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**MAIN CASE**

**Reference No:** 17/00428/FUM

**Proposal:** Hybrid planning application consisting of a detailed scheme for a food retail store (all detail provided) Use Class A1, and two non-food retail stores (all detail provided) Use Class A1 and an outline scheme for 3 no. office buildings Use Class B1 together with the means of access and associated infrastructure

**Site Address:** Land South East Of Cambridgeshire Business Park Angel Drove Ely Cambridgeshire

**Applicant:** Healy Investments Ltd

**Case Officer:** Rebecca Saunt, Planning Manager

**Parish:** Ely

**Ward:** Ely East

Ward Councillor/s: Councillor Richard Hobbs  
Councillor Lis Every

**Date Received:** 14 March 2017      **Expiry Date:** 9 March 2018

[S251]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Period (Outline)
- 3 Time Period (Reserved Matters)
- 4 Landscape Scheme
- 5 BREEAM
- 6 Construction Times and Deliveries
- 7 Fire Hydrants
- 8 Fixed Plant/Machinery
- 9 External Lighting
- 10 Surface Water Drainage Scheme
- 11 Surface Water Maintenance
- 12 Foul Water Drainage
- 13 Water Voles and Bats
- 14 Japanese Knotweed

- 15 Biodiversity Improvements
- 16 Construction Environment Management Plan
- 17 Travel Plan
- 18 Remove PD for Aerials, Antennae, Satellite Dishes, etc.
- 19 Remove PD for Change of Use
- 20 Approved Drawings
- 21 Time Period (FUL)
- 22 Material Samples
- 23 Landscape Masterplan and Management Plan
- 24 Biodiversity Management Plan
- 25 Hard Landscaping Works
- 26 BREEAM
- 27 Construction Times and Deliveries
- 28 Fire Hydrants
- 29 Fixed Plant/Machinery
- 30 External Lighting
- 31 Construction Environmental Management Plan
- 32 Surface Water Drainage Scheme
- 33 Surface Water Maintenance
- 34 Foul Water Drainage
- 35 Water Voles and Bats
- 36 Japanese Knotweed
- 37 Remove PD for Aerials, Antennae, Satellite Dishes, etc.
- 38 Remove PD for Change of Use
- 39 On Site Servicing, Loading/Unloading
- 40 Car and Cycle Parking
- 41 Footpath Link St Thomas Place
- 42 Footpath Link Sir James Black Road
- 43 Travel Plan
- 44 Bus Stops Angel Drove
- 45 Access
- 46 Traffic Management Plan
- 47 No Additional Mezzanine Floors
- 48 No Additional Internal or External Floorspace
- 49 Public Opening Times Units A, B and C
- 50 Restricted Uses and Floorspace
- 51 Unit C – DIY
- 52 Marketing Strategy for B1 Units

## 2.0 SUMMARY OF APPLICATION

- 2.1 The applicant seeks detailed permission for a food retail store (Use Class A1), and two non-food retail stores (Use Class A1) and outline permission for 3 no. office buildings (Use Class B1) together with the means of access and associated infrastructure.
- 2.2 The proposal incorporates a new roundabout on Angel Drove to provide access into the site. The proposed units are located adjacent to the eastern and northern boundaries of the site. Car parking for the 3 units is positioned to the principle elevations of the units.

- 2.3 The detailed element of the application includes 3 retail units which comprise of:
- Unit A – a new build stand-alone foodstore (2126 sq.m GIA over one floor), the maximum dimensions of the building are 31 metres x 84 metres, 7.5 to 8.5 metres in height
  - Unit B – a new build retail unit (2323 sq.m GIA over one floor), the maximum dimensions of the building are 39.4 metres x 64.4 metres, 10.4 metres in height
  - Unit C – a new build DIY store with external compounds to the rear (2415 sq.m GIA over two floors – 1858 at ground floor + 557 mezzanine), the maximum dimensions of the building are 34 metres x 61 metres, 10.1 metres in height
- 2.4 Unit A's shop front will be constructed with full height glazing, which will wrap around the side elevation as well. The rest of the elevations will be constructed with standing seam cladding and brick panels and plinths. Unit B will also be constructed with standing seam cladding and isolated brick work, with a glazed area situated at the entrance to the store, with a projection forward of the main mass of the building at the entrance point. Unit C comprises an entrance pod which is glazed at ground floor level and projects forward of the main mass of the building. The rest of the building is constructed using composite and standing seam cladding, a brick plinth and panels.
- 2.5 The parking provided for each retail units comprises:
- Unit A – 144 parking spaces, including 7 disabled and 8 parent and child spaces
  - Unit B – 96 parking spaces, including 6 disabled
  - Unit C – 104 parking spaces, including 6 disabled, 9 van spaces and 2 car and trailer spaces
  - Overflow car parking – 131 parking spaces including 7 disabled spaces
- 2.6 The outline element of the application is seeking permission for 50,000 sqft of office facilities (B1 use), which will be made up of 3 units.
- 2.7 The plans submitted with the application are also supported by the following documents:
- Air Quality Assessment
  - Design and Access Statement
  - Environmental Sustainability Statement
  - Extended Phase 1 Habitat and Water Vole Survey
  - Flood Risk Assessment and Drainage Strategy
  - Landscape and Visual Impact Assessment
  - Noise Impact Assessment
  - Planning and Retail Assessment
  - Transport Assessment and Travel Plan

2.8 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.9 This application has been brought to Planning Committee in line with the scheme of delegation outlined within the Councils Constitution.

### 3.0 PLANNING HISTORY

3.1

07/01347/OUM	Proposed employment development comprising Offices B1 (A), Light Industrial Units B1(C), Industrial Uses (B2), Storage and Distribution (Classes B8), & Hotel (C1) & Pub/Restaurant (A3/A4) together with storm water storage facilities	Approved	07.08.2009
13/00122/ESF	Hybrid planning application comprising : Full planning permission for a Food Retail Superstore (Class A1), six Non-food Retail units (Class A1), a DIY unit with external storage area (Class A1), Restaurant (Class A3), Petrol Filling Station (sui generis), Recycling point, access and drainage proposals. Outline planning permission for Hotel (Class C1), Public House (Class A4), Offices (Class B1), and Storage and Distribution units (Class B8)	Approved	19.08.2013

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is approximately 10.69 hectares and is relatively level and comprises open fields which contain drainage channels and occasional vegetated areas along the margins of the site and is approximately 1.4km to the south of Ely.

4.2 The site is located on the eastern side of Angel Drove adjacent to the Cambridgeshire Business Park which is immediately to the north and consists of large scale commercial and light industrial buildings, with associated parking and infrastructure. The Cambridge to Ely railway forms the eastern boundary and Angel

Drove forms the western boundary. The new Ely Southern Bypass which is currently under construction is located directly to the south of the site. On the opposite side of Angel Drove are the Kings School playing fields.

## 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Transport Assessment Team** (25<sup>th</sup> January 2018) – Written confirmation needs to be provided from the relevant bus operator that they will agree to divert into the site and a detailed design needs to be submitted for the bus stop within the site. Will one stop be enough to cater for the proposed services entering the site? Details also need to be provided on turning facilities within the site for buses.

Comments made to ECDC in relation to a Travel Plan and these need to be addressed.

Whilst it is noted that the GFA of the A1 Food Retail element has reduced and there has been a proposed increase in parking provision, the TA Addendum does not contain any evidence that the proposed car parking is sufficient to cater for the requirements of the A1 Food Retail and non-food retail elements especially given that the proposed provision is below standards set by ECDC.

If areas are to be discounted from the Gravity model then a robust evidence must be presented for doing so. It is likely that a new discount food-store would attract trips away from other stores/retail centres especially if it means a shorter journey for the customer. The gravity model is therefore not accepted in its current form.

Evidence needs to be provided that Temprow has got all committed development included within it. If evidence cannot be provided then all committed developments need to be included within the assessment.

The trip rates for the A1 discount foodstore are acceptable. However those for the A1 non-food retail appear to be lower than expected for the PM peak.

The sensitivity tests show that there will be an increase in queues of 56 Pcu's on the A10 (south) arm of the A10/A142/Witchford Road junction and an increase of 36 Pcu's on the A10 (north) arm. This is considered to be a severe impact such that mitigation measures (or contribution to such) would be appropriate.

The sensitivity tests also show that there will be an increase in queues of 126 Pcu's on the A142 arm of the A10/A142/Cambridge Road junction and an increase of 33 Pcu's on the A10 (west) arm. This is also considered to be a severe impact such that mitigation measures (or contributions to such) would be appropriate.

Given that some of the issues previously identified in CCC's comments have not yet been addressed, the impact of the development could be higher than that identified above.

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application. CCC therefore requests that this application not be determined until such time as the additional information has been submitted and reviewed.

**Transport Assessment Team** (4<sup>th</sup> January 2018) – Many things contained within the additional information which are incorrect and not agreed. Could request additional information, but the end result will remain the same. The A10/A142 roundabouts are over capacity at the moment and the proposed development will be making the existing situation worse by adding more vehicles to the back of the queue. The development is proposed to generate the following PM two way movements:

Lidl = 199

A1 nonfood = 140

B1 offices = 69

With pass-by/diverted reduction total site trips = 328

Comparing 2016 observed flows to 2022 Temprow flows at the roundabout, there will be 309 new vehicles. Total movements 328 + 309 = 637

Therefore the proposed development will generate 51.4% of new movements at the roundabout.

The feasibility study currently being carried out incorporates 3 roundabouts, A142/Witchford Road (Lancaster Way), A10/A142/Witchford Road and A10/A142/Cambridge Road. At this stage no final solution or cost is known, but it has been suggested a figure of around £5,000,000 as a minimum to provide improvements at the 3 roundabouts together.

$£5,000,000 / 3 \text{ roundabouts} = £1,666,666$

$51\% \text{ of } £1,666,666 = £856,666$

The Highway Authority would therefore accept a contribution of £856,666 toward roundabout improvements to mitigate the developments impact. This amount is reasonable and justifiable. This is the same calculation used to calculate recently secured contributions in the East Cambs District.

**Transport Assessment Team** (5<sup>th</sup> September 2017) – Concerns raised that the modeling results don't reflect what is actually happening on the ground. It is known from local knowledge that there are extensive queues in the area, especially at the A10/A142/Witchford Road roundabout and the A10/Cambridge Road/A142/A10 roundabout. The base year assessment submitted by WSP shows virtually no queuing – have any queue length surveys been undertaken to confirm what the model is showing is correct? The assertions are likely to be challenged by locals. CCC are currently in the process of undertaking a feasibility study to determine what can be done to solve the congestion issues at the two roundabouts. However,

the applicant will still need to demonstrate how its site can be specifically mitigated, and this must be based on sound capacity assumptions.

The junction assessments have been modeled using the ONE HOUR profile, ONE HOUR is the least accurate method and should only be used if only a limited amount of traffic data is available. Why hasn't the assessment used the DIRECT profile type, this will give the most accurate results and does not rely on assumptions to be made?

**Highways Development Management** – (19<sup>th</sup> January 2018) The Highway Authority removes the holding objections relating to the requirement of a Road Safety Audit. The proposed highways access does not differ to a degree that would require a new audit.

