

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 November 2017

AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/2239/13/FL

Parish(es): Sawston

Proposal: Erection of football ground for Cambridge City Football Club and creation of new community recreational ground.

Site address: Land to the north of Deal Grove, Off Babraham Road, Sawston

Applicant(s): Mr Len Satchell

Recommendation: Refusal

Key material considerations: Principle of development, effect on the openness of the Green Belt and need for very special circumstances, visual impact, highway safety, sustainability, neighbour amenity and ecology

Committee Site Visit: Yes

Departure Application: Yes – re-advertised 21 June 2017

Presenting Officer: Julie Ayre (Team Leader East)

Application brought to Committee because: Referral back to Planning Committee following Judicial Review.

Date by which decision due: 2 February 2014

Executive Summary

1. This application was first considered by the Planning Committee at its meeting on 4 June 2014. It was recommended for refusal by officers but members considered that on balance the application was acceptable and approved the application subject to conditions and a section 106 agreement. A copy of this committee report is appended. **(Appendix 1)**.
2. The approved Committee Minute for the Planning Committee dated 4 June 2014 states : -
 1. 'Members heard objections relating to access, the adverse impact on neighbours and an important ecological corridor, the loss of some trees and privacy, and noise.
 1. Committee resolved to give officers delegated powers to approve the application, subject to the following: -

- I. Reconsideration of ecology and access issues (including access from the A1307) in consultation with Parish Councils and local Members representing Sawston and Babraham.
 - II. Further consideration of the environmental impact, including from lighting on site.
 - III. Safeguarding Conditions and, if appropriate, the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990; and
 - IV. The application being referred to the Secretary of State as a Departure from the Development Plan and not being called in for determination'. **(Appendix 2)**
3. This report should be read in conjunction with the original report to Planning Committee, dated 4 June 2014, and a subsequent Officer Delegation report dated 16 April 2015, which describe the application proposals in detail and provide comprehensive assessment of the key planning policy issues and key material planning considerations.
 4. On 25 February 2017, the Court of Appeal by order quashed the planning decision. Their reasons for doing so related to the need for the Planning Committee to give clear reasons for its decision to approve an application in the Green Belt contrary to the officer recommendation in the Committee Report.
 5. Following the ruling of the High Court the Committee is again required to consider the application.. Given the intervening period, the applicant and the Local Planning Authority have agreed that the applicant should submit a number of updated reports, to ensure that the Planning Committee is fully informed with respect to the latest position on matters including ecology, drainage, contamination and landscaping. This has been done and a fresh full round of re-consultation and publicity has been undertaken with all consultees and stakeholders.
 6. The applicant has confirmed that there are no changes to the original building plans that were previously approved and the scheme remains exactly as before. However, enabling works have been undertaken, including tree and vegetation clearance and the re-direction of a ditch, which has resulting in a change to levels on the site.
 7. The additional / updated information which has been submitted is as follows: -
 - Updated Planning Statement
 - Updated Design and Access Statement
 - Updated Ecology Surveys (bat, breeding birds, badger, great crested newt)
 - Updated Protected Species Report
 - Updated Ecological Management Plan
 - Updated Tree Survey
 - Updated Flood Risk Assessment
 - Updated Water Drainage Proposals
 - Updated Renewable Technologies
 - Updated Landscaping
 - Updated Land Contamination Strategy
 - Updated Fire Hydrant Details
 - Updated Sustainability Statements
 - Updated Water Conservation Strategy
 - Updated Landscape and Visual Impact Assessment

- Updated Community Impact Statement
- Updated Topographical Survey
- Amended Fencing
- Amended Materials
- Amended Landscaping
- Amended Services

8. Members are advised that due to their extensive nature, the appendices referred to above and below have been provided as part of the electronic publication of the report.

