

CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Environment and Planning
TO: Planning Committee
WARDS: Trumpington

Cambridge Station Redevelopment (CB1) – Section 106 Agreement Update and Request for Variation of Planning Conditions

1 INTRODUCTION (or **EXECUTIVE SUMMARY** for long reports)

1.1 In October 2008 the planning application for the redevelopment proposals at Cambridge Station was considered by a Special Meeting of the Planning Committee. The Committee resolved to approve the application subject to amongst other things the completion of the Section 106 Agreement and ‘the draft s106 Agreement being reported to the Planning Committee for approval prior to completion’. The purpose of this report is to provide an update on the progress that has been made on the draft Agreement and to secure the support of Committee for the completion of the Agreement so that Outline Planning Permission can be granted.

1.2 In my view it is important to note that overall the s106 package of mitigation measures has not changed since the Planning Committee’s consideration in October 2009. As part of the original s106 negotiations prior to that determination it was accepted that some of the mitigation measures would be provided using external sources of funding such as the Housing Growth Fund. The viability of the scheme at that stage was dependent on these funding sources been pursued. This report addresses not only the phasing of development and associated infrastructure but also the funding sources that have been resolved now.

1.3 The applicants have also requested that a number of the draft planning conditions be amended prior to the formal determination of the application. The purpose of this report is therefore also to seek the support of Committee for the variation of planning conditions.

2. RECOMMENDATIONS

2.1 That the Section 106 Agreement be completed in accordance with the heads of terms and phasing of on site mitigation measures and commuted sums as set out in paragraphs 4.3, 5.1 and 6.2 below.

2.2 That the draft planning conditions be varied in accordance with the recommendations set out in paragraphs 8.1 and 8.10 below and as attached at Appendix Three.

3. BACKGROUND

3.1 The October 2008 Committee Report included a section about Scheme Viability and Planning Obligations that set out the Heads of Terms for the section s106 Agreement. The ‘planning obligation package’ had been the subject of much negotiation between officers and the applicants prior to the October 2008 meeting and these negotiations have been ongoing over the past 12 months. It is important to note that despite the national economic situation the applicants have not sought to revisit the scheme viability and that the mitigation measures that were being offered as set out in the Heads of Terms have remained unchanged. Our negotiations have related principally to the phasing of the development, the timing of the delivery of mitigation measures and the funding mechanisms for the provision of new public infrastructure.

3.2 In providing this update I propose to address the following:

- The Phases of the Development
- The Provision of Infrastructure by Phase
- Commuted payments by Phase
- Comparison with Heads of Terms set out in October 2008 Report

4. THE PHASES OF THE DEVELOPMENT

4.1 The applicants have sub-divided the redevelopment proposals into five phases. The plan at Appendix One identifies each phase by colour – yellow, blue, green, pink and red. The timing of each phase is unknown with the exception of the yellow phase that will be phase one. This means that the phases may be developed in any order and not necessarily from blue to red.

4.2 The Yellow and Blue phases are located predominately in the southern sector of the site and are bounded by Hills Road, the railway line and the Laings scheme (Warren Close). Great Eastern House, at the junction of Station Road and Tenison Road is included in the Yellow phase. The Green phase comprises the Station Square area. The Pink phase is located in the northern sector of the site bounded by Ravensworth Gardens, the railway line, Devonshire Road and the Carter Bridge and the Red phase lies to the south of Station Road.

4.3 The following table sets out the development that is proposed within each phase including infrastructure works to be provided by the developer. Other infrastructure works are set out in section 5:

Phase	Blocks	Use	Infrastructure
Yellow	M1 to M6 and H1	Student accommodation (1062 units)	Interim Station Square Station Road/Tenison Road junction works
	E1	Office	Southern Access Road Community Room (if not in Pink phase)

Blue	L1 to L4 and K2	Residential	Local Park
Green	A1	Hotel	Station Square including improved facilities for taxis and drop off. Northern Access Road (if not in Pink phase)
	A2	Polyclinic	
	K1 and I1	Office	
Pink	C1, C2, D1, F1 and F2	Residential /Student accommodation (188 units)	Northern Access Road (if not in Green phase) Carter Bridge cycle ramp 3000 space cycle park Relocation of British Transport Police and Woodlands Surgery. Station Road Open Space Ravensworth Gardens Open Space Community Room (if not in Yellow phase)
	G1	Office	
	G2	Surgery	
	B1	Car/cycle park and Office	
Red	J1 to J4 and I2	Office	Station Road/Hills Road junction works including new pedestrian crossing.

5 PROVISION OF INFRASTRUCTURE BY PHASE

5.1 In addition to the infrastructure identified above in each phase, further mitigation measures are to be facilitated by the developer or funded from other sources. These will be provided principally as part of the first phase of the development, the Yellow phase. This infrastructure comprises the following:

- The 'Station Change' project that will involve the refurbishment and alterations to the Station buildings to accommodate a high quality transport interchange. These works will be carried out by Network Rail and are facilitated by a payment by the developers to Network Rail of £4.25 million. These works do not include the provision of the island platform that is a separate project.
- The 'Bus Interchange' which will provide bus shelters, real time bus information and other facilities for bus users on the Southern Access Road. These works are to be funded by the Housing Growth Fund (£1.5 million).
- The provision of a bus only link road between Hills Road and the Southern Access Road including works to create a fourth arm to the Hills Road/Brooklands Avenue junction. These works are to be carried out by County Council and funded by the Community Infrastructure Fund (£3 million).

- (Pink phase) The provision of the 3000 space cycle park is to be the subject of an application for external funding which is to be underwritten by the County Council. This amounts to £750,000.