**Highways Development Management** (15<sup>th</sup> May 2017) – The Highway Authority request a holding objection be placed on this application until such time as a Road Safety Audit (stage 1 and 2) is completed on the proposed new junction.

The access to the Kings School playing field on the north eastern arm of the roundabout needs careful design in order to reduce the risk of inappropriate right turn maneuvers. This access can only operate as a left in left out. All of the pedestrian/cycle access links (within the overarching masterplan) on to the highways network must be protected by appropriate methods e.g. bollards to prevent inappropriate use by other modes of traffic. A Grampian Condition will be required for the re-location of the 40mph speed limit to incorporate the new junction.

**CCC Growth & Development** – The site falls within the Safeguarding Area for the Ely (New) Waste Water Treatment Works) (WWTW). The area is designated through the adopted Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan (2012), in accordance with policy CS31 Waste Water Treatment Works Safeguarding Areas of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). The safeguarding area extends 400 metres around the WWTW and within this area policy CS31 places a presumption against allowing development which would be occupied by people, including commercial uses. Where such development is proposed it should be supported by an odour assessment. An odour assessment has not been submitted and needs to be prepared and submitted prior to the determination of the application.

**CCC Growth & Development – revised comments** (17<sup>th</sup> July 17) – If no reply is made by Anglian Water within your timescales, then in this instance an odour assessment will not be required.

**Lead Local Flood Authority** – No objection in principle to the proposed development, subject to the recommended conditions in relation to details of the surface water drainage scheme based on the agreed Flood Risk Assessment and maintenance arrangements for the surface water drainage system. The applicant has not used the latest climate change allowances to inform their surface water drainage strategy and these will need to be incorporated at the detailed design stage.

**Senior Trees Officer** – A number of trees are affected by the proposals which primarily form a number of low amenity groups of Willow and Elm scrub. An arboricultural report has been submitted and the Tree Officer does not object to the proposal. The tree groups to be removed are not significant in relation to the landscape and the proposal incorporates some of the existing trees within the layout. To ensure a successful landscape a comprehensive landscape strategy will be required and ongoing maintenance and recommend these are secured by condition.

**Environmental Health** – The closest properties are approximately 700 metres from the nearest proposed retail unit and therefore the noise limits proposed are acceptable and there will be no issues with compliance. A rating level of 35dB is fully achievable and sufficient to protect residential amenity. Due to the location, layout and information within the noise report there will be minimal noise impact, but would recommend a condition in relation to this. It is expected that construction activities will cause minimal impact but due to quieter background noise levels at night time and during weekends it is recommended that limiting the time of construction is conditioned. The suggestion that lighting may be reduced from midnight to 5.30 is welcomed, but this needs more clarification. It appears that there should be no issues with regards to residential impact due to lighting, however, would need to see the location and confirmation of the type of lighting and the hours of use and this should be conditioned.

**Environmental Health Scientific Officer** – The Environmental Sustainability Statement report dated February 2017 prepared by AECOM and the Air Quality Assessment dated February 2017 prepared by Air Quality Consultants findings are accepted. Any risks to land and air quality are low and conditions relating to these are not required for any planning consent.

**Economic Development** - No Comments Received

**Waste Strategy (ECDC)** - No Comments Received

**Anglian Water Services Ltd** - No Comments Received

**Environment Agency** – The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure the Water Vole and Bat Populations found on site are protected. The translocation of the species should be the last resort and justification for the loss of habitat must be provided as part of the requirements of the condition. If it is not possible to retain habitats and the drainage ditch the receptor sites for any Water Vole translocation works must be created AND established prior to any trapping activity and designed and maintained to maximize opportunities for the species. Mink control and other measures to protect the species and wider biodiversity should be considered and implemented where feasible. A license will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. Conditions are recommended for a landscape management plan and also a detailed method statement for the removal or long term management/control of Japanese Knotweed.



The site lies within Flood Zone 2 and 3 and the site and the surrounding area is within an Area Benefiting from Defence. The details within the FRA are acceptable and the development should be carried out in accordance with the approved details. Under the terms of the Environmental Permitting Regulations (EPR), a permit will be required from the EA for any activity within 8 metres of a non-tidal main river.

No preliminary risk assessment has been provided as part of this application. However, the EA were previously consulted on the 2103 application. Since the 2013 application the controlled waters at this site have been reclassified as a lower priority for the purposes of input into the planning regime. Therefore the proposal is not considered to be high risk in regards to land contamination. The developer should address risks to controlled waters from contamination at the site, following the requirements of the NPPF and the EA Guiding Principles for Land Contamination. The EA have recommended a number of informatives in relation to pollution prevention.

**Design out Crime Officers** – It is noted that the applicant will be applying for BREEAM Excellence rating and the team would be happy to be consulted and provide a security impact assessment to aid with security aspects of BREEAM. In the last 9 months the Police have received calls in relation to groups of young people gathering with vehicles causing issues for the public users of the car park and local businesses. There have been recorded 33 vehicle nuisance calls, 5 rowdy behavior and 9 obstruction calls for service in the evening when the car parks are used less. When looking at crimes there have been recorded 3 business burglaries, 30 shop lifting offences, 2 vehicle crimes and 2 stolen cycles.

The proposed site layout is good, allowing for lots of natural surveillance and a new lighting scheme will be implemented to BS5489 which is excellent. The area has been a major concern to the Police because of anti social behavior so early consultation on measures to mitigate against issues is supported.

**The Ely Group of Internal Drainage Board** – The application is within the Cawdle Fen Internal Drainage District. The Board has a legal agreement with the developer with regard to surface water disposal from the site. Providing the surface water run-off is at the agreed rate, then the Board has raised no objections to the proposal. The Board has advised that the legal agreement may need to be amended to take into account the new layout. The applicant proposed that the Board's Main Drain is moved to accommodate the site and concerns have been raised over access, especially at the point where the site is adjacent to the new bypass site. The new bypass may have an impact on the downstream balancing pond for the site. The Board has advised that they are aware that the developer is liaising with Cambridgeshire County Council in relation to this issue.

**Ely Perspective** – No provision for a bus stop and this should be an important factor for the development and a regular bus service should be provided by the developer, as would provide some minor mitigation for siting this development on the wrong side of the City. Pedestrian access is indicated from the A142, but it is not made clear how pedestrians get to this point, and whether footpaths are being provided for the first phase of the work. The buildings which front the A142 and the new bypass have facades that reflect the historic nature of the site. Consideration should be given to the use of solar panels and/or other forms of renewable energy.

Vehicles accessing the loading dock to unit A will have to commence reversing in the access road, and believe that this is unsatisfactory.

**City of Ely Council** – Feel very strongly that this site must have a hotel included within Phase 2. A condition of approval must be that there is a Section 106 agreement, which includes an allocation of money that will go towards mitigating any adverse impact on retail within the City centre.

**Ward Councillors** - No Comments Received

**Conservation Officer** – The building design is inoffensive and features modern materials with large areas of glazing, which helps to break up the visual bulk of the buildings. The buildings are not architecturally unique, nor are they likely to create a development that is unique to Ely; the nature of this style of development is that it generally is a generic building typology and style that is replicated across the country. However, in the context of where the buildings are proposed, they would not look out of place. The layout is disappointing as very car orientated and dominated with all the car parking to the front of the buildings and along road frontages, in particular when entering the site. Are there plans to provide links, away from the road to the train station and town centre, other than the future pedestrian link into the business park? This would be advantageous to encourage pedestrian and cycle journeys.

The proposal is located well outside the boundary of the conservation area and there are no listed buildings within proximity to the site. Due to the topography of the site and the surrounding buildings the development will have a nominal impact on the wider setting of Ely Cathedral and none of the key views towards the Cathedral will be impacted by the proposed development.

**Historic England** – Historic England has major reservations concerning the 2013 application which was set out in their advice of 19 March 2013. The documentation submitted has been considered and they continue to have serious concerns regarding the impact of the proposals and therefore their previous comments as set out in March 2013 still stand.

Comments received in relation to application 13/00122/ESF – Strong concerns over the proposals for the following reasons:

- Proposed uses may conflict with the vision for the Station Gateway;
- Impact on existing retail uses within Ely City Centre;
- Development is contrary to the NPPF and should be recommended for refusal;
- Development which results in harm to the historic environment, and where that harm is not outweighed by wider public benefits should not be considered to constitute sustainable development;
- The development would erode the relationship of the Cathedral with the surrounding Fens and would compound the harm that has already resulted from the industrial units on the adjacent site;
- The bulky food store (Tesco) will impact on the setting of Ely Cathedral;

- It is assumed that the banking to the proposed bypass will screen the development;
- The development would harm views out into the Fen landscape from the West Tower of Ely Cathedral;
- The uses proposed within the development will prejudice the mix of uses proposed for the Ely Station Gateway;
- Aspiration statements are not sufficient to justify the proposal.

**Cambridgeshire Fire and Rescue Service** – The Fire Authority request that adequate provision is made for fire hydrants.

**Natural England** – Natural England has assessed this application using the Impact Risk Zones (IRZs) and is satisfied that the proposed development will not damage or destroy the interest features for which Ely Pits and Meadows SSSI has been notified. This SSSI does not represent a constraint in determining this application.

**Cambridgeshire Archaeology** – The site has been subject to an archaeological evaluation (HER ECB379) which revealed post medieval/modern drainage features and features associated with recent soil improvement. The proposed development of the site would not result in damage to significant archaeological remains and therefore no further investigation is necessary.

**Technical Officer Access** – There does not appear to be enough disabled parking as 6% accessible parking is needed for each car parking area as close to principle parking. All of the buildings and provision of facilities should comply with BS8300 2009. Good signage and lighting throughout the site.

5.2 Neighbours – 30 neighbouring properties were notified, site notice posted and advert placed in the Cambridge Evening News and 2 responses were received, 1 from a resident of Ely and one on behalf of ALDI Stores Ltd as summarised below. Full copies of the responses are available on the Council’s website.

