



Planning Committee Date	2 nd October 2024
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/02159/S106A
Site	Land South of Worts Causeway, Cambridge, CB18RL.
Ward / Parish	Queen Ediths
Proposal	Modifications to the Section 106 agreement associated with outline planning permission reference 19/1168/OUT.
Applicant	Cambridge Investment Partnership
Presenting Officer	Aaron Coe
Reason Reported to Committee	Cambridge City Council has a direct interest in the application as part applicant.
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Amended affordable housing definitions.2. Amended site wide affordable housing plan.3. Amended trigger for the delivery of the Community Facility.
Recommendation	Agree the Deed of Variation

1.0 Executive Summary

1.1 The application seeks to make amendments to the S106 Agreement associated with the outline planning permission ref:19/1168/OUT. The amendments are to be in the form of a Deed of Variation and seek to make the following alterations to the original Section 106 agreement:

- Insertion of an automatic linking clause to ensure the Section 106 obligations associated with the outline permission continue to apply to any Section 73 consents.
- Amended definitions of Affordable Rent and Intermediate Housing.
- Updated Site Wide Affordable Housing Mix scheme.
- Amended trigger point for the delivery of the Community Room/Centre.

1.2 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 application site was previously an agricultural field. The farm buildings of Newbury Farm have been demolished. It is part of the GB2 site which lies between Babraham Road and Wort's Causeway. At the northern end is a public footpath with mature hedgerows abutting Wort's Causeway. The site slopes gently from north to south, and a gas main runs diagonally through the southern half of the site.

2.2 The western side of the central square forms part of this reserved matters application and is separated from the eastern parcel of the site by the spine road. The community and commercial units are proposed to front onto the central square.

2.3 To the west of the application site beyond the landscape buffer are existing residential properties. To the south is Babraham Road and to the north is Wort's Causeway.

3.0 The Proposal

3.1 The application has been made under the Town and Country Planning Act 1990 (s106a) and Town and Country Planning (Modification of Planning Obligations) Regulations 1992.

3.2 Outline planning permission was granted on the site in May 2021 for the erection of up to 230 residential dwellings and up to 400m² (GIA) of non-residential floorspace within Use Classes A1/A3/A4/B1/D1, new landscaping and public realm, car and cycle parking, infrastructure, other

associated works following the demolition of all existing buildings on the site. The permission is subject to a Section 106 Agreement.

- 3.3 The application seeks to make various amendments to the original Section 106. The proposed alterations include the addition of a Section 73 clause, amendments to the affordable housing definitions, an updated site wide housing mix plan and an amended community room/ centre trigger.

4.0 Relevant Site History

Reference	Description	Outcome
19/1168/OUT	Outline application (all matters reserved except for means of access in respect of junction arrangements onto Worts' Causeway and Babraham Road) for erection of up to 230 residential dwellings and up to 400m ² (GIA) of non-residential floorspace within Use Classes A1/A3/A4/B1/D1, new landscaping and public realm, car and cycle parking, infrastructure, other associated works following the demolition of all existing buildings on the site.	Granted 24/05/2021
19/1168/NMA1	Non-material amendment of outline planning permission 19/1168/OUT to change the condition wording to allow phasing of development and early delivery of the access points, strategic infrastructure and demolition works.	Granted 09/08/2021
21/04186/REM	Reserved matters application for the appearance, landscape, layout and scale for Phase 1, comprising: the north-south primary route connecting Babraham Road and Worts Causeway, secondary route bellmouths, footways and cycleways, SuDS detention basins, water main diversion, hard and soft landscaping including the creation of the southern gateway and the central square, provision of a local area of play, the installation of a pumping station, and all ancillary works, associated infrastructure and engineering	Granted 21/10/2022

works, and partial discharge of conditions 9, 12, 19, 27, 28, 41 and 42 of the outline permission 19/1168/OUT for Phase 1.

