



Planning Committee Date	8 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/04010/S106A
Site	Ray Dolby Centre (Cavendish III Laboratory), Land West Of JJ Thomson Avenue West Cambridge Site Madingley Road Cambridge CB3 0FA
Ward / Parish	Newnham
Proposal	Modifications to the Section 106 agreement associated with full planning permission reference 17/1799/FUL
Applicant	The Chancellor Masters and Scholars of the University of Cambridge
Presenting Officer	Charlotte Burton
Reason Reported to Committee	The application is for a Deed of Variation
Member Site Visit Date	N/A
Key Issues	Provision of transport infrastructure
Recommendation	Agree the Deed of Variation

EXECUTIVE SUMMARY

1. The application seeks to make variations to the Section 106 Agreement associated with the full planning permission application reference 17/1799/FUL for the Cavendish III Laboratory building on the Cambridge West campus. The variations will be secured by a Deed of Variation by making the following variations relating to the provision of transport infrastructure:
 - To remove Schedule 2 paragraph 5 which secures delivery of the Grange Road/Adams Road Enhancements Scheme and associated definitions.
 - To insert a new planning obligation to secure a financial contribution of £12,087.00 towards the Adams Road works as a part of the Comberton Greenway scheme brought forward by the Greater Cambridge Partnership to be paid to the County Council within one month of completion of the Deed of Variation.
 - To include a fallback for the contribution to be used by the County Council towards alternative improvement works in the vicinity, in the event that the Comberton Greenway scheme does not come forward.
 - To include payment of a £250 monitoring fee to the City Council for monitoring.
2. The County Council's transport assessment team support the proposal which, additionally, would comply with relevant policies in the Cambridge Local Plan (2018) and the NPPF (2023) and meet the statutory tests for planning obligations set out in the Community Infrastructure Levy Regulations 2010 (as amended).
3. The recommendation is to approve the completion of a Deed of Variation made under s106A of the Town and Country Planning Act 1990 in respect of the Section 106 Agreement pursuant to full planning permission 17/1799/FUL with delegated authority to Officers to negotiate and settle its terms with the applicant.

1.0 Site description and context

- 1.1 The site is the Ray Dolby Centre (formerly 'Cavendish III Laboratory' building) on the Cambridge West campus (formerly known as 'West Cambridge'). It is located on the western side of JJ Thompson Avenue at the junction with Madingley Road. The building has been fully constructed and is nearing occupation which is expected in mid-January 2025.
- 1.2 The wider Cambridge West campus includes occupied buildings and others under construction. To the south of the site is West Hub which provides amenities and study space. To the east is the Whittle Lab which is currently under construction. To the west is the retained Vet School.

2.0 The proposal

- 2.1 The application has been made under the Town and Country Planning Act 1990 (s106A) and the Town and County Planning (Modification and Discharge of Planning Obligations) Regulations 1992.
- 2.2 The description of the application is for the "Modification of planning obligations contained in a Section 106 Agreement dated 14 August 2018 made between (1) Cambridge City Council, (2) Cambridgeshire County Council and (3) The Chancellor Masters and Scholars of the University of Cambridge to vary Schedule 2 para 5 (the 2018 Agreement) pursuant to principal planning application 17/1799/FUL."
- 2.3 The relevant planning permission 17/1799/FUL for the Cavendish III Laboratory is explained in Section 3.0 'Site History' of this report.
- 2.4 The application seeks to vary Schedule 2 para 5 of the 2018 Agreement which requires the University to enter into a Highways Agreement to secure the delivery of the Grange Road/Adams Road Enhancements Scheme. The proposal under the application is for the applicant to provide a financial contribution of £12,087.00 towards the Comberton Greenway scheme to be delivered by the Greater Cambridge Partnership (GCP), which will make improvements to the Grange Road/Adams Road junction.
- 2.5 The applicant has provided the following reason for the proposed change:

The University and County Council Highways Department started discussions over what the design should entail. Initial discussions were had with [County highways and signals teams] ... and the University was asked to undertake some traffic count analysis to inform the design and as to whether any changes to the junction signal times needed to take place. This was in addition to some changes suggested around the white lining at the Junction and an advanced stop line for cyclists.