5.2 The timing of infrastructure provision within each phase has not yet been resolved and is a matter for the final drafting of the s106 Agreement. There is also a draft planning condition that seeks to secure the timing of infrastructure provisions such as the community space. An example of the type of mechanism that could be used to secure the provision of essential infrastructure would be a requirement to provide on site open space prior to the occupation of a set percentage of residential units.

6 COMMUTED PAYMENTS BY PHASE

6.1 The commuted payments that are required to make up a shortfall in on site provision of essential infrastructure remain unchanged in their totality. The figures referred to in the October 2008 Report are as set out below:

Heads of Terms	Provision	Commuted payment (£)
Transport	Tenison Road Area Traffic Management Scheme	250,000
	Cambridge Guided Bus	3,016,000
	SCATP	850,000
Education	Pre-School	147,420
	Primary Education	245,700
	Secondary Education	276,640
	Life Long Learning	52,960
Open Space	Formal Open Space (student)	450,000
	Formal Open Space (residential)	218,800
	Informal Open Space	475,252
	Play Space	153,216
Community Facilities	Contribution towards Community Development Officer	30,000
	Contribution towards The Junction	92,435

CCTV	Link to City CCTV system	25,000
Contaminated Land	Independent Assessment	60,000
TOTAL		£6,343,423

6.2 The following tables set out the commuted payments that fall due at each phase and the applicants' position.

Yellow Phase

Provision	Commuted payment payable (£)	Applicants position
Tenison Road Area Traffic Management Scheme	250,000	Full payment
Cambridge Guided Bus	926,604	Payment to be deferred (see below)
SCATP	261,093	Payment to be deferred (see below)
Formal Open Space	382,320	Full payment
Informal Open Space	262,548	Full payment
Contaminated Land Assessment	15,000	Full payment
Total	£2,097,565	£909,868

Blue Phase

Provision	Commuted payment (£)	Applicants position
Cambridge Guided Bus	327,677	Full payment
SCATP	92,331	Full payment
Pre-School	72,653	Full payment
Primary Education	121,090	Full payment
Secondary Education	136,338	Full payment
Life Long Learning	26,101	Full payment
Formal Open Space	129,092	Full payment

Informal Open Space	91,534	Full payment
Play Space	75,510	Full payment
Contribution towards Community Development Officer	30,000	Full payment (unless Pink phase comes first)
Contribution towards The Junction	46,217	Full payment
Link to City CCTV system	25,000	Full payment
Independent Assessment	15,000	Full payment
Total	£1,188,543	

Green Phase

Provision	Commuted payment (£)	Applicants position
Cambridge Guided Bus	585,497	Full payment
SCATP	164,978	Full payment
Independent Assessment	15,000	Full payment
Total	£765,475	

Pink Phase

Provision	Commuted payment (£)	Applicants position
Cambridge Guided Bus	383,695	Full payment
SCATP	108,234	Full payment
Pre-School	74,766	Full payment
Primary Education	124,610	Full payment
Secondary Education	140,302	Full payment
Life Long Learning	26,859	Full payment
Formal Open Space (student)	67,680	Full payment

Formal Open Space (residential)	89,708	Full payment
Informal Open Space (student)	57,528	Full payment
Informal Open Space (residential)	63,608	Full payment
Play Space	77,706	Full payment
Contribution towards Community Development Officer	30,000	Assumed paid in Blue phase (unless Pink Phase comes first)
Contribution towards The Junction	46,218	Full payment
Independent Assessment	15,000	Full payment
Total	£1,275,914	(excludes Contribution towards Community Development Officer)

Red Phase

Provision	Commutated payment (£)	Applicants position
Cambridge Guided Bus	793,126	Full payment
SCATP	223,483	Full payment
Cambridge Guided Bus (deferred from Yellow Phase)	926,604	Full payment
SCATP (deferred from Yellow Phase)	261,093	Full payment
Total	£2,204,306	

6.3 The overall total across the five phases amounts to £6,344,107 that correlates with the total figure derived from the October 2008 Report of £6,343,423.

6.4 With the exception of the commuted payments for the Cambridge Guided Bus (CGB) and Southern Corridor Area Transport Plan (SCATP) the commuted sums will be paid within each of the phases of development. The timing of payments e.g. upon commencement of the phase, commencement of the block/group of blocks, occupation has yet to be resolved. This is a detailed matter for the final drafting of the s106.

Deferment of Payments from Yellow Phase

- 6.5 The key difference between what the Councils would normally expect in terms of the timing of commuted sum payments and what is suggested by the applicant is in relation to the commuted payments for CGB and SCATP.
- 6.6 Given the scale and complexity of the development and the fact that the scheme is 'market driven' it would be unreasonable for all of the commuted payments to be made on commencement of development. In common with other large-scale developments the approach which is being taken here of expecting commuted payments to be made as phases of the development are brought forward is appropriate and in accordance with Circular 05/05 guidance. This circular requires that a planning obligation must amongst other things be directly related to the proposed development and fairly and reasonably related in scale and kind to the proposed development.
- 6.7 Commuted payments would normally be expected to be made upon commencement of development so that there is a good prospect of mitigation measures being in place before the development is populated. In this case subject to the final detail of the s106 Agreement this will be possible in relation to all commuted sums obligations with the exception of the CGB and SCATP payments.
- 6.8 The applicants' justification for delaying these commuted sum payments is based on the scheme viability and the significant investment in transport related infrastructure that is being provided in the first (Yellow) phase of the development. A further viability assessment has not been carried out but it has been accepted by officers that there have been significant changes in the financial markets and the economy generally. There is a risk associated with the deferral of payments because if the phase of development to which the payments were deferred did not take place then the payment would not be made. However officers feel that the risk is worth taking if it results in the s106 package as a whole remaining capable of delivery and enables the commencement of the redevelopment of the Station Area.
- 6.9 Officers also accept the applicants' justification in terms of the transport infrastructure that is being brought forward early in the development in the form of the Station Change proposals, the payment for which to Network Rail from the applicants (£4,25 million) is triggered in this phase, the Southern Access Road which accommodates the bus interchange and the bus link road. For this reason it is considered appropriate to defer transport related contributions as opposed to others such as for open space. Officers have maintained the view that the Tenison Road Area traffic management contribution should not be deferred because of the need for changes in that area to accommodate the large numbers of students on foot and on bicycles that are likely to access it. The applicants have been persuaded of this position.

