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| Planning Committee Date | 6 th December 23 |
| 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 the variation of the 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 attending an educational organisation and 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 variation of the scheme would be in line with policy. The change will reduce the reliance on homestay.
- 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

| | |
|-------------------|---|
| Conservation Area | x |
|-------------------|---|

*X indicates relevance

- 2.1 315 – 349 Mill Road is a student housing development consisting of 270 rooms. The site is 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 Brookfield 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 existing 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 existing 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 to those attending the aforementioned universities.

- 3.4 The application proposes to vary this restriction to enable the accommodation to be occupied by students 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 It is proposed that the obligation would be modified as follows:

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 or other educational institution situated in the City of Cambridge ~~and where such Occupation is for the sole purpose of attending conferences and/or functions of the University of Cambridge or Anglia Ruskin University.~~*

- 3.6 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.
- 3.7 This application was discussed at Planning Committee of the 26th of April 2023. Committee Members reviewed the application but required further clarification as to the definition of ‘delegates’. The word ‘delegates’ has since been removed from the revision of the clause.

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) |

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

5.2 Cambridge Local Plan 2018

Policy 35: Human health and quality of life
 Policy 46: Development of student housing
 Policy 85: Planning and infrastructure

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

N/A

5.5 Other Guidance

Mill Road conservation area

6.0 Consultations

6.1 Local Highways Authority– No Objection

6.2 From the perspective of the Highway Authority the proposed amendments to Paragraph 8 of the Fifth Schedule are acceptable.

6.3 County Transport Assessment Team –No Objection

6.4 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 para 8.2 to also allow 'students 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 students at an Education Organisation or other educational institution situated in the City of Cambridge ~~and where such Occupation is for the sole purpose of attending conferences and/or functions of the University of Cambridge or Anglia Ruskin University.~~*

7.4 The additional clause is underlined and the wording removed has been lined out. 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 academic year). The variation would enable the accommodation to be offered to students attending other Educational Institutions in Cambridge.

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 Need

7.7 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.

7.8 The reduced reliance on homestays accommodation would provide a better student experience.

7.9 Amenity and Transport

7.10 Neighbouring properties were consulted on this application. No third-party representations were received. The site is well contained and ideally suited to accommodate a wider range of students.

7.11 Two conditions were imposed on the original planning 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)

7.12 The student management plan was discharged on the 27th of September 2022.

- 7.13 A version of the Travel Plan was discharged under reference 14/1496/COND25. It included measures to promote arrangements to encourage the use of public transport, cycling and walking and in particular cycling by students, including cycle safety and safe cycle routes.
- 7.14 Considering the proposed variation of the S106, the plans pursuant to conditions 23 and 25 are to be updated to incorporate the broader student use.

7.15 Planning Obligations (S106)

- 7.16 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.
- 7.17 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 outlined under the consultee response section of this report. As these are admin costs, officers do not consider this request to be unreasonable.

7.18 Conclusion

- 7.19 The 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 allow for a broader student profile to occur within accommodation which is purposefully design for such. The S106 would continue to serve a useful purpose in a modified way.

8.0 Recommendation

- 8.1 **APPROVE** the application to the S106 as set out at para. 7.3 subject to monitoring and administration costs.