



<b>Planning Committee Date</b>	9 <sup>th</sup> November 2022
<b>Report to</b>	South Cambridgeshire District Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00209/S73
<b>Site</b>	Cambridge City Football Club, Sawston
<b>Ward / Parish</b>	Sawston
<b>Proposal</b>	S73 Variation of conditions 2 (Approved plans) and 8 (Cycle store) of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space).
<b>Applicant</b>	Mr K Satchell
<b>Presenting Officer</b>	Tom Chenery
<b>Reason Reported to Committee</b>	S73 to Original Departure Application
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Impact on the Character of the Area 2. Layout and Design 3. Cycle Parking
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions / S106

## 1.0 Executive Summary

- 1.1 The application seeks to amend the approved plans as well as amend the cycle storage condition on previously approved planning permission S/2239/13/FL which granted planning permission for the erection of a football ground for Cambridge City Football Club and the creation of a new community recreational space.
- 1.2 This application was approved by committee, however, was quashed at the court of appeal in February 2017 as Planning Committee needed to give clear reasons for its decision to approve it within the Green Belt.
- 1.3 The application S/2239/13/FL was subsequently determined at Development Management Committee on the 1<sup>st</sup> November 2017 and was approved.
- 1.4 The application was then considered by the Secretary of State which determined the application did not require their approval. A decision notice on the scheme was issued on 7<sup>th</sup> March 2018
- 1.5 The proposal seeks to make a number of amendments which includes:
- Revised design of the main stand
  - Open stand on north and west terrace reduced to 32.2m in length.
  - East terrace reduced to 36.8m.
  - Ticket Office has been removed
  - Relocation of the substation to the west of the main stand
  - Relocation of cycle store
  - Increase scale of the ground store to 10m x 10m.
- 1.6 The proposal is not considered to cause any harm to the character and appearance of the area or result in any undue harm to the amenity or living conditions of any neighbouring occupiers.
- 1.7 The proposal will not result in any highways safety implications or ecological impacts.
- 1.8 Officers recommend that the Planning Committee Approve the proposal.

## 2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	X
Building of Local Interest		Green Belt	X
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Outside Development Framework	X		

2.1 The application site is a parcel of open countryside to the North of the village of Sawston. The proposal is located outside of the development framework boundary of Sawston and is located within the Green Belt.

2.2 To the north, north east and west, there are agricultural fields and open countryside. To the south east is an industrial estate with a number of commercial and industrial units. To the immediate south of the site is a tree belt which is protected by a Tree Preservation Order and acts as a screen from an established residential development.

### **3.0 The Proposal**

3.1 This application is a S73 for the variation of conditions 2 (Approved plans) and 8 (Cycle store) of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space).

3.2 Planning permission was granted for the erection of a football ground for Cambridge City Football Club and the creation of a new community recreational space on 7<sup>th</sup> March 2018 under application S/2239/13/FL. This application is to vary conditions 2 and 8 of this permission .

3.3 A site visit has been undertaken which confirms that development has started on the site with the site being cleared, hardstanding laid, the framework of stands being erected and floodlights being erected. A table indicating the pre commencement conditions and other conditions that have been discharged is present in section 10.83. Therefore, there is an extant permission on the site as application S/2239/13/FL has commenced.

3.4 The proposal would result in a number of minor changes to the approved plans (condition 2) and cycle storage (condition 8). These include:

- Revised design of the main stand
- Open stand on north and west terrace reduced to 32.2m in length.
- East terrace reduced to 36.8m.
- Ticket Office has been removed
- Relocation of the substation to the west of the main stand
- Relocation of cycle store
- Increase scale of the ground store to 10m x 10m.

### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
S/2239/13/CONDA	Submission of details required by conditions 13 (Contractors details) and	Discharge Condition in full

	26 (Scheme to treat and remove suspended solids from surface water run-off) of planning permission S/2239/13/FL	
S/2239/13/NMA1	Non Material amendment of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space) for the removal of the ticket office and relocation of the sub-station.	Refused
S/2239/13/FL	Erection of football ground for Cambridge City Football Club and creation of new community recreational space	Approved
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
S/0581/19/DC	Discharge of conditions 4 (Arboricultural method statement) 9 (Footway) 13 (Contractors details) and 29 (Site waste management plan) pursuant to planning permission S/2239/13/FL	Approved

- 4.1 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 S/2239/13/FL was not to be called in for determination and should be determined by the Local Planning Authority.
- 4.2 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.