- The applicant ignores para 35 of the NPPF and seek assurances that plug-in hybrid car charging facilities that comply with mandated European charging standards will be included as part of any approved application;
- The application is not supported by an up-to-date evidence base, thereby significantly undermining justifications made for allowing significant out-of-centre retail in Ely;
- There is no requirement for additional convenience retail;
- The application misapplies the sequential approach having regard to provisions of up-to-date Case Law;
- The development undermines viability of retail centres in the area;
- The site is not a sustainable location;
- Agree with the applicants approach that the principle of retail floorspace on the site should be assessed afresh;
- Delivery of retail floorspace to compete directly with Ely;

## 6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ELY 9	A Vision for Octagon Business Park
COM 1	Location of retail and town centre uses
COM 2	Retail uses in town centres
COM 7	Transport impact
COM 8	Parking provision
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 3	Shop fronts and advertisements
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Shop Fronts Design Guide  
Flood and Water  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

6.3 National Planning Policy Framework 2012

- 1 Building a strong, competitive economy
- 2 Ensuring the vitality of town centres
- 4 Promoting sustainable transport
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP8	Delivering prosperity and Jobs
LP14	Retail and Other Main Town Centre Uses
LP15	Retail Uses in Town Centres
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network

LP18	Improving Cycle Provision
LP22	Achieving Design Excellence
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
Ely 1	Spatial Strategy for Ely
Ely 2	Infrastructure and Community Facilities
Ely 3	Allocation Sites
Ely 5	Site ELY.M5 - Octagon Business Park

## 6.5 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

7.2 The site is defined as being 'out of centre' by retail planning policy and is allocated in the East Cambridgeshire District Local Plan 2015 and the Proposed Submission Local Plan 2017. Policy ELY 9 in the Local Plan 2015 states:

*The site will be redeveloped for employment uses (B1, B2 and B8), and retail development (e.g. for bulky goods or a supermarket), and other service users (including C1 and A4). Proposals incorporating retail development will need to accord with Policy COM1 and demonstrate through a Retail Impact Assessment that there will be no adverse impact on Ely city centre.*

*A Masterplan for the area will need to be prepared and submitted as part of any initial planning application for the site, and approved by the District Council.*

*Development will provide an attractive setting for this entrance into Ely, including the creation of a strong frontage along Angel Drove and consideration of the relationship of development to the Cambridgeshire Business Park. Substantial landscaping will reinforce the fen character of the site and minimise the visual impact of any car parking areas. A vehicular/pedestrian/cycle link to the Cambridgeshire Business Park will be incorporated and appropriate provision will be made for buses and taxis. The development of the site will need to be coordinated with the delivery of major improvements to the A142 between Angel Drove and Stuntney Causeway.*

7.3 Policy Ely5 of the Submitted Local Plan 2017 is broadly in accordance with the above and states:

*The following special considerations and requirements apply to proposals for site ELY.M5:*

- a. *To be developed as a retail-led scheme with some employment provision, and potentially additional facilities such as a hotel and pub.*

- b. *Proposals must demonstrate through a Retail Impact Assessment that there will be no significant adverse impact on:*
  - *Existing, committed and planned public and private investment in Ely City Centre or wider catchment; and*
  - *The vitality and viability, including local consumer choice and trade, of Ely's City Centre and wider area. The impact should be assessed up to ten years from the time an application is made.*
- c. *Proposals must ensure no adverse impact on the drainage scheme for Ely Southern Bypass.*
- d. *A vehicular/pedestrian/cycle link to the Cambridgeshire Business Park should be incorporated and appropriate provision should be made for buses and taxis.*
- e. *Development should provide an attractive setting for this entrance to Ely, including the creation of a strong frontage along Angel Drove and consideration of the relationship of development to the Cambridgeshire Business Park.*
- f. *Substantial landscaping should be provided, preferably delivered in a coordinated manner with the Ely Southern Bypass, to reinforce the fen character of the site and minimise visual impact of any built development and car parking areas.*
- g. *Car parking designed in a way to minimise the risk of anti-social behaviour in such areas.*

- 7.4 The applicant has stated that the objective of this application is to *“deliver an initial stage of an alternative scheme at the site. The proposed development is self-contained and deliverable, enabling early implementation. Importantly however, it will act as a catalyst for the remainder of the allocated site to come forward.”* An indicative masterplan has been submitted with the application which sets out potential uses for the phase 2 development. The indicative masterplan shows indicative uses such as retail, restaurant and cafes, businesses, public house, hotel and leisure. This part of the site does not form part of the current application and is therefore provided as information only and would be assessed on its own merits as and when an application is received.
- 7.5 The outline element of the proposal includes 3 office units, to be located at the rear of the site, adjacent to the railway line. Given the allocation of the site and their location adjacent to the existing Cambridgeshire Business Park, the principle of this use is accepted.
- 7.6 The applicant submitted a Retail Impact Assessment in support of the application, in accordance with the policies outlined above and policy COM1 of the Local Plan and policy LP14 of the Submitted Local Plan. Policy LP14 also refers to Octagon Park as a focus for additional floorspace for main town centre uses, accommodating an increase in both A1 retail and B1 uses. The Council employed an independent consultant to review the assessment in accordance with Section 38(6) of the Planning and Compulsory Act 2004. The Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG) are also key material considerations as well as the Council's most recent evidence-based study, the East Cambridgeshire Retail Study 2012. During the course of the application a number of addendums and a revised Retail Impact Assessment have

been submitted by the applicant following comments received from the retail consultant assessing the information.

7.7 Sequential Test

7.8 The applicant has identified and included 4 sites within Ely as part of their retail assessment, which included The Grange, Nutholt Lane, Waitrose Car Park, Paradise Area and Land north of Nutholt Lane. The applicant's sequential approach has been assessed by the Councils retail consultant based on the site area of the footprint of the largest individual unit, allowing for sufficient area for access (1.25 hectares) and servicing in accordance with Case Law and policy. The sites identified by the applicant have been assessed to see if they could accommodate one or all of the 3 units proposed, which represents a high level of flexibility, but is a reasonable and robust approach.

7.9 The 4 identified sites have been assessed in accordance with the above and are summarised below.

7.10 The Grange, Nutholt Lane – The site is subject to different land ownerships and is not available or likely to become available before 2020. Policy ELY2 also allocates this site for new residential units and a public open space to the rear of Sessions House, in addition to new retail uses. This site extends to approximately 0.7 hectares and therefore even if a disaggregated retail scheme could be accommodated this would be significant overdevelopment of this site.

7.11 Waitrose Carpark – The site is in active use as a car park and is well used by not only Waitrose customers, but other customers to the centre of Ely and is not available or likely to become available before 2020. If retail development was to occur on this site then a car park would need to be provided as policy ELY4 recognises a need for upper level parking. The site is approximately 1 hectare and therefore would be smaller than the 1.25 hectare threshold identified for considering the potential of sites to accommodate a disaggregated scheme.

7.12 Paradise Area – Out of all of the sites assessed by the applicant this is the largest site, with an area of approximately 1.6 hectares and therefore in principle could accommodate a disaggregated scheme. However, this site is in active use and is also in multiple ownerships and it is therefore not considered that it will become available before 2020. Policy ELY3 also allocates this site for a mixed use scheme to include approximately 64 dwellings.

7.13 Land north of Nutholt Lane – The site is occupied by the Police and Ambulance Stations and the redevelopment of this site would depend on the re-location of these uses on alternative sites. It is not apparent that there are any plans for the relocation of these uses and the site is therefore not considered to be available. This site is also only approximately 0.3 hectares and would not be able to accommodate the application proposal, or even a disaggregated scheme. This site is also allocated by policy ELY5 for new dwellings, with the potential for community, leisure or office uses and retail uses are not referred to. This site is also therefore not considered suitable for the proposal.

- 7.14 The 4 sites identified by the applicant are either not available or suitable to accommodate the proposed development, even after assuming some flexibility of issues such as format and scale and disaggregation in compliance with the NPPF.
- 7.15 Appraisal of Impact on In-Centre Trade/Turnover
- 7.16 As part of the assessment of the proposal the quantitative impact on the forecast of turnover/trade of existing centres within a defined catchment area also need to be assessed. The Council's consultant has specifically focused on the trade diversion and impact on Ely Town Centre, along with Littleport (approximately 8 miles from the application site) and Soham (approximately 6 miles from the application site). The applicant commissioned NEMS Market Research to carry out a new household telephone survey in September 2017 to help inform their assessment of current (food and non-food) shopping patterns, trading characteristics of existing centres and stores and the likely impact of the proposed new retail floorspace on existing shopping patterns and centre/stores turnovers. Over 1000 interviews were carried out and the detailed results submitted to support the Retail Impact Assessment.
- 7.17 The base year for the assessment is 2017 and the design year is 2022. This 5 year period for assessing the impact of new retail floorspace is in line with advice set out within the NPPF. The catchment area is the same at that which was previously accepted as part of the assessment on the 2013 application and is considered to be acceptable. The impacts on Ely City Centre, Soham and Littleport are outlined below.
- 7.18 Impact on Ely City Centre
- 7.19 As part of the most recent update to the Planning and Retail Assessment the applicant has included an updated health check for Ely City Centre. The health check is based on a more recent Experian Goad Centre Report which shows a fall in the vacancy level of retail units from 4.4% (10 vacant units) in January 2016 to 1.9% (4 units) in December 2016, which is significantly below the average of 12.1%. It is also reported by the applicant that the Local Data Company (LDC) recorded a lower vacancy rate of 1.4%, which is one of the lowest vacancy levels in the UK according to the LDC. Low vacancy levels within a centre are widely regarded as positive indicators of a centre's health, attraction and performance.
- 7.20 The retail consultant who has assessed the Planning and Retail Assessment on behalf of the Council has concluded that given the above Ely is a vital and viable centre and the proposed scheme would not have a "significant adverse impact" on the City's overall vitality and viability. Planning Policy Guidance is clear that *"judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances."* Based upon the Councils consultants' review of the relative health of the centre at the time they concluded that they did not consider the proposal to have a "significant adverse impact" on the City's overall vitality and viability. However *"based on the more recent KPI's – which show a reduction in the overall vacancy level – we remain of the view that the application will not have a significant adverse impact on Ely City Centre."*
- 7.21 Impact on Ely Out of Centre



- 7.22 In relation to convenience (Lidl and an element of B&M) it is accepted that the majority of the turnover generated will be drawn from existing out-of-centre foodstores, principally Tesco, as it is the closest to the site and Aldi as the closest to Lidl in terms of trading format and offer. The impacts are assessed as being -16.3% for Aldi and -10.8% for Tesco, and the Council's consultant has advised that although this may appear high the residual (post-impact) turnovers would leave these stores trading significantly above their company benchmark turnovers (Aldi) or slightly below their company benchmarks (Tesco) and they advise that in their *"judgement the forecast impacts will not result in the closure of these out of centre stores."*
- 7.23 Impact on Soham Town Centre
- 7.24 As part of the most recent update to the Planning and Retail Assessment the applicant has included an updated health check for Soham. The applicant has advised that there are currently 7 vacant units located within the town centre, which is equivalent to a vacancy level of 12.1% and is comparable to the national (Goad) average of 12.1%. The units which are currently vacant are small in size and are mainly concentrated on secondary shopping areas, such as Churchgate Street and there are no significant clusters or concentrations of vacant units to indicate that the primary or secondary shopping areas are weak.
- 7.25 The Council's retail consultant has concluded that Soham Town Centre predominately serves the food shopping and service needs of the town's local resident catchment population, which is in line with its roll and function within the District's network and hierarchy of centres. The consultant's appraisal has highlighted *'that both Asda and Co-Op have benefited from investment over recent years and there is no substantive evidence that clearly shows that they would close if the application proposal is permitted.'* The consultants go on to conclude that although the forecast level of trade diversion and impact on Soham is a cause for concern, this has been assessed against the key findings of the updated health check assessment carried out by the applicant and the Councils consultants own appraisal of the relative health of the centre based on their site visit and although the impact on Soham will be considered to be 'adverse', it is not considered to be 'significantly adverse' and therefore meets the key test as set out within the NPPF.
- 7.26 Impact on Littleport Town Centre
- 7.27 As part of the most recent update to the Planning and Retail Assessment the applicant has included an updated health check for Littleport. This applicant has advised that there are currently only 2 vacant units in the centre, which equates to a vacancy level of 6.3%, which is significantly below the national (Goad) average of 12.1%. The units which are currently vacant are small in size and there are no significant clusters or concentrations to indicate that the primary or secondary shopping areas are weak.
- 7.28 The Council's retail consultant has concluded that Littleport Town Centre is a small centre which predominately serves the day-to-day food shopping and service needs of the town's local resident catchment population, which is in line with its role and function in the District's network and hierarchy of centres. The consultant's

appraisal has highlighted that the smaller convenience stores within Littleport *'mainly serve the day-to-day needs of their local customers'* and in their view will not compete *'like-against-like'* with the Lidl store proposed as part of this application. The Council's consultant also advises that there is no substantive evidence to show that either Co-Op or the Costcutter store would close if this application was permitted and no objections have been received from either store during the application process. The Council's consultant concludes stating *'although the forecast level of trade diversion and impact on Littleport is a cause for concern, we have necessarily assessed the forecast impact against the key findings of the updated health check assessment by Savills, supplemented by our own site visit. On the basis of the evidence before us, although we conclude that the impact on Littleport will be "adverse", we do not consider that it will be "significantly adverse", and this is the key test set out in the NPPF.'*

