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Joint Development Control Committee JDC/1 Wednesday, 17 February 2021

JOINT DEVELOPMENT CONTROL COMMITTEE

17 February 2021

10.30 - 11.40 am

Present: Councillors Baigent, Matthews, Sargeant (Chair), Smart, Thornburrow, Tunnacliffe, Bradnam (Vice-Chair), Bygott, Chamberlain, Daunton, Hawkins and Hunt

Officers Present:

Assistant Director Delivery, Cambridge City and South Cambridgeshire District Councils: Sharon Brown

Interim Management Support Officer: Fiona Bradley

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Liam Martin

Other Officers Present:

Principal Transport Officer: Tam Parry

FOR THE INFORMATION OF THE COUNCIL

21/8/JDCC Apologies

No apologies were received.

21/9/JDCC Declarations of Interest

Name	Item	Interest
Councillor Baigent	21/11/21	Personal: Personal: Member of Cambridge Cycling Campaign
Councillor Bradnam	21/11/21	Personal: Applications in Milton Parish where she is a councillor. Discretion unfettered.

21/10/JDCC Minutes

The minutes of the meeting held on 16 December 2020 were approved as a correct record and signed by the Chair.

21/11/JDCC Deed of Variation relating to Section 106 Agreement - Land at Plots 1-21 at Cambridge Science Park, Cambridge

A Deed of Variation was submitted in October 2020 seeking to vary the s106 agreement under s106A of the Town and Country Planning Act 1990.

The variation sought approval to agree the s278 prior to occupation of the development but remove the requirement to complete the agreed works prior to occupation.

The Interim Management Support Officer updated her report to amend a typographical error: The s278 requires the works to be completed by ~~21/06/2020~~ **21/06/2021**.

Mr Kaddish (Applicant's Agent) addressed the Committee in support of the application.

Members made the following comments in response to the Officer's comments:

- i. Expressed concern that the junction work would not be completed within the specified 15 week period.
- ii. Expressed concern the application would exacerbate existing traffic issues.
- iii. Expressed concern that s278 agreements took time to take into effect across the city.
- iv. All buildings could be fitted out and used in theory. Queried the impact of this on the car parking space reduction strategy. Would there be higher demand than supply? Or demand to keep spaces (not reduce the number)?

In response to Members' questions the Interim Management Support Officer, the Assistant Director and Principal Transport Officer said the following:

- i. The application was brought to Committee because there was no delegation for officers to deal with amendments to Section 106 Agreements.
- ii. The s106 agreement aimed to mitigate the impact of traffic on the junction.
- iii. The Applicant had done all they reasonably could over several years to progress work. If work was delayed, Officers were confident that the County would manage work appropriately.

- iv. There were severe financial penalties for the developer if work was delayed, so they had no incentive to let the scheme timetable overrun.
- v. The Deed of Variation was in place to ensure work would continue just in case delays occurred.
- vi. The Developer's Team had done all they reasonably could to look at what pipes etc were under the road surface to avoid delays due to the impact on cable infrastructure.
- vii. Work would be undertaken at night, so the road could operate as normal during the day.
- viii. The traffic management agreement for the development was signed off by the County Council. It did not cover the construction period. Limited impact was anticipated as work was due to take place at night for period of 15 weeks.
- ix. The first building occupier was not in place yet. They would not move in until at least 21 March 2021. Low traffic levels were expected as few people travelled in lockdown.
- x. Fitting out of the building could occur under the current legal agreement. The Applicant would be concerned if they could fit out the building but not occupy it immediately.
- xi. Road work could occur at the same time as building occupation, it was a balance between allowing occupation to take place and having the road works occurring at the same time.
- xii. The car parking space reduction strategy was included in the s106 agreement which had been signed off. This sought to neutralise the increase in car parking numbers from this scheme. It would take time to implement and was not a short term strategy. The timescale was set out in the s106 agreement.
- xiii. The variation of conditions would not lead to a conflict between today's proposed variation to the s106 agreement and the car parking reduction strategy. They were two distinct parts of the s106 agreement.

The Legal Officer stated this was a variation to planning obligations, not a condition. There was no appeal open to the Applicant if councillors amended the s106 agreement.

The Committee:

Resolved (by 9 votes to 2) to grant the application to approve the Deed of Variation as below:

- i. 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.”
- ii. 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.”
- iii. Delete paragraph 2.2 of Schedule 1.

Councillor Bradnam asked for her objection to the scheme to be recorded.

21/12/JDCC North East Cambridge Area Action Plan Interim Transport Approach

Agenda item 5 - North East Cambridge Area Action Plan Interim Transport Approach - was withdrawn from this agenda.

21/13/JDCC Meeting Dates 2021/22

The following dates were agreed:

- i. 23 June 2021
- ii. 21 July 2021
- iii. 18 August 2021
- iv. 15 September 2021
- v. 20 October 2021
- vi. 17 November 2021
- vii. 15 December 2021
- viii. 26 January 2022
- ix. 16 February 2022
- x. 16 March 2022
- xi. 6 April 2022

The meeting ended at 11.40 am

CHAIR

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