4.3 On November 1<sup>st</sup> 2017 the application was again considered by the Planning Committee to which the application was Approved (known in this reports as the “consented scheme”) subject to conditions and planning permission was granted for the erection of football ground for Cambridge City Football Club and creation of new community recreational space. Several conditions relating to the proposal have also been discharged and have been detailed above.

4.4 On W/C 26<sup>th</sup> February 2018, the Secretary of State confirmed that the planning decision can be made without their involvement.

4.5 On the 7<sup>th</sup> March 2018 planning permission was granted .

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK’s planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

### **5.2 South Cambridgeshire Local Plan 2018**

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 Adaption to Climate Change

CC/2 – Renewable and Low Carbon Energy Generation  
CC/3 – Renewable and Low Carbon Energy in New Development  
HQ/1 – Design Principles  
NH/4 – Biodiversity  
NH/8 – Mitigating the Impact of Development in & adjoining the Green Belt  
NH/10 – Green Belt  
NH/14 – Heritage Assets  
SC/4 – Meeting Community Needs  
SC/10 – Noise Pollution  
SC/11 – Contaminated Land  
TI/2 – Planning for Sustainable Travel  
TI/3 – Parking Provision  
TI/8 – Infrastructure and New Developments

### **5.3 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Village Design Statement SPDs (Sawston) - adopted January 2020

- 5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Development affecting Conservation Areas SPD – Adopted 2009  
Landscape in New Developments SPD – Adopted March 2010  
District Design Guide SPD – Adopted March 2010  
Open Space in New Developments SPD – Adopted January 2009  
Trees and Development Sites SPD – Adopted January 2009

### **6.0 Consultations**

#### **6.1 Sawston Parish Council – Support**

- 6.2 Made comments in support of the application

#### **6.3 County Highways Development Management**

- 6.4 No Objection subject to recommended conditions as set out on the previously approved application.

#### **6.5 County Transport Team**

- 6.6 The cycle parking should be located near to the turnstiles and the main building rather than at the far end of the car park. This will provide more

overlooking of the cycle parking for security and is more convenient location.

**6.7 Lead Local Flood Authority**

6.8 1<sup>st</sup> and 2<sup>nd</sup> comments – Objection – Further information required

6.9 3<sup>rd</sup> Comments – No Objection

**6.10 Environment Agency**

6.11 No Response

**6.12 Anglian Water**

6.13 No Response

**6.14 Urban Design and Conservation Team**

6.15 From an urban design perspective, officers raise concerns about the quality of the revised designs proposed, particularly for the main stand and turnstile building (replacing the ticket office) and request further detailed information about the materials and colours of several of the features. Its considered that the proposals would not be fully meeting policy HQ/1 (design principles) (c) and (d) of the District Local Plan (2018).

**6.16 Landscape Officer**

6.17 1<sup>st</sup> Comments – Concern – There has been a reduction in quality to the buildings across the scheme.

6.18 Landscape proposals should be reviewed in light of the changes to the layout and landscape. Tree species and locations of fenced areas should be marked on a plan and agreed with the LPA.

**6.19 Ecology Officer**

6.20 No Objection

**6.21 Sport England**

6.22 No Objections

**6.23 Environmental Health**

6.24 No Further Comments

**6.25 Police Architectural Liaison Officer**

6.26 Concern regarding secure fencing, lighting and CCTV coverage of the cycle store.

## **6.27 Archaeology**

6.28 No Objections

## **7.0 Third Party Representations**

7.1 No representations have been received.

## **8.0 Member Representations**

Not applicable

## **9.0 Local Groups / Petition**

Not applicable

9.1 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **10.0 Assessment**

### **10.1 Principle of Development**

10.2 Section 73 of the Town and Country Planning Act provides applications for planning permission to develop land or change the use of land or a building without complying with conditions previously imposed on a planning permission. In determining such an application under S73, the decision maker must take into account any changes in circumstances since the parent permission was issued.