By the time the University had procured the County Council's preferred company to undertake the junction analysis, Covid 19 measures and

various lockdowns were taking place, and it was agreed by all parties that until working patterns returned to normal the analysis of the junction wouldn't be representative.

Running in parallel to this two GCP schemes were under design consultation; the Cambourne to Cambridge busway and Comberton Greenway, both of which included possible changes to Adams Road, and the junction with Grange Road. The two schemes have now been worked up in detail and the design/programme for delivery on Comberton Greenway has greater certainty.

It is therefore considered that the University could make a financial payment towards the GCP scheme (the value of this is £12,000- which was the quote for the cost of junction analysis and changes to the white line at the junction), and that the works would be carried out by the GCP.

Existing

2.6 The existing wording in the 2018 Agreement is:

Schedule 2

5. *The Owner shall within 12 months after Substantial Commencement enter into a Highways Agreement to secure the delivery of the Grange Road/Adams Road Enhancements Scheme.*

2.7 A Highways Agreement is defined as, 'an agreement under section 278 and/or section 38 of the Highways Act 1980 or such other agreement consent and/or undertaking as may otherwise be agreed between the Owner and the County Council'.

2.8 The Grange Road/Adams Road Enhancements Scheme is defined as:

means a scheme of works to the existing public highway to enhance the Grange Road/Adams Road junction which either comprises:

- a) resetting of junction signal times better to accommodate increased pedestrian and cyclist movements along Adams Road; and*
- b) renewal of road markings,*

and which may if agreed in writing between the Owner and the County Council additionally comprise:

- c) provision of cycle 'head start' green times within the traffic signal controls; and / or*

- d) *delivery of further cycle priority by modifying the advanced stop line to increase cycle stacking space;*

Or is such other alternative scheme or schemes for the junction of those named streets deemed appropriate by the County Council and compliant with the Community Infrastructure Levy Regulations 2010 (as amended).

Proposed variations to the 2018 Agreement

- 2.9 (i) to delete Schedule 2 paragraph 5 and the definitions of Grange Road/Adams Road Enhancements Scheme and Highways Agreement;
- (ii) to insert a new planning obligation to secure a financial contribution of £12,087.00 towards the Adams Road works as part of the Comberton Greenway scheme brought forward by the Greater Cambridge Partnership to be paid to the County Council within one month of completion of the Deed of Variation;
- (iii) to include a sufficient fallback for the financial contribution to be used by the County Council towards alternative improvement works in the vicinity, in the event that the Comberton Greenway scheme does not come forward;
and
- (iv) to include payment of a £250 monitoring fee to the City Council for monitoring.

3.0 Relevant site history

- 3.1 The Cavendish III Laboratory was granted full planning permission in August 2018 under planning permission reference 17/1799/FUL for:

Development of 37,160 sqm for D1 academic floor space to accommodate the relocation of the Cavendish Laboratory, namely; all associated infrastructure including drainage, utilities, landscape and cycle parking; strategic open space to the south and west of the new Cavendish; modifications to JJ Thomson Avenue to provide disabled parking and changes to road surface materials; alterations to the existing access to Madingley Road to the north west to enable servicing; and demolition of Merton Hall Farmhouse and removal of existing Vet School access road from JJ Thomson Avenue.

- 3.2 The full planning permission was granted subject to conditions and the 2018 Agreement. The planning obligations related solely to the provision of, or contributions towards, transport infrastructure comprising:

- a financial contribution towards the Grange Road/West Road/Sidgwick Avenue Pedestrian and Cycle Enhancements to be paid to the County Council;

- a financial contribution towards the Bin Brook Bridge Widening to be paid to the County Council;
- a financial contribution towards the Madingley Road/Grange Road Safety Measures to be paid to the County Council;
- a financial contribution towards the Madingley Road/Storeys Way Road Safety Measures to be paid to the County Council; and
- to enter into a Highways Agreement to secure the delivery of the Grange Road/Adams Road Enhancements Scheme.

3.3 The site is within the red line boundary of the wider Cambridge West outline application under planning application reference 16/1134/OUT. It was brought forward for full planning permission ahead of the outline due to funding reasons. The Cambridge West outline consent was granted in June 2024 subject to a Section 106 Agreement which contained further planning obligations relating to transport infrastructure which complement those within the Cavendish III Laboratory agreement and agreements related to other full planning permissions such as for West Hub.

