

**MAIN CASE**

**Reference No:** 14/01353/FUM

**Proposal:** Hybrid planning application consisting of a detailed scheme for the construction of a six screen multiplex cinema and four in-line restaurants (A3-A4 use), six additional units in A3-A5 use, underpass, highways works, associated landscaping (including drainage attenuation basin), site infrastructure and services ('the Phase 1 Development'); and an Outline scheme for the construction of a district-wide leisure centre, associated landscaping, site infrastructure and services ('the Phase 2 Development')

**Site Address:** Land Adjacent To Ely Rugby Club Downham Road Ely Cambridgeshire

**Applicant:** Turnstone Ely Ltd

**Case Officer:** Rebecca Saunt Senior Planning Officer

**Parish:** Ely

**Ward:** Ely West

**Ward Councillors:** Councillor Sue Austen  
Councillor Sheila Friend-Smith

**Date Received:** 12 December 2014      **Expiry Date:**

[P225]

1.0 **RECOMMENDATION**

1.1 Members are recommended that **Approval** be delegated to the Planning Manager, subject to:

- Withdrawal of Cambridgeshire County Council's holding objection on highway grounds, following the submission of additional information by the applicant.
- Referral to the Secretary of State to decide whether or not to "call in" the proposal for determination.
- The recommended draft conditions listed below (and the addition of highway conditions) is delegated to the Planning Manager, which can be read in full on the attached appendix 1.

1. Approved plans/documents	2. <b>Outline permission</b> – reserved matters time period
3. Time period for development	4. Details shall follow layout plan
5. Construction Environmental Management Plan	6. Construction times and deliveries
7. Site based mobile plant	8. No burning of waste
9. Specific related noise level	10. Fixed plant or machinery
11. External lighting scheme	12. Noise assessment
13. Landscaping scheme details	14. Fire hydrants
15. Archaeological works	16. Surface water drainage scheme
17. Energy and sustainability strategy	18. Ecological appraisal
19. Habitat enhancements	20. Tree or shrub removal
21. On site facilities for loading/unloading and turning areas for vehicles	22. <b>Full permission</b> – accordance with approved plans
23. Time period for development	24. Samples of materials
25. Ecological appraisal	26. Tree or shrub removal
27. Soft landscaping masterplan	28. Soft landscaping works
29. Landscape maintenance plan	30. Landscape maintenance responsibility
31. Replacement trees	32. Hard landscaping scheme
33. Fire hydrants	34. Surface water drainage scheme
35. Energy and water conservation strategy	36. BREEAM pre-assessment report
37. Construction Environment Management Plan	38. Construction times and deliveries
39. Underpass Construction Environment Plan	40. Site based mobile plant
41. No burning of waste	42. Hours of trading
43. Specific rated noise level	44. Fixed plant or machinery
45. Lighting scheme	46. Deliveries to site
47. Archaeological work	48. Restrict pd to A1 and A2 uses
49. Timing of restaurants/drive-thru units in relation to cinema	50. CCTV
Highway conditions still to be agreed	

## 2.0 SUMMARY OF APPLICATION

2.1 The 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.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.2 The hybrid application seeks detailed permission for phase 1, which will include a building comprising a six-screen multiplex cinema, and Unit 1 (A3 and A4 use), Units 2, 3 and 4 (A3 use); and four separate, stand alone buildings comprising Units 5, 6 and 8 (A,B, and C) (A3-A5 use) and Unit 7 (A3 use). Permission is also sought for a new underpass linking the site and the western residential edge of Ely for both pedestrians and cyclists; the improvement of the existing vehicular access onto

Downham Road (for entering the site) and the creation of a new vehicular access onto Downham Road (for exiting the site); 380 car parking spaces and 104 cycle parking spaces; and associated landscaping, which would include a drainage attenuation basin of up to 1,500m<sup>3</sup>, internal roads and services.

2.3 The application also seeks outline permission, with all matters reserved except access for phase 2, which will include a district-wide leisure centre, car and cycle parking (which would include 120 overflow car parking spaces for the Ely Outdoor Sports Association (EOSA)); landscaping and connection into the vehicular, pedestrian and cycle infrastructure and site services provided by phase 1 of the development.

2.4 The application is supported by the following documentation:

- Design and Access Statement
- Planning Statement
- Visual Impact Assessment
- Signage
- Landscape Management Plan
- Soft Work Specification
- Ecological Appraisal
- Renewable Energy and Water Consumption Assessment
- Environmental Noise Report
- Flood Risk Assessment and Drainage Strategy
- Geo-Environmental Assessment
- Cultural Heritage Assessment
- External Lighting Proposals
- Operational Waste Management Strategy
- Statement of Community Involvement
- Tree Survey and Arboricultural Impact Assessment
- Transport Assessment
- Utilities Statement Report
- BREEAM Pre-assessment Report
- Submitted Plans

2.5 During the course of the application additional and amended documents have been received following the receipt of some of the consultees comments. These documents include:

- WSP Response to Cambridgeshire County Council Highways Transport Assessment Review – Dated 16<sup>th</sup> March 2015
- Addendum to the Flood Risk Assessment by Mott MacDonald – Dated 6<sup>th</sup> February 2015
- Amended Environmental Noise Report – Dated 22<sup>nd</sup> January 2015
- Technical Note by Sharps Redmore on the Noise Report

2.6 The proposed amount of development is set out in the table below:

Unit	Floorspace sq.m (GIA)	Opening Hours
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6no. screen cinema (D2 use)	1,812	08:00 – 02:00
Unit 1 – restaurant (A3 and A4 use)	560*	07:00 – 00:00
Unit 2 – restaurant (A3 use)	308	07:00 – 00:00
Unit 3 – restaurant (A3 use)	308	07:00 – 00:00
Unit 4 – restaurant (A3 use)	379	07:00 – 00:00
Unit 5 – drive-thru restaurant (A3-A5 use)	415	07:00 – 07:00
Unit 6 – drive-thru restaurant (A3-A5 use)	253	07:00 – 07:00
Unit 7 – restaurant (A3 use)	232	07:00 – 00:00
Unit 8A (A3-A5 use)	93	06:00 – 00:00
Unit 8B (A3-A5 use)	93	06:00 – 00:00
Unit 8C (A3-A5 use)	167	06:00 – 00:00

\*Unit 1 has a non-trading mezzanine which is excluded from the GIA calculation

- 2.7 The internal arrangement of the cinema is broken down as follows. It will accommodate 890 seats split across 6 no. screens of different sizes, alongside a foyer for concessions, tickets, ATMs, toilets, store rooms, control room and office:
- Auditorium 1 – 235 seats
  - Auditorium 2 – 105 seats
  - Auditorium 3 – 152 seats
  - Auditorium 4 – 115 seats
  - Auditorium 5 – 69 seats
  - Auditorium 6 – 214 seats
- 2.8 The cinema and units 1-4 will be located to the northern edge of the phase 1 development site and a cluster of units 5-8 (A-C) located to the eastern corner of the site, thereby facing towards Downham Road, the roundabout and the A10.
- 2.9 It is proposed that the cinema will be constructed with charcoal grey rain screen panels, primary colour 'accent panels and Brise Soleil. Unit 1 – 4 will be constructed with natural cedar battens, brick plinth and Brise Soleil and Unit 5 – 8 (A-C) will be constructed with natural cedar battens and a brick plinth.
- 2.10 The phase 1 development involves a reconfiguration of the existing access to an entry only access from Downham Road. An exit only access will be created 165 metres north of the A10/Downham Road roundabout. The underpass proposed will link the south-eastern edge of the site with the landscape buffer zone on the western edge of Ely and will enable cycle and pedestrian access under the elevated section of the a10. The underpass will be 5 metres in width and 17.5 metres in length, with lighting and CCTV provided within the structure. The maximum gradient of the underpass will be 1:19 which means full pedestrian access to the site will be practical for people in wheelchairs, with impaired movement or with pushchairs. A number of new pedestrian links are proposed within the site, including a new footpath extending west into the site from the exit only access, a footpath extending southwards along the western edge of the phase 1 development site providing a connection with the phase 2 development site, a footpath extending southwards from the cinema/units 1-4 running through the centre of the phase 1 development

site providing access to units 5-8 and the underpass. A series of internal roads are proposed connecting the entry only access and exit only access with the existing leisure and sporting uses, the phase 1 development and the phase 2 development site. A dedicated lay-by has been proposed to the west of the cinema to accommodate buses, taxis and delivery vehicles.

- 2.11 Hard and soft landscaping is proposed as part of the phase 1 development. The mature trees and hedges on various boundaries are to be predominately retained and protected. Existing blocks of trees will be reinforced with indigenous trees and shrubs. In total it is proposed 119no. new trees, approximately 500no. new shrubs and over 2,000no. new ground cover, hedge and indigenous plant specimens will be provided within the phase 1 development. A small number of trees and hedges will need to be removed, principally to facilitate new vehicular access and the creation of the underpass.
- 2.12 The signage strategy submitted with this application outlines the approach to the signage. However, this would need to be dealt with as a separate application which will follow this application.
- 2.13 The phase 2 part of the development has been submitted in outline form accompanied by a series of parameter plans to provide an indication of the type of development. However, as this is only in outline form the details would be assessed as part of a Reserved Matters Application. The leisure centre would be positioned on land to the southwest of the phase 1 development site. An area for car and cycle parking is shown on the parameter plans submitted to the northeast, sitting in between phase 1 and the leisure centre building. The flood attenuation pond (which will be used for both phases of the development) will be located to the east of the leisure centre building. Vehicular access to phase 2 of the development will be provided as an extension from the phase 1 development site. The segregated footpath/cycle way will also continue from the edge of the phase 1 development into the phase 2 development along the southern boundary. A detailed hard and soft landscaping scheme will be part of any forthcoming Reserved Matters Application.

### 3.0 PLANNING HISTORY

3.1 The planning history for the site is outlined below. Extensive pre-application discussions have also taken place with the applicant prior to the submission of this application.

10/01020/FUM	Provision of new district wide leisure centre and associated transport works	Approved	11.03.2011
11/00168/ADN	Site development signboard	Approved	12.04.2011
14/00215/SCREEN	SCREENING OPINION Proposed Leisure Development		18.03.2014

The application proposal was screened in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2011. The Council determined

that the proposal did not require the submission of an Environmental Statement. The scheme falls within Schedule 2 (10b) of the Regulations and having considered the development against the criteria contained within Schedule 3 it was concluded that the development would not have significant effects on the environment in the terms of the Regulations to warrant an Environmental Statement and the EIA Screening Opinion was issued on the 18<sup>th</sup> March 2014.

