



Report to: Joint Development Control Committee 17 February 2021

Lead Officer: Joint Director of Planning and Economic Development

Milton Parish

(Land at Plots 1-21 at Cambridge Science Park, Cambridge)

Subject: Deed of Variation relating to Section 106 Agreement dated 17th August 2018 between South Cambridgeshire District Council, Cambridge City Council, Cambridgeshire County Council, The Master Fellows and Scholars of Trinity College Cambridge (First Owner) and Mace Developments (Cambridge) Limited as supplemented by the supplemental agreement entered into under sections 106 and 106A of the 1990 Act on 26 February 2020 between the Councils and the First Owner for Land at Plots 1-21 at Cambridge Science Park (planning permissions reference numbers: S/2436/17/FL with the District Council, reference number 17/1193/FUL with the City Council and/or under reference number S/1997/19/VC with the District Council and 19/0787/S73 with the City Council).

Address: Land at Plots 1-21 at Cambridge Science Park, Cambridge.

Applicant: The Master Fellows and Scholars of Trinity College Cambridge

Approved Scheme: Demolition of existing buildings and erection of two four storey buildings for B1 use and a multi-storey car park, including access and landscaping

Decision due by: N/A

Application brought to Committee because: There is no delegation for officers to deal with amendments to Section 106 Agreements.

Presenting Officer: Fiona Bradley, Interim Team Leader

Executive Summary

1. The development site is affected by a Section 106 Agreement. Under this agreement, the Applicant is obliged “Not to Occupy the Development until the Milton Road Works have been constructed and completed in accordance with a Highways Agreement and to the written satisfaction of the County Council”.
2. The reason for seeking the Deed of Variation is due to the length of time it has taken to agree the detailed specification for the works by way of a Section 278 agreement under the Highways Act 1990 and when the agreed road works can take place. The delay was beyond the control of the applicant.
3. The County Council, also party to the S106 agreement, has agreed to the proposed variation.
4. Overall, it is considered the proposed changes are acceptable and allow the S278 agreement to be approved prior to occupation of the development and works to take place subsequently.

Relevant Planning History

5.

Planning Reference	Description	Outcome
SCDC ref: S/2436/17/FL and Cambridge City: 17/1193/FUL (duplicate applications submitted to each authority)	Demolition of existing buildings and erection of two four storey buildings for B1 use and a multi-storey car park, including access and landscaping.	24 th August 2018
Cambridge City Council application 19/0787/S73	Section 73 application to vary condition 2 (approved drawings) of permission 17/1193/FUL (Demolition of existing buildings and erection of two four storey buildings for B1 use and a multi-storey car park, including access and landscaping) to allow amendments to cycle parking and car deck footprint, removal of external stair, amendments to bin	3 rd March 2020

	stores, relocation of phase 1 access road and additional landscaping.	
S/1997/19/VC	The application seeks to vary condition 2 (Approved Plans), Condition 3 (Materials), Condition 4 (External Surfaces), 6 (BREEAM), Condition 8 (Public Art) pursuant to planning permission S/2436/17/FL for the demolition of the existing buildings and erection of two four storey buildings for B1 use and multi-storey car park, including access and landscaping.	4 th March 2020

Planning Policies

National Guidance

6. National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (NPPG)

South Cambridgeshire Local Plan (SCLP) 2018

7. S/2 Objectives of the Local Plan
 - S/3 Presumption in Favour of Sustainable Development
 - S/5 Provision of Jobs and Homes
 - S/6 The Development Strategy to 2031
 - SS/4 Cambridge Northern Fringe East and land surrounding the proposed Cambridge Science Park Station
 - TI/2 Planning for Sustainable Travel
 - TI/8 Infrastructure and New Development

Cambridge City Local Plan (2018)

8. Policy 15: Cambridge Northern Fringe East and new railway Station Area of Major Change
 - Policy 80: Supporting sustainable access to development
 - Policy 81: Mitigating the transport impact of development

Greater Cambridge Supplementary Planning Documents (SPD)

9. Draft North East Cambridge Area Action Plan (NEC AAP), Regulation 18 Consultation, (July 2020)

Publicity

- | | |
|------------------------|-----|
| 10. Advertisement | N/A |
| Adjoining Owners: | N/A |
| Site Notice Displayed: | N/A |

Consultation

11. County Council Local Highway Authority:

Agrees with the proposed changes to the S106 agreement.