3.4 The relevant planning history for the site and wider area includes:

Reference	Description	Outcome
97/0961/OP	1999 masterplan - outline application for the development of 66.45ha of land for University academic departments (73,000sq.m), research institutes (24,000sq.m), commercial research (41,000sq.m) and associated infrastructure	Approved
17/1799/FUL	Cavendish III -Development of 37,160 sqm for D1 academic floor space to accommodate the relocation of the Cavendish Laboratory, namely; all associated infrastructure including drainage, utilities, landscape and cycle parking; strategic open space to the south and west of the new Cavendish; modifications to JJ Thomson Avenue to provide disabled parking and changes to road surface materials; alterations to the existing access to Madingley Road to the north west to enable servicing; and demolition of Merton Hall Farmhouse and removal of existing Vet School access road from JJ Thomson Avenue.	Approved

17/1896/FUL	<p>Shared facilities hub, phase 1 priority project - Mixed use building 4907 sq m in total, comprising 3411 sq m of D1 academic floor space on the first and second floors; 1421 sq m of A3 (Café and restaurant) space on the ground floor; 75 sq m of A1 (retail) on the ground floor; all associated infrastructure, including drainage, service yard area, utilities, landscape and cycle parking; modifications to JJ Thomson Avenue to provide disabled car parking and a substation building.</p>	Approved
19/1763/FUL	<p>Department of Engineering, Whittle Laboratory - Full planning permission for extension of the Whittle Laboratory, including new National Centre for Propulsion and Power (4,251 sq metres of Academic (D1) Floorspace), demolition of 1,149 sq metres of D1 floorspace, and all associated Infrastructure including landscaping, drainage, substation and car and cycle parking.</p>	Approved

3.5 In addition, there are a series of non-material amendments made to the Cavendish III Laboratory consent for minor design changes and the drainage condition. Section 74B applications were also granted to change the construction hours for a temporary period.

4.0 Publicity

4.1 Publicity not required.

5.0 Policy

National

National Planning Policy Framework 2024

National Planning Practice Guidance

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Planning and Compulsory Purchase Act 2004

Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 5: Sustainable transport and infrastructure

- Policy 14: Areas of major change and opportunity areas – general principles
- Policy 19: West Cambridge Area of Major Change
- Policy 27: Site specific development opportunities
- Policy 43: University development
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development
- Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

Supplementary Planning Documents (SPD) - none relevant.

Other Relevant Documents

- Cambridgeshire and Peterborough Combined Authority Local Transport and Connectivity Plan (2023)
- Transport Strategy for Cambridge and South Cambridgeshire (2014)
- Cambridgeshire's Active Travel Strategy (2023)

6.0 Consultations

6.1 S106 Monitoring Officer – No objection

The proposal is entirely reasonable. Request a £250 monitoring fee.

6.2 Cambridgeshire County Council – Transport Assessment Team – No objection

Since the application was approved works to this junction are to be made as part of the Greater Cambridge Partnership's Comberton Greenway scheme. As a result it is proposed that the applicant makes a proportionate contribution to this scheme of £12,000.00. This is appropriate and agreed.

6.3 Cambridgeshire County Council – Highway Development Engineer – No objection

No objection.

7.0 Representations

7.1 No representations have been received.

8.0 Assessment

8.1 The Grange Road/Adams Road Enhancements Scheme was part of a package of transport infrastructure works secured through the 2018 Agreement on the full planning permission as listed in paragraph 3.2. These works were recommended by the County Council's transport assessment team to mitigate the impact of additional pedestrian and cycle movements

generated by the development. This was in accordance with previous Cambridge Local Plan (2006) policies 8/2 and 8/3 relating to transport impact and mitigating measures. The applicant has confirmed that all other planning obligations within the 2018 Agreement have been met as the financial contributions have been paid to the County Council.

8.2 The scope of the existing Grange Road/Adams Road Enhancements Scheme as defined in the 2018 Agreement covered, as a minimum, resetting the junction signal times and renewal of road markings, and could additionally include other measures to deliver further cycle priority. The applicant has explained that they held discussions with the County Council's signals and highway engineering team over the detailed design, however surveys were delayed until normal patterns of movement for work and study were restored following the Covid-19 pandemic in order to provide representative analysis. During this time, separate proposals were progressed by the GCP for the Cambourne to Cambridge Busway and Comberton Greenway which include possible changes to this junction.