Planning History

9. *Following the committee meeting in June 2014, officers of the local planning authority engaged with relevant consultees and stakeholders in relation to these four matters identified by the Planning Committee.*

*On 22 September 2014 the Secretary of State for the Department for Communities and Local Government confirmed in writing to the Local Planning Authority that the application was not to be called in for determination and should be determined by the Local Planning Authority. **(Appendix 3).***

*On 9 April 2015 a Legal Agreement under Section 106 of the Town and Country Planning Act, 1990 was signed. **(Appendix 4).** The developer obligations to be secured under this agreement are as follows: -*

*On the 16 April 2015 a Delegation Report was produced and signed **(Appendix 5).** This Delegation Report provides a summary of the post-committee actions, clarifications and agreed courses of action in relation to the four matters identified by Members at the Planning Committee Meeting on 4 June 2014.*

*On 17 April 2015, the Local Planning Authority approved the planning application, subject to conditions and informatives. **(Appendix 6).***

The consented application was the subject to the 6 week Judicial Review period. Within that period a challenge to the decision was made by a local resident. This was refused and the subject to a further High Court appeal, which was successful.

*On Wednesday 25 February 2017 in the Court of Appeal ordered that the planning permission granted by the Respondent on 17 April 2015 under reference S/2239/13/FL is quashed, the reasons being that the Planning Committee, at its meeting on 4 June 2014, failed to properly set out its reasons and very special circumstances for allowing inappropriate development in Green Belt. **(Appendix 7).***

The position now therefore, is notwithstanding the Planning Committee's resolution dated 4 June 2014 to delegate authority to officers to approve the application, (subject to the further matters to be considered), there is no longer a planning permission for the development. The application has reverted back to being a live, undetermined planning application. It is therefore necessary to report the planning application back to the Planning Committee for consideration and determination.

Discharge of Condition Application in the Intervening Period

10. *Following the signing of the Section 106 Agreement and the issue of the planning*

application in April 2015, but prior to the planning permission being quashed in February 2017, the applicant submitted, and the Local Planning Authority approved, two applications for the discharge of the pre-commencement conditions pursuant to the planning permission, as follows: -

S/2345/15/DC - Discharge of Conditions 6 (Boundary Treatment), 7 (Materials), 14 (Contractors), 22 (Ecological Enhancement), 23 (Bat and Bird Nest Boxes), 25 (Foul Water Drainage), 26 (Surface Water Disposal), 27 (Surface Water Drainage), 28 (Suspended Solids), 29 (Land Contamination), 30 (Fire Hydrants), 31 (Site Waste Management Plan), 32 (Renewable Energy Technology) and 33 (Water Conservation Strategy) of Planning Consent S/2239/13/FL for Erection of Football Ground for Cambridge City Football Club and Creation of New Community Recreational Space

Approved 15 February 2016 (**Appendix 7**).

S/2587/15/DC - Discharge of Conditions 3 (Landscaping), 4 (Landscaping Programme) & (Boundary Treatment) of Planning Consent S/2239/13/FL for Erection of Football Ground for Cambridge City Football Club and Creation of New Community Recreational Space.

Approved 15 February 2016

Following the approval of these pre-commencement details the applicant has undertaken enabling works at the site. This has comprised levelling of the site and clearance of vegetation where development is intended to take place, creation of the access track and woodland walk and completion of the ditch diversion. However, the site remains screened by existing mature vegetation to all boundaries, including a TPO ancient woodland to the south of the site.

Planning Policies

- 11 *National Planning Policy Framework
Planning Practice Guidance*

Local Development Framework

12. **Local Development Framework 2007**

ST/1: Green Belt
DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
DP/7: Development Frameworks
GB/1: Development in the Green Belt
GB/2: Mitigating the Impact of Development in the Green Belt
GB/5: Recreation in the Green Belt
NE/1: Energy Efficiency
NE/2: Renewable Energy
NE/3: Renewable Energy Technologies in New Development
NE/6: Biodiversity
NE/11: Flood Risk
NE/14: Lighting Proposals
NE/15: Noise Pollution
CH/2: Archaeological Sites

TR/1: Planning for More Sustainable Travel
TR/2: Car and Cycle Parking Standards
TR/3: Mitigating Travel Impact

13. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**District Design Guide SPD - Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009
Biodiversity SPD – Adopted July 2009
Landscape in New Developments SPD – Adopted March 2010