7 COMPARISON WITH HEADS OF TERMS SET OUT IN OCTOBER 2008 REPORT

- 7.1 Paragraphs 8.515 to 8.546 of the October 2008 Report dealt with the Heads of Terms for the section 106 Agreement. These are attached at Appendix Two. The current position on the Heads of Terms is as follows:

Affordable Housing

- 7.2 There has been no change to the approach to be taken in respect of affordable housing. An Affordable Housing Scheme will be secured via the s106 Agreement and brought back to Planning Committee for confirmation as requested by Committee. The HGF and CIF funding has been secured.

Transport

Provision	Current position
Provision of transport interchange facilities including bus interchange	To be provided via Station Change proposals funded by the applicant and via Housing Growth Fund.
Re-modelling of the Station Road/Hills Road junction	Provided in Red phase.
Pedestrian crossing at the junction of Station Road and Hills Road	Provided in Red phase.
Improvements to the cycling network in the Station Area including the Carter Bridge ramp	Provided in all phases. Carter Bridge in Pink phase.
Improvements to the Station Forecourt, including improved facilities for taxis and drop-off	Provided in Green phase.
3000 space cycle park	To be the subject of application for external funding underwritten by County Council.
Link road from Station Forecourt to Hills Road.	Link Road Southern Access Road to be funded via CIF and provided by the County Council.
Tenison Road/Station Road junction	Provided in Yellow phase
Hills Road/Brooklands Avenue junction	To be funded via CIF and provided by the County Council.
Northern Access Road	To be provided in Green phase or Pink phase.
Tenison Road Area traffic management contribution	To be provided in Yellow phase.

(£250,000)	
CGB contribution (£3,016,000)	To be provided across phases Blue, Green, Pink and Red. Deferred payment from Yellow phase payable in Red phase.
SCATP contribution (£850,000)	To be provided across phases Blue, Green, Pink and Red. Deferred payment from Yellow phase payable in Red phase

Education

- 7.3 Full commuted payments are to be made in the Blue and Pink phases of the scheme, which accommodate residential development.

Open Space and Recreation

- 7.4 Three areas of informal open space are proposed within the development. The largest area of open space, currently called 'the Local/Central Park', will be provided as part of the Blue phase. The other two areas, the Station Road Open Space and Ravensworth Gardens Open Space will be provided as part of the Pink phase.
- 7.5 Commuted sums for formal and informal open space and play space will be payable as part of the Yellow (student), Blue and Pink (residential) phases.

Community Facilities

- 7.6 The s106 Agreement will secure the relocation of existing community facilities, the British Transport Police and Woodlands Surgery into the Pink phase of the development. The timing of provision will need to be secured because these facilities are currently in the Green and Red phases and need to be relocated to allow those phases to be developed.
- 7.7 The community room will be provided either in the Yellow phase or the Pink phase. Both of these locations are proximate to the residential development and are acceptable in my view but there will be a need to control the timing of provision to ensure that new residents have early access to facilities.
- 7.8 The contribution towards the Community Development Officer will be payable over the 3 years following the first residential development, either the Blue phase or the Pink phase. The contribution towards The Junction is to be split equally between the two residential phases.

Public Art

- 7.9 There has been no change to the approach to be taken in respect of public art. A public art panel has been established which includes officers from the City Council and their first meeting has taken place. The s106 will secure a Public Art Strategy based on a minimum budget of £1.5 million.

CCTV

- 7.10 The CCTV contribution will be payable in the Blue phase which includes the largest area of new public open space.

Occupation of the Development

- 7.11 The occupation of the office accommodation and student accommodation will be controlled as originally proposed.

Contaminated Land

- 7.12 The commuted payment for the independent review of contaminated land remediation is to be split across four phases, Yellow, Blue, Green and Pink. This is acceptable to the Scientific Officer.

Air Quality Mitigation

- 7.13 A continuous ambient air quality monitoring station is to be provided on commencement of development.

Additional Heads of Terms Introduced by Planning Committee

- 7.14 Committee requested that the following Heads of Terms be added to the s106 Agreement:

- Submission of a management plan for the supervision and management of student accommodation including allocation of management responsibilities between the developer and the operator.
- Funding of residents parking surveys and costs of implementation of a residents parking zone if approved by Area Joint Committee (Transport).

Student Accommodation Management Plan

- 7.15 I have taken advice from the solicitor acting for the Councils and the City legal team who have advised that this issue is most appropriately controlled by condition and does not need to be included in the s106 Agreement. This matter was originally included in draft condition 9 - Estate Management Strategy as follows:

9 Prior to or concurrently with the submission of the first application for approval of Reserved Matters a Site Wide Estate Management Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The Estate Management Strategy shall be prepared in accordance with the principles established by this outline consent. The Estate Management Strategy shall more particularly but not exclusively include:

6. Supervision and maintenance of student accommodation including allocation of management responsibilities between the developer and the operator.

I would recommend that this issue be dealt with by condition and not via the s106 Agreement. I would also remind Committee that condition 51 also controls the arrival and departure of students at the beginning and end of term.

Residents Parking Survey

- 7.16 A pre and post development residents parking survey and costs of implementation of any agreed residents parking zone is to be secured by the s106 Agreement.

