.burgess@hertfordshire.gov.uk



****Disclaimer****

The information in this message should be regarded as confidential and is intended for the addressee only unless explicitly stated. If you have received this message in error it must be deleted and the sender notified. The views expressed in this message are personal and not necessarily those of Hertfordshire County Council unless explicitly stated. Please be aware that emails sent to or received from Hertfordshire County Council may be intercepted and read by the council. Interception will only occur to ensure compliance with council policies or procedures or regulatory obligations, to prevent or deter crime, or for the purposes of essential maintenance or support of the email system.