- 7.29 It is expected that Ely city's turnover will experience some positive (albeit reduced) growth in turnover between 2017 and 2022 and that the city is relatively healthy based on a number of key performance indicators. The Council's consultant has concluded that the proposal will not have a significant adverse impact on Ely, or on any public/private investment in the city, or on consumer choice per se.
- 7.30 The consultant has also concluded that they do not consider that the impact on Soham or Littleport centre's will be significantly adverse on their overall vitality or viability, such as to result in the closure of their main convenience stores and/or an increase in vacancies over the forecast period set out above. *"This is because the evidence shows that both centres predominately serve the more day-to-day convenience and service needs of their local resident catchment populations."*
- 7.31 The assessment has been on the basis of the proposed end users. In planning terms the end users cannot be conditioned, but the type of facility and the floorspace can be secured by planning condition.
- 7.32 The applicant estimates that the current phase 1 application would generate between 284 to 835 FTE jobs (depending upon the B1 unit users).
- 7.33 The City of Ely Council has commented on the application requesting a s106 agreement with an allocation of money that will go towards mitigating any adverse impact on retail within the city centre. A s106 contribution was included on the previous scheme for city centre improvements. However, given the viability of this scheme, the reduction in size and the conclusions following the assessment of the Retail Impact Assessment it is not considered reasonable to ask for a contribution at this stage. When the later phases of the development come forward this will be reviewed and an appropriate and reasonable contribution sought.
- 7.34 During the course of the application a number of revisions of the Retail Impact Assessment have been submitted and reviewed and additional information sought. While it is noted that the proposal will have an impact on the centres of Ely, Soham and Littleport, this impact is not considered to be a 'significant adverse impact' on existing, committed and planned public and private investment or on the centres vitality or viability and therefore the proposal accords with the requirements of the NPPF and local policies.

- 7.35 Residential Amenity
- 7.36 Policy ENV2 of the Local Plan and policy LP22 of the Submitted Local Plan seek to protect residential amenity. The closest properties to the application site are situated 700 metres away from the nearest proposed retail unit. The noise limits proposed by the applicant of 45 dB in the daytime and 35 dB at night time at the nearest noise sensitive properties are considered acceptable and Environmental Health have advised that there will be no issues with compliance from the development.
- 7.37 Environmental Health have advised that a rating level of 35dB is fully achievable and would be sufficient to protect residential amenity. Due to the location, layout and information within the noise report it is considered that there will be minimal noise impact. Environmental Health have advised that a condition should be recommended in relation to this which secures the noise limits set out by the applicant, as stated above.
- 7.38 It is expected that construction activities will cause minimal impact but due to the quieter background noise levels experienced at night times and during weekends it is recommended that a condition limiting the time of construction is appended to any decision. A Construction Management Plan is also recommended to be conditioned to further protect residential amenity.
- 7.39 Due to the location of the proposed development in relation to residential dwellings it is not considered that the proposal will have an adverse impact on residential amenity. A number of conditions have been recommended which further reduce any impact on residential amenity, in terms of noise.
- 7.40 Visual Amenity
- 7.41 The application site is identified as being located within the Cambridgeshire Landscape Guidelines (1991) as Landscape Character Area 8 Fenlands. The site is situated on the edge of the urban fringe of Ely and any proposal needs to minimise any impact on existing landscape qualities and features. In support of this a Landscape and Visual Impact Assessment has been submitted with the application.
- 7.42 The applicant is seeking detailed consent for the 3 retail units and therefore their visual appearance and setting are to be considered as part of the assessment of this application.
- 7.43 The proposed office units are submitted in outline format and therefore at this stage the visual appearance, scale and layout of these units are not being considered and only the principle. Given their location, adjacent to the existing railway line and the Ely Southern Bypass, which is currently under construction, subject to an appropriate design and scale, it is not considered that they will have an adverse impact on the character or visual appearance of the area.
- 7.44 The Ely Southern Bypass is currently being constructed and introduces a major road corridor which bisects the south section of the application site. The bypass introduces a high degree of change, in comparison to when the previous

application on this site was approved and alters the character of both the urban fringe and the adjoining Fenland character area. The bypass will provide a backdrop to the development when viewed from the northern aspect and will separate the site from the adjoining Fenland, creating an enclosure to the developed edge of Ely. As the bypass is under construction and is due to be completed late summer 2018, this will mean that the proposed development will be contained by the siting of the bypass, which will extend the urban fringe of Ely.

- 7.45 The proposals will reflect a degree of change. However, given the construction of the bypass it is considered that this minor adverse change can be accommodated, as the bypass will clearly define the edge to the urban area of Ely.
- 7.46 It is considered that the proposed building design is inoffensive and features modern materials with large areas of glazing, which help to break up the visual bulk of the buildings. The buildings are not architecturally unique, nor are they likely to create a development that is unique to Ely. However, the nature of this style of development is that it generally is a generic building typology and style that is replicated across the country to accommodate their end user. However, in the context of where the buildings are proposed, they would not look out of place, given their location adjacent to the Cambridgeshire Business Park and adjacent to the Ely Bypass which is currently under construction.
- 7.47 Concerns were raised with the applicant in relation to the layout of the proposal as it was considered that it was very car dominated, particularly when entering the site. One of the solutions raised with the applicant was to move the building which is proposed to accommodate Lidl to the front of the site and move the parking away from the boundary with Angel Drove. Amendments were not forthcoming and the applicant advised that due to the land levels, while the parking is located to the front, it will not be extremely visible within the landscape. While it is considered that this weighs against the proposal in terms of the design and layout, it is not considered to be significant or to warrant the refusal of the application.
- 7.48 The policies in both the adopted Local Plan and the Submitted Local Plan require a strong frontage along Angel Drove from this development. The siting of the retail unit at the front of the site was discussed in order to achieve this element of the policy. This proposal only seeks permission for the first phase of the development, which only has a small frontage along Angel Drove. The remainder of the site has much more prominence along the street frontage and the indicative masterplan shows how the rest of the site could be development, to adhere to this element of the policy. The Case Officer advised that substantial landscaping adjacent to the road was also a necessity to reinforce the fen character of the site and the applicant has submitted a Landscape Strategy Plan for this application, which reflects this requirement. The Indicative Masterplan also shows that the landscaping along Angel Drove will form an important element of the later phase, alongside any future development, which will enable the proposal to have a strong frontage on Angel Drove.
- 7.49 A number of trees will be affected by the proposal which primarily form a number of low amenity groups of Willow and Elm scrub. The tree groups to be removed are not considered to be significant in relation to the landscape. The proposal will also incorporate some of the existing trees on the site within the layout. The proposed

Landscape Strategy Plan incorporates landscaping along the boundaries of the site and also within the car parking areas, to break up the hard landscaping areas. In order to ensure that the proposed landscaping helps to assimilate the proposal into the landscape and accords with the requirements of the policies which allocate the site, a comprehensive landscape strategy, based on the details contained with the Landscape Strategy Plan, submitted with the application, will be required alongside the associated landscape maintenance and it is recommended that this is secured by condition.

- 7.50 It is considered that the proposed development will not result in significant harm to landscape character/visual amenity of the area.
- 7.51 Historic Environment
- 7.52 One of the key concerns with any development in Ely is the impact on the Cathedral, a Grade I listed building, and its setting as outlined in policies ENV1 and ENV12 of the East Cambridgeshire Local Plan 2015 and policies LP27 and LP28 of the Submitted Local Plan 2017. National policy outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 7.53 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.54 Historic England have commented on the proposal and advised that they have serious concerns regarding the impact of the proposals. They have advised that their advice and recommendation in respect of this consultation remains the same as those on the previous application which was approved by this Council. Historic England were contacted to see if they wished to comment any further as this application significantly reduces the size of the overall site in comparison to the previous application, but no further comments were received.
- 7.55 The assessment of the impact of the proposal on the Cathedral was carried out as part of the previous application which was for a much larger development and it was concluded that the proposal would not have a significant detrimental impact on Ely Cathedral.
- 7.56 The proposed development does extend the urban fringe which surrounds the "Isle" and whilst it involves the loss of open agricultural land, the site has historically been considered within the development plan and from previous approvals as a suitable site for development. It is considered that the impact of the extension of the urban fringe in this location will not have a significant detrimental impact on the heritage asset of the Cathedral and its setting such that the application should be refused. The quintessential views of the Isle of Ely with the Cathedral and its towers will remain.

- 7.57 When the site is viewed from the south and east the site will not appear isolated within the countryside and will be viewed as part of the existing urban fringe. The rear section of the site, adjacent to the railway, will be partially screened by the railway embankment, which is approximately 2 metres higher than the level of the site and the Ely Southern Bypass which is currently under construction. The buildings will also be seen in conjunction with the existing buildings located on Cambridgeshire Business Park and The Dock light industrial estate.
- 7.58 Whilst the application site will be seen from the Cathedral towers looking out of the conservation area, Officers consider the change in scene by the addition of the proposal on the fringe of the settlement, will not interrupt views to the fen landscape beyond, nor change the relationship between the historic Isle above low lying fen. The view will predominately remain the same and will not be so materially different such that it will have a significant detrimental impact on the heritage assets of Ely including the Cathedral.
- 7.59 The proposal is located well outside the boundary of the conservation area and there are no listed buildings within proximity to the site. The Conservation Officer has commented on the proposal and advised that due to the topography of the site and the surrounding buildings the development will have a nominal impact on the wider setting of Ely Cathedral and none of the key views towards the Cathedral will be impacted by the proposed development.
- 7.60 Based on the above the proposal will have a nominal impact on the heritage assets within Ely. The proposal also includes a number of public benefits including the investment within the area being the catalyst of development with this area of Ely, provision of additional jobs within the District, energy efficient buildings which provide an additional retail option to local residents and prevents out commuting to similar uses.
- 7.61 Highways
- 7.62 The application site will be accessed through the creation of a new roundabout on Angel Drove. The service access for the units will share the customer vehicle access of the new proposed roundabout. Unit A's service will be positioned away from the main customer entrance and will take the form of a dedicated block. Unit B and C's service areas form individual compound areas which are further segregated and allow for a 25 metre turning circle spin, which is the preferred choice for operators. The applicant proposes a pedestrian link to the boundary with the adjacent Cambridgeshire Business Park, which will lead onto St Thomas Place. As part of the proposal the applicant is also providing a footpath along Angel Drove from the entrance to the site to Sir James Black Road, to link the proposal with the existing footpath network. The delivery of these elements will be secured by condition.
- 7.63 The applicant has submitted a Transport Assessment with the application and following comments received from County Highways further addendums to this have been submitted. These documents have undertaken a study of the potential development trip generation and distribution, taking into account the origin of trips to the retail and office development together with an assessment of relevant modes of transport.