10.3 In this case, there has been no relevant material change in circumstances at the site.

10.4 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.



10.5 In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application, (Paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved

10.6 Having regard to the established principle of the development, consideration of the application therefore turns to examining the impact of varying the conditions on the character of the area, impact in respect to openness of the Green Belt, any highways safety implications or harmful ecological implications.

### **10.7 Green Belt Impact**

10.8 The original proposal granted planning permission under application reference S/2239/13/FL for the erection of a football ground for Cambridge City Football Club and the creation of a new community recreational space.

10.9 In the previous officers report of the consented scheme, it stated that the proposal would compromise inappropriate development in the Green Belt, which Very Special Circumstances (VSC) are required to justify permitting the application proposal. It also concluded by stating that the structures and associated floodlighting would have an adverse impact within the surrounding landscape.

10.10 Committee Members discussed the scheme at Planning Committee and agreed that the development would amount to inappropriate development in the Green Belt and that the development should not be approved except where VSCs could be demonstrated. Members agreed that the proposal provided VSC's including significant community benefits, ecological enhancements and improvements to the local landscape that outweighed the harm to the Green Belt.

10.11 The proposal seeks to amend the design of the stadium which includes:

- Revised design of the main stand
- Open stand on north and west terrace reduced to 32.2m in length.
- East terrace reduced to 36.8m.
- Ticket Office has been removed
- Relocation of the substation to the west of the main stand
- Relocation of cycle store
- Increase scale of the ground store to 10m x 10m.

- 10.12 The amendments to the stadium which include reduction in scale of the main stadium particularly its height and bulk.
- 10.13 The proposed alterations to the design of the main stand would remove the supporting struts and cables on the roof and would be a more simplified design which would have a pitched roof, hidden by a parapet. The overall height would be reduced to 9.5m, although its width and depth would remain the same.
- 10.14 The reduction in scale of the northern, eastern and western terraces; and the removal of the ticket office would result in a decrease in built form and footprint. As a result, the proposal would have a negligible impact on the openness of the Greenbelt.
- 10.15 The minor increase in scale of the ground store and relocation of the bike stores and substation would also have a negligible impact due to their siting behind the main built form of the stadium and being screened by proposed vegetation.
- 10.16 Therefore, due to the reasons outlined above, the amended design is not considered to cause any undue harm to the openness of the Green Belt over and above that of the approved scheme S/2239/13/FL and is considered to be in conformity with Section 13 of the NPPF, and Local Plan Policies S/4 and NH/8.

#### **10.17 Design, Layout, Scale and Landscaping**

- 10.18 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 10.19 The application seeks to make alterations to the design and scale of the main stadium aspect of the proposal, amendments to the scale of the other terraces as well as some other alterations which include removing the ticket office, relocating the substation and relocating the main cycle parking.
- 10.20 Work has commenced on the site including the removal of trees and vegetation, the laying of tarmac and the start of the construction of the main stand.
- 10.21 Paragraph 130 of the NPPF seeks to ensure that the quality of approved schemes is not diminished through amendments and careful consideration has been given in the assessment of the revised proposal.

### *Main Stand*

- 10.22 The approved stadium design included a large main stand measuring some 67m in width, 10.2m in height and 22m in depth. The design benefits from a large canopy and supporting struts and associated cabling that extends across the frontage and seating area of the stands. The approved materials are insulated panels with glass.
- 10.23 As highlighted above, the proposed alterations to the design of the main stand would remove the supporting struts and cables on the roof and would be a more simplified design which would have a pitched roof, hidden by a parapet. The overall height would be reduced to 9.5m, although its width and depth would remain the same.
- 10.24 Furthermore, the proposed design of the front façade would be altered so that instead of insulated panels with glass, the materials would consist of slate grey, black and white Trimapanel and some standard glazing units with aluminium surrounds. Although the proposed design would be simplified from the previously approved materials and design, it would still resemble the football club's colours and would not appear too dissimilar to the originally approved scheme in terms of its colour palette.
- 10.25 The Urban Design Officer has been consulted on this aspect of the scheme and has stated that the loss of the cantilevered roof form and that the materials are not as visually attractive. It is concluded that the Urban Design Officers preferred the appearance of the consented scheme in comparison to the proposed design.
- 10.26 It is agreed that the proposed design is more simplistic in comparison to the consented scheme, however the applicant has advised that the increase in build costs has had a significant impact upon the financial viability of the build. Therefore, the club have had to review the scheme in order to be able to still deliver the project.
- 10.27 Due to the reasons outlined above, the proposed alterations to the main stand, although more simplified in design, would not be too dissimilar to the previously consented scheme and would not cause harm to the character and appearance of the area.