14. **Draft Local Plan**

S/1: Vision
S/2: Objectives of the Local Plan
S/3: Presumption in Favour of Sustainable Development
S/4: Cambridge Green Belt
S/5: Provision of New Jobs and Homes
S/7: Development Frameworks
CC/1: Mitigation and Adaptation to Climate Change
CC/2: Renewable and Low Carbon Energy Generation
CC/3: Renewable and Low Carbon Energy in New Developments
HQ/1: Design Principles
NH/4: Biodiversity
NH/8: Mitigating the Impact of Development in and adjoining the Green Belt
NH/10: Recreation in the Green Belt
SC/4: Meeting Community Needs
SC/10: Lighting Proposals
SC/11: Noise Pollution
SC/12: Contaminated Land
TI/2: Planning for Sustainable Travel
TI/3: Parking Provision

Consultation

15. **Sawston Parish Council** - Support subject to the following: -

- No access to the site on Sundays for car boot users before 9am.
- All licensed bar users to be off the premises by midnight every night.
- Changing rooms for all weather pitches to be available to Sawston Teams and maintained by CCFC.
- Gym will be for players and CCFC Members only.
- CCFC Girls will not play or train at Sawston if they are in the same league as Sawston girls.
- Car boot sales will not start before 10.00am.
- Licensed bar will finish at 1.45 on Saturdays.
- Minibus Transport will be provided from Whittlesford Station and Babraham Park and Ride.

16. **Babraham Parish Council:** - Although in support of the application in principle the parish council have concerns about the following: -

- Increased traffic through the Babraham High Street, where speeding is currently an issue.
- Use of grounds by other users may cause traffic in addition to that caused by football events. For example, car boot sales early on a Sunday morning would

generate a lot of traffic through the village at otherwise quiet times.

- Potential increased traffic through the village if the club were to be promoted to a higher league in the future.
- Light pollution from floodlights.
- Noise pollution from the increase of traffic and the construction of the building.
- Safety regarding heavy construction traffic through the village. The road is often reduced to one lane due to on-road parking. Please note that the primary school is located on the main road and the increased traffic may pose a risk to vulnerable children.

The council would like to specify that no construction traffic use Babraham High Street to access the building site and seek reassurances that this will be enforced.

17. **Cambridgeshire County Council, Highways Authority** -The Local Highway Authority's stance in respect to the on street and off street works remains the same.
18. **Cambridgeshire County Council – Transport Assessment Team** - There was a signed S106 agreement which was signed. Is this still valid with this application? We need the applicant to confirm that the assumptions contained in the Transport Assessment still remain the same. If this is the case and the S106 is also still valid, then assuming nothing has fundamentally changed I don't think we would need a full updated Transport Assessment.

We would however request that in any case the applicant provides updated accident data to check nothing has changed in safety terms.

19. **Sport England** - Remains supportive for the reasons set out in the original representations.
20. **Environment Agency**- No objections subject to conditions to manage protection of controlled waters from contamination (site investigation, remediation and verification), measures in the event of unidentified contamination, surface water scheme and piing.
21. **Cambridgeshire County Council, Lead Local Flood Authority** – Raised no objection
22. **Anglian Water- Wastewater Treatment** - The foul drainage from this development is in the catchment of Sawston Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network The sewerage system at present has available capacity for these flows.

Surface Water The proposed method of surface water management does not relate to Anglian Water operated assets.

23. **South Cambridgeshire Development Plan Officer** - Since the last Sawston Stadium application the Council has completed the Playing Pitch Strategy, 2016 This identified the need for new facilities, and identified the then consented facilities at Sawston as part of meeting that need.

24. **Landscape Officer** - Approval subject to:-

- The protection and enhancement of existing woodland boundary.
- A programme of planting enhancements to infill the existing boundary with Local Character species.
- The provision of additional tree and shrub planting with the car parking layout

I agree with the applicant that the site is relatively contained in visual terms by the existing woodland boundary. The development would fit in well with the existing character and will improve the character and value of the landscape.

Visual and visual amenity – Neutral effect. The development will be imperceptible with the existing views.

25. **Ecology Officer** - Considering site clearance has already taken place I will assume that it was undertaken under the supervision of an Ecological Clerk of Works as recommended in the numerous ecology reports submitted with the original application in 2013. My concern is if a significant period of time has elapsed in the interim and that vegetation has re-grown. If this is the case a similar protocol to that followed for the original application should be enforced if further site clearance is needed.