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site lies on the north-western edge of Ely, at the junction of the A10 bypass and Downham Road. The site has a total area of 6.79 hectares, which is split between phase 1 which comprises 3.56 hectares and phase 2 which comprises 3.23 hectares. The site is located just outside the Ely development envelope, but sits within a landscape of intermittent built forms, including the existing sports buildings, the Isle of Ely Veterinary Centre on West Fen Road, individual residences and farm sheds.

4.2 The immediate area adjacent to the site accommodates a number of sports clubs and facilities, including Ely City Football Club, Ely Tigers Rugby Club, On Par Golf Club, Hockey, Tennis and Squash Facilities. The site is positioned between these existing facilities and the A10 to the south and Downham Road to the east. The application site is currently scrub fields used for grazing and occasional overspill car parking for local events. The sites primary frontage follows the line of the A10, until it reaches the roundabout at which point it turns northward along Downham Road. The site and existing sports facilities are accessed from Downham Road.

4.3 The existing ground levels generally fall across the site from the north east corner to the south west, with an overall change in levels of some 4 metres within the phase 1 application site. The phase 2 part of the site is mostly flat. The existing site levels are generally lower than the surrounding roads. The site is screened by existing mature belts of trees and hedges along the A10 and Downham Road, combined with a row of poplars and hawthorn hedge along the western boundary of the site.

#### 5.0 RESPONSES FROM CONSULTEES

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

- Sport England
- Cambridgeshire Archaeology
- County Highways
- Arboricultural Officer
- Conservation Officer
- English Heritage
- Cambridgeshire Local Access Forum
- Anglian Water
- Environment Agency
- Environmental Health
- Ely Society
- Internal Drainage Board

- Cambridgeshire Fire and Rescue
- Natural England
- City of Ely Council

**Sport England** – The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), therefore Sport England has considered this a non-statutory consultation. The principle of a new leisure centre on this site has already been established through the earlier grant of planning permission (10/01020/FUM) and through the identification of the site for the provision of a new leisure village in the draft East Cambridgeshire Local Plan. It is critical Sport England is consulted on the details of the leisure centre to ensure the facilities are constructed to meet Sport England/NGB specifications. It is considered that the proposal is consistent with Sport England's Land Use Planning Policy Statement 'Planning for Sport Aims and Objectives'. The full details submitted do not include new sports facilities and therefore Sport England does not wish to comment on the facilities proposed.

However, it should be noted that the proposal will adjoin various sports clubs and will share an access off Downham Road. The following issues will therefore need to be given consideration and covered by appropriate conditions should planning consent be granted:

- Ensuring no disruption for people accessing the sports clubs, both during the construction phases and after. A suitable condition should seek to ensure that access to the sports club remains open and unhindered at all times during the construction phase.
- Ensure no adverse impact on people using the sports clubs, during the construction phase, in terms of the potential for dust and/or noise disturbance from the development site. Suitable hours of construction should be approved to ensure there is no conflict with users of the sports facilities.

Have received specific correspondence from the Rugby Football Union (RFU) who has been notified of the following concerns raised by Ely Tigers RFC:

- Concerns regarding the adequacy of the existing access to cater for additional traffic
- Concerns that access must be maintained to the rugby club (and other sports clubs) during the construction phase
- The details of the proposed 3G artificial pitch should ensure that the pitch is IRB compliant to allow training use for rugby
- The rugby club would welcome the opportunity to gain access to the proposed new car park facility for overflow car parking during busy periods such as match days
- The existing rugby club has issues in terms of waterlogging, therefore it is crucial the new development does not exacerbate this situation and hopefully the new development will introduce measures that will help to address this issue

Subject to the above request for conditions to be imposed on any grant of planning permission, Sport England does not wish to raise an objection to this application.

**Cambridgeshire Archaeology** – Our records indicate that the site is located in an area of high archaeological potential. Previous archaeological investigations to the south have revealed extensive evidence for Iron Age, Roman, Saxon and Medieval settlement. An intensive area of Iron Age settlement is also known to the west of the site, identified during excavation for the balancing ponds off of Hurst Lane. The site has been subject to an archaeological evaluation, including geophysical survey and trial trenching. The evaluation identified an area of Middle Saxon settlement with associated field systems and a background presence of Iron Age and Roman Activity. Further undated features were identified to the north, along with ridge and furrow traces of medieval agriculture. These significant archaeological assets would be severely damaged or destroyed by the proposed development.

We would recommend that mitigation through further site investigation must allow for post excavation analysis, publication of the results and appropriate deposition of the site archive. Allowance should also be made for programmes of public outreach and engagement during the course of the project. We would recommend that archaeological mitigation is commissioned and undertaken at the expense of the developer and secured through the recommended condition.

**Local Highways Authority** – Concerns raised and a holding objection placed on the application as additional information was required in the Transport Assessment. A revised Transport Assessment has been submitted. However, there are still issues which need to be addressed therefore the holding objection remains at present. The additional information required should be easy for the applicants to provide and once received the holding objection can be removed.

There are three key elements that will need to be secured by condition and these are as follows:

1. The provision of the improvements to and extension of the foot and cycle way along Downham Road,
2. The provision of the underpass under the A10, and
3. The links from this into both the development and the existing pedestrian and cycle networks within the existing.

**Arboricultural Officer** – Support the landscape scheme proposals and the tree species list for new planting. References to mulching and watering regimes need to be on all plans and specifications. New car park area is a large area of hardstanding and whilst I agree it is not practical to plant new trees because of the insufficient suitable tree planting spaces in the car park area, please consider creating a suitably large open ground space within the car park which allows for a landscape bed to soften this large hard surface area. No objections to the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan dated 15/04/2014, but seek some clarification from the agent in relation to schedule of trees and the line of root pruning. Please ensure that detailed provision is made for identifying who will be accountable for the future landscape maintenance responsibility of the new leisure village, including the new cinema.

**Conservation Officer** – The application has been subject to extensive pre-application discussions with planning officers therefore in terms of design there is



not much scope for amendments to be sought. The proposal has the potential to impact some of the views towards Ely Cathedral. English Heritage has raised concerns regarding at least one of the quintessential views of the cathedral as identified in the Ely Environmental Capacity Study 2001. This is shown clearly in view 9 of the Visual Impact Assessment. As the site is so large its disappointing that the positioning of the building did not take into account the views to the tower and no attempt was made to place the lower buildings in this sight line. No doubt that the development will undoubtedly introduce a large, bulky form directly within one of the key sight lines of the cathedral. Not much consideration has been given in regard to Ely's most significant heritage asset.

The very nature of this type of development is large scale, commercial boxes that are of little or no architectural value. Whilst I fully support the need for facilities such as a cinema in Ely and the units proposed here, appear to be of a higher quality than similar developments, it is still disappointing to see a generic design approach, lacking in imagination that makes no attempt to be unique or to respect and build on a relationship with Ely as a historic city.

The proposed signage is consistently overly large and visually intrusive. The development will stand in isolation and will be clearly visible from all approaches. It is surrounded in the most part by open countryside; therefore the visual impact of the proposals is key in trying to limit the harm caused. The signage will be subject to a separate application for advertisement consent, much more care and attention must be taken in regards to the amount and scale of signage proposed. Currently it is excessively large and visually intrusive. The totem pole at the pedestrian entrance of the site is also excessively large and will be highly visible within the landscape.

**English Heritage** - This application site lies outside the existing built envelope of Ely and is also outside the boundary of the historic Isle of Ely. While the principle of this development has been established through policy ELY 10 of the draft Local Plan, English Heritage questions the need for as many as 10 secondary cafes and restaurant units. In particular the two 'drive through' units are not considered complementary to the cinema or leisure centre, but rather are aimed at passing trade and therefore fall outside of the scope of the policy. The masterplan results in poor siting of the Leisure Centre exacerbating the impact of the development in the countryside. Development of this scale in this location would harm the setting of the historic city and would adversely impact on the setting of Ely Cathedral, resulting in harm to the Cathedral's significance. The development would also adversely impact on one of the quintessential views of Ely Cathedral. The scheme is of poor design and does not create a positive sense of place or enhance local distinctiveness. The development would result in harm as set out in paragraph 134 of the NPPF that could be partly mitigated through better design and the omission of the 'drive-through' units. The application should not be approved in its current form.

English Heritage understands the need for a multiscreen cinema in Ely, but previously opposed the principle of locating it on this site for two reasons, the impact on the wider setting of Ely and its Cathedral, and the potential harm that an out-of centre site would have on the vitality and long term well being of the city centre. Recent developments have seen the city expand. However, these in the main remain within the limits of the historic Isle of Ely. This proposal is for a

greenfield site within the historic fen and would set an unwelcome precedent for large scale development outside the limits of the historic isle.

While views of the cathedral from the south and east are considered of greatest importance, view from the northwest over this site remain an important component contributing to the cathedrals overall significance. While the development would not obscure the Cathedral from the quintessential view from immediately west of Little Downham, it would provide unwelcome and ungainly built forms within the foreground of the cathedral. Policy ENV1 includes reference to these quintessential views.

The proposal situated away from the commercial centre will have implications for the night time economy of the city and English Heritage would prefer to see the development in a city centre or edge of centre location. It would then be preferable to site the cinema within the North Ely development, to create a vibrant sub-centre for the city.

Accept the principle of development has been established through the Local Plan policy but do not believe the proposals are fully in accordance with ELY 10 in relation to secondary uses and the masterplan for the whole site with a poor relationship between the leisure centre and cinema, separated by tarmac. The design of the underpass is also extremely basic. Consideration should also be given to setting the auditoria partially into the ground so that the overall bulk of the cinema might be reduced and its impact on a quintessential view lessened.

**Cambridgeshire Local Access Forum** – The pedestrian/cycle route should clearly keep cyclists and pedestrians separate. Has the pedestrian route from the cinema to the leisure centre been sorted out? Cycle routes do not appear to lead to cycle racks nor safe walking routes from cycle racks to facilities. Signs and way finding will need to be comprehensive. As it is 'New Build' all facilities should comply with Part M and BS8300.2009.

**Anglian Water Services Ltd** – There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site, so therefore request an appropriate informative. The foul drainage from this development is in the catchment of Ely Water Recycling Centre that will have available capacity for these flows. A drainage strategy was prepared by Anglian Water for a development of 5.4 commercial hectares, it is noted that this planning application is for 6.8 commercial hectares, if this results in an increase in flow then Anglian Water will need to be contacted in order to assess if the strategy is still relevant. Views of the Environment Agency need to be sought in relation to the surface water strategy/flood risk assessment submitted. The agreed strategy should be conditioned.

**Environment Agency** – Have reviewed the submitted FRA Addendum, ref. 325643, dated 6 February 2015. The FRA Addendum addresses the concerns raised in our previous letter if objection and demonstrates that an acceptable surface water drainage strategy can be provided for Phases 1 and 2 of the proposed development. However, further details of the drainage scheme will need to be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere. As such, we withdraw our objection to

the proposed development providing a condition is imposed on any planning permission requiring the drainage details outlined in our comments.