- 7.64 A holding objection was originally received from Highways Development Management as they were seeking a Road Safety Audit to be submitted. Following discussions with the applicant this holding objection has been removed as the proposed highways access does not differ to a degree that would require a new audit, from the previously approved roundabout access to this site.
- 7.65 The Transport Assessment Team currently have a holding objection on the application in relation to a number of points, access to travel choices, travel plan, car parking, gravity model, committed development, vehicular traffic generation and the Transport Assessment Addendum (dated December 2017). Following these comments the applicant has submitted a Transport Assessment Addendum dated February 2018 to try to address the points raised. These will each be addressed in turn below.
- 7.66 Access to Travel Choice – The County Council require written confirmation that the relevant bus operator will agree to the diversion of the bus route into the site, alongside a detailed design of the bus stops within the site, alongside querying the number of bus stops and if it is sufficient. The applicant included within their Transport Addendum 2 and 3 details of the bus services, confirming that the bus route would not be diverted into the site and instead a bus stop facility would be provided on Angel Drove, near to the site access. Following a meeting with the County Council in July 2017, it was confirmed by email from the applicants' consultant to the County Council that the location of the pair of bus stops on the A142 were agreed in principle. Details of the bus stops were shown on the WSP vehicle swept paths in the Transport Assessment Addendum 3 dated August 2017. No further comments were received the County in respect of this and therefore it was considered that this matter had been dealt with and was accepted. Details of the bus stops can be secured by condition. The applicant also confirmed that Stagecoach were happy with the location of the bus stop and following on from future phases of the development the applicant would look to discuss with Stagecoach the diversion of the bus route into the site.
- 7.67 Travel Plan – The applicant has submitted a Workplace Travel Plan to the County Council and are awaiting their comments. Details of a Travel Plan could be secured by an appropriate condition.
- 7.68 Car Parking – The County Council commented that the TA addendum did not contain any evidence that the proposed car parking is sufficient to cater for the requirements of the A1 Food Retail and non-food retail elements, especially given the proposed provision is below the standards set by ECDC. The A1 discounted food retail unit was reduced in scale to 2,125 sqm and additional car parking spaces were provided. The ECDC parking standards recommend a parking provision of 1 space per 14sqm, which would equate to a maximum of 152 spaces (including 8 disabled parking spaces). The revised layout for the A1 discounted food retail provides 144 spaces (7 of which are disabled spaces), providing 95% of the ECDC parking provision.
- 7.69 The applicant also proposes an overflow car park which includes 131 spaces (including 7 disabled spaces). No further comments were received from the County Council in respect of this after it was discussed at the meeting in July 2017, until

the latest comments were received on the 25<sup>th</sup> January 2018. It was therefore considered by both the applicant and the Council that this matter had been addressed.

- 7.70 Based on the car parking standards as set out in the Local Plan 2015 and the Submitted Local Plan 2017 A1 Retail (non food) require up to 1 car parking space per 20m<sup>2</sup> and 1 cycle space per 50m<sup>2</sup>. The combined floor areas of the non food retail units is 4181 sq.m and therefore requires 210 car parking spaces in total and 84 cycle spaces. The proposal includes 200 car parking spaces in total adjacent to the units, with overflow car parking proposed of 131 parking spaces. Therefore the 475 parking spaces provided accords with the requirements of policy. 6% disabled parking provision is required which would be a total of 29 spaces across the whole of the retail element of the development, the proposal provides 26 disabled parking spaces, which falls short of the total by 3 spaces. This weighs against the proposal, but given the number of spaces across the development as a whole this is considered to be acceptable.
- 7.71 The food retail unit is required to provide 85 cycle spaces based on the floor area and the non food retail units also need to provide 84 cycle spaces in accordance with policy. The proposal has provided 66 cycles spaces in total. While this does not meet the requirements of the policy and therefore weighs against the proposal, it is considered that it will meet the requirements of the site as it lends itself to linked trips, due to the different uses incorporated.
- 7.72 Gravity Model – The County Council have advised that they do not accept the gravity model in its current form as robust evidence needs to be presented for areas to be discounted from the Gravity model. The scoping correspondence which was undertaken in April 2016 agreed key points including trip rates and traffic distribution before progressing the initial Transport Assessment report. Following the submission of this the County Council queried why the gravity model did not include more trip origins to the west and northwest of Ely. During a meeting in July 2017 it was confirmed and accepted that due to the existing availability of other similar shops in locations such as Chatteris and March that the gravity model was fit for purpose for this phase of the development. As this point has previously been agreed, it is queried as to why this has been raised again as a concern.
- 7.73 Committed Development – The County Council have requested evidence that Temprow has got all committed development included within it and if this can't be provided then all committed developments need to be included within the assessment. This point has been raised during the course of the application by the County Council and the applicants' consultant provided a response as part of the Transport Addendum 2 in June 2017. In order to anticipate future development growth the Temprow dataset focussed on the housing and employment past and expected trajectory which was based on the East Cambridgeshire Annual Monitoring Report (AMR) 2013-2031. Major developments such as Ely North and Ely Station Gateway and the Witchford Lancaster Way Business Park, are included within the AMR. The methodology for this was agreed with the County Council and therefore the applicant has queried why this has been raised by the County Council.



- 7.74 Vehicular Traffic Generation – The County Council have advised that the trip rates for the A1 discounted food store are acceptable, but have queried those for the A1 non-food retail as they appear to be lower than expected for the PM peak. The applicant has advised that the trip rates for all of the proposed land uses were specifically agreed at the Scoping Report stage by the County Council in April 2016. Following the review of the Transport Assessment Report the County Council requested additional information to fully assess the potential impact of the A1 food store, but for no other uses. No subsequent comments were received in relation to the other uses until those of the 25<sup>th</sup> January 2018. As no comments had been received aside from those in relation to the discounted food unit, it was considered by the applicants’ consultant that this point had been agreed.
- 7.75 Transport Assessment Addendum - The County Council raised concerns with the sensitivity tests relating to queues on the A10 south and north arm of the A10/A142/Witchford Road junction and on the A142 and A10 west arm of the A10/A142/Cambridge Road junction and have requested contributions for mitigation measures. The applicant’s consultant has responded to these comments advising that they have taken all the tasks necessary to enable a robust assessment of the impact of the proposed development upon the transport network and to address the comments raised by the County Council. The applicant has advised that the proposed development compliments the existing retail offer of Ely and is likely to attract trips that are currently made to other broader destinations, including trips to Cambridge, March and Newmarket. These trips currently exist on the road network and on the A10, A142 and Angel Drove in particular. The Transport Assessment prepared to support the Ely Southern Bypass also included the committed development at Octagon Park, and concluded that there would be no severe impact of the overall scheme on the junctions of the A10/A142/Witchford Road and the A10/A142/Cambridge Road.
- 7.76 The NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.” The definition of ‘severity’ of the given impact of a development on a network which already suffers from existing traffic issues, needs to be considered. The applicant considers that the County Council estimate that the proposed food store, 2 non-food stores and the offices would have a greater impact on the A10/A142 junctions than the proposed Ely Southern Bypass, which ultimately will make the A142 a more attractive route.
- 7.77 A S106 contribution of £856,666 has been requested by Cambridgeshire County Council towards the improvements of the offsite A10/A142/Angel Drove roundabout. Details of the contribution required have been sent to and discussed with the applicant. A letter in response to this has been received and it attached at appendix 2. The applicant has commented that the junctions which the County are seeking to mitigate are already failing and have been for some time and a S106 contribution cannot be sought for an existing issue. The applicants Transport Assessment concludes that the impact from the proposal is not severe and therefore complies with the requirements of the NPPF.
- 7.78 The applicant has questioned the County Council’s methodology for calculating the contribution which is outlined in their response at Appendix 2 and conclude that the percentage of new trips generated from the development are 25.8% instead of the

51.4% stated by the County. Concluding that the effect of the proposed scheme on the roundabouts is significantly lower than those calculated by the County Council and therefore any contribution should reflect this.

7.79 Notwithstanding the above, the first phase of this development requires the applicant to put all of the infrastructure in first, which will not only serve this development, but future phases. The applicant has put a case forward in response to the contribution sought and has stated that:

- *There is an extant planning consent for a significantly larger scheme (320,000 sq. ft.), compared to the 70,000 sq. ft. now sought;*
- *A contribution of £856k for off-site highway works, combined with the CIL contribution (£773,000) does not fairly and reasonably relate in scale and kind to the impact of the Phase 1 development. The cost is vastly disproportionate to the impact that the three retail units may generate;*
- *The scheme simply cannot afford a contribution whilst also paying CIL. Without the s106 it already fails a viability test and is negative £2m+ with no profit or land value. The viability process was undertaken previously with ECDC where it was acknowledged that the larger Tesco led scheme had serious viability issues partly due to the high cost of servicing the site. This significantly smaller scheme has exactly the same servicing costs to the extant consent. Unfortunately if a s106 contribution is required on top of CIL contribution, the scheme will not be able to proceed;*
- *Infrastructure is being put in for the entire site at day one, not just for Phase 1.*

7.80 The previously approved application expired in December 2017 and did include contributions for highway improvements. However, the development was a much larger scheme, which even at that scale was facing viability issues. When later phases of the development come forward, the impact on the highways network and any necessary and reasonable contributions can be sought.

7.81 A letter was received during the consultation period for the application commenting that the applicant had ignored para 35 of the NPPF and they were seeking assurances that plug-in hybrid car charging facilities that comply with mandated European charging standards will be included as part of any approved application. The provision of car charging points is not a requirement of the Local Plan 2015, although reference to them is made within policy LP22 of the Submitted Local Plan 2017. These comments were forwarded to the applicant and they have advised that they are not looking to include these within this first phase of the development due to the management of them, but they are likely to include them within the next phase of the development. Policy LP22 advises that unless impractical, development should incorporate facilities for electric plug-in and other ultra-low emission vehicles. As this is within the Submitted Local Plan and not the adopted local plan, some weight can be attributed to this and this does weigh slightly against the proposal. However, it is not considered to be a reason for refusal of the application as it is not a requirement of the adopted local plan.

7.82 There are a number of outstanding issues in relating to highways. However, a number of these have been raised in the past and dealt with and the applicant is

questioning these in their latest Transport Addendum, received on the 21<sup>st</sup> February 2018. It is considered that the issues raised can all be overcome and Members will be updated on these matters at Planning Committee. The County Council is seeking a contribution to mitigate the development, which is being queried by the applicant as they firstly don't agree the level of impact or the severity of the impact and secondly the schemes viability does not allow for any s106 contributions. This weighs against the proposal. However, it also needs to be taken into consideration that this development is the first step for the Station Gateway vision, providing jobs and growth for the District and it is considered that it will act as a catalyst for not only the further phases of this development but the Station Gateway as a whole. The NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe" and in this case the impacts are not considered to be severe. The proposed number of car parking spaces broadly accords with policy. The number of cycle spaces is however below the requirement of the policy and this does weigh against the proposal. However, given the opportunity for linked trips, it is considered that this would not warrant the refusal of this application.

