

Application Number	14/0625/FUL	Agenda Item	
Date Received	24th April 2014	Officer	Mr Sav Patel
Target Date	19th June 2014		
Ward	Market		
Site	Guthrie Court Paradise Street Cambridge CB1 1AJ		
Proposal	Two new apartments extending Art Deco style building on Paradise Street, Cambridge		
Applicant	Mr Lorne Williamson 97 Chesterton Road Cambridge Cambridgeshire CB4 3AP United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed design and scale of the extension would be in keeping with the appearance, proportions of the existing building and site context. - The proposal would enhance the character and appearance of the Conservation Area. - The proposal would not have a significant detrimental impact on the residential amenity of the existing and adjoining residents.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is comprised of a unique three storey residential building formed of 13 units that occupies a large irregular space between Grafton Street and Paradise Street. The site is flanked on either side by two storey terraced properties. The facade of the building is rendered in a peach pastel colour with large columns on the Paradise Street elevation and in traditional brick

on the Grafton Street elevation. The roof of the building adjacent to Paradise Street is of a flat roof design and is occupied by a series of solar panels, whereas the Grafton Street elevation roof is of a pitched roof style with red tiles.

- 1.2 The site falls within the Central Cambridge Conservation Area (1993) and the Kite Conservation Area Appraisal (1996) is relevant. The building is designated as a building of local interest (BLI).

2.0 THE PROPOSAL

- 2.1 The full planning application proposes to erect two new 2-bedroom dwellings on the flat roof of Guthrie Court. This has been designed as a recessed single storey building with a pyramidal roof for the two new dwellings, designed in light grey fibre cement cladding. The internal floor space, including access, of these new dwelling would be 168m². The existing building has bin and cycle storage provision.
- 2.2 The application has been supported by computer-generated views and sketch perspective views.

3.0 SITE HISTORY

Reference	Description	Outcome
06/0727/FUL	Change of use from educational to residential (1 No. 2-bed house, 7 No. 1-bed flats, 5 No. 2-bed flats and 1 No. 3-bed flats), involving replacement of existing flat roof over Paradise Street building increasing height by 1100mm.	Permitted.
06/0426/FUL	Change of use from Jubilee Hall to residential comprising 10 graduate studio flats, 9 private flats and 3 private houses.	Withdrawn.

4.0 PUBLICITY

- 4.1 Advertisement: Yes
Adjoining Owners: Yes

Site Notice Displayed:

Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/11 4/12 5/1 8/16 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u>

	Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u>
	Kite Area Conservation Area Appraisal (1996)
	<u>Buildings of Local Interest (2005)</u>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 This building has, historically, issues with servicing as the site is fronted by a residents parking bay, requiring wheeling of bins to a gap to load waste.

This proposal would not be seen as likely to have any significant impact upon that issue: it will not improve matters, but will not make them significantly worse and the planning process is not able to remedy existing problems.

Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes

operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

Urban Design and Conservation team

6.2 The main concern here is the visual impact of the roof top extension and its effect upon the Conservation Area. The existing 'Art Deco' building is rather out of scale with its neighbours but, of course, has been that way for many decades and is an established part of the townscape. The shallow-pitched, pyramidal roof proposed has an Art-Deco feel to it but the extension overall does add somewhat to the visual bulk of the Paradise Street views. However, the computer-generated views and sketch perspective views suggest that the impact will be modest and – looking obliquely down the street – will be rather better than the rooftop solar panel presently on view.

6.3 The application is supported subject to the following conditions:

- Roof material details.
- Full details of all non-masonry walling systems, cladding panels or other external screens.
- Full details of external joinery.
- Full details of the design and installation of the renewable energy source(s).
- Hard landscaping scheme.

Environmental Health Team

6.4 No objection, subject to the following conditions:

- Construction hours.
- Construction deliveries.
- Noise insulation scheme.
- Waste storage facilities and collection.