**Environmental Health** – The amended information submitted appears to now correlate with our calculations. Whilst the predicted noise levels still remain within guidelines I would advise consideration of mitigation such as fencing to the South East side of unit 5, adjacent to the drive through. This is especially important when considering the  $L_{Amax}$  which when predicted using a distance of 130m results in a level of 44dB rather than that specified within paragraph 6.19 of the report as 35dB at 200m. Take on board the information within Section 7 regarding the noise impact from traffic and as the exit route already exists and is in excess of 200m from the nearest residential property no issues to raise regarding this. Some concerns regarding the car parking with regard to the max noise levels. Note that the figures have changed from the original report and the explanation of achieving 51dB( $L_{Amax}$ ) is confusing, however my calculations have achieved the same result with the input data provided. Therefore it is possible as worst case that the noise levels from car parking could have a maximum noise level of up to 51dB( $L_{Amax}$ ) at 100m (48dB( $L_{Amax}$ ) at 140m, which is the distance to the nearest residential property). I am unaware of any mitigation proposed, for example any fencing, the gradient of the land or any proposed bunding etc which may have a screening effect.

Section 6 of the noise report considers people noise from the site itself. The consultants have investigated this with regard to people standing outside the cinema (250m from the nearest residential dwelling with screening in-between). This is highly unlikely to cause any issues to residents due to the distances involved. The main potential issue would be people travelling to and from the site, over which the site would have little control, much the same as restaurants and pubs within Ely itself. There are no conditions I can recommend to alleviate this. The site should utilise signage if there are any issues, however this is not something we would be able to recommend refusal over. As this is a large complex I do have some concerns regarding the potential impact on residential amenity. Therefore would recommend conditions relating to a Construction Environmental Management Plan, construction times and deliveries, site based mobile plant and times of use.

Have concerns regarding the noise conditions proposed by Sharpes Redmore. The background monitoring was undertaken for a short period of time on Thursday 9<sup>th</sup> September 2013 according to paragraph 3.1 of the revised noise report. With the consultants proposed condition the noise level from the site plant would be permitted to be up to 51dB(A) from 07:00 to 19:00 every day at the nearest residential property, including Sundays and consider this limit has potential to be above likely background at certain times, possibly by some margin. The position of the business units on site indicate that most will be in excess of 200m and/or screened from the nearest residential dwellings by other units, however Units 5 and 6 (the drive thru's, operating 24/7) are the closest and most visible. As these will be operating 24/7 I assume that any external plant will have to operate within the tighter restriction of 33dB(A) at the closest noise sensitive properties. Therefore consider it reasonable to request the noise limits be set at a lower level than those proposed within the noise report and would be more comfortable with the condition I have recommended. Due to the distances involved and the potential for screening aspects would expect these time limits to be achievable, allowing operating of the site whilst ensuring an adequate amount of protection to nearby residents.

Do not consider there should be any issues with odour due to distances involved, however I would advise the applicants to ensure that they adhere to the advice within Defra's guidance on the control of odour and noise from commercial kitchen exhaust systems.

With regard to the Outline Permission would recommend that a noise report should be undertaken by a competent acoustician, to assess the noise impacts from the proposals and recommend any mitigation measures required. With regard to plant noise limits the same should be applied. The car parking will be located closer to residential properties than on the Cinema complex and therefore will need to be considered and mitigation may be required.

**Ely Society** – Would have wished that the development had been situated closer to the centre of Ely, but:

- Because of the separation distance between the phase 2 pool and the phase 1 facilities it is not necessary to have the same architectural form.
- The extent of the grey cement panels on the cinema is excessive, and it needs a more imaginative approach than the insertion of a few panels in primary colours. One of the photomontages would suggest that white, light grey or other light colour would be more appropriate at the higher level.
- The large box shape of the cinema is too brutal and industrial. The cross sections of the facility would indicate that the roof line could be amended and lowered in areas to improve the situation.
- The front open steel framework would benefit from having translucent roof sheeting to soften the appearance, provide protection for those below and overcome the problem of constant drips that occur from such structures when there are misty/foggy conditions.
- The customers using the patio tables to the eateries in front of the cinema, would benefit from some visual separation from the large car park.
- The drawings suggest that there could be a rather dark entrance to the cinema created by the adjacent walls of the eating establishments – although there may be light boxes advertising various programmes. This approach would be improved if an atrium roof were provided. It would also provide protection to any queuing customers.
- The timber boarding to the end elevations of units 1 and 4 is rather featureless and would benefit from some additional treatment.

**The Ely Group of Internal Drainage Board** – The site is outside of the Littleport and Downham Internal Drainage District, but is within an area it drains into. The whole of the site drains to the Hurst Catchwater Drain, none of the site drains to the Grunty Fen Main Drain. The Board only accepts a Greenfield run-off rate of 1.1 litres/sec/ha, anything over this would be subject to a commuted sum. The increased rate would only be accepted if it is proven not to increase flood risk. The Board owns and operates a flood storage reservoir that takes excess flows from developments in Ely. Any increase in flow from this site cannot impact on the reservoir. The Board has not given an agreement to accept a commuted sum for this site. Any new discharge will also require the prior consent of this Board, also a legal agreement is required to protect the Board's system from future developments.

**Cambridgeshire Fire and Rescue Service** – Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

**Natural England** – Statutory nature conservation sites – The site is in close proximity to the Ely Pitts and Meadows and Chettisham Meadow Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of this application will not damage or destroy the interest features for which the sites have been notified. The SSSIs do not represent a constraint in determining this application and no objection raised. Natural England's Standing Advice should be applied to this application. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, through green space provision and access to and contact with nature.

**City of Ely Council** – Welcome this application and are confident that this development will be a major benefit to both Ely residents and those of the surrounding villages. No concerns regarding this application, subject to there being adequate lighting and CCTV provided for the underpass.

5.2 Neighbours – 44 neighbouring properties were notified, a number of site notices posted and an advert posted in the Cambridge Evening News and the 8 responses received are summarised below. Full copies of the responses are available on the Council's website.

#### Highways

- A10 is already congested and busiest road in the Ely region
- Traffic has a distinct tendency for speed and helped by absence of traffic calming measure or police presence and high number of school children in vicinity;
- Have assessments been made about potential impact of additional traffic to the area;
- Will there be any transport improvements to support the development and who will be paying for it?
- What allowances have been made for flooding of underpass?
- Concerns about the extra traffic volume and thought EOSA had agreement from ECDC and the developer in relation to access for coaches and transport modelling. Access for coaches seems to have been addressed, have not seen the Transport modelling issue for additional traffic addressed?
- Risk assessment prepared by EOSA with support of ECDC and needs to be in accordance with;
- How well lit will the underpass be?
- Concerned that lighting for pedestrian and cycling access to the site is woefully inadequate – only proposed lighting are 9 4m columns on the cycle way linked

to Downham Road, fine if approach from Downham Road, but no lighting on any other footpaths in the area;

- Much higher use of footpath and whole area needs to be looked at in terms of a pedestrian gateway, existing paths need to be lit not just new ones, to enable safe access for pedestrians;
- Not clear if developers have addressed issues raised in the road safety study which looked at lighting for additional road junctions;
- On street parking in Columbine Road and adjacent roads must be addressed to prevent users parking in the area and using the underpass;
- Object to entrance opposite my house on Mallow Close, with no footpaths or permanent boundary treatments;
- Serious health and safety issue if pedestrians use Mallow Close, the route should be relocated to more appropriate area;
- If parking occurs will emergency vehicles still be able to access the houses on the close?

#### Residential Amenity

- Have levels of noise pollution and anti-social behaviour that the site will generate alongside and within the residential area as people travel to and from the site?
- When concern raised with applicant was advised all activity would be inside, clearly this is not true as people using the footpath, underpass and car park;
- Already hear noise from Folk Festival every summer, which is further away from house. Noise would be every night all year round;
- Will the area have security?
- Can the developer assure that there won't be issues with litter;
- What allowances have been made to ensure underpass does not become a magnet for anti-social behaviour?
- Noise and exhaust pollution – prevailing wind is westerly driving any pollution to local residents, should have been addressed in the section of the A10 between West Fen Road and Downham Road;
- Light pollution – already significant light pollution;
- Odour pollution needs to be addressed from the pool area and catering establishments;

#### Visual Amenity and Historic Environment

- Impact in a very negative way views of Ely Cathedral;

#### Ecology

- Streetlights in park will have harming effect on wildlife;
- Need re-assurance that nesting birds and wildlife will not be affected by additional footfall

#### Impact on City Centre

- Will kill trade at much better located town centre restaurants;
- Ely cannot support additional facilities and end up with more empty premises in centre of Ely;
- Need a cinema in Ely but not in this totally inappropriate, edge of town location;

- Restaurant aspects are totally unjustified;
- Should be located much closer to city centre, as no sites are available next best location is the railway station
- Only cinema has some merit and more appropriate location is Angel Drove-Rail Station Gateway Hub area, all the more so with the bypass;
- Present shopping and restaurant facilities in the town are more than adequate, fail to see need for further development;
- Will benefit the city and residents

#### Other Issues

- Will this development mean the end of the Ely Folk Festival?
- Location dangerous for such a development;

### 6.0 The Planning Policy Context

#### 6.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS5	Retail and town centre uses
CS6	Environment
CS7	Infrastructure
CS8	Access
CS9	Ely
EC8	Tourist facilities and visitor attractions
S1	Location of retail and town centre uses
S3	Retaining community facilities and open space
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN3	Sustainable construction and energy efficiency
EN4	Renewable energy
EN5	Historic conservation
EN6	Biodiversity and geology
EN7	Flood risk
EN8	Pollution

#### 6.2 East Cambridgeshire Draft Local Plan Pre-submission version (as modified)

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
EMP 7	Tourist facilities and visitor attractions
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
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision
ELY 10	Leisure allocation, land at Downham Road

### 6.3 Supplementary Planning Documents

Design Guide  
Developer Contributions and Planning Obligations

### 6.4 National Planning Policy Framework 2012

#### Core Planning Policies

- 1 Building a strong, competitive economy
- 2 Ensuring the vitality of town centres
- 3 Supporting a prosperous rural economy
- 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

### 6.5 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are such a material consideration.

7.3 National policy on town centre uses is contained within paragraph 23-27 of the NPPF. The principle is to concentrate retailing and other uses within town centres. The application site is not located within Ely town centre and therefore the NPPF required a sequential approach for site selection and that the tests of town centre impact are carried out. When an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the above, the NPPF advises, it should be refused

7.4 The 'development plan' for East Cambridgeshire District Council is the Core Strategy, 2009, saved policies in the East Cambridgeshire Local Plan (2002); and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). Paragraph 216 of the NPPF allows also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there



are unresolved objections to relevant policies and the degree of consistency with the policies in the NPPF.