8 VARIATION OF PLANNING CONDITIONS

8.1 The applicants have requested that a number of planning conditions be varied prior to the granting of outline planning permission. The amended wording for each condition is set out in Appendix Three. I have consulted with other officers at the City and County Councils. Any comments regarding the proposed variations to conditions will be included on the Amendment Sheet. My recommendations are set out below.

8.2 Condition 6 - Phasing Plan

The applicants request that the reference to phased delivery of 'environmental mitigation measures specified in the Environmental Statement' be removed. In their view it is not required because condition 4 requires the development to be carried out in accordance with the Environmental Statement and there is no logical way to show the measures on the phasing plan.

This condition was drawn from the draft conditions used on the expansion sites and has subsequently been amended on the Clay Farm/Showground site to refer to 'environmental mitigation measures'. In view of this I would recommend that the condition be varied in similar way.

8.3 Condition 20 – Renewable Energy

The applicants wish to replace this condition. The new condition would enable the use of technologies that such as Combined Heat and Power which are not automatically supported as part of the Council's strategy but which can be used where a justification is provided. The condition is worded to enable the condition to be discharged on the basis of the use of low and zero carbon technologies to meet 25% carbon reduction in lieu of the 15% renewable energy supply.

I have consulted the Sustainable Construction Co-ordinator and will provide her response on the Amendment Sheet or orally at the Committee meeting.

8.4 Condition 32 – Construction Method Statement

The applicants request that this condition be varied so that the detailed construction method statement can be agreed prior to commencement of the development for which reserved matters approval is given as opposed to being an integral part of the reserved matters submission. The reason for the request is that the contractor will not be engaged until that later stage.

I have consulted the Environmental Health officer and the Highway Authority and await their comments; however it is my current view that no objections should be raised to these variations.

8.5 Condition 37 - Insulation of buildings to minimise noise emanating from plant/building

The applicants wish to remove the reference to 'buildings from this condition and to require the submission of details of plant prior to occupation of any retail units.

I have consulted my colleagues in Environmental Health about this request and will report their comments on the Amendment Sheet or orally at the Committee meeting. With regard to the request to delay submission of details of plant until 'prior to occupation', I understand the reason for this request but would question why this would be limited to retail units as other items of plant such as air conditioning units on office buildings could generate noise issues.

8.6 Condition 38 – Scheme for odour control to minimise odour emanating from building

The applicants have requested that this condition be varied to require the submission of details of plant prior to occupation of any retail units for similar reasons as for condition 37.

Again, I have consulted the Environmental Health officer and will report the response.

8.7 Condition 39 - Detailed waste management plan (construction waste)

In common with the request to vary condition 32, the applicants have requested that this condition be varied so that the detailed waste management plan (construction waste) can be agreed prior to commencement of the development for which reserved matters approval is given as opposed to being an integral part of the reserved matters submission.

I have consulted the Environmental Health officer and await his comments; however it is my current view that no objections should be raised to these variations.

8.8 Condition 43 - Alterations to Carter Cycle Bridge
Condition 44 - Alterations to Station Road/Hills Road junction
Condition 47 - Alterations to Tenison Road/Northern Access Road junction
Condition 48 - Alterations to Station Road/Southern Access Road junction
Condition 49 - Temporary Northern Access Road
Condition 53 – Temporary Bus Interchange Facilities

The applicants have requested that these conditions be varied in the same way and for the same reason. In each case the condition as currently drafted requires the submission of details prior to commencement of development. The applicants argue that in all cases the alterations/works are not planned to be carried out in the first phase of development and therefore it would be more logical for the information to be submitted prior to the implementation of the relevant phase of development.

I have consulted the Highway Authority and await their comments; however it is my current view that no objections should be raised to these variations.

8.9 Condition 55 – Programme of archaeological work submitted and approved

The applicants have requested a variation to allow the programme of archaeological work to be agreed in advance of each phase as opposed to in advance of the commencement of development.

I have consulted with the Archaeological Unit and await their comments; however it is my current view that no objections should be raised to this variation.

8.10 Condition 58 - Submission of detailed design and construction methodology of building elevations

This condition only relates to the elevations of buildings as they relate to the route of the Cambridge Guided Bus. The applicants request that this condition be varied so that the detailed design and construction methodology can be agreed prior to commencement of the development for which reserved matters approval is given as opposed to being an integral part of the reserved matters submission. The reason for the request is that the contractor will not be engaged until that later stage.

I have consulted the Highway Authority and await their comments; however it is my current view that no objections should be raised to these variations.

9 CONCLUSIONS

9.1 The current position on the s106 negotiations as set out in this update is the summation of a lengthy period of negotiation with the applicants involving senior officers within both the City and County Councils. The approval of the updated position will enable officers to quickly secure the completion of the s106 Agreement and enable Outline planning permission to be granted.

9.2 In my view the variations to conditions are generally non-contentious and should be supported.

IMPLICATIONS

(a) Financial Implications

Deferral of CGB and SCATP payments could potentially have implications for the delivery of infrastructure provided via these funding sources but this needs to be balanced against the significant gains in terms of transport infrastructure in the first phase. County Council officers are fully supportive of the approach that has been adopted.

(b) Staffing Implications (if not covered in Consultations Section)

None.

(c) Equal Opportunities Implications

None.

(d) Environmental Implications

The resolution of the S106 in the terms outlined in this report is essential to deliver the regeneration of the station area. The approved planning application brings direct and substantial public benefits in the form of public transport

infrastructure that is needed to serve the growth of the City. Current market conditions are exceptional and it recognised that the phasing of payments need to be designed to assist viability and delivery. It is important to emphasise that there is no change to the total contributions from that agreed by committee in October 2008.

(e) **Community Safety**

None

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Report to Planning Committee – October 2008.

To inspect these documents contact Sarah Dyer on extension 7153.