7.83 Ecology

7.84 The applicant has submitted an Extended Phase 1 Habitat Survey in support of the application, alongside a Water Vole and Otter survey, in line with the requirements of policy ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Submitted Local Plan 2017.

7.85 The site consists of agricultural land but supports a number of suitable habitats including scrub, ditches, semi-improved grassland and tall ruderal vegetation. The site supports a good water vole population, within the main north-south drainage ditch and a reptile presence has been recorded along an east-west drainage ditch. The north-south drainage ditch also has the potential to support notable plants and aquatic invertebrates and is likely to fall within the local Fenland Drainage Ditches Biodiversity Action Plan (BAP) habitat category. The north-south ditch is proposed to be removed and a new drainage ditch will be created, to which the existing water vole population can be translocated and therefore the design and implementation of a water vole mitigation survey is required. It is also expected that local plant communities can be retained on site through movement into the drainage ditch which will be created as part of the proposal.

7.86 Some of the ditches have already been impacted on by the construction of the Ely Southern Bypass. The applicant as well as the Case Officer have been in discussions with the County Council in relation to this and the protected species and there are ongoing investigations in relation to the water voles and their habitats. If an offence has been committed then this would fall under the Wildlife and Countryside Act and would be an issue for the police. The applicant has made an application to Natural England to move the water voles which were recorded on site in March. The licencing authority will be surveying the site.

7.87 Natural England have assessed this application and is satisfied that the proposal will not damage or destroy the interest features for which Ely Pits and Meadows SSSI has been notified for, which is situated 1.4km to the north east of the application site. Therefore the SSSI does not represent a constraint in the

determination of this application. There are also two non-statutory designated sites within 1km of the application site which are the River Great Ouse and Angel Drove Drains County Wildlife Sites (CWS). The River Great Ouse is located 200 metres to the east of the site and the Angel Drove Drains CWS is approximately 115 metres to the west at its closest point. All construction activities on the site must ensure that they will not impact on the quality of the water within the nearby designated sites and this can be secured by condition.

- 7.88 The Environment Agency (EA) have also assessed the proposed development and advised that it will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure the Water Vole and Bat Populations found on site are protected. The EA have advised that the translocation of the species should be the last resort and justification for the loss of habitat must be provided as part of the requirements of the condition. If it is not possible to retain habitats and the drainage ditch, the receptor sites for any Water Vole translocation works must be created and established prior to any trapping activity and designed and maintained to maximise opportunities for the species. Mink control and other measures to protect the species and wider biodiversity should be considered and implemented where feasible. A license will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.
- 7.89 Soft landscaping which will be secured as part of the development will also seek to maximise the retention of existing habitat features as well as providing new planting of locally appropriate, native species which will be of a recognised benefit to wildlife, to increase the net biodiversity on the site.
- 7.90 The Extended Phase 1 Habitat and Water Vole Survey includes a number of recommendations to be carried out as part of the development of the site, this is listed as an approved plan to ensure that the applicant adheres to the recommendations. A condition is recommended to ensure that the developer submits a biodiversity management plan to secure biodiversity enhancements as part of the development.
- 7.91 Flood Risk and Drainage
- 7.92 The site is located within Flood Zone 1, 2 and 3, and benefits from existing flood defences along the River Great Ouse. The proposed development is classified as 'less vulnerable' and in accordance with the NPPF is considered to be appropriate in Flood Zones 1, 2 and 3 and is therefore acceptable in flood risk terms.
- 7.93 The proposed surface water drainage strategy will mitigate the impact of the increase in the impermeable area by the provision of attenuation for a 1 in 100 year event, including an allowance for climate change. The applicant proposes an online storage basin to accommodate the additional runoff volume from the site. Two of the three existing field drains which cross the application site will be diverted to enable the development and a diversion ditch is proposed to run along the western boundary of the site to intercept and maintain flow within the drains before discharging to an existing drain, north of the proposed bypass. Permeable paving and bio retention areas within the development will provide additional surface water treatment as well, before eventually discharging to the River Great Ouse. The

applicant proposes a private management company to deal with the long term maintenance. The Lead Local Flood Authority have reviewed the Flood Risk Assessment submitted with the application and have raised no objections in principle to the proposed development, subject to the inclusion of the recommended conditions relating to a surface water drainage scheme and the associated long term maintenance of this system.

- 7.94 The Internal Drainage Board have advised that they have a legal agreement with the applicant in relation to surface water disposal from the site. As long as the surface water run-off is at the rate agreed with the Board then no objections have been raised. As part of the proposal the Board's Main Drain will need to be moved to accommodate the development. The Board have raised some concerns with access, especially at the point where the site is adjacent to the new bypass site. The bypass currently under construction may also have an impact on the downstream balancing pond for this proposal. However, there are ongoing discussions between the applicant and Cambridgeshire County Council to overcome this issue and the Board is aware of this and therefore satisfied.
- 7.95 A number of mitigation measures have been proposed which include a large portion of the site to be raised between 0.62 – 2.99 OAD and the EA propose a minimum finished floor level of 1.3 AOD. The applicant also proposes an off-site measure of a back-up generator to be sited at the IDB pumping station to the south of the site.
- 7.96 The proposed foul water strategy for the application is to pump to an existing Anglian Water foul sewer which is located to the south west of the site.
- 7.97 The relevant consultees have raised no objections to the proposal in relation to flood risk and drainage and the detailed surface water drainage scheme and long-term maintenance can be secured by condition. It is therefore considered that the proposal complies with policy ENV8 OF THE East Cambridgeshire Local Plan 2015 and LP25 of the Submitted Local Plan 2017.
- 7.98 Other Material Matters
- 7.99 Air Quality
- 7.100 The applicant has submitted an Air Quality Assessment in support of the application which reviews the operational impacts of increased traffic emissions arising from the additional traffic on local roads, due to the development. Concentrations have been modelled by the applicant for seventeen worst case receptors, representing properties where impacts are expected to be greatest. In the case of nitrogen dioxide a sensitivity test was also carried out which considered the potential under-performance of emissions control technology on modern diesel vehicles. The report concludes that the additional traffic generated by the proposed development will not have a significant effect on air quality at properties along the local road network. The assessment also demonstrated that the increase in concentrations of nitrogen dioxide, PM10 and PM2.5 at relevant locations, will have a negligible impact. The overall operational air quality effects of the development are judged by the report to be 'not significant'.

- 7.101 The Environmental Sustainability Statement report dated February 2017 prepared by AECOM and the Air Quality Assessment dated February 2017 prepared by Air Quality Consultants have both been assessed by Environmental Health who have confirmed that the findings are accepted. Any risks to land and air quality are low and it is considered that conditions relating to these are not required for any planning consent.
- 7.102 Contamination
- 7.103 Investigations in relation to contamination during previous applications show that there would be no significant contamination at the site, with all tests showing that contamination was below the thresholds applicable to landscaped areas, hard cover and buildings. As the land has remained undeveloped the previous findings are agreed and a condition seeking the applicant to submit a remediation strategy if contamination not previously identified is found to be present during development is considered appropriate.
- 7.104 Lighting
- 7.105 The proposal will introduce lighting to an area which currently occupies an urban edge location. This will lead to a degree of change. However, the applicant has suggested that the lighting on the application site may be reduced from midnight to 5.30am, which is welcomed to reduce light pollution from the proposal, as light spill will inevitably result from the proposed development. However, further clarification is needed in respect of this and a lighting scheme is therefore recommended. It is considered that there would be no issues with regards to residential impact due to lighting from the proposed development. However, the location and confirmation of the type of lighting and the hours of use would need to be assessed and secured. A condition requesting details of the lighting proposals is therefore recommended to be appended.
- 7.106 Energy Efficiency / Sustainability
- 7.107 Policy ENV4 of the Local Plan requires all non-domestic developments of 1,000 square metres or more to meet BREEAM Very Good standard or equivalent. The applicant has submitted a Pre-Assessment BREEAM report which shows that the development would achieve a Good rating. The applicant has advised that the Very Good rating as required by policy is hard to achieve due to the nature of the buildings, their location and the ongoing requirements for end users. Policy LP24 of the Submitted Local Plan 2017, removes the requirement for BREEAM Very Good but requires development to make a positive and significant contribution towards renewable and low carbon energy development. The applicants approach is to reduce energy needs rather than mitigating for its use. This policy can be afforded some weight and therefore while the proposal does not meet the requirements of the adopted Local Plan policy, due to the details outlined within their BREEAM Pre-Assessment report and their achievement of BREEAM Good, it meets the requirements of policy LP24.
- 7.108 There are recordings of Japanese knotweed on the site which are being treated. The Environment Agency have also recommended a condition be appended to any

decision requiring a method statement to be submitted for removing or the long-term management/control of Japanese knotweed on the site.

- 7.109 Archaeology
- 7.110 The applicant has carried out an archaeological evaluation of the site which revealed post medieval/modern drainage features and features associated with recent soil improvement. Comments have been received from Cambridgeshire County Council advising that the proposed development of the site would not result in damage to significant archaeological remains and therefore no further investigation is necessary in relation to this development.
- 7.111 Fire Hydrants
- 7.112 Cambridgeshire Fire and Rescue Service have requested that adequate provision be made for fire hydrants as part of the proposed development. It is recommended that this is secured by condition.
- 7.113 EIA Screening
- 7.114 Due to the site area and the nature of the proposed development the applicant was screened in accordance with the EIA Regulations to assess whether the proposal constitutes EIA development. The previous application on this site, which also comprised of a much larger site area was supported by an Environmental Statement. Due to the reduction in size of the application site and the construction of the Ely Southern Bypass, which was not underway at the time of the previous application, the Screening Opinion considers that the proposal does not constitute EIA development.
- 7.115 Planning Balance
- 7.116 The proposed site is allocated out of town and therefore has been assessed on these grounds. The site is allocated in both the adopted Local Plan 2015 and the Submitted Local Plan 2017.
- 7.117 Officers are content that the sequential test has been satisfied for the purposes of both local and national policy. The revised Retail Impact and Planning Assessment show that while the proposed development will have an impact on the centres of Ely, Soham and Littleport, this will not be a 'significant adverse impact' and therefore meets the requirements of the NPPF, when assessing out of town retail proposals. Therefore, given the assessment of the Retail Impact Assessment and the allocations of the site in local policy the principle of development on the site is considered acceptable and this weighs in favour of the proposed development.
- 7.118 It is considered that the proposal represents the first phase of development which will act as a catalyst for the development of the rest of the site and the Station Gateway as a whole.
- 7.119 Due to the location of the proposal and the predicted noise levels the proposal will not have an adverse impact on residential amenity and this weighs in favour of the proposed development.

