

CAMBRIDGE CITY COUNCIL

---

REPORT OF: Head of Planning Services

TO: Planning Committee

07/01/2015

WARDS: All

**REVIEW OF COMMITTEE RESOLUTIONS TO GRANT PLANNING PERMISSION  
IN THE LIGHT OF THE MINISTERIAL STATEMENT ON 1 DECEMBER 2014**

---

**1 INTRODUCTION**

- 1.1 The purpose of this report is to review Planning Committee resolutions to grant planning permission in relation to the five applications below in the light of the Ministerial Statement on 1 December 2014 by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government).

**2. RECOMMENDATIONS**

- 2.1 That the following planning applications be confirmed as approved without the requirement for a planning obligation to secure compliance with the Council's Planning Obligations Strategy SPD 2010:

- |                            |  |
|----------------------------|--|
| a) Application reference   | 14/1248/FUL  |
| Site Address               | 19 New Square  |
| Description of development | Erection of 1No. 3 bedroom dwelling with associated landscaping and access, following part demolition of rear boundary wall fronting Elm Street and part demolition of side boundary wall fronting Jesus Terrace (forming the rear garden of No.20 New Square). To include a new pedestrian access via Jesus Terrace |
| b) Application reference   | 14/0607/FUL  |
| Site Address               | 1 Great Eastern Street   |
| Description of development | Conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure   |

- c) Application reference 14/0978/FUL  
 Site Address Former Auckland Road Mental Health Centre  
 Description of development Erection of 4 semi-detached dwellings and 1 detached dwelling (following demolition of existing buildings), together with associated infrastructure.
- d) Application reference 14/1123/FUL  
 Site Address 21-25 Fitzwilliam Road  
 Description of development Fourth floor extension to the existing building and a four storey rear extension to create one three bedroom flat and four one bedroom flats
- e) Application reference 11/0776/FUL  
 Site Address R/o 43-59 Elizabeth Way  
 Description of development Construction of five new family homes on land to the rear of 43-59 Elizabeth Way following the demolition of number 57 Elizabeth Way and existing outbuilding

### 3. BACKGROUND

- 3.1 On 1 December 2014 the Minister of State for Housing and Planning, Brandon Lewis, published a Ministerial Statement which included the following instruction to Local Planning Authorities:

*'Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.'*

- 3.2 The Ministerial Statement has immediate effect and is a 'material consideration'. It is therefore important for the Council to apply this consideration to all planning applications where a s106 Agreement has not been completed and a Decision Notice has not been issued. These include five applications which have already been reported to Planning or Area Committee but which have not yet been determined i.e. a Decision Notice has not yet been issued. In each case the Committee resolved to grant planning permission subject to the completion of a section 106 Agreement. The relevant applications are set out in the following table:

Reference	Site Address	Committee resolution
14/1248/FUL	19 New Square	Planning Committee November 2014
14/0607/FUL	1 Great Eastern Street	East Area Committee September 2014
14/0978/FUL	Former Auckland	West Central Area Committee

	Road Mental Health Centre	September 2014
14/1123/FUL	21-25 Fitzwilliam Road	Planning Committee November 2014
11/0776/FUL	R/o 43-59 Elizabeth Way	North Area Committee September 2011

- 3.3 A copy of the Committee Report relating to each of the above applications is attached to this report. In each case the report recommends that contributions are sought towards open space, community development, waste and recycling containers and monitoring under the terms of the Planning Obligations Strategy. In relation to the schemes at Great Eastern Street, Auckland Road and Fitzwilliam Road contributions were also sought in relation to Household Recycling Centres and education and at Elizabeth Way education contributions were also sought. These constitute 'tariff style contributions' under the terms of the Ministerial Statement.
- 3.4 The Ministerial Statement applies only to sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres. Contributions will continue to be sought in relation to developments of eleven units or more and those which propose less than this number but with more than 1000 square metres of floorspace. In each of the cases set out above the floorspace has been confirmed at less than 1000 square metres.
- 3.5 It is the view of officers that in the light of the Ministerial Statement it is no longer appropriate to seek contributions in relation to the applications set out above.
- 3.6 Committee will be aware that a new draft of the Planning Obligations Strategy has been produced as part of the preparation of the new Local Plan. This document has little weight in terms of decisions on planning applications. Also the Government has recently commenced a consultation on proposals for discounts for first time buyers which will have further implications for s106 contributions.

#### 4 **CONSULTATIONS**

- 4.1 None.

#### 5 **OPTIONS**

- 5.1 Option 1 To confirm the approval of the applications listed in paragraph 2.1 without the requirement for a planning obligation. This option is recommended.

Option 2 To refuse the applications listed in paragraph 2.1 on the basis that the development does not comply with the requirements of the Planning Obligations Strategy 2010. This option is not recommended because it would expose the Council to the risk of costs at a subsequent planning appeal on the basis that it had failed to give proper weight to the Ministerial Statement.

## 6 CONCLUSIONS

- 6.1 Given the change in Central Government advice is it appropriate to reconsider the Council's approach on all applications that have yet to be formally determined.

### IMPLICATIONS

- (a) **Financial Implications – Reduced level of commuted payments towards community infrastructure such as open space and community facilities.**

The table below sets out the previously required contributions in relation to each application:

Contribution type	19 New Square	1 Great Eastern Street	Former Auckland Road Mental Health Centre	21-25 Fitzwilliam Road	R/o 43-59 Elizabeth Way	TOTAL
Outdoor Sports	£714	£1547	£4046	£2142	£3808	£12257
Indoor Sports	£807	£2151.50	£4573	£2421	£4304	£14256.50
Informal Open Space	£726	£1573	£4114	£2178	£3872	£12463
Children/ Teenagers	£948	n/a	£5372	£948	£5056	£12324
Community Facilities	£1882	£7536	£8784	£6906	£7528	£32636
Waste/ Recycling	£75	£900	£375	£750	£300	£2400
Household Waste Recycling	n/a	£1140	£950	£950	n/a	£3040
Pre-school Education	n/a	n/a	£4050	£810	n/a	£4860
Primary Education	n/a	n/a	£6750	£1350	£5400	£13500
Secondary Education	n/a	n/a	£7600	£1520	n/a	£9120
Life Long Learning	n/a	£960	£800	£800	£640	£3200
Monitoring	£257.60	£685.38	£2370.70	£1039	£0	£4352.68
<b>TOTAL (excludes monitoring)</b>	<b>£5152</b>	<b>£15807.5</b>	<b>£47414</b>	<b>£20775</b>	<b>£30908</b>	<b>£120,056.5</b>

- (b) **Staffing Implications - None**
- (c) **Equalities and Poverty Implications - None**
- (d) **Environmental Implications – None**
- (e) **Community Safety - None**

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

Ministerial Statement on 1 December 2014 by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)

To inspect these documents contact Sarah Dyer on extension 7153

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file:

Date originated:	22 December 2014
Date of last revision:	22 December 2014