



Planning Committee Date	6 th December 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/03405/S106A
Site	Netherhall Farm, Wort's Causeway, Cambridge
Ward / Parish	Queen Ediths
Proposal	Modification of planning obligations contained within the S106 Agreement associated with outline planning permission ref: 20/01972/OUT.
Applicant	Cala Homes (North Home Counties) Limited
Presenting Officer	Kate Poyser
Reason Reported to Committee	Application raises special planning policy or other considerations.
Member Site Visit Date	N/A
Key Issues	1. Whether the proposed amendment to the S106 Agreement is policy compliant.
Recommendation	Agree the Deed of Variation

1.0 Executive Summary

- 1.1 The application seeks to make an amendment to the S106 Agreement associated with outline planning permission ref: 20/01972/OUT. The amendment is to be in the form of a Deed of Variation and seeks to change the requirements for cluster sizes for Affordable Housing. The modification would comply with the relevant policy in the Local Plan. No objections have been received and the recommendation is that the S106 Agreement be varied as proposed.

2.0 Site Description and Context

- 2.1 The site is allocated as GB1 in the Cambridge Council Local Plan (2018).
- 2.2 GB1 is located at Netherhall Farm and is a 7.2ha site on the south-eastern edge of the City, approximately 4 kilometres from the City centre. The site currently consists of arable land and three fields of semi-improved grassland, one of these is the Netherhall Farm Meadow City and County Wildlife Site. The site wraps around a small group of buildings which make up Netherhall Farm, separated from the application site by hedgerows, with a low-lying vegetation between the western edge of the site and Netherhall Farm. Worts' Causeway (A1307) runs alongside the southern edge of the site with arable fields within Green Belt to the east and the existing urban edge to the west and north of the site. The GB2 site lies to the south of Worts' Causeway.

3.0 The Proposal

- 3.1 The description of the application is for the “modification of planning obligations contained within the S106 Agreement associated with outline planning permission ref: 20/01972/OUT”.
- 3.2 The application has been made under the Town and Country Planning Act 1990 (s106a) and Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.
- 3.3 Planning Permission was approved on 7th January 2022 for “Outline application (all matters reserved except for means of Access) for the erection of up to 200 residential dwellings, with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space and landscape.” The permission is subject to a Section 106 Agreement.
- 3.4 The obligation this application seeks to vary is in paragraph 1.1.1 of the First Schedule – Affordable Housing and is copied below. It is noted that the applicant has now made an application for reserved matters for 200 dwellings on this site, which is under consideration.

3.5 Existing

“1 Affordable Housing

1.1 Prior to the Commencement of Development the Owner shall submit the Affordable Housing Scheme to the City Council for approval such scheme to include details of the following:

1.1.1 the tenure mix location and distribution of the Affordable Housing Units whereby any clusters shall not exceed 15 Affordable Housing Units in number and shall consist of a variety of affordable Housing tenures within each cluster and under no circumstances shall more than 12 Affordable Housing Units have access to a common stairwell which shall unless otherwise agreed by the City Council in writing be consistent with the level of Affordable Housing expected to be secured across the whole Development.”

3.6 This application to modify the S106 legal agreement has been made by Cala Homes (North Home Counties) Ltd to bring it in line with the guidance in Annex 10 of the Greater Cambridge Housing Strategy 2019 to 2023.

3.7 The application seeks to modify the wording of the clause to allow clustering to not exceed 25 dwellings in the instance of 200 dwellings being proposed. Negotiations have taken place to include provision for clustering in the event of a scheme for less than 200 dwellings being approved. The proposed amended wording is copied below.

3.8 Proposed

“1 Affordable Housing

1.1 Prior to the Commencement of Development the Owner shall submit the Affordable Housing Scheme to the City Council for approval such scheme to include details of the following:

1.1.1 the tenure mix, location and distribution of the Affordable Housing Units whereby any clusters shall not exceed (unless otherwise agreed by the City Council in writing):

a) 15 Affordable Housing Units in the event the number of dwellings proposed is less than 200, or

b) 25 Affordable Housing Units in the event the number of dwellings proposed is 200,

and in both cases shall consist of a variety of affordable Housing tenures within each cluster and under no circumstances shall more than 12 Affordable Housing Units have access to a common stairwell which shall unless otherwise agreed by the City Council in writing be consistent with the level of Affordable Housing expected to be secured across the whole Development.”

4.0 Relevant Site History

Reference	Description	Outcome
23/0419/REM	Approval of matters reserved for layout, scale, appearance and landscaping following	Pending consideration

outline planning permission
 20/01972/OUT for the erection of 200 new residential dwellings with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space, and landscape and details required by conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 24, 28, 32 and 37 of the outline permission 20/01972/OUT. Environmental Impact Assessment was submitted with outline application 20/01972/OUT.

20/01972/OUT	Outline application (all matters reserved except for means of Access) for the erection of up to 200 residential dwellings, with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space and landscape - Permission granted subject to conditions and a S106 Agreement.	Granted
19/1457/SCOP	Request for a Formal Scoping Option in respect of proposed development of 200 residential dwellings – site to the North of Wort's Causeway (Allocation GB1) South Cambridge.	Scoping report issued
19/0770/SCRE		Screening required

Site to the North of Wort's
Causeway (Allocation
GB1) Cambridge –
Request for Screening
Option.