8.3 The Comberton Greenway is an active travel route linking Comberton to Cambridge City Centre via the villages of Hardwick and Coton which will be approximately 15 kilometres long. The scheme will be delivered via a combination of permitted development rights held by the County Council as the local highway authority and planning permission for sections of the route that are not permitted development. The applicant has been in correspondence with the GCP. Work is expected to start on the relevant sections along Adams Road in January 2025. This is supported by a decision taken by the GCP's Executive Board in December 2022 to approve the Outline Business Case for the Comberton Greenway and a further decision in October 2024 to approve the early delivery of Adams Road enhancements.

8.4 The works to Adams Road are described in the papers for the GCP's Executive Board in October 2024 as:

The works along Adams Road will comprise the widening of the footways, reduction of on-street parking and the inclusion of rain gardens and planting. The carriageway will be resurfaced in red asphalt to create a 'cycle-street' giving priority to cyclists and pedestrians over motorised vehicles. At the junction with Sylvester Road, a raised table junction is proposed which will ensure low vehicle speeds are maintained along the street. At the Wilberforce Road junction, a raised table will provide further traffic calming and allow cyclists and pedestrians to access to Coton Path.

It is understood that the works will be carried out by the County Council under its permitted development rights as the local highway authority. The works will require submission of a Traffic Regulation Order which would be subject to consultation.

8.5 In bringing forward recommendations in relation to the proposal, Officers have considered the Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regulations' which introduced the requirement for all local

planning authorities to make an assessment of any planning obligation in relation to three tests. Planning obligations need to meet three statutory tests specifically that they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 8.6 The Comberton Greenway works have been designed to improve and prioritise pedestrian and cyclist journeys along Adams Road to mitigate the impact of development including the Cambridge West campus. The County Council's transport assessment team supports the proposed financial contribution towards the Adams Road works as an acceptable alternative to securing the delivery of junction improvements directly by the University. The proposed mitigation (the financial contribution) would comply with Cambridge Local Plan (2018) policies 80 and 81 and the NPPF (2023). It provides an acceptable alternative and therefore is necessary to make the development acceptable and directly relate to the development, meeting the statutory tests a) and b).
- 8.7 The County Council's transport assessment team considers the contribution of £12,087.00 towards the Adams Road works to be appropriate in principle and quantum. It is understood from the applicant it approximately equates to the cost of the original scheme for signal improvements and junction markings. This is acceptable and the proposal is considered to be fairly and reasonably related in scale, meeting the statutory test c). For these reasons, the proposal meets the three statutory tests set out in the CIL Regulations.
- 8.8 The applicant originally put forward a trigger for the contribution to be paid prior to first occupation of the building. This is anticipated to be mid-January 2025. In order to allow enough time following the Committee's decision to complete the deed before first occupation, an alternative trigger of 'within one month of completion of the Deed of Variation' has now been agreed. This is acceptable as the contribution would be paid to the County Council quickly and at a similar time to first occupation. It would also be prior to completion of the Adams Road works. This is supported.
- 8.9 The applicant also put forward a fallback alternative to which the contribution might be applied in the event that the Adams Road works do not come forward, albeit this is considered an unlikely prospect for the reasons set out in paragraph 8.3. Nonetheless, this is supported as best practice to ensure the contribution towards mitigation in respect of the harm to the highway infrastructure that the contribution seeks to overcome is not lost. The fallback alternative would allow the contribution to be spent by the County Council on alternative improvements in the vicinity. This type of alternative arrangement was used elsewhere in the 2018 Agreement and is acceptable and meets the statutory tests set out in the CIL Regulations.

9.0 Conclusion / Planning Balance

9.1 The proposal would provide acceptable mitigation for the impact of development. It is compliant with Cambridge Local Plan (2018) policies 80 and 82, and the NPPF (2023). It meets the statutory tests set out in the CIL Regulations. For the reasons, the recommendation is to approve the proposal.

10.0 Recommendation

APPROVE the completion of a Deed of Variation made under s106A of the Town and Country Planning Act 1990 in respect of the 2018 Agreement in line with the terms set out in paragraph 2.9 of this report, with delegated authority to Officers to negotiate and settle its final terms with the applicant