### *Amendments to Terrace buildings*

- 10.28 The application also seeks to make amendments to the northern and western terrace buildings as well as the eastern terrace building.
- 10.29 The tables below shows the proposed alterations in scale to the northern, eastern and western terraces.

*Consented Terrace Sizes*

Terrace	East	West	North
Original Height	4.77	4.77	4.77
Original Width	68.5m	68.5m	105m

*Proposed Terrace Sizes*

Terrace	East	West	North
Proposed Height	4.5m	4.5m	4.5m
Proposed Width	36.8m	32.2m	32.2m

- 10.30 The eastern terrace does include space for disabled supporters.
- 10.31 As noted in the applicant's original Design and Access Statement the average attendance for Cambridge City FC's games for the last 5 years has been 338 but on occasions there has been attendance levels of around 1000 people. This document also states that in order for Cambridge City Football Club to be promoted they must have a stadium capacity of at least 3000 people. Although the scale of the stands has been reduced, the ground would still be able to achieve a capacity of 3000 people.
- 10.32 Regarding this aspect, although the scale of the stands is being significantly reduced, the design would be almost identical to the approved scheme and as such would not cause harm to the character and appearance of the area. Materials are to be sought by condition.

*Other Design Amendments*

- 10.33 The proposal seeks to also make more minor amendments to the consented design through the removal of ticket office building, and replacement with a turnstile building; the increase in size of the ground store and relocation of the substation; and the relocation of some of the cycle parking.
- 10.34 The consented ticket office building was attached to the south western elevation of the Main Stand. It benefitted from a permanent appearance in a prominent location and benefitted from a large glazed frontage.

- 10.35 The proposal seeks to remove the ticket office building and replace it with turnstiles. Similarly to the design amendments above, this aspect of the scheme has been simplified owing to the build cost implications. Whilst not as grand as the original proposal, its appearance would not harm the overall character of the site and wider locality.
- 10.36 The proposal also seeks to relocate the main cycle parking towards the north western end of the site, directly adjacent to the 3G practice pitch where 160 spaces would be provided. Some cycle parking would still be located in the original location at the front of the site (20 spaces would be available).
- 10.37 The applicant has stated the reason behind this is due to the requirement for greater space for emergency vehicles and that they expect the majority of the cyclists would be visiting the 3G pitch, it would also move the cycle storage away from the potentially busy car park. The relocation of the cycle store is considered to have a minor impact on the overall appearance of the site and is not considered to cause harm to the character and appearance of the area.
- 10.38 The urban design Officer has commented on the increase of scale of the ground store and relocation of the substation and has raised no concerns. These aspects of the proposal are not considered to cause harm to the character and appearance of the area.
- 10.39 The Urban Design officer has raised comments and concerns regarding the proposal. As stated, the revised design is required in order for the proposal to be financially viable. In addition to this, the original planning permission was highly aspirational for a football club of its stature.
- 10.40 The proposal in its simplified form will enable the project to proceed through to completion due, in the main, to a revised appearance of the main stand and scaling back of the terraced stands. These amendments would not cause harm to the character and appearance of the area and its wider setting.
- 10.41 Although some conflict is identified with parts of policy HQ/1 of the Local Plan by the urban design officer, this is in the context of an initially more aspirational design. Therefore, taken as a whole, the proposal is considered to provide an appropriate design solution which reflects the size of the football club and its supporters. The proposal is therefore, considered to comply with the NPPF and Local Plan policies HQ/1 and NH/8.

