

Application Number	21/03892/S106A	Agenda Item	
Date Received	25th August 2021	Officer	Ganesh Gnanamoorthy
Target Date	20th October 2021		
Ward	Romsey		
Site	Development Land At 75 Cromwell Road Cambridge		
Proposal	Modification of planning obligations contained in a Section 106 Agreement dated 11th October 2019 pursuant to ref: 19/0288/FUL		
Applicant	CIP The Power House Powdermill Lane Waltham Abbey EN9 1BN		

SUMMARY	The development accords with the Development Plan for the following reasons: <ul style="list-style-type: none">- The proposal would ensure that the monies to be provided for on-site community space provision would be reallocated for off-site purposes.
RECOMMENDATION	APPROVAL

0.0 BACKGROUND

- 0.1 This application that 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 grant permission at the planning committee of 11th 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 16th 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 The application is made under S106A of the Town and Country Planning Act 1990. The application seeks to modify the S106 attached to the planning permission (reference 19/0288/FUL). The changes sought are as follows:

- to alter the clause regarding the provision of an on-site community facility to the value of £27,836, with this sum being paid to the Council for use as an off-site contribution for a nearby project.

Community facility:

- 2.2 The existing legal agreement requires the applicant to provide a community facility on-site in accordance with the approved planning permission (19/0288/FUL).

- 2.3 This application seeks to change this requirement as a separate application (21/03469/FUL) seeks to remove this element of the scheme altogether.
- 2.4 The reason for this proposed change is due to the lack of interest in a nursery of the size it is currently approved to be, as well as a lack of interest in the community space.
- 2.5 The applicant has attempted to make the spaces more desirable by giving the community space a separate entrance to the nursery and this was approved under application reference 19/0288/NMA1.
- 2.6 The application is accompanied by the following supporting information:
- Site location plan
 - Application letter

3.0 SITE HISTORY

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

Reference	Description	Outcome
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 application 19/0288/FUL to 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.	Permission Granted

21/03469/FUL Change of use of early years Pending
nursery and community space to
early years nursery, with
associated works

4.0 PUBLICITY

4.1 Advertisement: No
Adjoining Owners/Occupiers: No
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 Plan 2018	Local	73, 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
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6.0 CONSULTATIONS

Cambridge City County Communities Team

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

Cambridge City Council Developer Contributions Monitoring Officer

- 6.2 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.
- 6.3 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 ASSESSMENT

- 7.1 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.
- 7.2 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 suggests

a variation is appropriate in the circumstances and Officers agree.

- 7.3 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 as set out below. 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 the change of use of the ground floor.

Heads of Terms	Summary
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.

- 7.4 Officers consider that permitting a Deed of Variation to the existing S106 planning obligation to secure the above infrastructure is acceptable, and the proposal accords with Cambridge Local Plan (2018) policy 85 of the Planning Obligation Strategy 2010.

8.0 CONCLUSION

- 8.1 The proposal is to make changes to the existing S106 agreement in respect of the approved development at 75 Cromwell Road.
- 8.2 The proposal seeks an amendment to allow for the on-site provision of a community facility to be provided as an off-site contribution instead. The Council's Communities Team have confirmed that the non-provision of the on-site facility is acceptable to them, and would be more in accordance with their strategy for the management of such facilities.
- 8.3 An amendment to the S106 agreement in the manner proposed would ensure that the monies associated with this are diverted to another cause in the local area.

9.0 RECOMMENDATION

APPROVE the application to vary the existing S106 Agreement as detailed above.