- 7.5 On the 9 March 2015, the Council received the Inspector's Report in relation to the draft Local Plan Pre-submission Version (as modified). The Inspector's Report states that, provided modifications are made, the Local Plan is sound; therefore it is considered that considerable weight can be given to the policies in the draft Local Plan given the findings. Full Council will consider the Inspector's Report on the 21<sup>st</sup> April 2015, and Members will determine whether to adopt the Local Plan. Therefore, Officers consider that significant weight should be attached to the draft Local Plan policies.
- 7.6 The site lies outside the development envelope of Ely, where development is strictly controlled and limited to a number of exceptions as specified in policy CS1 of the Core Strategy and policy GROWTH 2 of the draft Local Plan. One of these exceptions is specific allocations of the draft Local Plan. Therefore, while this site lies outside of the defined development envelope it does form a leisure allocation within the draft Local Plan, as outlined in policy ELY10 below and therefore falls into one of the exceptions of development located outside of a defined development envelope.
- 7.7 Policy ELY10: Leisure allocation, land at Downham Road states:

*Approximately 7 hectares of land is allocated for sports and leisure uses on land at Downham Road, to include:*

- *A district-wide leisure centre.*
- *A multiplex cinema with a minimum of 5 screens.*
- *Complementary secondary uses such as cafes and restaurants, appropriate to the proposed role of the site as a district sports and leisure hub. Proposals will need to demonstrate that these uses will not harm the vitality or viability of Ely city centre.*

*If the leisure centre needs to be re-sited to accommodate the proposed cinema, then a masterplan for the whole site will need to be prepared and submitted alongside a planning application. This should include the creation of strong transport links into Ely and beyond, to encourage users to travel by foot, cycle and public transport. Any application for development will need to demonstrate how the site could be safely accessed on foot and by cycle from the built-up area of Ely, and mitigates the A10 barrier.*

#### Sequential Test

- 7.8 The proposal is for a retail and leisure complex, defined as a 'town centre use' it therefore needs to be considered against the 'sequential test' set out in paragraph 24 of the NPPF and policy COM1 of the draft Local Plan which seeks to direct proposals for 'town centre uses' specifically towards sites within defined town centres, then failing that 'edge of centre' locations and finally, only if suitable sites are not available in town centre or edge of centre locations, 'out of centre' sites like the application site.

- 7.9 The sequential approach means reducing the need to travel by seeking to focus new development within town centres, or failing that, on well located readily available locations on the edge of the town centre. The proposed location should be where customers are able to undertake linked trips to the town centre in order to provide for improved customer choice and competition. The site should be available, suitable and viable. The NPPF makes it clear that when applying the sequential test, flexibility is required on issues such as format and scale, car parking provision, and the scope for disaggregation.
- 7.10 The applicant reviewed 6 other sites within Ely as specified below:
- Waitrose Car Park, Brays Lane;
  - Civic Office buildings, The Grange, Nutholt Lane;
  - Paradise Leisure Centre, swimming pool (excluding playing fields), bowls club, ambulance station and police station;
  - Tesco, Angel Drove;
  - Travis Perkins and Pecks buildings, Lisle Lane;
  - Land north of Cam Drive.
- 7.11 Many of the sites listed above were considered as part of the extant planning permission for the district wide leisure centre. The sequential test for the extant permission concluded that there were no other sequentially preferable sites available in Ely. The applicant advises that the case for selecting the application site as the preferred site has in fact strengthened, given that the phase 1 development now requires a larger combined site in order to help create the concept of the 'Ely Leisure Village', material weight to be given to its selection has increased as a result of the advanced draft Local Plan and a number of the sites previously considered have since been approved or resolved to be approved for residential development. The Planning Statement submitted with the application summarises why each of the above sites have been discounted and are outlined below.
- 7.12 Waitrose Car Park – Officers accept that the site is not large enough to accommodate both phase 1 and 2 developments. There is no evidence that the site is being marketed and Policy ELY4 of the draft Local Plan envisages the redevelopment of this site as a retail-led mixed use scheme with the potential for offices, community and residential uses on upper floors. Officers therefore accept that the site is not available and the site can be discounted.
- 7.13 Civic Office Buildings – Officers accept that the site is not large enough to accommodate both phase 1 and 2 developments. Policy ELY2 of the draft Local Plan envisages the redevelopment of the site as comparison retail floorspace, approximately 50 dwellings and a new public open space. There is also no firm indication that the existing uses are due to relocate in the near term. Officers would therefore accept that the site can be discounted.
- 7.14 Paradise Leisure Centre, including ambulance and police stations – The site is not large enough to accommodate both phase 1 and 2 developments. Policy ELY3 of the draft Local Plan envisages a residential led scheme with car parking and community uses for the paradise area and policy ELY 5 envisages that the

ambulance and police stations will be residential, complimented by office and community uses. The proposal would also therefore be contrary to the emerging local plan and owing to complex ownership issues is unlikely to be available for redevelopment within a reasonable time frame and therefore can be discounted.

- 7.15 Tesco – Policy ELY8 of the draft Local Plan proposes a comprehensive redevelopment of this site, which would not accommodate the proposed use so it would be contrary to the emerging plan. Officers are aware that Tesco has also decided not to relocate and the site is therefore unavailable for development and can therefore be discounted.
- 7.16 Travis Perkins – The site is not large enough to accommodate both phase 1 and 2 developments. The applicants conclude that the site is no more sequentially preferable than the application site and officers would agree.
- 7.17 Land north of Cam Drive – This site forms part of an outline application (13/00785/ESO) that is has been resolved to approve at Planning Committee in March 2014 for residential development. Therefore this site is no longer available and can be discounted.
- 7.18 Paragraph 24 of the NNPF states that preference should be given to out-of centre sites that are accessible and well connected to the town centre when applying the sequential test. It is arguable whether the Tesco and Travis Perkins sites identified by the applicant are more accessible or better connected to the city than the application site. There is also no scope for disaggregation within the business models of the operators concerned with phase 1 of the development, due to viability reasons as outlined with the documentation supporting the application. Both phases of the development are viewed as a focus for leisure and sporting activity in the draft Local Plan, which would accommodate linked trips and the aim is to create a complete destination, where visitors can participate, eat, drink and relax, moving freely from one venue to another. Therefore this further adds to the argument that there is no scope for disaggregation of the proposal as a whole, in line with policy ELY10 of the draft Local Plan. The LPA agrees that it would be inappropriate to seek the arbitrary subdivision of the proposal.
- 7.19 The applicant's sequential test concludes that there are no other more sequentially-preferable sites available and that the application site is available, deliverable and developable for the phase 1 and phases 2 developments. The principle for the new district wide leisure centre on the site has also been established through extant consent 10/01020/FUM. The provision of the underpass will also ensure that the site can be accessible to the town centre by walking or cycling. In terms of the sequential sites considered by the applicant and given the advanced stage of the draft Local Plan and the significant weight which can be given to policy ELY 10 which allocates the site for the proposed use, it is accepted that there are no other suitable or available alternatives to the application site.
- Vitality/Viability of Ely City Centre
- 7.20 Given the advanced stage of the draft Local Plan, it is considered that significant weight can be given to policy ELY10 outlined above. As a consequence the principle of a new distinct wide leisure centre, multi-screen cinema and complementary secondary uses such as cafes and restaurants is acceptable in

principle. However, as the policy states proposals for the complimentary secondary uses will need to demonstrate that these will not harm the vitality or viability of Ely city centre. A technical evidence base was prepared and considered by the LPA in the forming of the ELY10 policy, by demonstrating that this policy is sound it is considered that the LPA have adequately demonstrated to the Planning Inspector that the allocation is unlikely to result in significant impact upon the town centre.

- 7.21 It is expected that new development will have some impact on existing facilities. However, the NPPF is only concerned with a 'significant impact'. Based on the NPPF and DCLG's Planning Practice Guidance, the applicant has given consideration to an assessment impact on Ely City Centre on the first five years after the anticipated implementation of the phase 1 development in the Planning Statement which supports the application.
- 7.22 It is important that centres are vibrant and attractive environments, and offer a range of retail, leisure and other 'town centre uses' which meets the needs of the community and visitors. Ely is identified as the 'Major Town Centre' in the district, and acts as the main focus for shopping, leisure, and cultural development in East Cambridgeshire. Large-scale retail and leisure development, or other uses that attract large numbers of people should be located in Ely.
- 7.23 The applicant's statement states that Ely ranks exactly the same as the national average within leisure provision. While there are some aspects of poor local demand, an untapped market, or lack of suitable premises in uses such as bingo and amusements, cinemas/theatres and concert halls, sports/leisure facilities, bars and wine bars, casinos/betting offices and fast food and takeaway. However, there are areas of strength which include hotels/guest houses, public houses, restaurants, clubs, disco/dance/nightclubs and cafes, which are all above the national average.
- 7.24 The phase 1 part of the development would create an additional 16,221 sq ft of restaurants (set against 18,900 sq ft of existing floorspace), 3,013 sq ft of public houses (set against 17,500 sq ft of existing floorspace), 7,190 sq ft of fast food and take away (set against 6,800 sq ft of existing floorspace) and 3,800 sq ft of cafes (set against 19,400 of existing floorspace). With the exception of fast food and takeaway, all other leisure uses that are proposed are represented strongly in the City Centre. On balance, it is therefore considered based on the above evidence that the proposed fast food and takeaway element of the proposal would not impact on the city centre, as the current floorspace associated with these uses is below the national average.
- 7.25 The other elements of the scheme which include restaurants, public houses and cafes are represented strongly within the city centre. The assessment states that 15 vacant units were identified within the city centre, which equates to a vacancy rate of 7.49%, well below the national average of 11.43%. A high index generally means under-development or decay, whereas a low index, such as in Ely City Centre, indicates a strong retail presence. The applicant advises that the phase 1 part of the development will offer the opportunity to cater for the requirements of a number of national chains, who have previously sought to locate within the city centre but have been unable to do so for various reasons including availability of adequately sized floorspaces in suitable prominent locations. The level of

committed interest, before the planning application was submitted demonstrates the strong demand in leisure development in Ely from national operators. The 15 vacant units within the city centre equate to 17,400 sq ft of floorspace, with many of the units restricted to A1 retail use. The assessment concludes that notwithstanding this, the available space would still not provide a sufficient quantum, as proposed within the phase 1 development, which would not therefore address the leisure demand from national and regional leisure operators. The named operators for the development are not already located within Ely or the district as a whole and offer a variety of food that does not compete with the existing restaurants located within the city centre.