The habitat enhancement and installation of bird and bat nesting boxes is welcomed, and should help to compensate for the habitat that is being lost for the construction of the football ground. However I am concerned that the lighting design shows what appears to be four lighting columns illuminating the recreational/mitigation area to the south. I am not convinced this is in keeping with the mitigation and habitat enhancement recommendations made in the submitted ecology assessments. If this area is to provide foraging habitats for species such as bats then the additional lighting will frustrate this. I would suggest that the recreation ground lighting is either removed completely or put under a strict usage agreement to provide an unlit space for foraging bats and other nocturnal species.

The new hedge and trees suggested for the southern boundary of the football ground will need to be carefully designed to provide adequate screening for the pitch lighting to prevent light spill onto the scrub and grassland habitats to the south. I would suggest planting semi-mature individuals to provide an instant screening effect, otherwise there could be medium term impacts on nocturnal wildlife which could result in legislative conflict; given bats are fully protected under the Conservation of Habitats and Species Regulations 2010 (as amended), and have been proved to be foraging in the area.

In Summary

- If further site clearance is required, ecological avoidance and mitigation strategies should be followed as in the 2013 reports,
- either the removal or strict control of the floodlighting for the recreational/mitigation area to the south of the football ground; and
- Fast establishment of the hedge to the south of the football ground to provide screening of any light spill from floodlit pitches onto the recreation/mitigation area.

26. **Trees Officer** - An updated Arboricultural Method Statement with tree protection strategy and key stage arboricultural supervision is welcomed and is fit for purpose.

If you are minded to approve this application then please include planning conditions

as follows:

Further proposed tree works around the edges of the construction area are to be carried out in accordance with further details to be drawn up and submitted for these works.

Tree protection measures are to be installed in accordance with the approved tree protection strategy before any construction works commence on site. The tree protection measures are to remain in place during construction and may only be removed after completion of all construction works.

Arboricultural supervision to be carried out at key stages during the course of development as detailed in the approved arboricultural method statement.

27. **Cambridgeshire County Council – Archaeology** - We have reviewed the above planning application and this does not affect our previous advice, which was no comment, as the site is primarily landfill (and therefore most of the archaeology that may have been present will have been destroyed), and the southern portion of the site is to be retained as-is, avoiding any disturbance to the moated site within its bounds.
28. **Environmental Health Officer - Noise** - Having considered the original application and the Environmental Health Officers comments made at that time pertaining to that application, I can confirm the Conditions and informative recommended are still relevant as attached to the original Decision Notice and consequently still stand, which are: construction management plan, hours of use of stadium car park, controls over car boot sales, power operated machinery and plant, acoustic mitigation, lighting and floodlighting (including hours of use), foul water, surface water, contamination, site waste management plan and renewable energy.
29. **Environmental Health Officer - Contaminated Land** - The works outlined in this report appear appropriate, however still need to be implemented and verified. Therefore I recommend that no development approved by this permission shall be commenced, unless otherwise agreed, until:
 - a) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - b) If, during remediation works and/or any construction works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007

30. **Police Architectural Liaison Officer** -Support
31. **Fire Authority** - No response.

Representations

32. 5 letters of **objection** outlining the following points: -
- Inappropriate development in Green Belt.
 - Scale of development is questionable for a club with low attendance levels and uncertain viability.
 - Edge of village location not convenient for community use.
 - Poor access route, especially for public transport.
 - Unlikely to provide level of employment suggested.
 - No clear plan for the woodland.
 - Disturbance to wildlife and residential amenity from construction activity.
 - No need for such a large development.
 - Insufficient car parking.
 - Light pollution.
 - Noise pollution.
 - Disturbance and inconvenience from car boot sales.
 - No public toilets.
 - Traffic increases.
 - Alternative access should be considered.
33. 600 signatory petition in strong **support** of the application proposals, urging the Council to facilitate the proposal as soon as possible.
34. 11 letters of neighbour **support** outlining the following points: -
- The club has spent years searching for a new ground.
 - The proposals will provide facilities for many teams and local people and families.
 - The scheme includes a gift of land for community uses.
 - A fantastic facility for young people.
 - Will ensure future generations can enjoy football.
 - A huge asset.
 - Future sporting enjoyment and participation.
 - Extra recreational space for the village.
 - Provision of all weather pitches.
 - Will enhance and encourage people to participate, spectate and support.
 - A welcome addition with economic benefits.
 - The club has a long history and needs a ground.
 - Already unanimously approved.
 - Better to locate here than to have to battle in and out of Cambridge.
35. Applicants Supporting Letter –
- The site is now clear and levelled and the site no-longer requires tree removal or relocation of drainage channel.
 - There is now clear information on how the development will be operated through the documents set out in the Additional Information submission. This includes information relating to boundary treatments, materials, ecology enhancement, foul water drainage, surface water drainage and disposal, land contamination, fire hydrants, water conservation and landscaping. This gives

much greater certainty about how the previous Conditions will be met and assures the Council and locals of the exact impact of the development