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file:

Date originated: 09 November 2009

Date of last revision: 09 November 2009

Appendix One

Phasing Plan

Heads of Terms for Planning Obligation/s106 Agreement

Affordable Housing

- 8.515 The Agreement will require that an affordable housing scheme be submitted for approval. The affordable housing scheme will include details of the location and tenure of affordable housing within the site. The Agreement will also secure the cascade mechanism which is referred to in my assessment and which reflects the position that has been adopted at Southern Fringe.
- 8.516 It has only been possible to resolve the relationship between the provision of affordable housing of the scale and tenure that the City Council demands and the viability of the scheme through contributions that it is hoped will be forthcoming towards other infrastructure via the Housing Growth Fund and the Community Infrastructure Fund.

Transport Infrastructure

- 8.517 The provision of high quality sustainable transport infrastructure to support the development of the Station Area is a critical element the scheme that needs to be secured via the s106 Agreement.
- 8.518 The Applicants have agreed to provide the following transport infrastructure as direct provision either through their own development or via agreements for the County Council to carry out the work. In each case the County Council has verified the cost of direct provision.
- Provision of the transport interchange facilities, including the bus interchange.
 - Re-modelling of the Station Road/Hills Road junction, including relocation of the war memorial.
 - Pedestrian crossing at the junction of Station Road and Hills Road.
 - Improvements to the cycling network in the Station Area including the Carter Bridge ramp.
 - Improvements to the Station Forecourt, including improved facilities for taxis and drop-off.
 - 3000 space cycle park.
 - Link road from Station Forecourt to Hills Road.
 - Other highway improvements including Tenison Road/Station Road junction, Hills Road/Brooklands Avenue junction and the NAR.

8.519 In addition to direct provision the applicants have also agreed to make the following payments towards transport infrastructure, which have been agreed by the County Council:

- Contribution towards the cost of provision of an area wide traffic management scheme within the Tenison Road Area - £250,000
- Contribution towards the CGB - £3,016,000
- SCATP contribution - £850,000 plus £500,000 via the Housing Growth Fund.

8.520 The s106 Agreement will also need to secure the appointment of a Green Travel Plan co-coordinator with associated commitments to Commercial and Residential Travel Plans for the development and a Student Arrival/Departure Traffic Management Plan.

Education

8.521 The following commuted payments have been agreed, in accordance with formulae set out in the Planning Obligations Strategy:

Pre-School	£147,420
Primary Education	£245,700
Secondary Education	£276,640
Life Long Learning	£52,960

Open Space and Recreation

Formal Open Space

8.522 The applicants have been unable to demonstrate that there is sufficient provision of formal open space facilities for students on the basis of existing facilities available to ARU students. Commuted sum payments therefore fall due in respect of formal open space provision for both the new residents and students as follows:

Residents of private and affordable residential units	£218,880
Students	£450,000

Informal Open Space

8.523 The Applicants intend to retain control of all areas of open space within the development; therefore there is no requirement for maintenance payments to the City Council for on-site informal open space.

8.524 Full on-site provision of informal open space is not being made. The commuted payment to make up this shortfall is £475,252.

Play Space

8.525 There is no provision for play space on site. The commuted payment for off-site provision is £153,216.

Community Facilities

- 8.526 The s106 Agreement needs to address the relocation of existing community facilities within the scheme and the provision of new facilities to meet the needs of the new population.
- 8.527 The accommodation currently available to the British Transport Police facilities and Woodlands Surgery will be lost as part of the re-development. In both cases it is intended to re-provide these facilities within the scheme. The s106 will need to secure the timing and quality of re-provision to ensure that there is no loss of community facilities.
- 8.528 The scheme includes provision of a community room. The s106 will need to secure the detailed provision of this facility including its specification, management arrangements in perpetuity and timing of delivery. At this stage there is no intention on the part of the applicant that the community space be managed by the City Council.
- 8.529 The following commuted payments have been agreed, in accordance with the formula set out in the Planning Obligations Strategy, including offsetting the loss in value of the scheme of the provision of the community space:
- Contribution towards the cost of employing an additional Community Development Officer - £30,000 (£10,000 per annum)
- Contribution towards The Junction - £92,435
- 8.530 The development includes a wide range of other community facilities such as the health centre and nursery. Since these are also commercial ventures it would not be appropriate to seek to secure their provision via the s106 because they do not form part of the applicants 'community facilities package'.
- 8.531 Cambridgeshire Constabulary are in negotiations with the applicants in relation to the provision of a police station within the development. At the time of writing this report Cambridgeshire Constabulary has raised concerns that they have been unable to reach a satisfactory agreement with the applicants because the applicants are insisting that the deal be a commercial one with no subsidies available i.e. at full market rent. On this basis Cambridgeshire Constabulary have advised that they would not be able to provide a presence on site and have asked that the provision of police facilities form part of the Planning Obligations.
- 8.532 It is my view that given the advanced stage of the negotiations on the planning obligations provisions it is not possible to insist on the provision of police facilities at a subsidised rent. Also the community facilities package that has been agreed accords with planning policy. With regard to the potential crime that could result from a lack of police presence within the development, in my opinion this will be satisfactorily negated by the applicant's security presence and CCTV provision. However, Cambridge Constabulary do not agree with this argument, therefore I have taken the issue up with the applicants and will report further on this matter at the Committee Meeting.

Public Art

- 8.533 In the context of the overall viability of the scheme, the applicants have not been able to commit to spending the full 1% of construction costs budget on public art. Applying the policy guidance rigidly would have required a public art budget to be set aside of £2.65 million.
- 8.534 The offer made by the applicants' amounts to £1.5 million. It is anticipated that this budget will be used to fund permanent commissions, design commissions; artists research bursaries, temporary projects, public education facilities and relocation of historic works.
- 8.535 In addition to this the applicants are committed to the provision of an art workshop on site that they have estimated will represent a loss of revenue of £162,925. Together with their estimates for cost of provision of sculptured seating and feature lighting within the development this amounts to something in the order of £964,000 as additional 'art related' spending.
- 8.536 Given the approach that has been adopted in relation to other complex developments such as Addenbrookes 2020, I would recommend that the budget that will be set aside for public art is acceptable. The s106 should secure a Public Art Strategy based on a minimum budget of £1.5 million.