#### *Landscape Impact*

- 10.42 Policy NH/2 states that development will only be permitted where it respects and retains, or enhances the local character and distinctiveness of the local landscape.

- 10.43 The proposal seeks to make a number of alterations to the site, the principle of development has been established and it is therefore only necessary to assess the amendments being sought as part of this application.
- 10.44 The Landscape Officer has been consulted on the scheme and has raised several concerns regarding the age of the originally approved landscape details which are more than seven years old. They also have concern regarding the reduction in quality of form and finish of the proposal and that this would now result in larger areas of Bitmac (tarmac) that would be visually prominent.
- 10.45 Although the Landscape Officer has concerns, it is possible for the Local Planning Authority to control and enhance the proposed landscaping around the site by the addition of a suitably worded condition (Condition 2) which would allow for additional planting and the location of specific landscaping area including boundary treatment.
- 10.46 It is also acknowledged that the scheme is being simplified, however as noted above, the reasons for this have been outlined.
- 10.47 Overall, the proposed development is not considered to cause harm to the wider landscape and subject to a further condition, can provide additional landscaping which would contribute positively to its surroundings. The proposal is compliant with South Cambridgeshire Local Plan (2018) policies NH/2, NH/6 and SC/9 and the NPPF.

#### **10.48 Biodiversity**

- 10.49 In consultation with the Council's Ecology Officer, subject to appropriate conditions 19, 20 and 21, officers are satisfied that the proposed development complies with policy NH/14, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

#### **10.50 Water Management and Flood Risk**

- 10.51 Policies CC/7, CC/8 and CC/9 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.52 The Local Lead Flood Authority has advised that as a result of additional information that has been submitted that they have no objections to the proposed development
- 10.53 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions 22, 23, 24 and 30 the proposal is

in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.

#### **10.54 Highway Safety and Transport Impacts**

- 10.55 Policy HQ/1 states that proposals must provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with impairment such as sight or hearing.
- 10.56 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.
- 10.57 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.58 The proposal is not seeking to make any amendments to the consented access or any other highways related matters.
- 10.59 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who raise no objection to the proposal subject to conditions and S106 mitigation.
- 10.60 Subject to conditions 5, 6, 7, 8, 9, 10 and 11, the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.

#### **10.61 Cycle and Car Parking Provision**

- 10.62 Policies HQ/1 and TI/3 set out that car and cycle parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 of the Local Plan. Cycle parking should be provided to at least the minimum standards.

##### *Cycle Parking*

- 10.63 The proposal seeks to relocate cycle parking of which 160 spaces were located at the front/southern portion of the site adjacent to the main car park; and some cycle parking located adjacent to the 3G pitch at the north of the site.
- 10.64 The proposal seeks to move the 160 spaces to the north western section of the site so that it is directly adjacent to the 3G pitch. The applicant has

confirmed that the reason behind the relocation is that the currently approved location was very close to the car park which although made it more visible may have caused a greater risk to cyclists. In addition to this, they have stated that the majority of cyclists would be using the 3G pitch and would be closer to this.

10.65 Through negotiations with the applicant, there would still be 20 covered cycle spaces close to the original location of the proposal. As stated on plan number there would be 162 spaces adjacent to the 3G pitch and 20 spaces to the south of the site. The proposal would not result in a reduction of cycle spaces and would not alter the proposals compliance with Policy TI/3 of the Local Plan.

10.66 The proposal is considered to be acceptable in this regard.

#### *Car Parking*

10.67 The proposal does not seek to amend or alter the approved car parking layout and as such the proposal would still be acceptable in this regard.

10.68 Subject to condition 5, the proposal is considered to accord with policies HQ/1 and TI/3 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

#### **10.69 Amenity**

10.70 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.

10.71 The District Design Guide 2010 advises that to prevent the overlooking of habitable rooms to the rear of residential properties and rear private gardens, it is preferable that a minimum distance of 15m is provided between the windows and the property boundary. For two storey residential properties, a minimum distance of 25m should be provided between rear or side building faces containing habitable rooms, which should be increased to 30m for 3 storey residential properties. It advises that a 12 metre separation is allowed where blank walls are proposed opposite the windows to habitable rooms.