- High demand in the area for sports facilities
- Cambridge City Council have published that there are no sites for the club in the City
- There is a move to re-instate the railway line so will become a more sustainable location.
- The Cambridge City Council and South Cambridgeshire District Council Indoor Sports Facility Strategy includes this proposed 3G pitch to satisfy an identified shortfall. The document recognises that one of the Key Priorities is 'to work towards the supply identified for 3G rubber crumb pitches' which includes the CCFC pitch. It also states a key priority of for SCDC is to 'work with the FA to support clubs applying for....planning'.
- There have been other reports written such as Sporting Future: A New Strategy for an Active Nation which all recognise the benefits of sport and the importance of access to it. On 24th November 2016
- There is now significant local support for the development which includes a petition set out by a Local Councillor. This facility is wanted in this location.
- We believe the significant community and ecological benefits of the scheme outweigh any harm to the openness of the Green Belt which is limited to the site only by virtue of the significant tree belt to the perimeter of the site

Planning Assessment

36. This report should be read in conjunction with the original committee report, and the subsequent delegation report following the committee meeting.

Key Material Considerations

Green Belt.

37. The site lies outside the defined village framework of Sawston and within the countryside and Green Belt. Members should be mindful of the fact that the appearance and characteristics of the site have changed in the intervening period since the original proposals were considered. The key changes, undertaken in the understanding that planning permission had been granted, relate to the comprehensive removal of vegetation from the site, site levelling, creation of access and woodland walk and the re-direction of a drainage ditch.
38. Notwithstanding these differences, the application site remains in the Green Belt. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. A number of exceptions are identified including:
- “the provision of appropriate facilities for outdoor sport, outdoor recreation ... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”
39. In accordance with the advice set out in paragraphs 55-59 of the original Committee Report, officers again conclude the scale of the development, together with its siting on presently undeveloped land, means the proposal would clearly conflict with the purposes of including land in the Green Belt, namely to check the unrestricted sprawl of built-up areas and to safeguard the countryside from encroachment. It would also fail to preserve the openness of the Green Belt.

40. As such, the proposal comprises inappropriate, and by definition, harmful development. Very special circumstances are required to justify permitting the application proposals.

Visual Impact on the openness of the Green Belt.

41. Notwithstanding the removal of vegetation and some operational development, the landscaping remaining and thereafter proposed on the boundary of the site would contribute significantly to the visual enclosure of the site. While they may not be readily seen from outside of the site, the structures and the associated floodlighting would nonetheless result in significant harm to the openness of the Green Belt and thus represent additional harm.
42. While recognising the comments of the Council's Landscape Officer, it is considered the development would have an urbanising impact on the landscape. The mature trees bounding the site are deciduous trees and it is notable that the applicant's original visual impact assessment was undertaken in July, a time of year when the structures would admittedly be generally well concealed from public view. During the winter months when the trees have lost their greenery, the development would be visible in middle and long distance views from surrounding footpaths and roads. Additionally, whilst the floodlights have been designed to be lower than the boundary trees and, as set out in the lighting assessment, to point downwards in order to minimise light spillage, the lighting would clearly have an adverse impact on the landscape during the winter months. The football season lasts from August-May and, throughout the daylight saving part of the year from October-March (a time of year when tree cover will provide nominal screening), floodlighting will be required for evening matches and training.
43. In summary, it is considered that the structures and the associated floodlighting would have an adverse impact within the surrounding landscape contrary to policy DP/3 (m) of the adopted Local Development Framework..

Countryside Impact

44. Policy DP/7 states that, outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. The policy seeks to ensure the countryside is protected from gradual encroachment and to help guard against incremental growth in unsustainable locations.

