

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning
TO: East Area Committee
WARD: Petersfield

Request for an amendment to the original officer recommendation for conversion of 32 Mill Road to provide 9 self contained studios and the retention of the CB1 Internet Café.

1. INTRODUCTION

- 1.1 On 29 November 2012, East Area Committee (“the Committee”) considered an planning application (12/1132/FUL) for the retention of the existing CB1 Internet Café and the provision of 9 new studio flats by the construction of a two storey extension to the existing two storey building and the construction of a two storey coach house within the rear amenity space of the property. The Committee resolved to approve the planning officer’s recommendation to grant planning permission for the application subject to conditions and the completion of an agreement pursuant to section 106 of the Town and Country Planning Act 1990.
- 1.2 Since the Committee meeting, officers have begun drafting the s106 agreement and it has come to their attention that the financial contributions reported to Committee for open space, sports facilities, waste and education were incorrectly stated in the report that was presented to Committee. For this reason the application remains undetermined and the application is brought back to Committee for its further consideration.

2. RECOMMENDATIONS

- 2.1 The officer’s recommendation is for Committee to approve the amendment to the contributions required for the s106 agreement so that it contains the financial contributions detailed at paragraph 3.2 of this report. These are considered to be the correct financial obligations and those which meet the tests set out in the Community Infrastructure Levy Regulations 2010, which place a statutory requirement on the Local Planning Authority to ensure that where planning permission is dependent upon a planning obligation under s106 being completed, the obligations sought pass the following tests:
- (a) they are necessary to make the development acceptable in planning terms;
 - (b) they are directly related to the development; and
 - (c) they are fairly and reasonably related in scale and kind to the development.
- 2.2 The second recommendation is that the Committee allow an extension of time for completion of the s106 agreement until 30 April 2013 to allow sufficient to draft the s106 agreement.

2.3 It is recommended that the conditions detailed in the planning officer's report of 29 November 2012 continue to apply.

3. BACKGROUND

3.1 Prior to the Committee meeting on 29 November 2012, officers had undertaken discussions with the agent, regarding the level of contributions that were sought for the s106 agreement and through these discussions alterations were made. However, the contributions were incorrectly stated in the planning officer's report which the Committee considered when making its decision to approve the application on the 29 November 2012.

3.2 Below is a table that provides a comparison between the contributions sought within the original report and the contributions which should have been sought. The amended contributions are those which officers consider meet the tests set out in the Community Infrastructure Levy Regulations 2010 and the requirements of the Planning Obligation Strategy 2010.

	Original Contribution (£)	Amended Contribution (£)
Outdoor Sports Facilities	1,428	952
Indoor Sports Facilities	1,614	1,076
Informal open Space	1,452	968
Provision for Children and Teenagers	0	0
Community Facilities	10,048	10,048
City Council Waste	1,200	600
County Council Waste	1,520	1,520
Life Long Learning	1,280	0

3.3 The reason for the difference in the first three heads of terms is that the original contribution was calculated on 1.5 persons, which would be the contribution for a 1 bedroom flat or house. In the case of a studio/bedsit as the proposed properties are, the contribution is based upon 1 person and therefore the figure has been altered accordingly. In other words, the original calculations were incorrect as they should have been based on 1 person not 1.5 persons.

3.4 The reason for the amendment to the City Council waste contribution is that given the constraints of the site, paladin bins (Eurobins) cannot be provided, which are the general solution for high density development. Instead, 140L bins shall be provided and because these are not as expensive as the larger paladin bins, the Waste Strategy Officer has agreed that it is reasonable to request the lower contribution figure of £75 per dwelling that would normally be required for houses.

3.5 Finally, the life long learning contribution has been removed because the County Council could only demonstrate that the contributions would be used towards facilities that are planned at Clay Farm, Trumpington. Given the distance from the development and the absence of any facilities closer to the site, that would allow the future occupants of this development to benefit, the contribution is not sought because it is considered that it fails to meet test (b) of the Community Infrastructure Levy Regulations 2010.

4. CONSULTATIONS

4.0 No further consultations have been carried out since the report to Committee on the 29 November 2012 as the planning application has not changed such that further consultation is necessary.

5. OPTIONS

5.0 In the absence of agreeing to the approval of the application for planning permission subject to completion of a s106 agreement containing the correct financial contributions, the existing recommendation would prevail and the higher contributions sought. However it is the view of officers that the original contributions do not pass the statutory tests of the Community Infrastructure Levy Regulations 2010 and for this reason, the applicant may not agree to enter into the s106 agreement, thereby resulting in a refusal of planning permission. This would allow the applicant to appeal the decision if they wished.

6. CONCLUSIONS

6.0 My recommendation is for the Planning Committee to approve the recommendations noted at paragraph 2 of this report.

7. IMPLICATIONS

(a) **Financial Implications** – None

(b) **Staffing Implications** – None

(c) **Equal Opportunities Implications** – None

(d) **Environmental Implications** – None

Climate Change Impact: Nil

(e) **Procurement** – None

(f) **Consultation and Communication** - None

(g) **Community Safety** – None

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Planning application 12/1132/FUL

To inspect these documents contact Sophie Pain on extension 7296

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Report file:

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