10.72 Due to the distance between the proposal and the closest residential property, as well as the nature and scale of the proposed design alterations, the amended proposal is not considered to result in any undue harm over and above that of the previously consented scheme.

10.73 No objections have been received from neighbouring occupiers. A site visit has been undertaken. Given the adjacent context, location, size, and



design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts.

10.74 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010. The associated construction and environmental impacts would be acceptable in accordance with policies CC/6, CC/7, SC/9, SC/10, SC/12 and SC/14 of the Local Plan.

**10.75 Other Matters**

10.76 A concern has been raised from the Police Architectural Liaison Officer regarding the cycle parking now being in a most secluded location and whether the proposed cycle parking would be lit and have CCTV. The applicant has confirmed that the location would not be more secluded and although further away from the main stand and less visible, would still be in an area of high pedestrian movements for the site and as such would still benefit from natural surveillance. Moreover, the applicant has confirmed that the cycle parking area would be lit and would have CCTV. Although plans of the cycle parking have been provided a condition has been added so that further details including the CCTV and lighting can be provided.

10.77 Planning Conditions

The table below sets out the current position in relation to the discharge of conditions on the original planning permission.

<b>Original Condition No.</b>	<b>New condition No. (below)</b>	<b>Summary</b>	<b>Discharged Y/N</b>
<b>1</b>	<b>n/a</b>	Time Limit	Compliance Condition no longer required
<b>2</b>	<b>1</b>	Plan Numbers	Compliance Condition – Amended within this application
<b>3</b>	<b>2</b>	Landscaping	Discharged but further information required for this application
<b>4</b>	<b>4</b>	Arboricultural Method Statement	Discharged
<b>5</b>	<b>2</b>	Boundary Treatment	Discharged but further details required
<b>6</b>	<b>3</b>	Materials	Discharged but further information required for this application

7	5	Parking	Compliance Condition
8	6	Cycle Parking	Amended within this S73 application
9	8	Footway	Discharged
10	7	Travel Plan	Not Discharged
11	9	On Road Cycle Lane	Not Discharged
12	10	Traffic Surveys	Not Discharged
13	11	CEMP	Discharged
14	12	Hours of Use	Compliance Condition
15	13	Car Boot Use	Compliance Condition
16	14	Power Driven Equipment Hours	Compliance Condition
17	15	Details of Power Driven Equipment	Not Discharged
18	16	Acoustic Mitigation	Not Discharged
19	17	External Lighting	Not Discharged
20	18	Floodlight Hours	Compliance Condition
21	19	Ecological Enhancement	Discharged
22	20	Bat and Bird Nest Boxes	Discharged
23	21	Ecological Mitigation Measures	Compliance Condition
24	22	Foul water Drainage	Discharged
25	23	Surface Water Drainage	Discharged
26	24	Waste Management For Surface Water Run Off	Discharged
27	25	Land Contamination	Discharged
28	26	Fire Hydrants	Compliance Condition
29	27	Site Waste Management Plan	Discharged
30	28	Renewable Energy	Discharged
31	29	Water Conservation	Discharged
32	30	Long Term Maintenance Arrangements for SUDS Features	Not Discharged

## 10.78 Planning Balance

- 10.79 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 10.80 Whilst some concerns have been raised by the Urban Design and the Landscape Officers in terms of the appearance of the development compared to the original proposal, there are fundamental reasons for this, most significantly the increase in build costs. This has had a knock-on effect in terms of what the club can afford to deliver. Therefore, whilst a more simplistic design is now proposed, it is considered to be visually appropriate and reflective of the size and scale of the football club. Overall is not too dissimilar to the previously consent scheme S/2239/13/FL.
- 10.81 Taken as a whole, the proposed development would constitute a minor material change to the previously approved scheme, and would have no additional or adverse impact upon the Green Belt or character and appearance of the area and as such there would be no conflict with Paragraph 130 of the NPPF.
- 10.82 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for APPROVAL.

### **10.83 Recommendation**

10.84 **Approve** subject to:

- 10.85 The planning conditions set out below, with minor amendments to the conditions as drafted delegated to officers.
- 10.86 In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development.