22/02646/REM	Reserved matters application for appearance, landscape, layout and scale for Phase 2 comprising the creation of 80 residential units, hard and soft landscaping including the creation of a central square and associated works. The related partial discharge of Conditions 1, 9, 10, 11, 12, 13, 14, 15, 17, 19 pursuant to outline approval 19/1168/NMA1.	Granted 30/08/2024
24/01704/S73	Variation of condition 3 (building heights parameter plan)	Pending
24/01531/REM	Reserved matters application for appearance, landscaping, layout and scale for Phase 3 of outline permission 19/1168/OUT for the erection of 150 residential units, community and commercial floorspace, hard and soft landscaping, parking, roadways/pathways, substation and associated works/infrastructure and approval of details required by conditions 9, 12,13, 14, 15,16, 17, 18, 19, 20, 29, 31, 43 and 51 of approval 19/1168/NMA1.	Pending

5.0 Policy

5.1 National

National Planning Policy Framework 2023

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
Policy 73: Community, Sports and Leisure facilities

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

None.

5.5 Other Guidance

Greater Cambridge Housing Strategy 2024 to 2029

6.0 Consultations

6.1 Housing Strategy Officer

Support. The Council's Strategic Housing team support the proposed amendments.

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.

7.0 Third Party Representations

7.1 No representations have been received.

8.0 Member Representations

8.1 None.

9.0 Assessment

Additional Section 73 clause

9.1 The addition of the text below is proposed to insert an automatic linking clause to ensure the original Section 106 obligations associated with the outline permission continues to apply to any Section 73 permissions granted.

9.2 *“If the Planning Permission is subject to an application under Section 73 of the Act for the removal or amendment of any condition attached to the Planning Permission then the obligations in this Deed shall apply to the new planning permission resulting from such application unless and until this Deed is replaced or varied unless the Council in determining the application under Section 73 of the Act requires a separate deed under Section 106 of the Act to secure relevant planning obligations relating to the new planning permission.”*

9.3 The additional text proposed is supported by officers, to ensure the details within the original Section 106 agreement continue to apply to any future permissions granted under Section 73 of the Act.

Amended housing definitions and updated Affordable Housing Mix scheme

9.4 This application also seeks to vary the definition of Affordable Rented Housing and Intermediate Housing as set out within Schedule 3, Part 1 of the Section 106 Agreement below:

Affordable Rented Housing

As approved: “means any Affordable Housing Unit to be let by a Registered Provider under an assured tenancy for a rent which inclusive of any service charge (if any) shall not exceed 80% of the rent that would have been charged had the rent been valued on an open market basis for an equivalent property of the same size, specification and location or be no higher than the Local Housing Allowance Rate whichever is the lower”.

As proposed: “means any Affordable Housing Unit to be let by a Registered Provider under an assured tenancy for a rent which inclusive of any service charge (if any) shall not exceed 60% of the rent that would have been charged had the rent been valued on an open market basis for an equivalent property of the same size, specification and location or be no higher than the Local Housing Allowance Rate whichever is the lower”.

Intermediate Housing

As approved: “means Share Ownership housing or such other housing as may be agreed between the City Council and the Owner which complies with the definition of Intermediate Housing in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent revision or replacement document which is provided for those whose incomes in relation to local housing costs are such as to prevent them from accessing housing on the open market”.

As proposed: “means Shared Ownership housing (or such other housing as may be agreed between the Council and the Owner) which
a) complies with the definition of Intermediate Housing in Annex 2 of the National

Planning Policy Framework (December 2023) or any subsequent revision or replacement document

or

b) for homes subject to right to buy and aimed specifically toward an intermediate housing market evidencing a local worker connection, homes let at a rent which inclusive of any service charge (if any) shall not exceed 80% of the rent that would have been charged had the rent been valued on an open market basis for an equivalent property of the same size, specification and location”

