



Planning Committee Date	26 th April 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04926/S106A
Site	Land At 315-349 Mill Road Cambridge
Ward / Parish	Romsey
Proposal	Modification of planning obligations contained in a S106 agreement dated 12th October 2015 ref: 14/1496/FUL.
Applicant	Cambridge Student Property S.A.R.L and Cambridge Student Housing Management S.A.R.L
Presenting Officer	Amy Stocks
Reason Reported to Committee	Section 106 Application
Member Site Visit Date	N/A
Key Issues	1. Student Housing
Recommendation	APPROVE subject to amendment to S106

1.0 Executive Summary

- 1.1 The application seeks to modify the planning obligations contained in a S106 agreement dated 12th October 2015 ref: 14/1496/FUL. The obligation currently prevents occupation of the property by students other than those enrolled in full-time occupation at ARU or a college within the University of Cambridge both during and out of term time. The applicant is therefore only able to offer year-long (51 week) tenancies of the student accommodation.
- 1.2 The application proposes to vary this restriction to enable the accommodation to be occupied by students/delegates aged 18 or over attending other educational institutions situated in the City of Cambridge during the summer vacation period (being the period between the end of the University's academic year and the start of the University's next academic year).
- 1.3 The slight variation of the scheme would be in line with policy 46 and would provide affordable student accommodation. The change will reduce the reliance on homestay and reduce impacts on the local housing market.
- 1.4 Officers recommend that the Planning Committee Approve the application to vary on the basis that the obligation would continue in its modified form to serve a useful planning purpose.

2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

*X indicates relevance

- 2.1 315 – 349 Mill Road is a student housing development consisting of 270 rooms. The site located on the northern side of Mill Road.
- 2.2 To the north of the site is the Peacock Centre which forms part of the wider Brooksfild Health Centre, to the east of the site is the access to the Peacock Centre and the Edge Café, to the south of the site is Mill Road, to the west of the site is the Cambridge Central Mosque.

- 2.3 The property was developed pursuant to planning permission 14/1496/FUL which was allowed at appeal. Consent was granted for Student housing development consisting of 270 rooms, communal areas, bicycle parking, refuse store, plant room, office, new substation, infrastructure and access.

3.0 The Proposal

- 3.1 The application is made under S106A of the Town and Country Planning Act 1990. It seeks to modify the restrictions contained within Schedule 5 section 8 of the existing S106 agreement relating to the occupation of the student accommodation. The application seeks permission for the modification of planning obligations contained in a S106 agreement dated 12th October 2015 ref: 14/1496/FUL.

- 3.2 The planning obligation under schedule 5 section 8 restricts the occupation of the scheme to fulltime Cambridge (CU) or Anglia Ruskin University (ARU) students or, during the summer recess, students attending CU or ARU conferences or functions. The obligation is as follows:

Occupation by Students

- 8 Not to Occupy or permit the Occupation of the Development otherwise than by:
- 8.1 Fulltime students engaged in courses of at least an academic year at the University of Cambridge or Anglia Ruskin University; or
- 8.2 During the summer recess only of each academic year Occupiers who are students at an Education Organisation and where such Occupation is for the sole purpose of attending conferences and/or functions of the University of Cambridge or Anglia Ruskin University.
- 3.3 The obligation currently prevents occupation of the property by students other than those enrolled in full-time occupation at ARU or a college within the University of Cambridge both during and out of term time. The applicant is therefore only able to offer year-long (51 week) tenancies of the student accommodation.
- 3.4 The application proposes to vary this restriction to enable the accommodation to be occupied by students/delegates aged 18 or over attending other educational institutions situated in the City of Cambridge during the summer vacation period (being the period between the end of the University's academic year and the start of the University's next academic year).
- 3.5 The application seeks permission to amend the obligation to allow for summer occupation by students attending other education institutions,

including language schools, in Cambridge. It is proposed that the obligation would be modified with the following additional clause:

8.3 Delegates and students aged 18 or over attending other education institutions situated in the City of Cambridge.

3.6 It is intended that this relaxation of the existing restriction would enable the applicants to offer shorter, term-time (44 week) tenancies to university students. It would also be consistent with restrictions relating to other student accommodation sites in the City.