Residential Issues

45. There are no in-principle objections from statutory consultees but it is considered that the stadium would have some adverse impact upon the amenities of surrounding properties as identified in paragraphs 70 – 77 of the June 2014 committee report (appendix 1) but these could be mitigated through the following conditions:
- 46.
- Restriction on hours of operation of the stadium and main car park to 7am-11pm Monday-Saturday and 9am-10pm on Sundays and Bank Holidays.
 - Details of plant and machinery.
 - Details of acoustic mitigation of the main stadium.
 - Floodlighting to the community land to be switched off at 10.30pm.

Highway safety, car parking and cycle parking.

A transport statement has been submitted with the application. The Local Highway authority has assessed that document in light of the current situation and raised no objection subject to conditions and the Section 106 obligations being met.

Ecology

47. The Ecology Officer raises no objection principal objections as the application is supported by an Ecology Enhancement which has been previously discharged, the measures area considered acceptable subject to the original guidance being followed again as the site has re-grown since originally being cleared. This can be secured by condition should the application be considered acceptable.
48. *Sustainability and sustainable transport issues*
- An updated travel and event management plan was required as part of the conditions attached to the application determined in 2014. This was to include measures to reduce cardendency and to promote alternative modes of travel to the private motor car.
49. In spite of this, officers previously concluded (see paragraphs 88 - 90 of the original report) that due to the inconvenience of the other options, as well as the ease of (free) parking at the site, it is likely most supporters would choose to travel by car. With regards to the proposed alternative ancillary uses of the stadium and the adjacent community land, Officers considered the site is not in a very accessible location for the local population for such a facility. In addition, the access to the site is currently through an industrial estate and unlikely to be perceived as attractive to pedestrians and cyclists, particularly during the evening hours, albeit this would change if the proposed housing allocation is implemented.
50. As a result, Officers remain of the view that the proposal for this major sporting facility would result in an unsustainable form of development by attracting unsustainable forms of travel to and from the site contrary to Policies DP/1 and TR/1 of the adopted Local Development Framework 2007.

Flood risk and contamination

51. As previously stated the site is located on top of a known historic landfill site for inert waste and former railway land and also overlies a principal aquifer. The responses from the Environment Agency and Contaminated Land Officer make it clear that any harmful impacts can be controlled through planning conditions. A scheme was considered as part of the discharge of condition application S. 2345./15/DC and the proposal were considered acceptable, therefore only a compliance condition would be appropriate.
52. *Archaeology*
53. The site lies within an area of known archaeological interest including a non-scheduled medieval moat within the woodland to the south. However, given the former use of the site for landfill purposes, the County Council's Archaeology Officer considers the archaeological value of the site itself to be negligible and has therefore raised no objections to the development

54. *Water conservation and renewable energy*

The scheme has not been amended in relation to water conservation or renewable energy as part of the revised document therefore the applicant still intends conservation would be achieved by constructing a rainwater collection system from the roof areas which would then be pumped through a sprinkler to serve the main pitch. Such measures can be secured by condition in the event planning permission is granted. This was also considered as a 'discharge of condition' application and the applicant has achieved an acceptable scheme.

55. The renewable energy statement proposes the use of solar panels that would exceed the 10% renewable energy requirement. The submitted report is based on pre-construction figures and, if the scheme is approved, a condition would be needed requiring details of a final scheme.

Impact on local services

- 56.. Significant concerns were raised in the earlier committee report relating to competition between the site and existing facilities. This is not a material planning consideration. However, CCFC has sought to address the concerns raised. Sport England has advised that being the only public sport facility in the community is just one of a number of factors to be taken into account in assessing eligibility for funding and that there are other funding streams that could be applied for. As such, the development is unlikely to compromise the Village College's chance of securing funding in the future

Very special circumstances

57. In addition to the harm by reason of inappropriateness, the development is also considered to result in harm by virtue of the loss of openness of the Green Belt, unacceptable visual impact on the landscape, and by resulting in an unsustainable form of development. In accordance with paragraph 87 of the NPPF, the development should not be approved except in very special circumstances. Paragraph 88 goes on to state that "when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"

