

CAMBRIDGE CITY COUNCIL

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

Request for an amendment to the original officer recommendation for Demolition of 117 Vinery Road to provide 6 apartments in a two ½ storey building.

1. INTRODUCTION

- 1.1 On 25 April 2013, East Area Committee (“the Committee”) considered an planning application (12/1621/FUL) for the demolition of the existing two storey semi-detached property at no.117 Vinery Road and development of a new two and a half storey building to provide six one-bed apartments including two car parking space. 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 (“ s106 agreement”) 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 RECAP waste and Life Long Learning were incorrectly stated in the report that was presented to Committee. For this reason the application is brought back to Committee for 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 allows an extension of time for completion of the s106 agreement until 6 September 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 25 April 2013 continue to apply.

3. BACKGROUND

3.1 Prior to the Committee meeting on 25 April 2013, the case officer had undertaken discussions with the County, regarding the level of contributions that were sought for the s106 agreement and through these discussions alterations were made. However, two sets of contributions were provided at different times by the County Council. As a result, the incorrect contributions were stated in the case officer's report, which the Committee considered when making its decision to approve the application on the 25 April 2013.

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 (£)
County Council Waste	1140	950
Life Long Learning	960	800

3.3 The reason for the amendment is because the County based their original calculations on there being a net gain in dwellings of six when in fact the proposal included the demolition of the existing dwelling. Therefore the net gain should have been five. The calculations used for the original and amended contributions are set out below:

RECAP waste: $190 \times 6 = 1140$ [$£190 \times 5 = £950$];
Life Long Learning: $£160 \times 6 = £960$ [$£160 \times 5 = £800$].

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 lower 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 12/1621/FUL

To inspect these documents contact Sav Patel on extension 7167

The author and contact officer for queries on the report is Sav Patel on extension 7167.

Report file:

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