4.0 Relevant Site History

Reference	Description	Outcome
14/1496/FUL	Student housing development consisting of 270 rooms, communal areas, bicycle parking, refuse store, plant room, office, new substation, infrastructure and access.	Refused. Appeal allowed.
19/0166/S106A	Application under S106A for the modification of Planning Obligations relating to 14/1496/FUL (Student housing development consisting of 270 rooms, communal areas, bicycle parking, refuse store, plant room, office, new substation, infrastructure and access) pursuant to Section 106A of the Town and Country Planning Act 1990 (Restrictions on occupation by students) to allow for summer use by students aged 18+ attending other institutions in the City of Cambridge.	Approved at Committee (Application was disposed of)

4.1 The proposal was brought to Planning Committee on 17th June 2019. The application was approved at committee. However, prior to completion, it came to light that a new charge in favour of Wells Fargo (bank) had been registered on the title meaning that Wells Fargo were required to sign up to the deed. To avoid the need to have it re-engrossed and re-executed and the consequent delay that would entail, a unilateral undertaking was drafted to be signed by Wells Fargo to document their agreement to the deed of variation. The intention was that both deeds would be completed together. However, instructions were never received by the previous case officer and the application was disposed of.

4.2 There was confusion over the precise wording the client requested as the wording outlined in the cover letter and supporting statement differed

slightly but achieved the same action. However, officers have clarified the wording as outlined in the cover letter is the correct wording.

4.3 The application is essentially a re-submission of the previously approved S106 variation with slight changes to the interested parties.

4.4 The previous deed was complicated by the addition of a new mortgagee, Wells Fargo. The previous mortgagee no longer has interest in the land, the new deed will need to substitute Wells Fargo in their place and the unilateral undertaking will no longer be required. All previously approved obligations remain the same

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Technical Housing Standards – Nationally Described Space Standard (2015)

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 3: Spatial strategy for the location of residential development

Policy 5: Sustainable transport and infrastructure

Policy 6: Hierarchy of centres and retail capacity

Policy 8: Setting of the city

Policy 10: The City Centre

Policy 24: Mill Road Opportunity Area

Policy 25: Cambridge Railway Station, Hills Road Corridor

Policy 26: Old Press/Mill Lane Opportunity Area

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge

Policy 44: Specialist colleges and language schools

Policy 46: Development of student housing

Policy 47: Specialist housing

Policy 50: Residential space standards

Policy 51: Accessible homes
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 74: Education facilities
Policy 77: Development and expansion of visitor accommodation
Policy 78: Redevelopment or loss of visitor accommodation
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management
Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016
Health Impact Assessment SPD – Adopted March 2011
Landscape in New Developments SPD – Adopted March 2010

5.5 Other Guidance

Mill Road conservation area

6.0 Consultations

6.1 Local Highways Authority– No Comment

6.2 The proposed changes to the S106 may result in alterations to the Travel Plan the Transport Assessment Team within the County Council should be consulted on this application.

6.3 County Transport Assessment Team –No Objection

6.4 The restrictions on car ownership and parking would remain as with the current proposal, therefore no objections are raised.

6.5 Environmental Health - No Objection

6.6 No comments or recommended conditions to make regarding this application.

6.7 Developer Contributions Monitoring Unit –No Objection

- 6.8 This proposed development will require a fee of £250 towards the monitoring and administration of the section 106 deed of variation agreement. A further additional fee of £500 would be required for each instance (if applicable) where the Council is required to provide written confirmation of an obligation with in the proposed DoV.

7.0 Third Party Representations

- 7.1 No representations have been received.

