

Application Number	21/03799/S106A	Agenda Item	
Date Received	24/08/2021	Officer	Dean Scrivener
Target Date	4/3/2022		
Ward	Arbury		
Site	295 - 301 Histon Road, Cambridge		
Proposal	Modification of planning obligations contained in a Section 106 Agreement dated 21 September 2016 made between (1) Cambridge City Council, (2) Swiss Laundry Ltd, (3) Turvill and (4) Barclays Bank		
Applicant	Cambridge City Council		

SUMMARY	<p>The application is for the variation of a Section 106 agreement which has been made under the provisions of S106A of the TCPA 1990.</p> <p>The applicant wishes to vary the Section 106 agreement to allow for more affordable rent.</p> <p>The proposal is compliant with Policy 45 of the Local Plan.</p>
RECOMMENDATION	APPROVAL

1.1 SITE DESCRIPTION/AREA CONTEXT

- 1.2 The application site is located within Arbury Ward and is accessed via Histon Road. The site originally comprised squash courts and was formally known as the Scotsdale Laundry and Nursery Site.
- 1.3 Outline planning permission was approved for the demolition of all structures on site and the erection of 27 dwellings. All matters, other than the means of access, were reserved for further consideration under submission of 'reserved matters'. A

S016 Agreement was signed in September 2016, securing affordable housing.

- 1.4 The Reserved Matters application was subsequently approved on the 5th February 2020.

2.0 THE PROPOSAL

- 2.1 The Council have submitted a S106A application to amend the S106 to allow for all of the affordable units to be Affordable Rent.

3.0 RELEVANT SITE HISTORY

Reference	Description	Outcome
15/0519/OUT	Outline application with all matters reserved except for access for the demolition of all structures on site and development of 27 dwellings	APPROVED
19/0718/REM	Reserved matters (layout, scale, appearance and landscaping) for the erection of 27 residential units including affordable dwellings following demolition of existing buildings together with associated infrastructure pursuant to application 15/0519/OUT.	APPROVED

4.0 PUBLICITY

- | | | |
|-----|------------------------|-----|
| 4.1 | Advertisement: | Yes |
| | Adjoining Owners: | Yes |
| | Site Notice Displayed: | Yes |

5.0 POLICY

5.1 Cambridge Local Plan 2018

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		45
		55, 56, 57, 59

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

Central Government Guidance	National Planning Policy Framework 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents	Affordable Housing (January 2008) Planning Obligation Strategy (March 2010)

6.0 CONSULTATIONS

Cambridge City Council Housing Team

6.1 No objections

7.0 REPRESENTATIONS

7.1 Three representations have been received, objecting on the following grounds:

- ☐ Insufficient information submitted
- ☐ Who is the landlord going to be? The Council or private?
- ☐ What is the role of the Planning Department in all of this?
- ☐ Noise/disruption upon amenities of neighbouring residents

- ☐ Young people moving into Cambridge will not be able to get onto the housing ladder
- ☐ Why is the change to 100% affordable rent proposed?
- ☐ This is contrary to the original principle in delivering affordable housing
- ☐ The developer has not adhered to planning conditions on the outline permission
- ☐ Removal of trees
- ☐ Loss of privacy

7.3 The above representation is 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 The original planning permission granted 27 units. Of these, it secured 40% of them as affordable equating to 10 no. of units. Of these affordable units, 3 shared ownership units and 7 affordable rent units were provided as agreed within the S106 agreement.

8.2 The variation of the section 106 seeks to remove the three shared ownership units from the scheme and provide all the affordable units as affordable rented units. The main change would result in 10 units designated as affordable rented properties, rather than 3 of these units being allocated for shared ownership. This is summarised in the below table.

	No. Affordable Units and Mix
Approved	10 (7 Affordable Rent and 3 Shared Ownership)
Proposed	10 (Affordable Rent)

8.3 The reasoning behind this change, is in conjunction with Homes England, the Council are using Recycled Capital Grant Funding

to provide more affordable rent properties (for which there is a high demand) and for which the rents will be set at LPA rates.

- 8.4 Policy 45 of the Cambridge Local Plan 2018 requests that developments provide at least 40% affordable housing. That would still be the case, however the mix has altered to supply all the affordable units as affordable rent.
- 8.5 The Council's Housing Team are the applicant for the application and are therefore supportive of the application.

Change of Unit Type

- 8.6 The proposal does not reduce the overall number of units; it does however remove the option for shared ownership of the affordable units. Although this variation does remove the ability for occupants to part own their home, the scheme still delivers affordable housing and contributes to a growing need for housing of this type. Therefore, the development is acceptable in relation to policy 45 of the Cambridge Local Plan (2018).
- 8.7 The variation is for the type of unit available to residents rather than the physical layout or design of the scheme. On the basis that the development is undertaken in accordance with permission 15/0519/OUT and 19/0718/REM, this variation of the section 106 will not impact the context, design or external spaces associated with the development.

Other Matters

- 8.8 The neighbour representations received raised concerns regarding the lack of information submitted with the application. As the application proposes the amendments to the S106 Agreement, no further information is required in this instance.
- 8.9 Cambridge City Council is the applicant in this instance.
- 8.10 Concerns in respect of noise, disruption, loss of trees and loss of privacy are all material considerations which would have been addressed under the Outline and Reserved Matters applications and are not relevant to this S106A application.
- 8.11 Should any of the residents feel concerned that the developer is not undertaking works within the parameters set out under

conditions imposed on the Outline or Reserved Matters applications, they will need to engage with the LPA's Enforcement Team who will be able to investigate and assist further.

9.0 CONCLUSION

- 9.1 The proposal seeks to amend the wording of the existing Section 106 to make all affordable units provided through a permitted scheme affordable rented properties. The request does not conflict with any Local Plan policy and would aid in the growing demand for this type of affordable housing.