## **11.0 Planning Conditions**

### **Conditions in Full**

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. Details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
- b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme; If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
- c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.
- d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

3. Prior to the construction of the main stand and terrace stands, details of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

4. The development shall be carried out in accordance with the approved Arboricultural Method Statement by AGB Environmental Ltd dated 31st May 2017.

Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire District Council Local Plan 2018

5. The use, hereby permitted, shall not commence until parking has been laid out within the site in accordance with the details within drawing number 107 REV T.

Reason: In the interests of highways safety in accordance with Policy HQ/1 of the South Cambridgeshire District Council Local Plan and Section 9 of the NPPF

6. The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles in accordance with Policy TI/3 of the South Cambridgeshire Local Plan 2018.

7. No buildings shall be occupied until an updated Travel Plan and Event Management Plan have been submitted to and approved in writing by the Local Planning Authority. Nine (9) months following first occupation, a further updated Travel Plan and Event Management Plan, to include the Baseline survey results, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be updated and monitored at least annually. The plans shall be implemented in accordance with the approved details and any subsequent revisions.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire District Council Local Plan 2018.

8. The proposed footway shall be carried out in accordance with the approved details on submitted drawing number 792-500 Rev B.

Reason: In the interests of highway and pedestrian safety in accordance with Section 9 of the NPPF and Policy TI/2 of the South Cambridgeshire DC Local Plan 2018

9. The development shall not be brought into use until the on-road cycle lane on Babraham Road has been constructed in accordance with details approved in writing by the Local Planning Authority.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire District Council Local Plan 2018).

- 10.** Before the use commences, additional traffic surveys shall be carried out within a neutral month during school/university term-time (to be agreed beforehand with the Local Planning Authority) at the junctions of the A1307/Babraham High Street and the A505/Pampisford Wych. Repeat surveys shall be undertaken in the same locations and at the same time of year following the opening of the stadium. The results of the repeat surveys shall be submitted for the consideration and approval of the Local Planning Authority and shall be used to improve and tailor the Travel Plan and Event Management Plan (if required) both of which will be monitored on an annual basis.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire Local Plan 2018.

- 11.** The Contractors details as previously approved and detailed on drawing number 792-P22 Rev A (Proposed Site Plan / Contractors Compound) and 'mobile mini' plans) showing an office, canteen, toilet, drying room and storage container shall be carried out in accordance with these details.

Reason: In the interests of residential amenity in accordance with Policies HQ/1 of the South Cambridgeshire District Council Local Plan 2018

- 12.** The stadium and car park hereby permitted shall not be used other than between the hours of 7am-11pm Monday-Saturday and 9am-10pm on Sundays and bank holidays.

(Reason - To protect residents from noise disturbance in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 13.** Car boot sales on Sundays shall only take place between the hours of 10am-2pm, with no set-up prior to 9am.

(Reason - To protect residents from noise disturbance in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 14.** During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To protect residents from noise disturbance in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 15.** Details of the location and type of any power driven plant or equipment, including the tannoy system, shall be submitted to and approved in writing

by the Local Planning Authority before such plant or equipment is installed, the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.

(Reason - To demonstrate compliance with the proposed target noise criteria listed in table 8 of the MLM noise impact assessment report, in order to protect the occupiers of nearby dwellings from the effect of noise in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 16.** Before the use, hereby permitted, commences details of acoustic mitigation of the building shall be submitted to and approved in writing by the Local Planning Authority and the scheme implemented in accordance with the approved details.

Reason: in order to protect the occupiers of nearby dwellings from the effect of noise in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.

- 17.** No external lighting, including floodlighting, shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policies HQ/1 and SC/9 of the South Cambridgeshire District Local Plan 2018.)

- 18.** Any floodlighting shall be time-controlled and switched off 30 minutes after the end of each match, and by 22.30 hours at the latest.

Reason: in order to protect the occupiers of nearby dwellings from the effect of noise in accordance with Policies HQ/1, SC/9 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.

- 19.** The ecological enhancement scheme shall be implemented prior to the occupation of the development hereby permitted in accordance with the following drawings and reports:-.792\_1000A Ecological Management Plan.792-15/FEMP.

