

<b>Application Number</b>	21/03469/FUL	<b>Agenda Item Officer</b>	Ganesh Gnanamoorthy
<b>Date Received</b>	27th July 2021		
<b>Target Date</b>	18th October 2021		
<b>Ward</b>	Romsey		
<b>Site</b>	Development Land At 75 Cromwell Road Cambridge CB1 3EB		
<b>Proposal</b>	Change of use of early years nursery and community space to early years nursery, with associated works		
<b>Applicant</b>	Mr David Digby Mill Road Depot Cambridge CB12AZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would ensure that the monies to be provided for on-site community space provision would be reallocated for off-site purposes.</li> <li>- The proposal would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> <li>- The proposal would help to ensure that the ground floor of 'Block A' is viable, and can secure an end user;</li> </ul>
RECOMMENDATION	APPROVAL

## 0.0 BACKGROUND

- 0.1 This application has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment Partnership. The original purpose of the partnership was to deliver 500 net new council rented homes across the City using mainly council owned sites/assets. The City Council has received £70 million

support from central government as part of the Devolution Deal to help achieve this target.

- 0.2 The partnership has received permission for a total of 966 homes, with 614 being Council rented. Of the 966 homes that have received permission, 851 have either been completed, occupied or under construction on site.
- 0.3 Having met its original aims, the partnership has decided to extend the drive to build more housing.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is an irregular shaped plot of land with a strong north-south orientation, and occupies approximately 3.27 hectares in area.
- 1.2 The Planning Committee resolved to granted permission at the planning committee of 11<sup>th</sup> June 2019 for:

“Erection of 295 dwellings including 40% affordable housing; a nursery and community facility (D1), access, car and cycle parking, including basement car park, play equipment and landscaping, substation and associated works.”
- 1.3 The decision notice was subsequently issued on 16<sup>th</sup> October 2019 following completion of the S106 legal agreement.
- 1.4 Development is under way on site with a number of homes completed.

## **2.0 THE PROPOSAL**

- 2.1 This application proposes the change of use of early years nursery and community space to early years nursery, with associated works.
- 2.2 The consented scheme (19/0288/FUL) approved a mixture of houses and flats, and one of the flat blocks, referred to in the planning submission as ‘Block A’, had an early years nursery and community space at ground floor.

- 2.3 This application seeks to use the whole of the approved early years nursery and community space as an early years nursery solely.
- 2.4 The rationale for this change is that there has been a lack of interest for occupation of the nursery at the size approved, as well a lack of interest in the community floorspace.
- 2.5 The applicant has attempted to make the spaces more desirable by giving the community space a separate entrance to the nursery (and other minor changes) and this was approved under application reference 19/0288/NMA1.
- 2.6 The changes have not helped to find an end user for the community space, with nursery operators only interested in occupying the nursery if the community floorspace was included also.
- 2.7 Other changes proposed include alterations to windows/doors, and changes to the landscaped play area.
- 2.8 The application is accompanied by the following supporting information:
  - Design and Access Statement;
  - Noise and Vibration Assessment;
  - Planning Statement;

### **3.0 SITE HISTORY**

- 3.1 The application site has an extensive planning history. The most relevant applications are detailed below

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
19/0288/FUL	Erection of 295 dwellings including 40% affordable housing; a nursery and community facility (D1), access, car and cycle parking, including basement car park, play equipment and landscaping, substation and associated works.	Permission Granted

19/0288/NMA1	Non-material amendment on Permission application 19/0288/FUL to Granted improve the function of the early years/community facility in Block A including minor adjustments to the internal layout, the creation of an external entrance for the community room and relocation of a buggy store.
21/03892/S106A	Modification of planning obligations contained in a consideration Section 106 Agreement dated 11th October 2019 pursuant to ref: 19/0288/FUL

## 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners/Occupiers:	Yes
Site Notice Displayed:	No

## 5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 14, 34, 35, 55, 56, 57, 59, 73, 80, 81, 82, 85

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

Central Government Guidance	National Planning Policy Framework National Planning Policy Framework – Planning Practice Guidance Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document  Planning Obligation Strategy
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments Public Art SPD
	<u>Area Guidelines</u>  Cromwell Road SPD

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The Highways Officer has no objections to the proposal.

### **Cambridge City County Communities Team**

- 6.2 The Communities Officer has confirmed that the non-provision of the community facility is acceptable.

### **Cambridge City Council Environmental Health Officer**

- 6.3 No objection to the proposal subject to conditions.

<b>Cambridge City Council Monitoring Officer</b>	<b>Developer Contributions</b>
--	--------------------------------

- 6.4 The Officer has raised no objection, and has requested the S106 agreement be amended to allow for the approved on-site community provision be secured as an off-site contribution.
- 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**

- 7.1 353 letters have been sent to nearby properties, notifying them of the proposal and inviting comments. No representations have been received.

## **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. Car and cycle parking
  5. S106 contributions

### **Principle of Development**

- 8.2 Policy 73 of the Cambridge Local Plan (2018) seeks to ensure that facilities that were last in use as a community, leisure or sports facility are retained unless the facility is no longer required and evidenced as such, or the facility is re-provided nearby.
- 8.3 In this instance, the approved community floorspace has not yet been completely built, although marketing of the space has been unsuccessful. The facility is not considered to have been last in use as a community, sports or leisure facility.
- 8.4 Table 8.2 within Policy 73 sets out the uses that constitute a 'community facility', and this includes day nurseries. With this in

mind, the proposed replacement of the early years day nursery and community spaces with an early years nursery solely results in no loss of community facilities on site.