- 7.26 The accessibility to retail and leisure uses within the city centre, from a range of travel modes also strengthens the ability of the town centre to compete with new out of centre development proposals. It is considered that visitors and residents will still travel into the town centre to visit the Cathedral, the riverside and to carry out their weekly shopping needs (including the two markets held each week) and to socialise in the many existing pubs, cafes and restaurants. However, it also needs to be considered that there will be many people who currently travel to Cambridge, Huntingdon and Bury St Edmunds to visit a multiplex cinema at present and who will also visit a restaurant or pub nearby, who would opt to stay in Ely to visit the cinema and eat/drink at one of the on-site restaurants or the city centre restaurants, depending on the customers requirements. It is also considered that this may increase spend through linked trips by people visiting Ely instead of having to go to Cambridge, Huntingdon or Bury St Edmunds to visit a cinema.
- 7.27 Ely is expanding with a large amount of planned housing growth, predominately located to the north of Ely, within close proximity to the application site. The population of Ely is expected to rise from approximately 18,000 to exceeding 25,000 in the next 15-20 years. In the last decade a significant amount of housing growth has taken place in Ely and the city has expanded rapidly. It is considered that services and infrastructure have not kept pace with the rising population. The historic fabric of the city limits opportunities for development of this kind within the central area and the availability of larger premises to attract national businesses is very low. Notwithstanding this the city centre remains relatively healthy and vacancy rates in the key shopping areas are low.
- 7.28 The restriction of permitted development rights is recommended to remove permitted development from the A uses to change to A1 (shops) or A2 (financial or professional services) uses to ensure that the development does not prejudice the primary shopping role of Ely city centre and the application has been determined on the basis of the impacts of the proposed scheme to ensure that no changes are undertaken that result in impacts not previously assessed in accordance with policy.
- 7.29 On balance, it is therefore considered that there is no clear evidence of significant adverse impact on the centre of Ely and therefore there can be no objections to the proposed development on the grounds of impacts identified in the NPPF and policy ELY10 of the draft Local Plan.
- 7.30 While the site is allocated for the proposed use, English Heritage raised concerns to the number of complimentary units proposed. The applicant advised that the

numbers of units are required to make the scheme viable. An independent viability appraisal has also been sought by the Local Planning Authority and Members will be updated on the results of this at Planning Committee.

### **7.31 History of the site**

- 7.32 Planning permission was granted for the provision of a new district wide leisure centre and associated transport works (which included the underpass) on the phase 1 part of the site in March 2011. The principle of leisure development at this site has therefore been considered recently and deemed acceptable.
- 7.33 Prior to the submission of the application extensive pre-application discussions were carried out between the applicant and the Local Planning Authority (LPA). The first pre-application discussion in relation to this scheme was presented to the LPA in December 2012, based on a deeper site footprint, which generated a more clustered arrangement of buildings/facilities. Following a scheme redesign in response to a site boundary change a further submission was presented to the LPA on the 9<sup>th</sup> April 2013. This redesign involved the repositioning of the cinema at the northern end of the site in order to make use of the level changes and the natural screening opportunity from the tree cluster along Downham Road. The drive-thru cluster remained at the lower end of the site adjacent to the roundabout to maximise visibility and the parking area was contained between the built forms and the western boundary planting. The leisure centre was repositioned from its previously approved site (application reference 10/01020/FUM) further down the A10, into the phase 2 area of the site. The scheme was generally received quite positively. However, concerns were raised in relation to impact on vehicular access to the site, lack of dedicated cycle route through the site, lack of natural surveillance over the underpass and limited pedestrian circulation within the site.
- 7.34 A second pre-app presentation was submitted in January 2014. Fundamentally the layout of the scheme was retained and two additional units were added from a viability stance. A stage 1 safety audit was carried out to assess the requirements needed for the site entrance arrangement, resulting in the creation of an in and out only circulation route, whereby the existing access was widened and a new exit only junction created to the northern boundary of the site. A dedicated cycle route was created along the southern and eastern boundaries, connecting into the site at various points. Unit 8 was introduced and the reorientation of unit 7 to provide natural surveillance into the underpass. A network of pathways was also introduced to allow pedestrians to circulate the site.
- 7.35 Following on from the pre-application discussions a public consultation was held at the City of Ely Community College on the 1<sup>st</sup> July 2014. In response to comments made during the public consultation a number of minor adjustments were made to the proposal which included reorganising the path routes on the south side of the A10 to follow the existing informal network which currently exists, thereby encouraging a route onto Downham Road rather than directly through residential neighbourhoods. Unit 8 was repositioned to face directly onto the underpass and unit 7 was no longer proposed as a drive-thru and was repositioned to create a better entrance into the site and a stronger relationship with the main building.

- 7.36 Consultations were also held with the Ely Society and the Architectural Liaison Officer, prior to the submission of the application.
- 7.37 Residential Amenity**
- 7.38 Policies EN2 and EN8 of the Core Strategy and policies ENV2 and ENV9 of the draft Local Plan seek to ensure no detriment to residential amenity or adverse impacts from pollution, including noise and light pollution. The NPPF also seeks to ensure high standards of design and layout and promoting sustainable development results in safe and accessible environments.
- 7.39 The site is located in open countryside, but has residential properties within 250 metres to the north, 180 metres to the southwest and between 80 metres and 130 metres to the south/south-east. The application site is divorced from the main body of the population of Ely by the A10 and a buffer zone of landscaping running along the edge of the city.
- 7.40 Due to the distances between the proposed development and existing properties it is considered that the proposed development would not be overbearing. The main impacts on neighbours will be noise, light and pollution.
- 7.41 A revised noise assessment was submitted by the applicant following comments received from the Environmental Health Officer. The consultants have investigated people noise from the site itself, with regard to people standing outside the cinema (250 metres from the nearest residential dwelling with screening inbetween). The Environmental Health Officer advises that this is highly unlikely to cause any issues due to the distances involved. The main potential issue would be people travelling to and from the site, over which the site would have little control, much the same as restaurants and pubs within Ely itself and there are no conditions which can be recommended to alleviate this. The site could utilise signage if there are any issues. However, this is not something we would be able to recommend refusal over.
- 7.42 The position of the business units on site indicate that most will be in excess of 200 metres and/or screened from the nearest residential properties from other business units. However, units 5 and 6 which are the drive-thru's are the closest and most visible. The Environmental Health Officer therefore considers that it is reasonable to request that the noise limits be set at a lower level than those proposed within the noise report and has recommended a condition to secure this. Due to the distances involved and the potential for screening aspects the proposed limits would be achievable, allowing operation of the site whilst ensuring an adequate amount of protection to nearby residents. Concerns have been raised in relation to the proposed car parking with regard to max noise levels, mitigation measures such as the gradient of the land and screening would help to mitigate.
- 7.43 There are not considered to be any issues with odour due to the distances involved and the applicant has been advised that they need to adhere to the advice within Defra's guidance on the control of odour and noise from commercial kitchen exhaust systems.

- 7.44 Details of the external lighting proposals support the application. The Environmental Health Officer has reviewed the details and is content that due to the types of lighting proposed and their positions they would not create an adverse impact on residential amenity or create an unacceptable level of light pollution.
- 7.45 Concerns were raised by a resident in relation to the lack of lighting proposed to the south side of the A10. The proposed lighting scheme proposes lampposts adjacent to the proposed footpath to connect with Downham Road. At the public consultation carried out by the applicant prior to the submission of the application, concerns were raised in relation to an additional footpath proposed to link in with the residential development to the west of Ely by residents of Mallow Close, due to the adverse impacts it would create by creating a link to this road, which does not have footpaths and the adverse impact the development would create on the residents residential amenity. Prior to the submission of the application amendments were made which removed this link and to enable the proposed path route to follow the existing informal network that currently exists encouraging a route onto Downham Road instead of directly through residential neighbourhoods. Discussions with the applicant in relation to additional lighting on the south side of the A10 have therefore not progressed as they believe by including additional lighting to the rear of the properties to the west of Ely would further encourage customers of the development to access the proposal through existing residential neighbourhoods and creating an adverse impact on their residential amenity.
- 7.46 The development will incorporate CCTV and a condition requesting details of the location of the CCTV is recommended.
- 7.47 A number of conditions have been recommended by Environmental Health Officers in order to further protect the amenity of those properties within close proximity to the site. These conditions include the submission of a Construction Environmental Management Plan, construction and delivery times, no burning of waste, hours of trading, specific related noise levels and details of fixed plant and machinery to be submitted. Some of the concerns raised by neighbours in relation to the dropping of litter and if the Ely Folk Festival will continue are not material planning considerations.
- 7.48 In relation to phase 2 of the development a noise report would need to be submitted as part of a Reserved Matters Application to assess the noise impacts and recommend any mitigation measure required. The same noise limits should also be imposed on this phase of the development as those recommended for phase 1. The car parking will be located closer to residential properties than the cinema complex and therefore this will need to be considered and mitigation measures proposed as part of the Reserved Matters Application.
- 7.49 On balance, due to the proposed location of the development in relation to residential properties, it is therefore considered that subject to the recommended conditions the proposed development would not create an adverse impact on residential amenity.
- 7.50 Design and Layout**



- 7.51 The NPPF places a great deal of emphasis on the importance of good design. Planning decisions should not seek to impose architectural styles or particular tastes but should seek to promote local distinctiveness and that where design is poor applications should be refused. The importance of good design is also reflected in policy EN2 of the Core Strategy and policy ENV2 of the draft Local Plan.
- 7.52 The application is accompanied by a comprehensive Design and Access Statement that explains how the layout and the design of the proposal have evolved through the design and consultation process. The statement explains how the building arrangement responds to the specific level and boundary conditions and advises how the design of the proposal has been led by the constraints of the site.
- 7.53 The site will be approached by pedestrians and vehicles and to minimise conflict between the two users an underpass is proposed which would cater for pedestrians and cyclists. Vehicles would enter the site from Downham Road and exit the site from a separate access onto Downham Road. It is considered that the new access arrangements would greatly improve the access to the site for all new and existing users and the proposed layout would enclose the main car park from views from the highway, allowing good circulation through the site.
- 7.54 The cinema would be located in the north-east corner of the site, situated on the highest land. However, its impact would be reduced by setting the building into the ground slightly. The design of the building is simple and takes design reference from a barn concept which was discussed at pre-application, with charcoal panels and splashes of colour. The splashes of primary colours were queried with the applicant and they have advised that the majority of the signage on the development would be primary colours and these blocks would help draw the development together as a whole, creating a cohesive design. Interest to the front of this building is created by the sunscreen canopy, which helps to unify the 4 restaurants proposed to the front of the cinema. The glazed facade of the 4 restaurants to the front of the cinema building animates the front of this building.
- 7.55 The cinema building has been designed to minimise its mass and to enable it to sit comfortably with the rest of the proposed development. Its siting at the north edge of the site enables further mitigation of the built form can be maximised by using existing contours and landscape screening. The exit road to the rear of the cinema would therefore be between 1.2 and 1.4 metres higher than the finished floor level in the building. The arrangement and orientation of the auditoria have allowed the building to be stepped in order to break up the square form and perceived height of the roof parapet. Adding the single storey inline restaurants to the front and adding the open Brise Soleil structure also help to visibly reduce the mass of the built form of the building when viewed from the south of the site.
- 7.56 The public realm would include pockets of informal recreation spaces and outdoor seating at the restaurants and the drive-thru's, which would help to break up the development and increase the visual attractiveness of the site. Pedestrians and cyclists when entering the site from the underpass would be greeted with a landscaped area, where it is envisaged that outside seating would take place in the summer months. A Brise Soleil over unit 8, adjacent to the landscaped area would form a gateway into the scheme and would also link in with the Brise Soleil

proposed on the 4 restaurants situated to the front of the cinema building, linking the scheme together.