Public Realm Contributions

- 8.537 The applicant has provided evidence to demonstrate that they are making a significant investment in the public realm as part of the development. Officers have accepted this argument and therefore recommend that no public realm contributions be sought by way of commuted payments.

CCTV

- 8.538 The applicants have agreed to fund the link between their CCTV system and the City Council's system to a maximum cost of £25,000. The s106 will need to secure arrangements for this physical link and also how the responsibilities for CCTV surveillance are apportioned between the developer and the City Council.

Occupation of the Development

- 8.539 In order to accord with Development Plan policy it is necessary to secure the occupation of the office accommodation and the student accommodation via the s106 Agreement.
- 8.540 The office accommodation needs to be limited to accord with CLP 2006 policy 7/2 to occupiers providing an essential service for Cambridge as a local or sub regional centre.
- 8.541 The student accommodation needs to be limited to use by ARU or the University or by conference delegates attending courses organised by those institutions to ensure that the identified need for student accommodation is fulfilled and that occupiers are subject to controls over car ownership.

Contaminated Land

8.542 The s106 Agreement needs to secure commuted payments for the carrying out of an independent assessment of contaminated land remediation. The applicants have agreed to a maximum sum of £60,000 that is considered adequate.

Air Quality Mitigation

8.543 The applicants have agreed to make provision for a continuous ambient air quality monitoring station as part of the development to a maximum value of £140,000. This provision, its specification and timing needs to be secured via the s106 Agreement.

Matters that will not form part of the s106 Agreement

8.544 Both the City Council Environmental Health officers and the County Council transport officers sought contributions from the applicants in the form of revenue support for bus transport and, in the case of the County Officers, for revenue support for the car club. In both cases the response of the applicants has been that they are already providing extensive facilities for public transport and that space will be provided for the operation of the car club and that the scheme cannot bear these extra costs.

8.545 My recommendation is to accept this argument and therefore I have not included these revenue provisions in the heads of terms for the s106.

Conclusion

8.546 The satisfactory conclusion of the section 106 Agreement will ensure that the development accords with the Development Plan and specifically Cambridgeshire and Peterborough Structure Plan policies 6/1 and 9/8 and Cambridge Local Plan policy 10/1.

Appendix Three

Variations to Conditions

Condition 6 - Phasing Plan

Prior to or concurrently with the submission of the first of the reserved matters application(s), a Site Wide Phasing Plan shall be submitted to the Local Planning Authority for approval. The Phasing Plan shall include the proposed sequence of development across the entire site, the extent of the development phases/plots, phased removal of trees and include timing information by reference to the commencement or completion of development of any phase or the provision of any other element or to any other applicable trigger point and in particular shall identify the phased delivery of the following infrastructure:

- a) The Transport Interchange including works to the Station buildings and the laying out of the Station Square.
- b) The bus only link road and Hills Road/Brooklands Avenue junction.
- c) The Northern Access Road
- d) The Southern Access Road
- e) Works to Station Road/Tenison Road junction.
- f) Works to Hills Road/Station Road junction
- g) structural landscaping/planting provisions
- h) informal open space.
- i) community meeting room facilities.
- j) health care facilities.
- k) police facilities.
- l) environmental mitigation measures ~~specified in the Environmental Statement.~~

No development shall commence apart from enabling works agreed in writing by the Local Planning Authority until such time as the phasing plan has been approved in writing by the Local Planning Authority. The provision of the features shall be carried out in accordance with the approved timing contained within the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Condition 9 - Estate Management Strategy

Prior to or concurrently with the submission of the first application for approval of Reserved Matters a Site Wide Estate Management Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The Estate Management Strategy shall be prepared in accordance with the principles established by this outline consent.

The Estate Management Strategy shall more particularly but not exclusively include:

1. Management arrangements for on site security and CCTV provision.
2. Supervision and management of basement car parks, other parking areas and servicing areas, including measures to be used to ensure that rail users do not use car parking spaces associated with residential and commercial uses and are limited to use of the multi-storey car park and Station Square only.

3. Supervision and management of cycle parking provision including visitor parking and parking within the Station Square and other open spaces.
4. Management and maintenance of the public realm including roads, footpaths, cycleways, hardsurfaced areas and green space.
5. External building maintenance including cleaning regimes.
6. Supervision and maintenance of student accommodation including allocation of management responsibilities between the developer and the operator.

Thereafter, there shall be no variation or amendment to the approved Estate Management Strategy unless formally agreed in writing by the Local Planning Authority.

Condition 20 – Renewable Energy

~~The approved renewable energy technologies to meet 15% of the development's carbon emissions shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.~~

New condition

The approved energy solution to reduce carbon emissions (over Building Regulations 2006 Part L) by 25% shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Condition 32 - Construction Method Statement

~~All reserved matters applications shall include a detailed Construction Method Statement for the development parcel that is being sought for approval. The details shall be accompanied by a statement that demonstrates how the proposal accords with the approved Construction Environmental Management Plan. Prior to the commencement of that part of the development for which reserved matters have been approved a detailed Construction Method Statement (CMS) shall be submitted to and approved by the local planning authority in writing. The Construction Method Statement shall be accompanied by a statement that demonstrates how the proposal accords with the approved Construction Environmental Management Plan.~~ In addition the CMS shall also provide a specific construction programme and a plan identifying: the contractor site storage area/compound; screening and hoarding locations; access arrangements for vehicles, plant and personnel; building material, plant and equipment storage areas; contractor parking arrangements for construction and personnel vehicles; and the location of contractor offices. Thereafter the development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Condition 37 – Insulation of buildings to minimise noise emanating from plant/building

All reserved matters applications shall include a detailed scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant. The scheme as approved shall be fully implemented prior to the occupation of the building.