- 7.120 The proposal will also extend and change the urban fringe of Ely, in line with the Ely Southern Bypass which is currently under construction. It is also not considered that the overall design reflects local character as required by policy. However, the proposed design is of a style which is a generic building typology that reflects the end user and the overall bulk of the buildings has been broken up with the use of materials and glazing and therefore its visual impact is not considered to have an adverse visual impact on the character and appearance of the area. There will be a nominal impact on the setting of the Cathedral and the Landscape Strategy submitted shows how the development can be assimilated into its surroundings, whilst the landscaping reflects the fen character of the site.
- 7.121 County Highways have objected to the proposal. A number of issues which have been raised in their most recent comments have been addressed previously and it is considered can be easily overcome and Members will be updated at Planning Committee. County Highways are also requesting a contribution to mitigate the proposed development, although this has been questioned as it is not considered that the proposal would have a severe impact on the highway network and therefore in accordance with the NPPF should not be refused on that basis. The schemes viability also plays a factor in this and the requirement of this contribution would mean that the scheme would be unviable and not deliverable. This weighs against the proposal.
- 7.122 Ecology, flood risk and drainage and all the other material matters have been addressed and conditions are recommended to ensure that the proposal meets the requirements of the relevant policies and material planning considerations.
- 7.123 While there is an outstanding objection from County Highways, it is considered that a number of the matters can be addressed. The only element which cannot is the highways contribution. However, on balance, in order to bring forward development on this site it is considered that due to viability issues and the scale of the proposal, on this occasion that a contribution is not sought.
- 7.124 This application is therefore recommended for approval.

## 8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than



officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case Members' attention is particularly drawn to the following points:

- The site is allocated in the Local Plan 2015 and the Submitted Local Plan 2017;
- Objections have been received from Historic England – but following the approval of the last application and the reduction in size of this application, it is considered that these have been addressed;
- A holding objection has been received from County Highways in relation to contributions for highway improvements.

9.0 APPENDICES

- 9.1 Appendix 1 – Recommended conditions  
 Appendix 2 – Letter from applicant

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00428/FUM	Rebecca Saunt Room No. 011	Rebecca Saunt Planning Manager 01353 665555
07/01347/OUM 13/00122/ESF	The Grange Ely	rebecca.saunt@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 17/00428/FUM Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
FLOOD RISK ASSESSMENT		14th March 2017
TRANSPORT ASSESSMENT		14th March 2017
ARBORICULTURAL IMPACT ASSESSMENT		14th March 2017
ENVIRONMENTAL SUSTAINABILITY		14th March 2017
EXTERNAL LIGHTING STRATEGY		14th March 2017
AIR QUALITY ASSESSMENT		14th March 2017
LANDSCAPE & VISUAL IMPACT		14th March 2017
14510P1(00)27		14th March 2017
15410P1(00)29		14th March 2017
15410P1(00)23	A	22nd March 2017
14510P1(00)28		14th March 2017
14510P1(00)12	C	14th March 2017
14510P1(00)25	B	14th March 2017
14510P1(00)26		14th March 2017
14510P1(00)21		14th March 2017
14510P1(00)08	C	14th March 2017
14510P1(00)22		14th March 2017
DFC1347TPP CENTRE	A	14th March 2017
DFC1347TPP WEST	A	14th March 2017
DFC1347TSP 1 OF 2		14th March 2017
DFC1347TSP 2 OF 2		14th March 2017
DFC1347TPP CENTRE	A	14th March 2017
PHASE 1 HABITAT AND WATER VOLE		14th March 2017
NOISE IMPACT ASSESSMENT		14th March 2017
14510P1(00)15	C	5th June 2017
14510M(00)10	I	5th June 2017
14510P1(00)20	C	5th June 2017
14510P1(00)18	A	5th June 2017
14510P1(00)17	A	5th June 2017
14510P1(00)16	A	5th June 2017
14510P1(00)09	H	5th June 2017
14510P1(00)05	C	5th June 2017
14510-012	B	5th June 2017
TRANSPORT ASSESSEMENT ADDENDUM 2		11 <sup>th</sup> April 2017
TRANSPORT ASSESSMENT ADDENDUM 3		4th August 2017
TRANSPORTASSESSMENT ADDENDUM 4		23 <sup>rd</sup> August 2017
TRANSPORT ASSESSMENT ADDENDUM 5		11 <sup>th</sup> December 2017
TRANSPORT ASSESSMENT ADDENDUM 6		21st February 2018
PLANNING & RETAIL ASSESSMENT		29th January 2018
BREEAM RETAIL UNIT PRE-ASSESSMENT		10 <sup>th</sup> November 2017

- 1 Reason: To define the scope and extent of this permission.

2 OUTLINE PLANNING PERMISSIOM FOR 3 NO. OFFICE BUILDINGS USE CLASS B1, TOGETHER WITH MEANS OF ACCESS INDICATED AS SITE A1 ON DRAWING NUMBER 14510 P1(00)09 Rev H

Approval of the details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

The reserved matters application for approval must be made not later than the expiration of three years beginning with the date of this permission.

- 2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates (Site A1) shown on Drawing No. 14510 P1(00)09 Rev H must be begun no later than the expiration of two years from the final approval of the reserved maters for that area, or in the case of different dates of approval of the reserved matter, the final approval of the last such matter to be approved.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 In pursuance of condition 2, the landscape scheme shall provide details of species, siting, planting distances and programme of planting and ongoing maintenance for a period of 10 years. Planting is to be carried out during the first available season after commencement of the development and shall thereafter be maintained in accordance with the detailed management arrangements to be submitted to and approved in writing by the Local Planning Authority. Any tree or shrub planted as part of the scheme which is removed, severely damaged, is found to be dying or seriously diseased within ten years of planting, shall be replaced within the next available planting season with a tree or shrub of similar size and species to be agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that the site is landscaped in an attractive and structured manner during the phases of development, to enhance the visual amenities of the area and assimilate the development into its surroundings in compliance with Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP22, LP28 and LP30 of the Submitted Local Plan 2017.
- 5 The development hereby approved shall meet BREEAM Good standard or equivalent in accordance with the BREEAM Construction Indicative Retail Unit Pre-Assessment dated November 2017. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

- 5 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in Policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2017.
- 6 Construction times and deliveries during the construction phases shall be limited to within the following hours:  
  
08:00 – 18:00 each day Monday – Fridays  
08:00 – 13:00 on Saturdays  
None on Sundays, Bank Holidays or Public Holidays
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 Prior to the commencement of development details of the provision of fire hydrants, or equivalent for Site A1, shall be submitted to and agreed in writing with the Local Planning Authority.  
  
The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation.
- 7 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP16 of the Submitted Local Plan 2017. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted, however this detail is required in order to ensure that details are taken into account in reserved matters applications and are not an afterthought
- 8 No external fixed plant and/or machinery shall come into operation until details (including any mitigation measures to achieve the following noise limits), are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dB(A) during the daytime (0700 to 2300 hours) and 35 dB(A) at any other time. The noise levels shall be determined by measurement and/or calculation at the nearest noise sensitive premises. The measurements and assessments shall be made according to BS 4142:2014.
- 8 Reason: To safeguard the amenity of neighbouring occupiers, to define the terms of the permission in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 and LP26 of the Submitted Local Plan 2017.
- 9 All external lighting proposals shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of each phase of the development hereby approved. The lighting for each phase of the development shall be installed in accordance with the agreed scheme, prior to the first occupation of any building on the site.

- 9 Reason: In the interests of minimising light pollution, sky glow and energy waste in accordance with Policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 10 Prior to the commencement of development, or as part of the first reserved matters, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA/surface water drainage strategy [delete as appropriate] prepared by Peter Brett Associates LLP (ref:35358) dated February 2017, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to the completion of the development.
- 10 Reason: To prevent the increased risk of flooding, to improve protected water quality, and improve habitat and amenity, in accordance with policies ENV7, ENV8 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22, LP25 and LP26 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 11 Prior to first occupation of the buildings 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. 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.
- 11 Reason: To ensure satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraph 103 and 109 of the National Planning Policy Framework.
- 12 Prior to the commencement of development or as part of the first reserved matters, details of the method of disposal for foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. Details of how the scheme shall be maintained and managed after completion shall be included. The scheme shall be implemented as approved prior to the occupation of any building.
- 12 Reason: To prevent environmental and amenity problems arising, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and LP25 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures will be below ground level.
- 13 No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of Water Vole and Bats, protected species under The Wildlife and Countryside ACT 1981 as amended (Habitats Directive Annex II), and their associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority. The Water Vole and Bat Protection plan shall be carried out in accordance with a timetable for implementation as approved.

- 13 Reason: To protect the Water Vole populations and ensure that the available habitat within and adjacent to the development site is accessible, in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place.
- 14 No development shall take place until a detailed method statement for removing or the long-term management/control of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. The development shall proceed in accordance with the approved method statement.
- 14 Reason: To conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible as set out in the National Planning Policy Framework paragraph 109. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 Details of habitat enhancements for flora and fauna to increase biodiversity within Site 1A, shall be submitted to and approved in writing by the Local Planning Authority at reserved matters stage for each phase. Details of how the scheme shall be maintained and managed after completion shall be included. The Biodiversity scheme shall be implemented and approved prior to occupation of any building.
- 15 Reason: To enhance the biodiversity of the site in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Submitted Local Plan 2017.
- 16 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted
- 17 Prior to first use of each phase of the development hereby approved, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority.
- 17 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH 3 and COM7 of the East Cambridgeshire Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 2015 as amended (or any Order revoking or re-enacting that Order, with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.

18 Reason: In the interests of visual amenity, to ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies ENV1, ENV2 and COM6 of the East Cambridgeshire Local Plan 2015 and LP16, LP22 and LP28 of the Submitted Local Plan 2017.

19 Notwithstanding the Use Class A1 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification, the following changes of use shall not be permitted on the site without the prior consent in writing by the Local Planning Authority by way of a formal planning application.

Class B

Change to a Class B8 (storage and distribution) from a Class B1

Change to a Class C3 (dwellinghouses) from a Class B1

Change to a State funded school or a registered nursery

Change to a Flexible A1, A2, A3 use

19 Reason: To ensure that the development has the appropriate mix of uses and in order not to prejudice the primary shopping role of Ely city centre in accordance with Policy COM1 and ELY9 of the East Cambridgeshire Local Plan 2015 and LP14 and ELY.M5 of the Submitted Local Plan 2017.

20 FULL PLANNING APPLCIATION FOR A FOOD RETAIL STORE USE CLASS A1, AND TWO NON-FOOD RETAIL STORES USE CLASS A1, ACCESS AND ASSOCIATED INFRASTRUCTURE SHOWN AS SITE A ON DRAWING NUMBER 14510 P1(00)09 Rev H

The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

20 Reason: To define the permission and in the interest of the proper development of the site.

21 The development within Site A of Drawing Number 14510 P1(00)09 Rev H, hereby permitted shall be commenced within 3 years of the date of this permission.

21 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

22 No above ground construction shall take place on site until samples of the materials to be used in the development hereby approved have been submitted to and approved in

writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

- 22 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 23 No development shall take place until a landscape masterplan and management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Detail of planting plans, a written specification, schedules of plants noting species, plant sizes, proposed numbers and densities (NB planting to be of native species);
- Details of maintenance regimes and who is responsible for the continuing implantation and phasing details;
- Detailed implementation programme
- Details of any new habitat created on site;
- Details on invasive species management Japanese Knotweed and Mink (where feasible);
- Details of treatment of site boundaries and/or buffers around water bodies;
- Details of management responsibilities;
- Further survey for priority/NERC species particularly for – Tubular water-dropwort is known to be present in the onsite location that may be suitable for tubular water-dropwort is the north-south drainage ditch.