- 7.57 Units 6 and 8 have been positioned and re-orientated to provide good natural surveillance over the development and to frame the landscaped area adjacent to the underpass, creating a sense of arrival to the scheme.
- 7.58 Given the existing levels of the site the smallest building mass, the proposed drive-thru's would be situated lower than the other proposed elements within phase 1. This would also be the case with the leisure centre in phase 2. The height of the adjacent A10 and Downham Road in comparison would reduce the impact of these buildings, as unit 5 would be 2.3 metres below Downham Road and unit 6 1.9 metres below the level of the A10. When approaching the site from the A10 much of the site would be screened by mature tree belts. However, at the roundabout this opens up and allows views into the site. Their relative low scale and higher road level will help to mitigate any impact on wider external views of the landscape, whilst allowing visibility to the cinema beyond.
- 7.59 Discussions were had with the applicant in relation to the design of the unit which would accommodate KFC, in relation to the facing which can be found at the top of the building and if there was any scope for this to be reduced in size. The applicant advised that a number of changes had already been made to the design of this building in relation to the original plans to try and make the building more cohesive within the development and therefore no further changes would be accepted by the end user. While it would have been beneficial to the overall design to reduce this element it does not warrant the refusal of this application.
- 7.60 Units 7 and 8 have been designed to the same proportions as the inline restaurants to the front of the cinema, but will have a scale to that similar of the drive-thru units.
- 7.61 The proposed leisure centre is in outline form and therefore the design, scale, layout and landscaping would be subject to a Reserved Matters Application.
- 7.62 Due to the nature of the cinema it has limited fenestration, with the only opening within the façade being the main entrance. A base material of a dark grey rainscreen has been chosen by the applicant to create the visual interpretation of a black barn, which is a common feature found within the fen landscape, when viewed from a longer distance. The visual interest on the building would be created by the use of primary coloured 'accent' panels, when viewed from a closer distance. The varied panel size and staggered joints will add further interest. The smaller scale inline units to the front of the cinema would be clad in natural western red cedar battens which would be left natural to allow them to weather over time to a softer grey and the gaps between the battens will create additional texture to the façade. Both the cinema and the inline units would be set on a blue engineering brick plinth. A galvanised Brise Soleil structure will unify the overall design.
- 7.63 The standalone building, units 7 and 8 would also use the same base palette of materials as the inline units to ensure a visual continuity across the scheme. Unit 8 would include a Brise Soleil structure which provides a visual connection to the main building. Unit 6 is a specific tenant layout, but would match the visual appearance of units 7 and 8. However, additional coloured signage elements

would add visual identity to this unit. Unit 5 would be a standard building module as this is the tenant requirement. However, its material palette sits closely with those chosen for the rest of the design. Timber and dark grey cladding provide a visual connection with other buildings that form part of the development.

- 7.64 The NPPF places emphasis on the need to protect the most important landscape designations (including Areas of Outstanding Natural Beauty and Green Belts). There are no such designations in the locality.
- 7.65 The application was also accompanied by a landscape visual impact assessment which includes 7 different views of the site and pictures existing winter and summer views, alongside the modelling of the proposed buildings. The buildings will be visible from views within close proximity to the site. However, due to existing features within the landscape the proposal would not be clearly visible from long distance views, aside from West Fen Drove in Little Downham, which is discussed in the Historic Environment section of this report.
- 7.66 The scheme is accompanied by a landscaping scheme which would help to assimilate the proposal into its surroundings. While the existing and proposed landscaping would screen parts of the development it would also enable elements to be visible, this is required for a scheme such as this in terms of advertisement and attracting customers.
- 7.67 The signage outlined in various documents which support the application does not form part of this application and would need to be assessed under a separate advertisement application.
- 7.68 The proposed layout and design of the scheme has evolved over the lead up to the submission of the application following pre-application meetings and public consultation. The overall design has been led by the constraints of the site and the design of each of the units relates to one another creating a cohesive development through the use of design elements and materials. Open spaces form an integral part of the development and clear pedestrian and cycle links are provided with good natural surveillance, due to the siting of the proposed buildings.
- 7.69 Historic Environment**
- 7.70 Core Strategy Policy EN5 and emerging Local Plan Policy ENV14 require that development proposals have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve archaeological remains. In sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 have special regard to the desirability of preserving listed buildings or their settings.
- 7.71 One of the key concerns in any proposal within Ely is the impact on the Cathedral a Grade 1 Listed Building and its setting as outlined in Policy EN5 of the Core Strategy. 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 assets' 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 it setting.

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.

- 7.72 Objections have been received from English Heritage on the grounds that the siting of the cinema in this location would adversely impact on the wider setting of Ely Cathedral, resulting a degree of harm to its significance and in determining the application it will be necessary for the LPA to weigh that harm against the wider public benefits arising from this application. English Heritage also raise concerns in relation to the need for all of the complementary restaurant, cafe and drive-thru's, poor siting of the leisure centre, poor design and if this is the best location for the proposed development.
- 7.73 While views of the cathedral from the south and east are considered of greatest importance, view from the northwest over the application site remain an important component contributing to the cathedrals overall significance. English Heritage have advised that while the development would not obscure the Cathedral from the quintessential view from immediately west of Little Downham, it would provide unwelcome and ungainly built forms within the foreground of the cathedral.
- 7.74 Objections have also been received from the Conservation Officer in relation to impacts on the views towards Ely Cathedral and a generic design approach lacking in imagination. However, it is noted that the proposal is of a higher quality than similar developments.
- 7.75 A Visual Impact Assessment and a Cultural Heritage Assessment were carried out by the applicant and submitted in support of the application.
- 7.76 The Ely Environmental Capacity Study (2001) describes how local landscape character, distance and the angle of the sun affect views of the Cathedral. The foreground of the view of the Cathedral from the west includes the A10 and the modern residential estates to the west of Ely and the site is viewed in a relatively low lying position, enclosed by higher ground. Views from within and immediately around the site are not especially noteworthy. However, it is the longer distance views which are more significant.
- 7.77 The Cultural Heritage Assessment carries out a viewpoint analysis and concludes that no viewpoint has been identified where existing views of the Cathedral will be blocked or significantly intruded upon by the development. The Cultural Heritage Assessment includes photomontage views which use wireframe modelling to accurately locate the position and scale of the proposed development. View 9 looking south east from West Fen Drove near Little Downham, which is approximately 2km from the application site shows the wireframe modelling of the proposed development. While the development is partly in line with the view of the Cathedral from this location, there is existing vegetation within the landscape and the proposed development would not block views of the Cathedral, with the front of the cathedral, upper section and the towers still clearly visible within the landscape. The photomontage without the wireframe modelling highlights that views of parts of the Cathedral are already blocked due to existing vegetation and landscape features. The assessment concludes that it is unlikely that the development will be visible due to intermediate tree cover.

- 7.78 The view of the Cathedral will only be affected from views from the north and the northwest of the site where the height and mass of the proposal will be viewed against the backdrop of the Cathedral. However, on balance it is considered that given the distance of the Cathedral from the site, existing landscape features and vegetation the proposed development will not significantly impact the setting of the Cathedral and that substantial harm would not be caused.
- 7.79 The applicant has advised that the design of the proposal has been designed in response to its rural setting. The proposed cinema building creates the visual interpretation of a black barn which is a common feature within the landscape, with splashes of primary colour to break the mass up when viewed within closer views. The Conservation Officer has advised that the proposal is of a higher quality than developments of a similar nature. Therefore it is considered that the proposal would not be of poor design as outlined in the previous section of this report.
- 7.80 In light of the comments received from English Heritage and in relation to the NPPF. Paragraph 134 states that “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.”
- 7.81 It is acknowledged that there would be some impact on the setting of the Cathedral. Given the rapid population expansion of Ely, a strong demand now exists for a wider choice and increased capacity of leisure facilities that are currently poorly provided in Ely. Given the proposed end use of the site, the policy which allocates the site in the draft Local Plan to build on the existing facilities, creating a sport and leisure hub for the district and the benefit to the economy as a whole, it is considered that due to the limited impact of the view on part of the Cathedral, which is already obscured by existing vegetation, that the public benefits of the proposal on balance outweigh the impact on the view of the Cathedral when looking south east from West Fen Drove near Little Downham. At this point the development can be viewed partly in line with the view of the Cathedral, although the majority of the Cathedral which can be viewed at present within the landscape would largely remain, as existing vegetation is already in situ. No other long distance views would be affected by the proposal and short distance views of the Cathedral would not be impacted by the development.
- 7.82 In relation to the other points raised by English Heritage referring to the appropriate location for such a development, the need for the proposed number of units and the impact on the city centre of Ely this has been addressed in the earlier sections of this report.
- 7.83 The site is not located within close proximity to Ely Conservation Area and therefore it is not considered that it would create an adverse impact on the character or appearance of the conservation area.
- 7.84 Policy ENV14 of the draft Local Plan seeks to ensure those development proposals at or affecting all sites of know or potential archaeological interest will have regards to their impact upon the historic environment. Cambridgeshire Archaeology records indicate that the site is located in an area of high archaeological potential. Previous

archaeological investigations to the south have revealed extensive evidence for Iron Age, Roman, Saxon and Medieval settlement. An intensive area of Iron Age settlement is also known to the west of the site, identified during excavation for the balancing ponds off of Hurst Lane. The site has been subject to an archaeological evaluation, including geophysical survey and trial trenching. The evaluation identified an area of Middle Saxon settlement with associated field systems and a background presence of Iron Age and Roman activity. Further undated features were also identified to the north, along with ridge and furrow traces of medieval agriculture.

