

<b>Application Number</b>	18/0002/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th January 2018	<b>Officer</b>	Tony Collins
<b>Target Date</b>	10th April 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	Romsey Labour Club Mill Road		
<b>Proposal</b>	Mixed use development comprising a Day Nursery at ground floor and 37 self-contained 1xbed student rooms at the rear and on the upper floors along with a vehicle drop-off zone, disabled car parking space, cycle parking and associated landscaping.		
<b>Applicant</b>	C/O Agent		

SUMMARY	<p>This application is returned to Planning Committee because there has been a key change in the planning policy background since an earlier Committee resolution to grant permission. As a result of this change, officers now recommend refusal.</p> <p>The development conflicts with the Development Plan for the following reason:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The proposal for student accommodation does not demonstrate that the applicant has entered into a formal agreement with at least one existing educational establishment within Cambridge providing full-time courses of one academic year or more.</li></ul>
RECOMMENDATION	REFUSAL

## 1.0 INTRODUCTION

- 1.1 This application was brought before Planning Committee on 28<sup>th</sup> March 2018. The officer report written for that meeting is attached to this report as Appendix A.

- 1.2 Planning Committee resolved to approve the application subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure provision of appropriate open space and recreation facilities, and to define the categories of permitted occupier and prohibit their use of cars.
- 1.3 Negotiations on that agreement continued for some time; the Agreement was eventually completed on Tuesday 28<sup>th</sup> August 2018. The application was not determined before the end of that working week (Friday 31<sup>st</sup> August).

## **2.0 CAMBRIDGE LOCAL PLAN 2018**

- 2.1 Planning Committee is now asked to reconsider its earlier resolution to approve this application, because the Inspectors' report on the new local plan, and its subsequent adoption by the local planning authority create a very significant change in the planning policy background with respect to this application.
- 2.2 On the Monday following the completion of the Section 106 agreement referred to above, 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors' Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors' concluded that both Local Plans were 'sound' subject to a number of modifications being made.
- 2.3 Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increased substantially the weight that can be attributed to the Local Plans in decision making. The Inspectors concluded at the end of the examination process that the Local Plans are sound (subject to the modifications which they recommended) and that there were therefore no longer unresolved objections to the Local Plans. As such, substantial weight could, from the date of publication of the Inspectors' report (Monday 3<sup>rd</sup> September 2018) be attached to the policies of the Local Plans when making planning decisions.
- 2.4 Generally, from the moment of publication of an Inspector's report which rules that an emerging local plan is sound, the context for making a planning decision changes. From that moment onwards, where there is a conflict between the

outcome which arises from the application of policies of the adopted development plan and those of the new local plan, the new local plan will generally outweigh the adopted plan and will prevail.

- 2.5 On Thursday 18<sup>th</sup> October 2018, the new local plan was adopted as the Cambridge Local Plan 2018. It now carries full weight in the determination of planning applications, and the Cambridge Local Plan 2006 has no status in decision-making at all.

### **3.0 POLICY**

- 3.1 In this instance there is a clear and absolute conflict between the policies of the Cambridge Local Plan 2006 and the Cambridge Local Plan 2018 with respect to an issue central to this application, the provision of student accommodation.
- 3.2 The Cambridge Local Plan 2006 contained a policy (7/10) on speculative student accommodation, but it was accepted at the time of the Committee resolution that this policy was not engaged by the present application, because it covered only 'student hostels' (see paragraphs 8.5-8.8 of Appendix A), and that the proposal for student studios on this site was in itself not in conflict with any policy in the 2006 local plan. The Committee report for that meeting (Appendix A: paragraphs 8.9-8.23) also sets out both how policies 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006 applied to the student accommodation aspect of the proposal, and how the requirements of that policy were satisfied either by the proposal itself or the conditions then recommended by officers.

Proposals for new student accommodation will be permitted if they meet identified needs of an existing educational institution within the city of Cambridge in providing housing for students attending full-time courses of one academic year or more. Schemes should demonstrate that they have entered into a formal agreement with at least one existing educational establishments within Cambridge providing full-time courses of one academic year or more. The council will seek appropriate controls to ensure that, within academic terms, the approved schemes are occupied solely as student accommodation for an identified institution. Applications will be permitted subject to:

- a. there being a proven need for student accommodation to serve the institution;
- b. the development not resulting in the loss of existing market housing and affordable housing;
- c. it being in an appropriate location for the institution served;
- d. the location being well served by sustainable transport modes;
- e. having appropriate management arrangements in place to discourage students from keeping cars in Cambridge;
- f. rooms and facilities being of an appropriate size for living and studying; and
- g. minimising any potential for antisocial behaviour and, if appropriate, being warden-controlled.

The loss of existing student accommodation will be resisted unless adequate replacement accommodation is provided or it is demonstrated that the facility no longer caters for current or future needs.

Where students do not attend full-time courses of one academic year or more, their accommodation requirements will be expected to be provided within the site of the institution which they attend; or by making effective use of existing student accommodation within the city outside term time; or by use of home-stay accommodation.

Permanent purpose built student accommodation will not be supported on sites allocated for housing, or with either an extant planning permission for residential development or sites identified as potential housing sites within the Council's Strategic Housing Land Availability Assessment.

- 3.3 The present application does not demonstrate a formal agreement with any educational institution, and so cannot show that it would meet an existing identified need for any such institution. It is therefore contrary to Policy 46 of the Cambridge Local Plan 2018. This conflict was identified in the previous Committee report, but as that report indicated (Appendix A:

paragraphs 8.3, 8.4, 8.6 and 8.7), it did not then form a basis on which to refuse the application, because the Inspector had not reported on the emerging plan, and consequently only limited weight could be attached to the policy.

- 3.4 The Cambridge Local Plan 2018 does not significantly change the policy background affecting this proposal with respect to design in context, sustainability, water management, residential amenity, loss of leisure facilities, disabled access, waste, transport and highway safety or parking management, and the assessment of these issues contained in the previous Committee report remains valid.

## **4.0 CONCLUSION**

- 4.1 After Planning Committee resolved to approve this application, but before a decision was issued, a major change in planning circumstances took place. The issuing of the Inspectors' report on the Cambridge Local Plan 2013 Proposed Submission (2014), as amended by the Inspectors' Main Modifications, and the subsequent adoption of that document as the Cambridge Local Plan 2018, change the policy background with respect to proposals for student accommodation. Such proposals are now required to demonstrate a formal agreement with an educational institution providing full-time courses of one year or longer. This application does not demonstrate any such agreement and is consequently in conflict with Policy 46 of the Cambridge Local Plan 2018.

## **5.0 RECOMMENDATION**

**REFUSE** for the following reason:

1. The proposal does not demonstrate that the applicant has entered into a formal agreement with at least one existing educational establishment within Cambridge providing full-time courses of one academic year or more, and so cannot show that it would meet an existing identified need for any such institution. It is therefore contrary to Policy 46 of the Cambridge Local Plan 2018.