6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- 1 Guthrie Court, Paradise Street
- 11 Grafton Street
- 9 Guthrie Court, Paradise Street

7.2 The representations can be summarised as follows:

- The applicant proposes a substantial change to the solar heat system without detail.
- Concerned that the alterations to solar panels could have substantial effect on energy collected.
- The applicant should demonstrate that no dwellings will be adversely effected by the changed layout.
- The applicant should agree a compensation scheme for residents due to loss of power during construction stage as panels will be removed at this stage.
- Cycle parking is inadequate and should be extended by at least four spaces.
- Capacity of the bin room should be increased.
- Capacity of the cycle room should be increased.
- Overlooking into apartment 9's main bedroom and mezzanine space.
- Loss of central atrium skylight will leave the central stairwell only lit by artificial light.
- Concerns regarding noise disturbance.
- Would have a negative impact on property values of existing flats.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces

3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

- 8.2 The proposal is to add an extra storey to the existing block of flats to create two 2bed residential dwellings. The site is surrounded mainly by residential development in various forms and shapes.
- 8.3 The proposed residential development on this site is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

- 8.5 The existing three storey building has a prominent position within the middle of a Victorian terrace row of two storey dwellings. On the eastern end of the terrace is a modern (1980s) extension of 2 and half storey dwellings with dormer windows, gable frontages and undercroft parking. Opposite this is a development of three storey flats. The development on the northern side of the road (opposite the site) comprises mixed use development including residential flats arranged mainly over 4 storeys which are set back from Paradise Street. The flats are located above and to the rear of the commercial uses that front Burleigh Street.
- 8.6 Therefore, in this context, the proposal to add an additional storey with a shallow apex roof, which is set back 2.2 metres from the frontage of the existing building and 3.6 metres to the ridgeline is considered to be an acceptable extension to the building. Currently from both ends of the street, the existing solar panels are visible. These are not considered to be attractive features.

- 8.7 The proposed extension would be set in from all sides by 2.2 metres (except for the south-western corner, which would follow the existing step of the building) and rear elevation, which would be set in 3 metres. The south-western corner of the proposed building would consist of a glazed corner window and a roof overhang. The window would be obscure glazed. The rear elevation would contain the roof terrace, which is proposed to be screened by a 1.8 metre glazed balustrade.
- 8.8 The proposed extension, in terms of its design, layout and scale would, in my view, appear as a sympathetic addition to the existing building which would enhance the character and appearance of the Conservation Area. The proposed cladding materials would also enable the extension to appear as an ancillary addition at this rooftop level. The internal arrangement has been designed to ensure the atrium element of the building is maintained.
- 8.9 The existing solar panels would be removed and 23 new smaller panels would be provided on the rooftop and behind the parapet roof, which the applicant advises will be able to match the existing provision and that for the proposed flats. The proposed panels would be arranged on the southern and eastern side of the building and would not be visible from street level. However, I have recommended a renewable energy condition so that details of the solar power provision including type of panels are provided for our consideration.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The proposed extension is unlikely to have an adverse impact on the residential amenity of flats on the opposite side of the road due to the level of separation. To the rear (south) of the existing building is a communal amenity area which is attached to the rear and side gardens of the dwellings in Grafton Street and Paradise Street. The site boundaries are defined by fencing and contain trees and shrub planting which would mitigate views into the adjoining occupiers rear gardens.

8.12 The proposed extension would be set back from the edge of the rear elevation by 3 metres and include a 1.8 high glazed balustrade. The balustrade would be set in from the edge of the rear elevation by 200mm due to the existing low level parapet wall that surrounds the perimeter of the building. The proposed glass balustrade would also be obscure glazed. In this context, therefore, the proposed roof terrace for each flat would, in my view, not cause any adverse levels of overlooking such that they would be significantly detrimental to the privacy of the adjacent occupiers. The corner window would also be obscure glazed to mitigate oblique views from this window into the second floor flat below the roof terrace. I am satisfied what the proposed mitigation measures are acceptable and would not cause any adverse loss of privacy on the existing residents and surrounding occupiers.

8.13 The proposal of two additional flats would not, in my view, create or significantly increase levels of noise and disturbance such that it would have a detrimental impact on the residential amenity of existing and surrounding occupiers.

8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14

Amenity for future occupiers of the site

8.15 The proposed 2bed flats would provide future residents with a high quality living environment which includes a private roof terrace. The residents would also have access to the communal garden and bin and cycle storage. The site is also located close within a highly sustainable location in terms of shops, amenity facilities and public transport links.