- 7.85 Cambridgeshire Archaeology would not consider there to be any scope to preserve archaeological assets in situ in connection with this development proposal and that a monitoring or 'watching brief' seems to be appropriate. Therefore it is recommended that mitigation through further site investigations must allow for post excavation analysis, publication of the results and appropriate deposition of site archive. It is also recommended that allowance should be made for programmes of public outreach and engagement during the course of the project. It is therefore recommended that archaeological mitigation is commissioned and undertaken at the expense of the developer and secured through a planning condition.

## 7.86 Highways

- 7.87 Policy S6 of the Core Strategy and emerging policy COM7 of the Draft Local Plan require that '*development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location.*' In emphasising the need for sustainable transport, they also seek to ensure safe and convenient access to the highway network, without detriment to amenity, character and appearance of the locality or the highway network itself. Any mitigation measures in respect of noise, pollution, amenity, health, safety and traffic should be indicated within an application. Core Strategy Policy S7 and Draft Local Plan Policy COM 8 state that appropriate levels of car and cycle parking should be provided, as set out in the parking standards, including provision for people with impaired mobility. The draft policy also advises that shared use of parking and car sharing will be encouraged on large mixed use sites, as part of an agreed Travel Plan, to minimise provision where the location and use patterns allow. The NPPF also requires that new development should maximise the potential to create safe and accessible environments containing clear and legible pedestrian routes, addressing the connections between people and places.
- 7.88 Policy ELY10 seeks to ensure the creation of strong transport links into Ely and beyond to encourage users to travel by foot, cycle and public transport. Any application will need to demonstrate how the site could be safely accessed on foot and by cycle from the built up area of Ely, and mitigates the A10.
- 7.89 The NPPF also promotes sustainable transport and requires all developments that will generate significant amounts of traffic to be accompanied by a Transport Assessment. Opportunities for sustainable transport modes must be taken up; safe and suitable access for all people must be achieved; and improvements to the highway network that address the impacts of the development must be undertaken.

- 7.90 There is an existing vehicular access into the site on Downham Road. The proposal involves the reconfiguration of the existing access to an entry only access and proposes an exit only access onto Downham Road at the same location as the permitted leisure centre access. The access arrangements have been the subject of an independent Stage 1 Road Safety Audit. The vehicular access will also serve the existing golf, rugby and football clubs and a swept path assessment of a 15 metre long coach through the site to the existing clubs has been carried out by the applicant, which demonstrates that a coach can manoeuvre through the site satisfactorily. A bus/ taxi and service/deliveries layby is also proposed within phase 1 of the development to assist with an improved bus service provision to the site. Officers consider that the new access arrangements will greatly improve the access to the site for all new and existing users.
- 7.91 Comments were made by Sport England in relation to access to the existing sports clubs and ensuring that during the construction of the proposed development it would not impact their access or cause disruption. The applicant has submitted an Access Phasing Strategy which outlines 4 phases of development of the new access route and how the access to the existing clubs will remain, it is recommended that this strategy is conditioned to ensure adherence.
- 7.92 The Transport Assessment shows that a large area of Ely is within a reasonable 25 minute walk of the site and that all of Ely is within a reasonable 25 minute cycle ride of the site. The application layout has considered pedestrian and cycle links with the existing settlement of Ely and throughout the site following numerous pre-application discussions where it was raised as a concern. The proposal incorporates the construction of a 5 metre wide footpath/cycleway underpass under the A10, which mitigates the crossing of the A10 and would connect with existing pedestrian and cycle networks in the west of Ely. There is footway provision along Downham Road and a network of footpaths in the existing built up area of Ely, located to the south of the A10, where the underpass would connect to. The underpass would be well lit as shown on the proposed lighting plans submitted with the application, with good natural surveillance from the proposed development and the provision of CCTV is recommended to be secured by condition. A number of new pedestrian links are provided within the site, including a new footpath extending west into the site from the exit only access, a footpath extending southwards along the western edge of phase 1, providing a connection with the phase 2 development site and a footpath extending southward from the cinema running through the centre of the site providing access to the underpass.
- 7.93 Sustrans National Cycle Route bounds the site to the east along Downham Road. It is proposed that the Sustrans Route 11 would be diverted through the underpass and around the south east corner of the site.
- 7.94 The maximum acceptable walking distance to a bus stop is considered to be 400 metres (5 minutes). The closest bus stop to the site is on Downham Road and is situated 400 metres from the proposed underpass. This stop is served by the Ely City Service which calls approximately every 30 minutes from early morning to early evening Monday to Friday and on Saturdays every 30 minutes from morning to late afternoon. The Ely City Service circulates around the city and most of the city which it serves is within 400 metres of a bus stop it serves, so most of the

visitors and staff would be within a reasonable distance of both stops which are served by the bus which call at the bus stop nearest the development.

- 7.95 The proposal includes 380 car parking spaces for the phase 1 part of the development which includes 19 disabled parking spaces. The number of car parking spaces for phase 1 of the development is less than the provision based on the car parking standards outlined in the Core Strategy and draft Local Plan. The maximum car parking standards would require 740 spaces, in comparison to the 340 proposed. The applicant considers that the application of ECDC car parking standards would result in a substantial over-provision of car parking on the site, significantly exceeding the typical car parking demand for the phase 1 development. It is considered that because of linked trips to the site, this will lead to the sharing of car parking spaces of various uses and the applicant does not propose to zone car parking spaces for particular uses within the development. The applicant was advised during pre-application discussions that the proposed number of car parking spaces would be considered acceptable based on the opportunity for shared parking.
- 7.96 A total of 104 cycle parking spaces within phase 1 are also proposed. The number of cycle spaces required by the car parking standards is 288 spaces compared to the 104 proposed. The applicant has advised that the demand for cycle parking would be monitored as part of the Travel Plan and that space is available within the development for 56 additional cycle parking spaces if needed. At pre-application discussions the applicant was advised that the provision of approximately half the number of required cycle spaces was considered acceptable, preventing the creation of large areas of un-used covered cycle racks. The proposed number of spaces on balance is therefore considered acceptable.
- 7.97 The phase 2 development proposes 320 parking spaces, which would include 120 spaces for the overspill requirements of the existing sports clubs around the site. The number of parking spaces proposed for this phase of the development is the same as that for the extant permission for the leisure centre.
- 7.98 On street parking in Columbine Road and adjacent roads have been raised as a concern by residents. However, it would not be reasonable to restrict parking on residential roads by means of a condition. It is considered that appropriate levels of parking are proposed within the site and therefore there should be no requirement to park on residential streets.
- 7.99 A framework travel plan has been prepared as part of the Transport Assessment to promote travel choices, with measures to encourage staff and visitors to reduce their reliance on the private car and increase walking, cycling and public transport as means of accessing the site.
- 7.100 The Highway Authority reviewed the information submitted in the Transport Assessment and issued a holding objection to the application while requesting additional information and clarification on a number of points. A revised Transport Assessment was submitted.
- 7.101 As part of this revised junction capacity assessments have been carried out by the applicant as part of the Transport Assessment. The assessments indicate that the



A10/Downham Road junction will operate within capacity for the 2019 peak hours for both phases of the development. The Downham Road site entry and exit will also operate within capacity for each of the 2019 weekday AM and PM peak hours and the Saturday peak hour for both phases of the development. Additional information has also been included in relation to parking, servicing and deliveries, construction traffic, existing transport conditions, baseline conditions, trip modelling and development transport impacts.

7.102 However, the Highway Authority following their review of the document, have advised that additional information is still required to be submitted by the applicant. The applicants are working with the Highway Authority to provide the additional information and once this has been received the holding objection can be lifted. The Highway Authority has advised that the information required will be easy for the applicant to provide. The key areas which need to be secured by condition have been advised by the Highway Authority. However, the precise wording and requirements of the conditions required have not been detailed. Therefore if Members approve this application it is recommended that it would be subject to the delegation of the draft conditions to the Planning Manager, to enable the precise requirements and wording to be agreed.

7.103 The applicant is working alongside the Highway Authority to submit the last outstanding pieces of information to enable the holding objection to be lifted. The Highway Authority has advised that the information required and the remaining concerns can be easily overcome and Members will be updated at Planning Committee.

7.104 On balance, even though the Highway Authority has issued a holding objection to the application, which remains at present, the information required can be easily obtained by the applicant. It is therefore considered that following the withdrawal of the holding objection the proposed development would be broadly in accordance with policies S6 and S7 of the Core Strategy and policies COM7, COM8 and ELY10 of the draft Local Plan and the NPPF transport policy objectives.

#### **7.105 Ecology**

7.106 Policy CS6 and ENV6 of the Core Strategy and Draft Local Plan policy ENV7 aim to protect biodiversity, provide appropriate mitigation measures, reinstatement or replacement and/or compensatory work, while maximising opportunities for creation, restoration, enhancement and connection of natural habitats. New development proposals will be expected to incorporate open space and high quality landscaping to provide attractive environments for people and wildlife. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimizing impacts on biodiversity and providing net gains in biodiversity where possible. The presence or otherwise of protected species and how they are affected by a development must be established before planning permission is granted, and should only be left to planning conditions in exceptional circumstances.

7.107 The vast majority of the northern section of the site is grassland pasture, comprising of two linked grassland fields, one L shaped field and one rectangular field. A linear strip of ruderal and scrub habitat also bounds the shallow drainage ditch. A

hedgerow encapsulates the site, which links into a broad-leaved tree belt that separates the northern section of the site from the A10. The southern section of the site (to the south of the A10) comprises amenity grassland, scrub, footpaths and small clumps of young trees.

- 7.108 The site is in close proximity to the Ely Pitts and Meadows and Chettisham Meadow Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of this application will not damage or destroy the interest features for which the sites have been notified. Natural England has advised that as the SSSIs do not represent a constraint in determining this application they raise no objection to the proposed development.
- 7.109 Natural England have also advised that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife and opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment and bring benefits for the local community through green space provision and access to an contact with nature.
- 7.110 The application is accompanied by an Ecological Appraisal, which found the site to support a potentially low biodiversity (using standard guidelines for Ecology Impact Assessment), with habitats confined to areas just outside and around the periphery of the site. The site supports no protected habitats or Habitats of Principal Importance. None of the habitats present on site are regarded as ecologically important as vegetative features and none are listed as habitats of Principal Importance or are the subject of UK Priority Habitat Action Plans. The appraisal assessed the sites ecological value “as *Negligible* (sites with little or no biodiversity and minimal nature conservation value) and possibly of *Neighbourhood value* when including the boundary hedgerows.”
- 7.111 It is considered that the site could potentially support a number of protected species and Species of Potential Importance, including habitat suitable for brown hare, foraging habitat for ground feeding birds, as well as wetland habitat for grass snakes. The activity surveys carried out confirmed some use of the boundary hedges north of the A10 for feeding and foraging bats and limited limited use of the agricultural pastures by brown hare. The confirmation of bat commuting and the presence of brown hare (*Lepus europaeus*) which is a *Species of Principal Importance* on site do have some implications for the ecological valuation of the site, but it is considered that it is unlikely to materially constrain the sites development. Bat surveys were carried out which found a low number of common bats, common pipistrelle and brown long-eared using the hedges in the northern section of the site. The appraisal concludes that the presence of low numbers of common bats suggests the site is not of high importance for bats and therefore the overall value of the site is unlikely to materially increase. In addition to the bat surveys, two evening brown hare surveys were also carried out and found very low activity of brown hare on site and the assessment concludes that the loss of the small amount of brown hare habitat is unlikely to have a significant impact on the local population.
- 7.112 The application proposes a new path and under-pass below the A10 to connect the northern and southern sections of the site. The appraisal concludes that this is only

likely to affect some parts of amenity grassland, semi-improved grassland and planted scrub. Only a small amount of bird nesting scrub is considered likely to be affected by the scrub. Again the impact significance is likely to be *Neutral*. An indirect impact on boundary hedgerows and trees through night time light spillage, vegetation maintenance and development/construction proximity may affect commuting bats. While the appraisal confirms that the boundary features support foraging bats and brown hare are present within the site, it is considered that the scale of ecological effects, the impact of overall significance would be Neutral.

