

**22/00852/MPO**

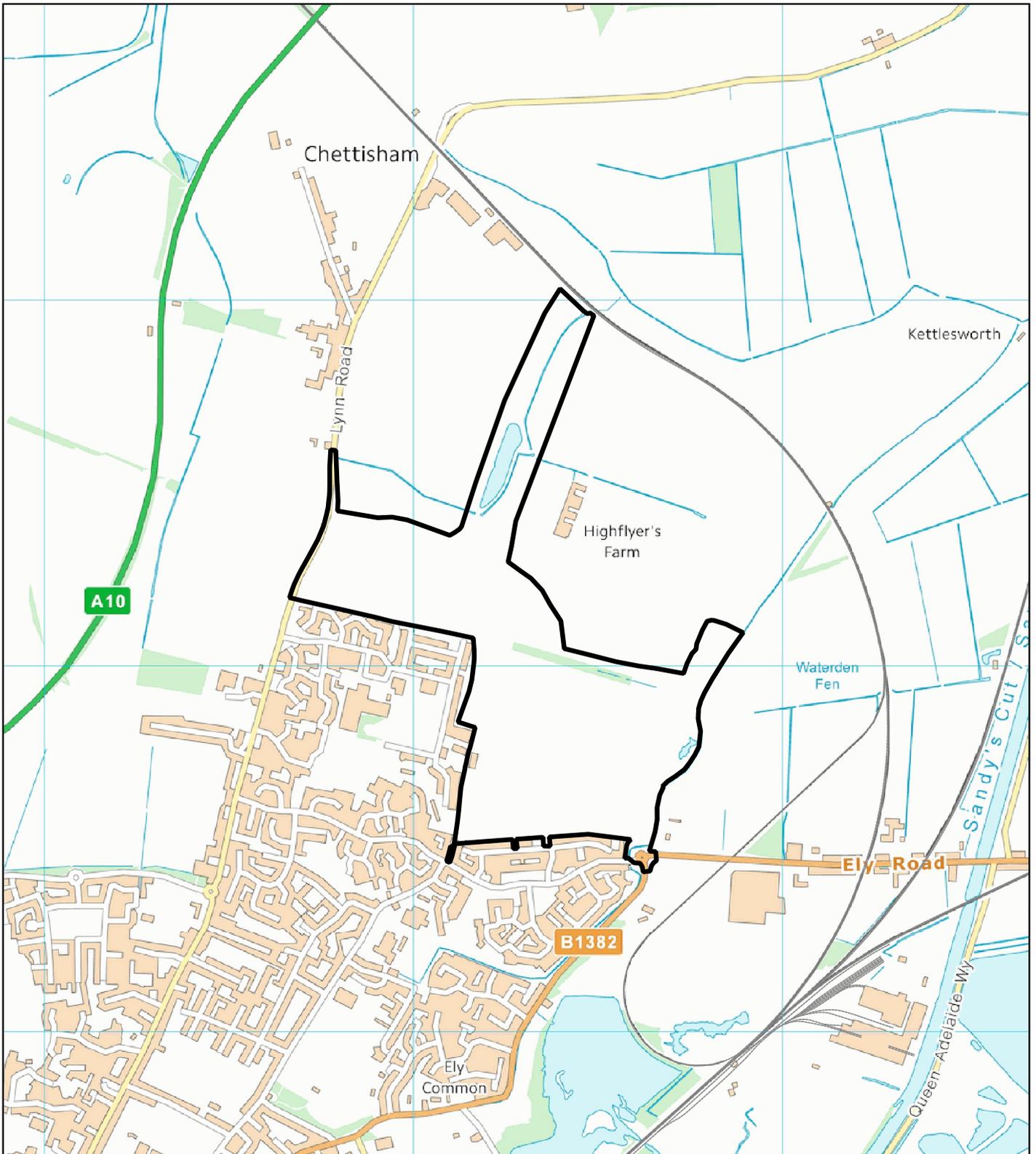
Land At High Flyer Farm  
North Of Kings Avenue  
Ely  
Cambridgeshire

Application for the modification of a planning obligation 11/01077/ESO

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RHVX65GG0CU00>





22/00852/MPO



Land At High Flyer Farm North  
Of  
Kings Avenue  
Ely

East Cambridgeshire  
District Council

Date: 17/01/2023  
Scale: 1:15,000



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**22/00852/MPO Committee Report**

**Reference No:** 22/00852/MPO

**Proposal:** Application for the modification of a planning obligation  
11/01077/ESO

**Site Address:** Land At High Flyer Farm North Of Kings Avenue Ely  
Cambridgeshire

**Applicant:** The Church Commissioner For England

**Case Officer:** Toni Hylton Planning Team Leader

**Parish:** Ely

**Ward:** Ely North  
Ward Councillor/s: Simon Harries  
Alison Whelan

**Date Received:** 8 September 2022      **Expiry Date:** 10<sup>th</sup> February 2023  
**Report Number X147**

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the modification of planning obligation 11/01077/ESO, as shown below:
- 1.2 The modification of the S106 legal agreement dated 20th June 2016 attached to the planning permission 11/01077/ESO to allow for the modification to transfer the Country Park by 250 occupations. Update Schedule 1, affordable housing to reflect the review provisions. Update Schedule 2 to give a definitive contribution amount of £3,635,680.05 and for the definition of mortgagee to be changed to the standard definition.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks a modification to a S106 agreement, dated 18<sup>th</sup> June 2015 in connection with planning application 11/01077/ESO. This application was made in outline for residential development, a local centre, primary school, pre school nursery, playing fields, place of worship or community building together with open space, allotments, landscaping, highways, infrastructure and associated works. The application before you seeks the following amendments in brief:
- The s106 will be revised to remove the review provisions (which allowed further financial contributions to be calculated and affordable housing to be reassessed based on viability) and replace them with agreed payments and an agreed uplift in affordable housing. This will give more certainty on the marketing of the site.