- 4.1 Whilst not part of the application site the following are applications relating to the adjacent site of Netherhall Farm.
18/0966/FUL – Partial demolition and restoration of former stables to create annexe accommodation – Permission granted.
16/2118/FUL – Full renovation/restoration of dwelling including extensions – Permission granted.
15/2121/FUL – Retrospective change of use of former agricultural barns and paddock to incidental residential use and garden land. Proposed modification to roof form of Barn 2 o the pitched roof. – Permission granted.
12/0441/FUL – conversion of farm buildings to 4 no. dwellings – Permission granted.

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Environment Act 2021
Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
Planning and Compulsory Purchase Act 2004
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 3: Spatial strategy for the location of residential development
Policy 14: Areas of major change and opportunity areas – general principles
Policy 27: Site specific development opportunities
Policy 45: Affordable housing and dwelling mix
Policy 56: Creating successful places

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

None.

5.5 Other Guidance

Greater Cambridge Housing Strategy 2019 to 2023 (Annex 10: Clustering and Distribution of Affordable Housing)

6.0 Consultations

6.1 Cadent Gas

No objection

6.2 S106 Monitoring Officer

Comments. Following approval in July 2022 by the Executive Councillor for Planning Policy and Infrastructure and in line with procedures set out in the Council constitution this proposed amendment will require a fee of £250 towards the monitoring and administration of the section 106 Deed of Variation agreement.

6.3 Housing Strategy Officer

Comments. This will bring the clustering threshold in line with guidance contained in Annex 10 of the Greater Cambridge Housing Strategy 2019 – 2023. Strategic Housing have been involved in discussions with Cala Homes and support these modifications.

7.0 Third Party Representations

7.1 No representations have been received.

8.0 Member Representations

8.1 None.

9.0 Assessment

9.1 The Officer report to the Planning Committee on 3rd February 2021, relating to the outline planning application, considers the matter of clustering. The submitted outline application did not specify the size of clusters for Affordable Housing but suggested in the indicative masterplan that clusters of 14 units would not be exceeded. It was noted that the Design and Access Statement indicated 56 affordable units could be provided in the south-west portion of the site, 24 dispersed across the development and a group of 23 units in the north-west portion. The recommendation was to secure the details of size of clustering in the S106 Agreement. In the minutes of that meeting there is no discussion on clustering, but it was resolved to grant permission for outline planning permission in accordance with the Officer recommendation.

- 9.2 The Greater Cambridge Housing Strategy 2019 – 2023, Annex 10: Clustering and Distribution of Affordable Housing Policy sets out how Affordable Housing should be clustered and distributed. The purpose of this is to help promote health and well-being and tackle inequality through the creation of mixed, balanced, and inclusive communities. For medium size residential developments of 30 to 200 units clusters of affordable housing should be a maximum of 15 and for large residential development of 200 units and over, there should be maximum clusters of 25 units. It is noted that the sum of 200 units is repeated in both categories.
- 9.3 Policy 45: Affordable housing and dwelling mix requires affordable housing to be of a tenure blind design indiscernible from and well-integrated with the general market housing. It advises that details of the practical implementation of the policy is set out in the Affordable Housing Supplementary Planning Document.
- 9.4 The applicant requests a degree of flexibility regarding the size of clusters to be included in the wording of the clause in the S106 Agreement by adding: “unless otherwise agreed by the City Council in writing”. The applicant refers to paragraph 15 of The Greater Cambridge Housing Strategy 2019 to 2023, Annexe 10, which is copied below:
“15. In some instances the Council may consider proposals to go above the clustering thresholds referred to in the policy, where it is satisfied that the affordable homes are proportionally distributed within the wider scheme, that there are no noticeable concentrations of affordable housing in a particular area which could potentially result in a non-inclusive community in the long term, or where the use of a Local Lettings Plan will help to ensure that the scheme can still be mixed and balanced despite having larger clusters or being 100% affordable housing.”
- 9.5 The proposed amendment to the cluster sizes would be in keeping with the requirements of Policy 45 of the Cambridge Local Plan 2018. The policy makes reference to the Greater Cambridge Housing Strategy 2019 to 2023 and the proposed cluster sizes would be in accordance with this.
- 9.6 Other Matters**
- 9.7 The S106 Monitoring Officer has requested a sum of £250 mitigation for the monitoring and administration of the S106 Deed of Variation agreement. In the event that Members are minded to approve the amendment, officers would negotiate the terms with the applicant for adding this sum to the S106 Agreement.
- 9.8 Planning Balance**
- 9.9 The proposal is compliant with Cambridge Local Plan 2018, Policy 45 and The Greater Cambridge Housing Strategy 2019 to 2023.

- 9.10 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004). No material considerations indicate that the Deed of Variation proposed should not be supported by the Council.
- 9.11 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed variation is recommended for agreement.

10.0 Recommendation

- 10.1 **Agree the proposed Deed of Variation** - in consultation with the Council's Principal Planning Lawyer, and any minor changes to the wording to be delegated to officers, including negotiating the terms for the monitoring and administration mitigation for this Deed of Variation.