Awaiting advice from the Environmental Health officer

Condition 38 - Scheme for odour control to minimise odour emanating from building

Where appropriate reserved matters applications shall include a detailed scheme for odour control to minimise the amount of odour emanating from the said building, including full technical details for the operation for extract flues. The scheme as approved shall be fully implemented prior to the occupation of the building.

Awaiting advice from the Environmental Health officer

Condition 39 - Detailed waste management plan (construction waste).

~~Applications for reserved matters approval, shall be supported by a Detailed Waste Management Plan (DWMP).~~

Prior to the commencement of that part of the development for which reserved matters have been approved a Detailed Waste Management Plan (DWMP shall be submitted to and approved by the local planning authority in writing.

The DWMP shall include details of:

- a) the anticipated nature and volumes of construction waste.
- b) measures to ensure the maximisation of the reuse of waste.
- c) measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
- d) any other steps to ensure the minimisation of waste during construction
- e) the location and timing of provision of facilities pursuant to criteria b/c/d.
- f) proposed monitoring and timing of submission of monitoring reports.
- g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.

Unless otherwise agreed in writing, thereafter the implementation, management and monitoring of construction waste shall be undertaken in accordance with the agreed details and no individual building subject to a Detailed Waste Management Plan shall be occupied until the Waste Management Closure Report has been submitted to and approved in writing by the Local Planning Authority.

Condition 43 - Alterations to Carter Cycle Bridge

~~Prior to the commencement of development a detailed scheme for changes to the Carter Cycle Bridge shall be submitted to and approved by the local planning authority in writing.~~ Prior to the commencement of that phase of development (approved in accordance with condition 6) within which alterations to the Carter Cycle Bridge are proposed, a detailed scheme for changes to the Carter Cycle Bridge shall be submitted to and approved by the local planning authority in writing. The detailed scheme shall include a detailed topographical and vegetation survey and a vegetation to be removed

plan and shall include an assessment of the impact of the works on the residential amenities currently enjoyed by the occupiers of adjacent dwellings. The works to the cycle bridge shall be implemented in accordance with the approved details in advance of the use of the multi storey car park or the occupation of any other part of the development or in accordance with a timetable agreed in writing by the local planning authority.

Condition 44 - Alterations to Station Road/Hills Road junction

~~Prior to commencement of development a detailed scheme for alterations of the junction of Station Road with Hills Road shall be submitted to and approved by the local planning authority in writing. Prior to the commencement of that phase of development (approved in accordance with condition 6) within which alterations to the Station Road/Hills Road junction are proposed, a detailed scheme for alterations of the junction of Station Road with Hills Road shall be submitted to and approved by the local planning authority in writing.~~ The works to the junction shall be implemented in accordance with the approved details in advance of the use of the multi storey car park or the occupation of any other part of the development or in accordance with a timetable agreed in writing by the local planning authority.

Condition 47 - Alterations to Tenison Road/Northern Access Road junction

~~Prior to commencement of development a detailed scheme for alterations of the junction of the proposed Northern Access Road with Tenison Road shall be submitted to and approved by the local planning authority in writing. Prior to the commencement of that phase of development (approved in accordance with condition 6) within which alterations to the Tenison Road/Northern Access Road junction are proposed, a detailed scheme for alterations of the junction of the proposed Northern Access Road with Tenison Road shall be submitted to and approved by the local planning authority in writing.~~ The works to the junction shall be implemented in accordance with the approved details in advance of the occupation of any development on Blocks C1, C2, D1, F1, F2, G1 and G2 or in accordance with a timetable agreed in writing by the local planning authority.

Condition 48 - Alterations to Station Road/Southern Access Road junction

~~Prior to commencement of development a detailed scheme for alterations of the junction of the proposed Southern Access Road with Station Road shall be submitted to and approved by the local planning authority in writing. Prior to the commencement of that phase of development (approved in accordance with condition 6) within which alterations to the Station Road/Southern Access Road junction are proposed, a detailed scheme for alterations of the junction of the proposed Southern Access Road with Station Road shall be submitted to and approved by the local planning authority in writing.~~ The works to the junction shall be implemented in accordance with the approved details in advance of the occupation of any development on Blocks I1, I2, K1, K2, L1, L2, L3, L4, M1 and M2 or in accordance with a timetable agreed in writing by the local planning authority.

Condition 49 - Temporary Northern Access Road

~~Prior to the commencement of development a detailed scheme for the temporary Northern Access Road, including the junction onto Station Road and details of taxi queuing, shall be submitted to and approved in writing by the local planning authority.~~

Prior to the commencement of that phase of development (approved in accordance with condition 6) within which the Temporary Northern Access Road is proposed, a detailed scheme for the temporary Northern Access Road, including the junction onto Station Road and details of taxi queuing, shall be submitted to and approved in writing by the local planning authority. The temporary Northern Access Road shall be implemented in accordance with the approved details in advance of the use of the multi-storey car park. The temporary Northern Access Road shall not be closed or obstructed until such time as the Northern Access Road is in place and provides a complete link between Tenison Road and the station square/multi-storey car park.

Condition 53 – Temporary Bus Interchange Facilities

~~Prior to the commencement of development a detailed scheme for the temporary bus interchange facilities shall be submitted to and approved in writing by the local planning authority.~~ Prior to the commencement of that phase of development (approved in accordance with condition 6) within which Temporary Bus Interchange Facilities are proposed, a detailed scheme for the temporary bus interchange facilities shall be submitted to and approved in writing by the local planning authority. The temporary bus interchange shall be implemented in accordance with the approved details in advance of the cessation of use of the existing bus stops. The temporary bus interchange shall not be closed or obstructed until such time as the permanent bus interchange is operational.