8.16 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14

Refuse Arrangements

- 8.17 The existing building has an internal bin store on the ground floor where the large waste containers are located. The existing bin storage provision would comfortably accommodate the proposed flats.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.19 The site the proposed development would not have a significantly adverse impact on highway safety.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.21 No car parking is proposed. I believe that this city centre location is suitable for a car-free development. There are good public transport links nearby as well as suitable cycling and pedestrian routes into the city centre and railway station.
- 8.22 The Highway Officer has recommended an informative advising future tenants that they will not qualify for residents parking permits. I have appended the suggested informative to the permission.

Cycle parking

- 8.23 The existing building provides an internal cycle store which has stands to accommodate 25 cycles. The proposed 2bed flats would require 4 additional spaces to be provided. I am of the view that this provision can be accommodated on site. However, as no specific details have been provided to demonstrate this I have recommended a cycle parking condition.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.25 I have addressed most of the representations in the main body of the assessment. I set out below my response to the issues I have not addressed.

Comments	Response
Compensation for existing residents during construction stage	The construction is an inevitable part of development and therefore whilst there may be some disturbance this will only be temporary.
Loss of natural light into stairwell	A glazed panel is proposed in the apex of the roof which is designed to allow natural light to flood into the stairwell.
Negative impact on property prices	Not a planning issue.

Planning Obligation Strategy

Planning Obligations

8.26 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning

obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.27 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.28 The application proposes the erection of 2 two-bedroom flats, so the net total of additional residential units is two. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714		
4-bed	4	238	952		
Total					952

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		

2-bed	2	269	538	2	1076
3-bed	3	269	807		
4-bed	4	269	1076		
Total					1076

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726		
4-bed	4	242	968		
Total					968

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948		
4-bed	4	316	1264		
Total					1264

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is J1256 for each unit of one or two bedrooms and J1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882		
4-bed	1882		
Total			2512

- 8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is J75 for each house and J150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	2	300
Total			300

- 8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy

(2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.34 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub-Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.35 For this application a monitoring fee of £353.60 is required to cover monitoring of Council obligations plus the County Council monitoring fee and the monitoring fee associated with the provision of public art.

Planning Obligations Conclusion

- 8.36 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The proposed rooftop extension of the existing building to create an additional level to accommodate two 2bed flats. The extension would be recessed from the perimeter of the building on all four sides (except for the south-west corner) and so would not be prominent from the street. Whilst the extension would be visible from oblique views along Paradise Street it would improve the current appearance of the large angle solar panels and servicing.

- 9.2 The design and layout of the proposed extension has been carefully planned to mitigate the impact on the residential amenity of the existing residents and adjoining occupiers.
- 9.3 The design, scale and layout of the proposed extension would not have a detrimental impact on the character and appearance of the Conservation Area. The proposed extension is therefore considered to make a positive contribution to the building and visual setting of the area.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 24 March 2015 and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday ' Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the potentially high ambient noise levels at the façade overlooking rear access yard of Burleigh Street, taking into account vehicle movements to and from the yard, deliveries and mechanical plant in the area, be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: This will protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan policies 3/7 and 4/13).

6. No metal-clad or other non-traditional roofs shall be erected until full details of such roofs including materials, colours, surface finishes and relationships to rooflights or other rooftop features have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

7. Prior to the commencement of development full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/ textures and relationships to glazing and roofing are to be submitted to and approved in writing by the LPA. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Conservation Area (Cambridge Local Plan 2006, policy 4/11).

8. Prior to the commencement of any development full details of all external joinery, including finishes and colours, to be submitted to and approved in writing by the LPA. Joinery is taken to mean all windows, doors etc. whether made of timber or not. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area (Cambridge Local Plan 2006, policy 4/11).

9. Prior to the occupation of the flats hereby approved, full details of the output, design and installation of the photovoltaic panels including plant, mounting frames/ brackets etc., screening systems, etc. to be submitted to and approved in writing by the LPA. The panels shall be installed so that they are integrated into the roof slope and do not project beyond the roof plane unless otherwise agreed. Development shall be implemented in accordance with the approved plans.

Reason: To reduce carbon emissions and to avoid harm to the special interest of the Conservation Area (Cambridge Local Plan 2006 policies 4/11 and 8/16)

10. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

INFORMATIVE: The applicant is advised that any future occupiers of the new flats will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 24 March 2015, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 8/3 and 10/1 the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development