The plan shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten 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, unless the Local Planning Authority gives its written consent to any variation.

- 23 Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with paragraph 109 and 118 of the National Planning Policy Framework. To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted



24 No development shall take place until a biodiversity management plan for enhancing biodiversity within the site for flora and fauna has been submitted to and approved in writing by the Local Planning Authority. The plan shall also include:

- i) Details of sensitive working methods to be employed in order to avoid harm to protected species.
- ii) Details of compensatory habitat creation and new nesting/roosting features to be created for protected species.
- iii) Timings for the above works, monitoring procedures and remedial measures triggered by monitoring.
- iv) Management responsibilities.
- v) Details of the maintenance of habitats and features for a minimum period of 10 years.

All works shall be carried out in accordance with the approved method statement and the approved features shall thereafter be retained.

24 Reason: To secure biodiversity enhancement as required under Core Planning Principle 11 of the National Planning Policy Framework and policies ENV1 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28 and LP230 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted

25 No above ground construction shall commence until details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, boundary treatments, cycle storage, signage, lighting, other minor artifacts, proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc, indicating lines, manholes, supports etc). All hard landscaping works shall be carried out in accordance with the approved details in accordance with a programme of implementation agreed with the Local Planning Authority.

25 Reason: To ensure that the site is landscaped in an attractive and structured manner and to enhance the visual amenities of the area, in pursuance of policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

26 The development hereby approved shall meet BREEAM Good standard or equivalent in accordance with the BREEAM Construction Indicative Retail Unit Pre-Assessment dated November 2017. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

26 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in Policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2017.

27 Construction times and deliveries during the construction phases shall be limited to within the following hours:

08:00 – 18:00 each day Monday – Fridays  
08:00 – 13:00 on Saturdays  
None on Sundays, Bank Holidays or Public Holidays

- 27 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 28 Prior to the commencement of development details of the provision of fire hydrants, or equivalent for Site A, shall be submitted to and agreed in writing with the Local Planning Authority.
- The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation.
- 28 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP16 of the Submitted Local Plan 2017. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted, however this detail is required in order to ensure that details are taken into account in reserved matters applications and are not an afterthought
- 29 No external fixed plant and/or machinery shall come into operation until details (including any mitigation measures to achieve the following noise limits), are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dB(A) during the daytime (0700 to 2300 hours) and 35 dB(A) at any other time. The noise levels shall be determined by measurement and/or calculation at the nearest noise sensitive premises. The measurements and assessments shall be made according to BS 4142:2014.
- 29 Reason: To safeguard the amenity of neighbouring occupiers, to define the terms of the permission in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 and LP26 of the Submitted Local Plan 2017.
- 30 All external lighting proposals shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of each phase of the development hereby approved. The lighting for each phase of the development shall be installed in accordance with the agreed scheme, prior to the first occupation of any building on the site.
- 30 Reason: In the interests of minimising light pollution, sky glow and energy waste in accordance with Policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 31 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as

access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 31 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 32 Prior to the commencement of development a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA/surface water drainage strategy [delete as appropriate] prepared by Peter Brett Associates LLP (ref:35358) dated February 2017, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to the completion of the development.
- 32 Reason: To prevent the increased risk of flooding, to improve protected water quality, and improve habitat and amenity, in accordance with policies ENV7, ENV8 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP25, LP26 and LP30 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 33 Prior to first occupation of the buildings 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. 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.
- 33 Reason: To ensure satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraph 103 and 109 of the National Planning Policy Framework.
- 34 Prior to the commencement of development, details of the method of disposal for foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. Details of how the scheme shall be maintained and managed after completion shall be included. The scheme shall be implemented as approved prior to the occupation of any building.
- 34 Reason: To prevent environmental and amenity problems arising, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and LP25 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures will be below ground level.
- 35 No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of Water Vole and Bats, protected species under The Wildlife and Countryside ACT 1981 as amended (Habitats Directive Annex II), and their associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority. The Water Vole

and Bat Protection plan shall be carried out in accordance with a timetable for implementation as approved.

- 35 Reason: To protect the Water Vole populations and ensure that the available habitat within and adjacent to the development site is accessible, in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place.
- 36 No development shall take place until a detailed method statement for removing or the long-term management/control of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. The development shall proceed in accordance with the approved method statement.
- 36 Reason: To conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible as set out in the National Planning Policy Framework paragraph 109. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted
- 37 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 2015 as amended (or any Order revoking or re-enacting that Order, with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.
- 37 Reason: In the interests of visual amenity, to ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies ENV1, ENV2 and COM6 of the East Cambridgeshire Local Plan 2015 and LP16, LP22 and LP28 of the Submitted Local Plan 2017.
- 38 Notwithstanding the Use Class A1 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification, the following changes of use shall not be permitted on the site without the prior consent in writing by the Local Planning Authority by way of a formal planning application.
- Class A  
Change to a Class A2 (financial and professional services) from a Class A1  
Change to a Class A3  
Change to a mixed use comprising a Class A1 or A2 use and up to 2 flats  
Change to a Class C3
- 38 Reason: To ensure that the development has the appropriate mix of uses and in order not to prejudice the primary shopping role of Ely city centre in accordance with Policy

COM1 and ELY9 of the East Cambridgeshire Local Plan 2015 and LP14 and ELY.M5 of the Submitted Local Plan 2017.

- 39 Prior to the first occupation of the development hereby permitted, the on-site servicing, loading/unloading and turning areas shown on Drawing No. 14510 P1(00)09 Rev H shall be laid out, surfaced and drained and thereafter retained.
- 39 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017.
- 40 Prior to the first use of the development hereby permitted, the parking spaces and cycle stands shall be laid out and provided to the written satisfaction of the Local Planning Authority, within the application site, in accordance with Drawing No. 14510 P1(00)09 Rev H. Such spaces shall thereafter be retained and maintained at all times solely for the specific use of vehicle parking and cycles in connection with the development hereby permitted.
- 40 Reason: To ensure the safe and efficient operation of the public highway in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017.
- 41 Prior to the first use of the development hereby permitted details of the proposed pedestrian footpath link to St Thomas Place from the proposed development shall be submitted to and approved in writing by the Local Planning Authority as shown on Drawing No. 1450 P1(00)09 Rev H. The footpath shall be constructed in accordance with the approved details prior to the first use of the site.
- 41 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017.
- 42 Prior to the first use of the development hereby permitted details of the proposed pedestrian footpath link from the proposed development to Sir James Black Road. shall be submitted to and approved in writing by the Local Planning Authority as shown on Drawing No. 1450 P1(00)09 Rev H. The footpath shall be constructed in accordance with the approved details prior to the first use of the site.
- 42 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017.
- 43 Prior to first use of the development hereby approved, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority.
- 43 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH 3 and COM7 of the East Cambridgeshire Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017.

- 44 Prior to first occupation details of the proposed bus stops on Angel Drove shall be submitted to and approved in writing by the Local Planning Authority. The bus stops shall be constructed in accordance with the approved details prior to the first use of the site.
- 44 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017.
- 45 Prior to first use of the development hereby permitted, all access works shall be completed in accordance with the approved details (as listed in condition 1).
- 45 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017.
- 46 Prior to the commencement of the development hereby permitted a comprehensive construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a plan must include details of the routes to and from the site for construction and delivery vehicles, and details of the access into the site from the public highway. The scheme shall include details of the maintenance of a travel log showing all delivery and service vehicle route movements to and from the site. A monthly management audit shall be undertaken on the log to check for compliance with the approved route. The log and management audit shall be made available to the Local Planning Authority within 7 days of a written request. The Traffic Management Plan shall provide for temporary facilities for the parking, turning, loading, and unloading of all vehicles clear of the public highway.
- 46 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 47 Notwithstanding the provisions of section 55 (2) (a) of the Town and Country Planning Act 1990 there shall be no additional mezzanine floorspace created within any of the retail units, without the prior written permission of the Local Planning Authority.
- 47 Reason: The application has been determined on the basis of the site providing an acceptable amount of retail floorspace in accordance with policy COM1 and ELY 9 of the East Cambridgeshire Local Plan 2015 and LP14 and ELY.M5 of the Submitted Local Plan 2017.
- 48 Notwithstanding the provisions of section 55 (2) of the Town and Country Planning Act 1990 (as amended) no internal or external floorspace shall be added to any of the retail units hereby approved, without the prior approval by way of a formal application to the Local Planning Authority.
- 48 Reason: The application has been assessed on the basis of the proposed floorspace in accordance with policies COM1 and ELY 9 of the East Cambridgeshire Local Plan 2015 and LP14 and ELY.M5 of the Submitted Local Plan 2017.

- 49 Units A, B, and C shall not be open to the public outside of the following hours: 08:00-20:00hrs Monday to Saturday and 10:00-16:00hrs on Sundays, Bank Holidays and Public Holidays unless otherwise agreed in writing by the Local Planning Authority by way of a formal application.
- 49 Reason: To safeguard the amenity of neighbouring occupiers, and to define the terms of the permission in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 50 The development hereby permitted by this planning permission shall be restricted to those uses and floorspace identified in the application description.

Areas where outline consent is granted

Offices - 50,000 sq ft – Class B1

Areas where full permission is granted

Unit/Use Class	Gross Floor space sq.m	Mezzanine sq.m	External Area sq.m	Net Floor space sq.m	Net Convenience Floor space sq.m	Net Comparison Floor space sq.m
Unit A – A1 Discount Food Retailer	2,126	0	0	1,937	1,453	484
Unit B – A1 Non Food Retailer	2,323	0	557	2,016	605	1,411
Unit C – A1 Non Food Retailer – DIY	1,858	557	465	2,016	0	2,016

- 50 Reason: To define the terms of the permission. The application has been determined on the basis of the impacts of the proposed scheme and to ensure that no changes are undertaken that result in impacts not previously assessed in accordance with policy ELY9 of the East Cambridgeshire Local Plan 2015 and ELY.M5 of the Submitted Local Plan 2017.
- 51 Notwithstanding the provisions of Class A1 to the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order, with or without modification, Unit C as shown on Drawing 14510 P1 (00) 09 Rev H, shall not be used other than for the sale of DIY goods and materials, gardening goods and materials, home improvement products, furniture, carpet and floor coverings, and the

ancillary sale of related items. The external area to the DIY unit shall only be used for the sale of gardening goods and materials, and the ancillary sale of related items.

- 51 Reason: The application has been considered on the basis of retail floorspace commensurate to a DIY retail operator. This sales density is much lower than might be achieved by unrestricted A1 use and, it is therefore appropriate to restrict the range of goods that can be sold from this unit, in accordance with policy ELY9 of the East Cambridgeshire Local Plan 2015 and ELY.M5 of the Submitted Local Plan 2017.
- 52 Within 3 months of first occupation of any of the A1 retail units hereby approved, details of a marketing strategy to bring forward the B1 units shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the advertising details, the publications where advertisements are to be placed, Agents used, and the time period for each form of advertisement. The approved strategy shall be implemented as agreed.
- 52 Reason: The application has been determined on the basis of the impacts of the proposed scheme and to ensure the provision of jobs and future employment in accordance with policy ELY9 of the East Cambridgeshire Local Plan 2015 and ELY.M5 of the Submitted Local Plan 2017.