Court of Appeal Decision

58. The High Court decision to quash the original planning permission is a matter of fact; however it is not a material planning consideration to which any particular weight should be attached. The application is being brought back to Planning Committee and Members are directed to reconsider and debate all of the material planning considerations in full. If Members are minded to approve the application then the judgement by the Court makes clear that the Committee minute clearly sets out the very special circumstances that it considers override the harm to the Green Belt arising from the proposals. to override the by definition harm to the Green Belt, and other harm, are fully and clearly set out.
59. The need to demonstrate very special circumstances was assessed in paragraphs 102 -135 of the original Committee Report. Further supporting information from the applicant has been submitted since the earlier committee report) which outlines the clubs continuing commitment to delivering the development which they believe will

secure the future of Cambridge City Football Club and provide much needed sporting facilities and a recreational ground for the village. They continue to strongly believe that their facilities can be considered under the exceptional criteria for sporting and recreational development within the Green Belt.

a) Need for the development

60. The Club currently has no permanent home and currently operate from temporary facilities/grounds in St Ives. It is believed this has prevented the club from attracting new players, being able to afford new players, gaining the level of support they need from fans and ultimately allowing the club to grow. This is a long-standing prominent football club which has had an uncertain future over the last four years and this may well have impacted on the morale within the club. The club have stated that if permission is granted for the new stadium the future of the club is bright; a permanent ground, an accessible local base for fans, an ability to self-generate funds, attract new players and ultimately grow with a view to moving up the leagues.
61. In terms of teams there are currently:
- two male adult teams (1 x EvoStik Southern . 1 x Development team, namely under 21's in Kershaw Premier, step 7)
 - Five boys teams, under 13 to under 18.
 - Two ladies teams with senior team playing at national level 3.
 - Nine girls teams, under 9 to under 17.
 - Two para-ability teams.
62. Therefore there are 20 teams under the CCFC banner playing and training at various locations in the county which is very much a community asset.
63. The financial situation remains the limited as the club is can't raise any money as income streams are severely limited through ground-sharing. The club relies on gate money on a match-day, various types of sponsorship, advertising, match-day catering (very limited) and donations. The fear is that this situation is not sustainable and without a permanent home the club may cease to exist

b) No other sites available

The club has been searching now for around nearly 15 years for a suitable location, it initially wanted to locate in the City but due to the size of the site required and land values, this has not been possible and the Sawston site remains the best option.

Other sites considered below:

- Number of sites considered in Newmarket, Linton, Papworth Everard, Swavesey were discount on the ground of failure to meet the size requirements
- University Rugby Club- unwilling to share ground as different sports needs and sharing ground would be inappropriate
- Cambridge Rugby Club – would consider sharing, no local support
- Cowley Road site – unviable
- NIAB – no interest
- Milton – Site is Green Belt, no Parish support at the time of the application.

- Spicer Site – Site access compromised.

c) Community benefits.

64. The application would accord with paragraph 73 of the NPPF, which states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Sawston has an identified shortfall of 5 hectares of recreation space.

Playing Pitch Strategy

The Greater Cambridge Area Encompassing Cambridge City Council and South Cambridgeshire District Council Playing Pitch Strategy 2015 – 2031, Adopted June 2016

65. The Council's Forward Planning Team has identified the 2016 adoption of the Playing Pitch Strategy as a material planning consideration in the determination of the application. This post dates the June 2014 Planning Committee resolution to delegate approval of the application to officers and the subsequent April 2015 planning approve.
66. The Playing Pitch Strategy 2016 identifies a continuing shortfall and need for additional playing pitches in Sawston, inclusive of the 2015 consent of the Cambridge City Football Club stadium and associated additional recreational space. In particular, the Playing Pitch Strategy highlights that the 3G pitch secured by the Cambridge City Football Club planning permission contributed towards the supply in Sawston. Given that the consent has been quashed, this contribution has been lost. The need for more provision and the contribution that approval of this application would make, weighs in favour of the application in the planning balance. However, officers remain of the view that the contribution to supply and reducing the deficit that exists would not be sufficient to comprise very special circumstances justifying approval of this application..
67. The application has received support from some local residents within the area who have identified benefits .including: additional green space for residents to use in association with the Parish Council; the provision of new recreational facilities which are built to the latest standards; a facility which would be available to residents for private hire, as an important local venue, which could then have wider appeal to business and residents within nearby villages; and the provision of local jobs to work in the public areas. These benefits need to be balanced against the identified harm to the Green Belt. .