- On that basis, the Schedule 2 Review Provisions and associated definitions have been removed. Schedule 2 should now contain the agreed contribution (£3,635,680.05)
- Updated the affordable housing (Schedule 1) to reflect the above (with 35% affordable across all phases subsequent to the first 200 units which Redrow are building out (between 15% and 40% per phase).
- Redrow has asked that the standard mortgagee in possession clause is used.
- The Country Park will be transferred earlier (by 250 occupations rather than 600 occupations)

2.2 The application is brought to planning committee as it does not meet the delegation scheme and therefore needs to be considered by the members.

2.3 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.eastcambbs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

3.1

11/01077/ESO	Residential development, a local centre comprising retail foodstore (A1), uses within Use Classes A1/2/3/4/5, D1 and business units (B1), primary school, pre-school nursery, playing fields, place of worship and/or community hall, together with open space, allotments, landscaping, highways, infrastructure and associated works.	Approved	18.06.2015
17/01722/RMM	Reserved matters for Access, Appearance, Landscaping, Layout and Scale for 200 dwellings within the Green Street Character Area of residential development 11/01077/ESO	Approved	19/02/2018
17/01723/RMM	Reserved matters for Access, Appearance, Landscaping, Layout and Scale for the Spine Road and Thistle Corner Junction of residential development 11/01077/ESO	Approved	03/05/2018

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is allocated as part of the Local Plan (Policy ELY 1) as an urban extension to north Ely. The site is approximately 210 hectares (518.921 Acres) and is within the ownership of 2 landowners, Church Commissioners and Endurance Estates. This application relates to land within the control of the Church Commissioners, which is sited to the north of Kings Avenue, closer to Queen Adelaide.

4.2 The site is currently in part under development, by Redrow Homes (applications 17/01722/RMM and 17/01723/RMM) known as Phase 1 and 2.

#### 5.0 RESPONSES FROM CONSULTEES

5.1 A site notice was displayed near the site on 29<sup>th</sup> September 2022. No responses have been received.

#### 6.0 PLANNING COMMENTS

6.1 The application seeks to change the 'chargee' in Schedule 1 to *"any mortgagee or chargee of the Approved Provider and any receiver (including an administrative receiver) and manager appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or charge to release its security or any administrator (however appointed) including a housing administrator"*

6.2 The application seeks to change Schedule 1, paragraphs 2.2.1 and 2.2.2 to *"the quantum of Affordable Dwellings within the first planned Phases totalling 200 Dwellings shall comprise 15% of those Dwellings and the quantum of Affordable Dwellings within any subsequent Phases shall comprise 35%; and no fewer than 15% and no more of 40% of Dwellings within any Phase shall be Affordable Dwellings unless the Council approves otherwise."*

6.3 Removal of paragraphs 3.1 to 3.9 inclusive which relate to on-site additional affordable dwellings.

6.4 The application seeks to change Schedule 3, Definitions and interpretation *"Deferred Contribution - the sum of three million six hundred and thirty five thousand six hundred and eighty pounds and five pence (£3,635,680.05) (which for the avoidance of doubt will not be Index Linked)"*

6.5 The application seeks to change *"Paragraph 4.2 of Schedule 3 of the Principal Agreement shall be varied by the removal of the words "six hundred (600) Dwellings" and their replacement with the words "two hundred and fifty (250) Dwellings"*

6.6 Prior to the submission of the application, these changes had been discussed with the Director Community and were independently assessed. It was in conclusion that in terms of the affordable housing it would still ensure that 30% was delivered across all of the phases and it would not result in any financial loss of contributions to the Local Planning Authority. On this basis the proposal is considered to still

deliver the right amount of affordable housing across all of the site, albeit larger numbers in other phases of the development.

- 6.7 The current s106 requires the Country Park to be given over upon the occupation of 600 dwellings. This variation will deliver the Country Park within the occupation of 250 dwellings. This is considered to be an important benefit to the overall scheme and is welcomed.
- 6.8 The variation to the s106 has been considered acceptable. The proposals have been independently assessed and it does not lead to the lack of affordable housing being delivered and brings the adoption of the Country Park forward and as such is recommended for approval.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
22/00852/MPO	Toni Hylton Room No. 011	Toni Hylton Planning Team Leader
11/01077/ESO	The Grange	01353 665555
17/01722/RMM	Ely	toni.hylton@eastcambs.gov.uk
17/01723/RMM		

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>