Condition 55 - Programme of archaeological work submitted and approved

~~No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.~~

New Condition

No development shall take place within each phase of development (approved in accordance with condition 6), until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation within that phase which has been submitted by the applicant and approved in writing by the local planning authority.

Condition 58 - Submission of detailed design and construction methodology of building elevations

~~Any reserved matter application for development within 5 metres of the route of the Cambridgeshire Guided Bus shall be supported by full details of design and construction methodology, facing materials, openings and maintenance of all building elevations within 5 metres of the route of the Cambridgeshire Guided Bus. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed by the local planning authority in writing.~~

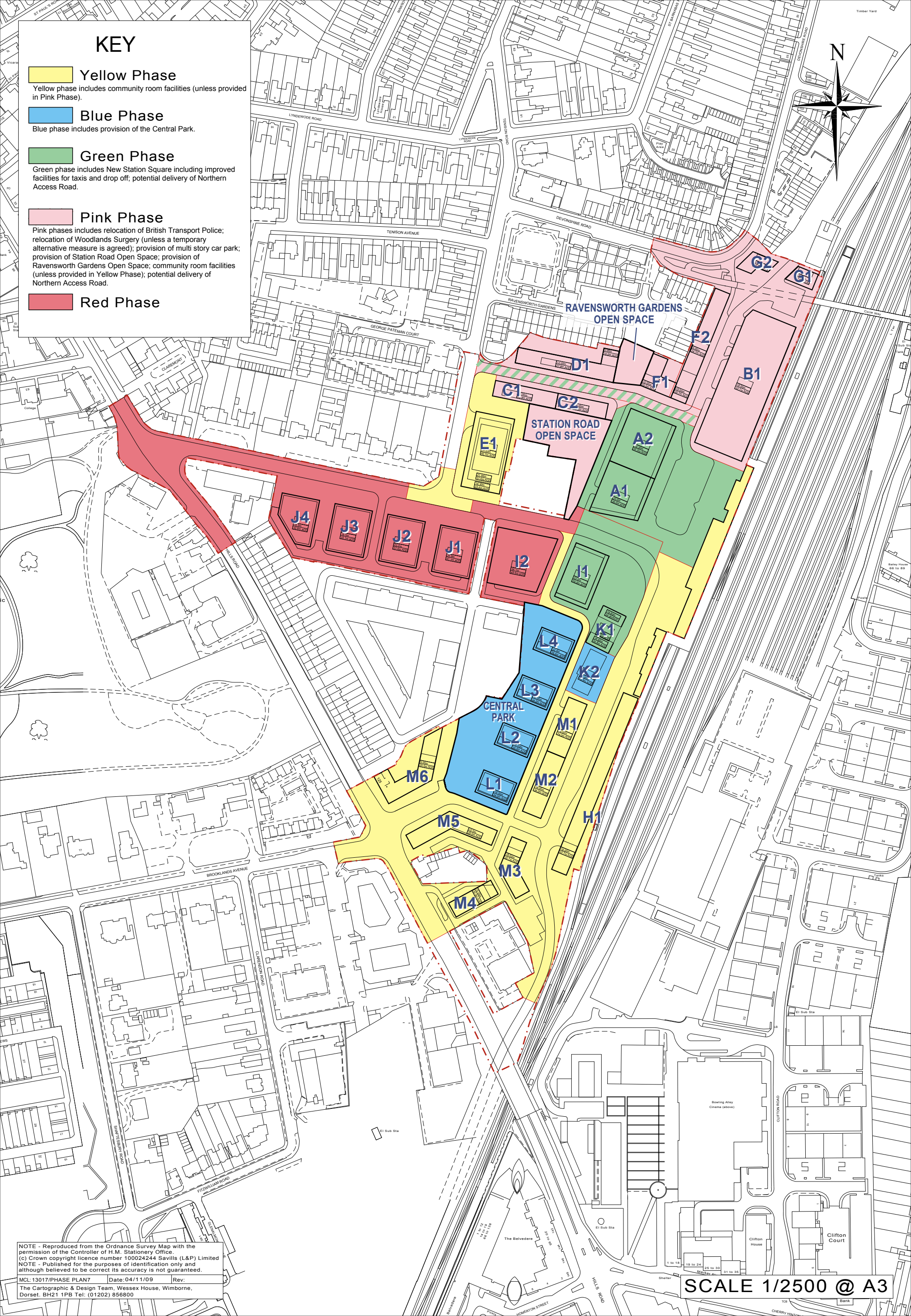
New Condition

Prior to the commencement of that part of the development for which reserved matters have been approved which lies within 5 metres of the route of the Cambridgeshire Guided Bus, full details of the design and construction methodology, facing materials,

openings and maintenance of all building elevations within 5 metres of the route of the Cambridgeshire Guided Bus shall be submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed by the local planning authority in writing.

KEY

- Yellow Phase**
Yellow phase includes community room facilities (unless provided in Pink Phase).
- Blue Phase**
Blue phase includes provision of the Central Park.
- Green Phase**
Green phase includes New Station Square including improved facilities for taxis and drop off; potential delivery of Northern Access Road.
- Pink Phase**
Pink phases includes relocation of British Transport Police; relocation of Woodlands Surgery (unless a temporary alternative measure is agreed); provision of multi story car park; provision of Station Road Open Space; community room facilities (unless provided in Yellow Phase); potential delivery of Northern Access Road.
- Red Phase**



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 The Cartographic & Design Team, Wessex House, Wimborne, Dorset. BH21 1PB Tel: (01202) 856800

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