- 8.5 The Council's Communities Team have confirmed that there is sufficient community facility provision in the surrounding area (Ross Street and Mill Road Depot). Further to this, the Communities Team have made clear that their strategy is to have larger, but fewer, facilities which allow for easier and more effective management of the spaces. An example of this can be seen at The Meadows where a new facility has been granted permission which would amalgamate the functions of their existing facility and those at Buchan Street nearby.
- 8.6 The City Council's Communities Team, therefore, have no interest in managing this space.
- 8.7 With the above in mind the principle of development is considered acceptable subject to the material considerations discussed below being satisfactorily met.

#### **Context of site, design and external spaces (and impact on heritage assets)**

- 8.8 The proposal involves minor alterations to window and door locations to the ground floor level of Block A, in order to ensure that the reconfigured internal arrangements work effectively for the nursery use. Changes to the private play area for the nursery are also proposed. The nursery, as approved, had a private external amenity space, and this is still considered to be acceptable for the slightly larger facility.
- 8.9 These changes are considered to be minor in nature and do not adversely impact on the appearance of the approved building.
- 8.10 Officers are content that the changes proposed are appropriate and that the proposal is compliant with Cambridge Local Plan (2018) policies 55 and 56.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.11 The proposed physical changes do not give rise to any concerns over neighbouring amenity.
- 8.12 The change in the way the building is used is noted and the arrangement of Block A – with flats above the ground floor premises – means that there would be the potential for noise from the ground floor premises to be heard from the residential above.
- 8.13 The Council's Environmental Health Officer has commented on the proposal and has raised no objections subject to the imposition of conditions relating to hours of operation and times for collections and deliveries to and from the site. These are both intended to protect neighbouring amenity and have been added to this report.
- 8.14 Officers consider that the conditions suggested are adequate, and that the proposed use would not create a significant difference to the approved arrangement with regard to neighbouring amenity.
- 8.15 Subject to the imposition of a condition as suggested in the previous paragraph, I am content that the proposal complies with Cambridge Local Plan (2018) policies 55 and 56.

## **Car and Cycle Parking**

- 8.16 The Cambridge Local Plan (2018) seeks to support developments that incorporate sustainable forms of transport, including walking, cycling and public transport. This, however, does not negate the requirement for schemes to provide an appropriate level of car parking within a scheme.

### Car Parking

- 8.17 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L of the same document.

- 8.18 The site is not located within a Controlled Parking Zone (CPZ).
- 8.19 The approved nursery/community use had a dedicated drop off point with two spaces for this purpose and 3 dedicated spaces for staff. This application proposes no changes to this arrangement, and Officers consider this to be acceptable.

### Cycle Parking

- 8.20 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L of the same document.
- 8.21 The approved nursery/community use had 10 staff spaces and 20 visitor spaces. The proposal provides no changes to these numbers, and this is considered acceptable.

### **S106 Contributions**

- 8.22 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is
  - (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.
- 8.23 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 applicant has suggested a variation to the existing S106 planning obligation to allow for an off-site contribution towards the Ross Street community facility, which is within walking distance from this development, and would likely be used by residents of this scheme.
- 8.24 It is noted that the original scheme had a calculated contribution of £27,836 which was to be provided on-site in the form of the

community room element of the development. As this is not being provided, it is considered appropriate that the sum of £27,836 is provided as an off-site contribution for a nearby project. The Council's S106 Monitoring Officer has been consulted on the proposal and his recommendation is shown in the table below. A separate application is being considered for amending the S106 agreement that is currently in place.

<b>Heads of Terms</b>	<b>Summary</b>
City Council Infrastructure	
Community facilities	£27,836.00 towards the provision of, and / or improvement of the community facilities and / or equipment at Ross Street Community Centre, Ross Street, Cambridge.

- 8.25 Subject to the completion of a Deed of Variation to the existing S106 planning obligation to secure the above infrastructure, I am satisfied that the proposal accords with Cambridge Local Plan (2018) policy 73 and the Planning Obligation Strategy 2010.

## **9.0 CONCLUSION**

- 9.1 The proposal is for the change of use of the Ground Floor of Block A from an Early Years Day Nursery and Community Facility to an Early Years Day Nursery solely, with other minor alterations.
- 9.2 The application has been considered against the relevant policies, and upon assessment, I consider that the application complies with national and local policies, and should, therefore, be granted planning permission subject to appropriate planning conditions and a Deed of variation to the approved S106 legal agreement.

## **10.0 RECOMMENDATION**

**APPROVE** subject to 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. The Class E use of the ground floor of Block A of the development shall be restricted to use as a nursery and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35).

4. The nursery (E class use) shall only be open to the public between the hours of 07:00 and 19:00 Monday to Friday and 09:00 and 18:00 on Saturdays.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35).

5. All service collections / dispatches from and to the E use (Block A, Ground Floor) within the approved development (including refuse / recycling collections) during the operational phase shall only be permitted between the hours of 0700 hrs and 2100 hrs Monday to Saturday and 0800 hrs and 1900 hrs on Sundays and any Bank / Public Holiday.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35).