Conclusions

68. The NPPF requires, that development should not be approved except in very special circumstances. Paragraph 88 goes on to state that “when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”
69. The applicant's submission sets out what they consider to be the very special circumstances justifying approval of the application. Officers have considered these matters and the changes identified above in their assessment and remain of the view

that the matters identified whether taken singularly or together do not amount to the very special circumstances justifying approval of the application.

70. The February 2017 Court of Appeal decision to quash the original planning permission and the requirement to properly and fully set out the reasons for overturning the officer recommendation to refuse requires Members to consider, in particular, the following issues and give reasons for their conclusion in respect of each.. Members should consider not only this report but also the original report dated 4 June 2014 and the delegated report dated 16 April 2015 in formulating their conclusions and reasons on each issue. These issues are:

(1) Do the Committee agree with the officer view that the proposed development would be inappropriate development in the Green Belt? In doing so, Members must acknowledge and agree that inappropriate development is by definition harmful to the Green Belt and should not be approved in very special circumstances

(2) Do the Committee consider that there would be additional harm to the Green belt over and above the harm that would be caused by reason of inappropriateness?

i) In particular, do the Committee consider there would be harm to the openness of the Green Belt by reason of the structures and floodlighting proposed by the development?

If not, members will need to set out their reasons for coming to a different view?

ii) Do the Committee consider that the development would have an adverse impact on the countryside and landscape character?

If not, members will need to set out their reasons for coming to a different view?

iii) Do the Committee agree that the development would be in conflict with Policy DP/7 of the Local Development Framework, which provides that "Outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted"?

If not, members will need to set out their reasons for coming to a different view?

iv) Do the Committee consider the site is in a location that would result in unsustainable forms of travel for the proposed use?

If not, members will need to set out their reasons for coming to a different view?

(3) Paragraph 88 of the NPPF state that "when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other

harm, is clearly outweighed by other considerations,

With that in mind, what factors do members consider to be “very special circumstances” (whether taken individually or cumulatively) which clearly outweigh the harm to the Green Belt?

Further and in particular, do members consider that the alternative site search that was carried out by the applicant was, or was not, sufficiently robust and if so, why?

71. Should Members be minded to approve the application, officers would advise consideration and imposition of the list of conditions set out in the original decision notices appended to this report. Furthermore, Members should note that the original Section 106 Agreement appended to this report remains valid, and the schedule of obligations contained therein continue to take effect, subject to any variations or amendments which may be advised by the Council’s solicitor.

Recommendation

72. That the Committee refuses the application for the following reasons:
1. The site lies outside the defined village framework for Sawston, and within the countryside and Cambridge Green Belt. The proposed development, by virtue of the nature and range of proposed uses together with; the scale of the facility will fail to preserve the openness of the Green Belt and conflict with the purposes of including land within it, namely to check the unrestricted sprawl of built-up areas and to safeguard the countryside from encroachment, would constitute inappropriate development in the Green Belt, as defined within the National Planning Policy Framework 2012 (‘the NPPF 2012’), and would therefore be contrary to Policy GB/1 of the South Cambridgeshire Local Development Framework 2007 (‘the LDF’).
 2. Notwithstanding the harm by reason of inappropriateness, the development would result in additional harm to the rural character of the area. Consequently, the proposal would be contrary to Policies DP/3 (m) and DP/7 of the adopted Local Development Framework 2007, which states that development will not be permitted if it would have an unacceptable adverse impact on the countryside and landscape character.
 3. Notwithstanding the harm by reason of inappropriateness, the site is in a location that would result in unsustainable forms of travel for the proposed use. Consequently, the proposal would be contrary to Policies DP/1 and TR/1 of the adopted Local Development Framework 2007, which state that development will only be permitted if it would be consistent with the principles of sustainable development by, in part, minimising the need to travel and reducing car dependency.
 4. Insufficient very special circumstances, including the lack of a sufficiently robust and detailed consideration of alternative sites, have been put forward to demonstrate why the harm, by reason of inappropriateness in the Green Belt and the other harm identified above, is clearly outweighed by these considerations. The application therefore fails to satisfy the requirements of paragraph 88 of the NPPF 2012.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- Planning File Ref: S/2239/13/FL
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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