9.5 An updated Affordable Housing Scheme for both Phases 2 and 3 has been submitted as part of this application. The affordable housing mix proposes 75% of all properties as affordable rent (60% of market rent/ LHA) and 25% of all properties as intermediate rent (80% of market rent for local workers on the Council’s Choice Based Lettings list). The proposed tenure mix does not offer an affordable route to homeownership and therefore does not meet the requirement of paragraph 66 of the NPPF December 2023 which states ‘decisions should expect 10% of the total number of homes to be available for affordable home ownership’. The government’s recent consultation on proposed changes to the NPPF (August 2024) (chapter 6 para 5 of the current consultation) seeks to withdraw this requirement. Whilst only a consultation at this stage it provides a useful context for the consideration of this policy departure against future national policy

9.6 The proposals involve the delivery of affordable rented homes at 60% and 80% of market rent which would contribute to meeting the specific needs of low-income households which are not being met sufficiently through intermediate offerings alone. Whilst the conflict with paragraph 66 of the NPPF 2023 is acknowledged, the proposed revised overall tenure mix is considered to offer a broader range of housing types which will meet an existing housing need. The affordable housing mix proposed is therefore supported.

9.7 Officers, in consultation with the Council’s Housing Strategy Team, are satisfied that the proposed updated definitions, the proposed tenure mix and distribution of the affordable units across both phases 2 and 3 of the development is acceptable and in accordance with Policy 45 of the Cambridge Local Plan 2018.

Community Room/Centre trigger

9.8 This application also proposes to vary the trigger for the delivery of the community room/centre as set out within Schedule 3, Part 5 of the Section 106 Agreement below:

9.9 As Approved: “If the Community Room/Centre Phase has been agreed pursuant to paragraph 1 the Owner shall not (i) Commence Development in the Community Room/Centre Phase until the Owner has agreed the Community Room/Centre Specification in writing with the City Council nor (ii) permit or allow the Occupation of more than one hundred (100) of the

Dwellings on the Site or the first Occupation of the last Dwelling on the second Phase of the Development (which ever shall first occur) until either;

2.1 The Community Room/ Centre has been Practically Completed; or as the case may be; or

2.2 the Community Room/Centre Contribution has been paid to the City Council.

9.10 As Proposed: “If the Community Room/Centre Phase has been agreed pursuant to paragraph 1 the Owner shall not (i) Commence Development in the Community Room/Centre Phase until the Owner has agreed the Community Room/Centre Specification in writing with the City Council nor (ii) permit or allow the Occupation of more than one hundred and fifty(150) of the Dwellings on the Site or the first Occupation of the last Dwelling on the second Phase of the Development (which ever shall first occur) until either;

2.1 The Community Room/ Centre has been Practically Completed; or as the case may be; or

2.2 the Community Room/Centre Contribution has been paid to the City Council.

9.11 The application proposes to delay the delivery of the community room/ centre within the Newbury Farm development from the occupation of 100 homes as approved under the outline to the occupation of 150 homes. The reason for the proposed variation is to take into consideration the construction phasing and the approved site wide phasing strategy. The Phase 2 development consists of 80 homes and is being delivered by This Land. Phase 3 consists of 150 homes and is being delivered by Cambridge Investment Partnership. On the advice of officers as part of pre application dialogue, the applicants have reduced the requested delivery trigger from 190 occupations to 150 occupations.

9.12 The proposed amended trigger of 150 occupations is considered acceptable given that the details within the approved phasing strategy and the involvement of more than one developer team were unknown during the consideration of the outline application. Moreover, in the short term the site benefits from reasonable access to alternative community room facilities in the surrounding area with the new Nightingale Pavilion Community Room being located in walking distance from the site. This facility opened in 2023 and offers a large community room with a kitchen. The space can be booked for events, classes and activities.

9.13 The revised trigger for the delivery of the community room/ centre is considered acceptable and continues to achieve the requirements of Cambridge Local Plan 2018, policy 73.

9.14 Other Matters

9.15 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 seek the inclusion of this sum within the Section 106 Agreement.

9.16 Planning Balance

9.17 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).

9.18 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.