

**Town and Country Planning Act 1990  
(as amended)  
S78 Appeal**

**Additional information in support of primary education obligations sought**

Appeal by Hill Residential Ltd under S78 of the Town and Country Planning Act 1990 (as amended) against the decision of Stevenage Borough Council to refuse planning permission in respect of the Full application for the proposed demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.

**Land West of Lytton Way, Stevenage, Hertfordshire, SG1 1AG**

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## 1. Introduction

- 1.1. This statement has been produced by Hertfordshire County Council (HCC) in order to help explain why the original Inspector (“the Inspector”) erred in applying a reduction to the Primary Education Contribution (PEC) for the development at Land West of Lytton Way, Stevenage (planning application reference number 19/00474/FPM).
- 1.2. The Inspector’s decision letter (DL) at paragraph 101, set out that there should be a reduction in the level of primary education contribution to 20% of the amount sought by the County Council on the basis that a number of households who would move into the new development (if approved) would come from within the existing primary school catchment area. The DL indicates that the Inspector considered this to be in line with the way in which NHS contributions had been dealt with in the Stevenage Borough Council (SBC) Officer Report to the Borough Council’s Planning and Development Committee in March 2020 (“the OR”).
- 1.3. For the reasons set out below the Inspector was wrong in reaching that conclusion and in applying the same reasoning to the PEC Contribution.
- 1.4. Applying the analysis as summarised in the OR at 7.3.19 to the PEC was flawed, essentially for the reasons set out below.

## 2. Challenges to the NHS Contribution

- 2.1. The criticisms made at the time by the Appellant to the contribution sought by the NHS, were effectively threefold: lack of consistency, when considering the lack of requests for NHS contributions from other Stevenage development proposals; the assumption made around the average household occupancy, especially given the characteristics of the development; and that the projection of falling household size meant that a large proportion of new households would arise from existing residents separating from existing households and moving within Stevenage. Predominantly

based on this final point, it was argued that the NHS Contribution should be reduced to 20% of the level requested.

### **3. Moving Households**

3.1. The contention being made at the time was that the 2014 household projections for Stevenage Borough show that only 20% of the increase in households is driven by 'new' residents, as opposed to those moving to a new dwelling within the area.

3.2. This was based on an assertion that the majority of new households will be formed from existing residents, with people living longer and relationship breakdown quoted as being amongst the biggest drivers. It was not clear to what extent analysis of other factors, for example changes in the overall housing stock or the projected age profile of smaller households, had been taken into account.

### **4. Internal Moves and Relevant Geographies**

4.1. Putting aside whether the Appellant's interpretation of the 2014 household projections were correct, particularly if applied to households containing school aged children, there is an issue regarding the spatial extent of the geographies under consideration and the spatial extent of the areas within which 'internal' moves should be considered to have occurred. This is because people access different services at different geographies; the area served by a hospital, for example, is significantly larger than the area served by a primary school and so the need to provide additional capacity in a particular locality will be different. Therefore, the first consideration is what geography should be identified as the relevant area when assessing whether families moving into a development should be considered 'new' households.

4.2. The County Council has been working in consultation with the DfE ahead of it publishing national guidance on calculating pupil yield, including the relevant geography within which to consider 'new' households. The County Council has undertaken work to assess internal moves within Education Planning Areas (EPAs).

- 4.3. The household projections quoted in the challenge to the NHS contribution in RD2.2.5 would include households moving anywhere within the entire borough of Stevenage. It should be noted that the average area of EPAs covering Stevenage Borough is approximately 8km<sup>2</sup>, with some individual EPAs being much smaller. By comparison Stevenage Borough covers an area of approximately 26km<sup>2</sup>. The frequency of existing residents moving into new properties within a 26km<sup>2</sup> area will obviously be greater than those moving into a new property within an 8km<sup>2</sup> or smaller area.
- 4.4. Discounting household moves within a smaller geography such as an EPA will give a different result than discounting household moves within an entire borough area, as the population projections quoted at the time of the OR would. The county council would not expect the impact of household moves within EPAs (or similar geographies) to result in significant reductions to calculated yields or contributions towards new primary school provision.
- 4.5. In summary, there is no direct correlation between the sort of issues raised which related to the reduction of the NHS Contribution when considering the level of PEC.

## **5. New Children Arising from Vacated Properties**

- 5.1. The county council has also undertaken a preliminary analysis of the properties vacated by internal moves into new developments. That analysis shows that a significant number of vacated properties are subsequently occupied by new families with children of school age, raising the overall number of children in the area as a direct result of the new development. This is often referred to as the impact of 'backfilling'.
- 5.2. While the backfilling analysis is not complete at the point of submitting this statement, the emerging data indicates that the yield arising from vacated properties would essentially match/replace any yield 'discounted' from moves within an EPA. The full impact of a development (i.e. the additional children arising from both the new properties and the properties vacated by families moving into the new development

from within the local area) is therefore likely to be similar to the current yields underpinning the Model projections.

5.3. The number of children arising from vacated properties would also indicate that household fragmentation, should it contribute to local moves to any significant extent, does not have a material impact on the number of children who might arise across an area because of new housing development.

## 6. Household Size

6.1. A second point of challenge back in 2019 to the NHS contribution was the use of average household size by the NHS to calculate the proposed contribution. It was asserted the figure used by the NHS was incorrect and did not reflect the type of dwellings (i.e. flats) which were proposed at Lytton Way. The NHS calculation appears from RD2.2.5 to have been based on a figure of 2.4, which aligns with the overall average occupancy for all households in Stevenage as at the 2011 Census.

6.2. As set out in RD9.2 and CD13.17, the County Council's modelling takes account of different occupancy levels by single year of age for type, tenure and bed size. The assessment of Lytton Way expressly took account of its specific characteristics, not just as a flatted development but also in terms of the bed-size and tenure of the proposed units. The modelling does not rely on a single flat-rate multiplication of assumed household size; it is much more nuanced and takes account of the specific characteristics of the development in question, which in the case of Lytton Way is a wholly flatted development. It also allows for occupancy to change over time. It is not equivalent to the NHS calculation set out in RD2.2.5.

6.3. It should be noted that, when drilling down to primary aged pupils, the **peak** yield on which the PEC was based is equivalent to just 0.1457 persons (of relevant school age) per dwelling. This level of (school age) occupancy for flatted development is based on, and evidenced by, the council's Pupil Yield Study. It is also significantly

lower than the overall 1.58 occupancy for flats in Stevenage identified by Mr Campbell when challenging this point on behalf of the Appellant.

## 7. Summary

7.1. In light of the information set out above, given that the PEC was calculated on a completely different basis to the NHS contribution, especially noting that the PEC already took account of the specific characteristics on the Lytton Way development when the NHS calculation did not, it is wrong to assume that an identical reduction would be applicable to both requested contributions. The impact of moving households across smaller geographies is limited and the County Council's provisional analysis indicates that impact is offset by new families moving into vacated properties.