7.2 Principle of Development

- 7.3 The proposed amendment to the existing S106 agreement would relax 8.2 to also allow 'delegates and students aged 18 or over attending other educational institutions situated in the City of Cambridge' to use the accommodation during the summer period amending the relevant part of the S106 agreement to read as follows:

Occupation by Students

8 *Not to Occupy or permit the Occupation of the Development otherwise than by:*

8.1 *Fulltime students engaged in courses of at least an academic year at the University of Cambridge or Anglia Ruskin University; or*

8.2 *During the summer recess only of each academic year Occupiers who are:*

8.2.1 *students at an Education Organisation and where such Occupation is for the sole purpose of attending conferences and/or functions of the University of Cambridge or Anglia Ruskin University; or*

8.2.2 *delegates and students aged 18 or over attending other educational institutions situated in the City of Cambridge.*

- 7.4 The additional clause is underlined. The proposed variation would be in line with Policy 46 of the Cambridge Local Plan 2018 as the variation only applies to the summer period (outside the full time academic year). The variation would enable the accommodation to be offered to delegates attending conferences or courses run by the Universities, or students attending language and summer schools.

- 7.5 The proposed variation would be consistent with other restrictions placed on student accommodation within the city and it would also be consistent with policy 46 of the Cambridge Local Plan 2018. The principle of the proposed revision to the S106 Agreement is therefore acceptable.

7.6 The principle of the development is acceptable and in accordance with policy 46.

7.7 Need

7.8 As outlined in the Covering Statement, several educational establishments in Cambridge require out-of-term accommodation for students attending language and other courses. The Cam Foundry would be able to support these institutions that have limited accommodation.

7.9 The reduced reliance on homestays accommodation would provide a better student experience for the students of Cambridge while releasing accommodation to the general housing market.

7.10 Amenity and Transport

7.11 Neighbouring properties were consulted on this application and a site notice was displayed. No third-party representations were received.

7.12 Two conditions were imposed on the consent to ensure the site could be adequately controlled:

- Condition 23 - Student management plan (discharged 6th January 2017)
- Condition 25 – Travel plan (discharged 21st March 2018)

7.13 The applicant has submitted two discharge of condition applications to vary the details of the student management plan and the travel plan. The Student Management Plan addendum includes the following measures:

- Compliance with ANUK national code of standards
- Student ambassadors alongside accommodation managers
- Use of Highline Security and CCTV to ensure the security of tenants and neighbours
- Short-term arrivals, primarily on Saturdays, to booked timeslots through their StarRez system, with no arrival after 10pm
- Short-term departures, mainly on Saturdays before 10am
- Pre-arrival induction including information on public transport, reiteration of the residence being car-free, and recycling processes
- Encouragement of use of local traders
- Induction, alongside the education providers, on behavioural expectations, with tenancy enforcement procedures.

7.14 The Travel Plan addendum ensures that all aspects of the approved Travel Plan apply to the summer occupiers. This encourages and outlines the various sustainable travel options available to any occupier of the student accommodation. This includes the pedestrian/cycling routes and the local bus services. The development also offers daily cycle hire. All students are aged 18 or over and are not permitted to bring a car to the city during their stay.

7.15 Officers consider that the details submitted regarding a student management plan and a travel plan would be an acceptable and appropriate form of control. The variations to these details merely encompass the summer use of the site.

7.16 Planning Obligations (S106)

7.17 Policy 85 states that planning permission for new developments will only be supported/permitted where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

7.18 The site already benefits from an existing S106 agreement. No further contributions are being proposed via this variation. The Developer Contributions Monitoring Unit seeks costs for the variation as outline under the consultee response section of this report. As these are admin costs, officers do not consider this request to be unreasonable.

7.19 Conclusion

7.20 The slight variation of the scheme would be in line with policy 46 and would provide a wider student use of the accommodation during the summer period. The change will reduce the reliance on homestay and reduce impacts on the local housing market. The S106 would continue to serve a useful purpose in a modified way.

8.0 Recommendation

8.1 **APPROVE** the application to vary the restrictions contained within Schedule 5 of the existing S106 Agreement relating to occupation of the student accommodation block as set out at para. 7.3 subject to monitoring and administration costs.