Background

12. The site comprises approximately 2.5 hectares of land located to the south eastern edge of the Science Park, to the north of the guided Busway and to the west of Milton Road. The site straddles the South Cambridgeshire District Council and Cambridge City Council boundary and as such joint applications have previously been submitted for the development of the site.
13. Planning permissions were granted by both authorities for the demolition of existing buildings and erection of two four storey buildings for B1 use and a multi-storey car park, including access and landscaping. The applications were subject to a Section 106 agreement which secured a car parking reduction strategy, Milton road works, Travel Plan Plus Contribution, Travel Plan and conditions. Subsequent Section 73 applications were also granted by both authorities to vary conditions attached to the original applications. A Supplemental S106 Agreement was agreed when the Section 73 applications were considered.
14. The development is well underway and is due for completion shortly.
15. Section 106A of the Town and Country Planning Act 1990 provides for the modification of planning obligations through a deed of variation. The proposed Deed of Variation satisfies the requirements set out in S106A of the Act.

The Proposal

16. A request has been made by letter dated 13th October 2020 to amend the Section 106 Agreement with regard to the timing of the obligation for the Milton Road Works. The Deed of Variation seeks to change the timing of delivery of the works of the junction works at the entrance to the Science Park. The applicant has requested that the S278 works are agreed with the County Council prior to occupation, rather than the current wording which requires the S278 works are

agreed and constructed prior to occupation. This is due to issues that are outside the control of the applicant that have delayed the construction of the works.

17. The amendments are as follows:

Clause	Title	Amendments
1.1	Interpretation	In clause 1.1 at the end of the definition of "Milton Road Works" insert the following: "or such other improvement works as may be agreed in writing between the First Owner and the County Council"
Schedule 1, paragraph 2.1	Milton Road Works	Delete paragraph 2.1 and replace with the following paragraph: "2.1 Unless otherwise agreed in writing between the First Owner and the Councils not to Occupy the Development until a Highways Agreement has been completed in connection with the carrying out of works in the highway in order to implement the Milton Road Works."
Schedule 1, paragraph 2.2	Milton Road Works	Delete paragraph 2.2

Consideration

18. The Schedule 1, Part 2 obligation is not to occupy the development until the 'Milton Road Works', as defined in the S106, have been completed. The reason for seeking the DoV is due to the length of time it has taken to agree the detailed specification for the works with the County and when the agreed road works can take place.

23. The applicant submitted the S278 application, pursuant to the S106 road works drawing, in October 2019 to advance the request for formal approval to the Milton Road Works. Communication between the County Council and the applicant have been ongoing with amendments to the scheme requested and submitted. The County Council has advised that they support the proposed variation and state that the delay in agreeing the S278 agreement and therefore undertaking any agreed works fall outside the control of the applicant.

25. Overall, it is considered the proposed changes are acceptable and allow the S278 agreement to be approved prior to occupation of the development and works to take place subsequently. The S278 agreement adequately secures the implementation of the agreed works.

Recommendation

26. Approve the Deed of Variation as below:

In clause 1.1 at the end of the definition of "Milton Road Works" insert the following:

"or such other improvement works as may be agreed in writing between the First Owner and the County Council"

Delete paragraph 2.1 of Schedule 1 and replace with the following paragraph:

"2.1 Unless otherwise agreed in writing between the First Owner and the Councils not to Occupy the Development until a Highways Agreement has been completed in connection with the carrying out of works in the highway in order to implement the Milton Road Works."

Delete paragraph 2.2 of Schedule 1.

Report Author:

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