(Reason - To enhance ecological interests in accordance with Section 15 of the NPPF and Policy NH/4 of the South Cambridgeshire DC Local Plan 2018)

- 20.** The bat and bird nest boxes shall be implemented prior to the occupation of the development hereby permitted in accordance with the following drawings and reports:-.792\_1000A Ecological Management Plan.792-15/FEMP.

(Reason - To enhance ecological interests in accordance with Section 15 of the NPPF and Policy NH/4 of the South Cambridgeshire DC Local Plan 2018)

- 21.** The mitigation measures shall take place in accordance with (but not restricted to) the mitigation measures set out within the 'Badger Survey and Scheme of Mitigation' and Invertebrate Survey' reports by Aurum Ecology dated November 2014.

(Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Section 15 of the NPPF and Policy NH/4 of the South Cambridgeshire DC Local Plan 2018) and their protection under the Wildlife and Countryside Act 1981.)

- 22.** The foul water drainage scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawings: Proposed Drainage Layout Sheet 1 (665858-DWGSBU-100, P3. Proposed Drainage Layout Sheet 2 (665858-DWG-SBU101, P3. Proposed Drainage Layout Sheet 3 (665858-DWG-SBU-102, P3.

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy CC/8 and CC/9 of the South Cambridgeshire District Council Local Plan 2018.)

- 23.** The surface water drainage scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawings: Proposed Drainage Layout Sheet 1 (665858-DWG-SBU-100, P3. Proposed Drainage Layout Sheet 2 (665858-DWGSBU-101, P3. Proposed Drainage Layout Sheet 3 (665858-DWG-SBU102, P3.

(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses, in accordance with Policy CC/8 of the adopted South Cambridgeshire District Council Local Plan 2018, and to prevent the increased risk of flooding on site and elsewhere by ensuring a satisfactory method of surface water disposal in accordance with Policy CC/9 of the South Cambridgeshire District Council Local Plan 2018).

- 24.** Other than the enabling works which shall take place in accordance with the site waste management plan report SWMP\_010315, no development shall take place until a scheme to treat and remove suspended solids from surface-water run-off during for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

(Reason - The proximity of watercourses around the site and, indeed the proposal to realign some of the watercourses, given that they are



tributaries just approximately 500m upstream of a Water Framework Directive waterbody, the River Granta, in accordance with Policies CC/8 and CC/9 of the South Cambridgeshire District Council Local Plan 2018.

- 25.** The land contamination remediation scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawings and reports: .772383-REP-ENV001 Rev 1.772383-DWG-ENV-002.

Reason (a) - 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 SC/11 of the South Cambridgeshire District Council Local Plan 2018.

- 26.** The scheme for the provision and location of fire hydrants shall be implemented prior to the occupation of the development hereby permitted in accordance with the following drawings: -.792-103.3265 M001 rev P2 - proposed incoming mains cold water service.

(Reason - To ensure an adequate water supply is available for emergency use.)

- 27.** Other than the enabling works which shall take place in accordance with the site waste management plan report SWMP\_010315, no development shall take place until a Site Waste Management Plan for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

(Reason - To ensure that waste arising from the development is minimised and that which produced is handled in such a way that maximises opportunities for re-use or recycling.

- 28.** The renewable energy scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following report: .3265 L2A Report Rev P1.

(Reason - To ensure that the scheme generates at least 10% of its energy from renewable sources in accordance with Policies CC/1 and CC/2 of the South Cambridgeshire Local Plan 2018.)

- 29.** The water conservation strategy shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawing and report: .792-15/WCS.665858-DWG-SBU-101 P3.

(Reason - To ensure that the development incorporates all practicable water conservation measures, in accordance with Policy CC/4 of the South Cambridgeshire Local Plan 2018.).

- 30.** Details for the long term maintenance arrangements for the surface water drainage system (including all SUDs features) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

(Reason: to ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of the NPPF and Policy CC/8 of the South Cambridgeshire District Council Local Plan 2018.

#### Background Papers:

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 Plan 2018
- South Cambridgeshire Local Development Framework SPDs