

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th November 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/1371/92/O - CAMBOURNE
Cambourne Sports Centre:
Proposed Variation To Section 106 Agreement**

Recommendation: Approval

Date for Determination: N/A

Notes:

This Application has been reported to the Planning Committee for determination because there are no delegated powers to amend the Section 106 Agreement.

Background

1. Members may recall agreeing at the Committee meeting in November 2007 that the trigger point for the provision of the Cambourne sports centre be amended to 31st March 2009. This was because the original sports centre provider, Xpect leisure, had dropped out, and the developers had found another operator Leisure Connection to take on the task. Leisure Connection, in partnership with Relkin Construction, designs and build new sports centres as well as running several existing sports centres under contract for local authorities. Planning permission for the new design of the sports centre, to include a swimming pool, and available on a fully pay and play basis, was granted in September 2007, and was subsequently the subject of the S106 "Deed of Variation" agreed in November 2007. The Deed of variation has not been signed due to a number of minor points (now resolved) and due to concern about the trigger date for provision.
2. Originally, the trigger point for the provision of the sports centre was the occupation of 2,000 dwellings, and this has subsequently been changed through approvals of this Committee (and its predecessor committee) to 31st December 2007, and currently to 31st March 2009. The sports centre will take 12 months to complete.
3. The concern about the trigger for provision of the sports centre has been raised by the banks involved in its financing. After much discussion between the parties involved, the issue boils down to the banks being unwilling to allow work to start on something that cannot be finished on time, thereby leaving them at risk of action by this Council. The most appropriate way to resolve this is to change the trigger point again, which is the only way the Council can agree that no action would be taken at the 31st March 2009 date. The Project Director for the consortium has therefore written formally to request 31st December 2009 as the new date, and his letter is reproduced as an appendix to this report.
4. The letter explains the concern and also reassures that work is ready to start, having already begun in terms of site clearance and set up. If the Committee approves the

change in the trigger date there will be a 3 week lead in time to mobilise the workforce, materials supply, etc.

Planning History

5. **S/1371/92/O** – outline permission for new settlement, with S106 Agreement including specification for sports centre with 2000 occupations trigger point.
6. **S/6290/05/RM** – sports centre to comply with original S106 Agreement submitted by Cambourne Consortium in 2005, developers unwilling to make amendments until a company to build and run the centre was found. Significant interest from Xpect leisure in 2006, and negotiation towards S106 changes (which would have led to new application), but fell through in early 2007. (This 2005 application remains the Cambourne Consortium's back-up until the new centre begins construction, whereupon this will be withdrawn).
7. **S/6427/07/RM** – sports centre to design by Relkin and Leisure Connection approved September 2007. S.106 deed of variation outstanding.

Planning Policy

8. **South Cambridgeshire Local Plan 2004** saved policies
Cambourne 2 – Development in accordance with Cambourne Design Guide
SE7 – Development in accordance with Cambourne Masterplan and Design Guide.
9. **Local Development Framework Core Strategy 2007**
STa-k Objectives – arising from the Strategic Vision for South Cambridgeshire.
ST/4 Rural Centres including Cambourne – Development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, as defined in the Proposals Map, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development.
10. **Local Development Framework Development Control Policies 2007**
DP/1 requires development to demonstrate that it is consistent with the principles of sustainable development.
DP/2 requires the design of new development to be of high quality, with criteria listed, and content for design and access statements.
DP/3 sets development criteria, a checklist to ensure all requirements are met.
DP/6 sets criteria for the sustainable construction methods to protect resources and amenities.
HG/1 sets criteria for housing density
HG/2 sets targets for housing mix
NE/1 requires development to demonstrate measures to increase energy efficiency and reduce carbon emissions
NE/3 requires renewable energy technologies in new development of more than 10 dwellings to provide for at least 10% of predicted energy requirements.
NE/6 requires positive biodiversity gain
NE/12 requires development to incorporate water conservation measures, including a Water Conservation Strategy for 10 or more dwellings
NE/14 sets standards for lighting proposals
TR/1 encourages planning for more sustainable travel through accessibility, alternative modes, and parking levels. This is supported by TR/2 which sets parking standards, TR/3 which requires mitigation of travel impacts, and TR/4 which encourages use of non-motorised modes.

Consultation

11. **Cambourne Parish Council** – to be reported verbally.

Planning Comments – Key Issues

12. The sports centre has been part of the makeup of Cambourne since it was first approved, being noted in the S106 Agreement and the Masterplan. Its construction is therefore acceptable in principle and complies with policy. The Deed of Variation has been negotiated to change the overall specification in order to ensure a viable centre is built, since the original sports centre proved to be unworkable in today's sporting climate. As amended, Leisure Connection will be able to build and run the centre on a fully pay and play basis including a pool. It is now a matter of timing, and it is simply unfortunate that the financial climate has caused this delay in commencement.
13. The proposed new trigger point is realistic, since the sports centre is a year's build, and reflects the likely timescale. It is therefore considered that this should be applied to the S106 Deed of Variation.
14. If the new trigger point is not agreed then there will be insufficient finance for the sports centre. Leisure Connection would be unable to continue with the project and the Cambourne Consortium of developers would have to revert to their current application, which is a basic centre with no operator in place to run it. It would certainly not be built any more quickly than the leisure Connection one.

Recommendation

15. **APPROVE** the change to the trigger point for provision of the Cambourne Sports Centre to 31st December 2009.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- South Cambridgeshire Local Plan 2004 (saved policies)
- Planning files S/1371/92/O, S/6290/05/RM, S/6427/07/RM
- Reports to Committee on 5th April 2006, 2nd August 2006, 7th November 2007
- Letter from D Chare, Cambourne Consortium Project Director, 16th October 2008

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