- 7.113 The appraisal sets out some compensatory recommendations for biodiversity gain, which it is recommended are secured by condition. These measures include that an Ecologist checks each section of scrub, trees or vegetation which has bird nesting or hedging potential before its removal and advise of the most appropriate and lawful way forward, the opening up of wet ditches and the design and construction of the balancing pool to favour wildlife. Biodiversity enhancements also form part of the landscape proposals for the application. However, the survey concludes that the development of the site is not predicted to significantly impact on protected species and therefore limited mitigation measures are thought necessary.
- 7.114 Natural England and the Environment Agency do not object to the proposals on biodiversity grounds and the Ecological Appraisal has been assessed in line with Natural England's Standing Advice. Assessing the results of the Ecological Appraisal and the associated surveys it is considered on balance that the proposal would not have an adverse impact on biodiversity and provides appropriate mitigation measures, alongside extensive landscaping which provides opportunities for the creation of natural habitats.
- 7.115 Landscape and Visual Impact**
- 7.116 Policies EN1, EN2 and EN6 of the Core Strategy and policies ENV1, ENV2 and ENV7 of the draft Local Plan seek to protect the settlement edge and their wider landscape setting, alongside requiring new development proposals to include landscape enhancement schemes to ensure the character and appearance of the area will be acceptable.
- 7.117 Policy EN1 of the Core Strategy and policy ENV1 of the draft Local Plan also aim to ensure the setting of settlements is not adversely affected by development. The sub-text of those policies refers to the Cambridgeshire Landscape Guidelines and the Council's Ely Environmental Capacity Study, which aims to protect quintessential views of the Cathedral as discussed in the Historic Environment section of this report.
- 7.118 The main issue in considering the proposal is to consider views towards the site and from the existing countryside. The site is a group of fields which are boarded by hedging and some trees. The tree survey revealed that there were no high quality trees on the site, but a group of six Oak trees in the north east corner of the site which are considered of moderate quality. However, some of these trees need to be removed to facilitate the development, but other trees and hedges situated on the boundaries of the site would remain. In view of the location of the cinema building to the north of the site, this copse of trees which will remain will help to

enclose the cinema building and reduce its visual impact from the north and the east. The existing planting and topography of the golf course will also help to screen views of the site from the north. To the west existing poplar trees and hedges will largely remain and will be augmented to fill in the gaps and reduce the impact of the site on long views from the west. There is a considerable tree presence contained within the southern boundary of the site with the A10 which would also be augmented.

- 7.119 The application is supported by a Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan, Softworks Specification, Landscape Management Plan, Landscape Masterplan and a Detailed Planting Plan for Phase 1. The Arboricultural Officer supports the landscape scheme proposals and the tree species list for new planting, alongside the details outlined in the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan dated 15/04/2014. A revised Softworks Specification and Landscape Management Plan were submitted to include references to mulching and watering regimes at the request of the Arboricultural Officer. It was suggested that the proposed car parking area could be broken up by a large open ground space as it was not practical to plant new trees because of the insufficient suitable tree planting spaces in the car park area. However, this would remove a number of parking spaces which are required and therefore on balance it was considered that this was an unreasonable request, which could lead to issues with the number of proposed parking spaces.
- 7.120 The landscaping proposals for phase 1 of the site include predominately maintaining mature trees and hedgerows on various boundaries, reinforcing existing blocks of trees with indigenous trees and shrubs, reinforcing the existing mature hedge situated on the boundary with the Rugby Club, cutting back overgrown brambles to encourage greater diversity, evergreen hedges proposed adjacent to the drive-thru's to reduce headlight glare and enclose access roads, separating the car park and pedestrian footpath by trees, evergreen hedges and groundcovers and planting groups of trees and wildflower to reinforce the highway verge planting.
- 7.121 The detailed planting plan for phase 1 detail all of the proposed soft and hard landscaping works and it is recommended that a condition to secure that the works are carried out in accordance with this plan is appended to any decision.
- 7.122 A Landscape Management Plan has been submitted with the application, the details of which are considered acceptable. However, no details are provided in relation to who will be accountable for the future maintenance and therefore a condition is recommended to secure those details, to ensure the ongoing maintenance of the soft landscaping proposals.
- 7.123 On balance, the mitigating landscape proposals and the design and layout of the buildings are sympathetic to the adjacent land and the settlement edge and it is considered that the proposal would not have a significant adverse impact on the character and appearance of the area.
- 7.124 Flood Risk and Drainage**

- 7.125 Policy EN7 of the Core Strategy and policy ENV8 of the draft Local Plan require that all new development should be located within Flood Zone 1 and that all new applications must demonstrate that appropriate surface water run-off can be accommodated within the site. The use of Sustainable Drainage Systems will be required for all developments and may be incorporated within the Flood Risk Assessment, while ensuring that there is no deterioration in water quality. This is further reiterated in Core Strategy policy EN8 and draft Local Plan Policy GROWTH 3, GROWTH 4 and ENV 9 which require that adequate infrastructure is provided for all development, including upgrading of waste water treatment works, where required, and that there is no consequent risk to health or any form of pollution.
- 7.126 The NPPF advises that development should take account of flood risk and where appropriate be accompanied by a Flood Risk Assessment, which was submitted in support of this application.
- 7.127 The East Cambridgeshire Strategic Flood Risk Assessment historic flood event map shows that the site has not been affected by previous notable historic flood events. The site lies within flood zone 1, and the proposed development is classified as 'less vulnerable' development where the Environment Agency (EA) considers development to be acceptable in principle and will not require a Sequential or Exception Test.
- 7.128 A Flood Risk Assessment was submitted with the application and when initially consulted the Environment Agency objected to the proposal mainly because it failed to demonstrate a surface water drainage strategy for phase 2 of the development. The applicant submitted a Flood Risk Assessment Addendum which addressed the concerns raised in the EA's initial objection. The FRA Addendum demonstrates that an acceptable surface water drainage strategy can be provided for both phase 1 and phase 2 of the development. However, further details of the drainage scheme will need to be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on the site or elsewhere. The EA have now withdrawn their objection providing the recommended condition in relation to a surface water drainage scheme outlined in their comments is imposed.
- 7.129 The applicant has advised that the proposed SUDS solutions shall follow the attenuation management train, but exclude infiltration, in accordance with best practice guidance (CIRIA C697) and shall comprise permeable paving in the car parking areas and a detention basin. The topography of the site will allow flow of surface water, by gravity, in conventional drainage pipes to a detention basin. The surface water will be detained in the detention basin prior to controlled discharge to Hurst Lane Catchwater. The proposed discharge rate is 14 litres per second in order to provide betterment over the existing drainage strategy for in 100 year Greenfield runoff rates.
- 7.130 Due to existing ground levels and the location of the receiving watercourse the area that comprises phase 2 is split into two separate watersheds. The proposed car park forms one watershed and the proposed leisure centre, sports pitch and green spaces form the second watershed. The surface water for phase 2 will utilise the

proposed attenuation basin and provide additional attenuation in order to maintain the discharge from the development to within the agreed rate. The feasibility of additional SUDS features to incorporate into the proposed surface water strategy will need to be considered during the detailed design stage.

- 7.131 The maintenance of the SUDS will be carried out by the landowners or a nominated company and the FRA outlines the maintenance programme.
- 7.132 The site is just outside the Littleport and Downham Internal Drainage District but within an area that drains into it. The whole of the application site drains to the Hurst Catchwater Drain. The Board have advised that they only accept a Greenfield run-off rate of 1.1 litres/sec/ha and anything over this rate would need to be subject to a commuted sum and the increased rate would only be accepted if it is proven not to increase flood risk. The Board owns and operates a flood storage reservoir that takes excess flows from developments in Ely and any increase in flow from this site cannot impact on this reservoir. The Board has advised that they have not given an agreement to accept a commuted sum for this site and any new discharge will also require the prior consent of the Board, alongside a legal agreement to protect the Board's system from future developments. This is separate agreement outside the planning process and the applicant has agreed that a commuted sum will be payable if the discharge rate is not restricted below the required amount. The proposed flow rate has been discussed with the Board and a commuted sum will be agreed during the detailed design stage.
- 7.133 Anglian Water has been consulted by the applicant to develop a foul water drainage strategy for the proposal. The strategy comprises a gravity network draining the foul water from the proposed development buildings to a pumping station located in the south west corner of the site. The foul water will be pumped to an Anglian Water pumping station (West Fen Road Pumping Station) prior to arriving at an Anglian Water WRC (Water recycling Centre). The proposed foul drainage network is likely to include provision for the collection of foul drainage from the existing football and rugby club sites, which currently drain to septic tanks.

#### **7.134 Other Material Matters**

- 7.135 Cambridgeshire Fire and Rescue have requested that adequate provision be made for fire hydrants as part of this application, a condition is recommended to secure provision of fire hydrants.
- 7.136 A Geo-environmental Summary Report supports the application. Based on the results of soil contamination survey and the desk study information there is not anticipated to be a significant source of contamination at this site. The report concludes that the risks to human health, construction materials and surface waters identified in the assessment are therefore considered to be low to very low.
- 7.137 Phase 1 and 2 of the development have an anticipated score of at least 47.44%, which equates to a BREEAM score of 'Good'. The proposed development is a Core and Shell development and therefore there are many credits under BREEAM which are outside of the Developer's control. The Energy Statement outlines that energy consumption is to be minimised through passive building design, the utilisation of energy efficient plant and equipment and the incorporation of

renewable technology. The renewable energy technologies will be incorporated into the design of the buildings including heat pumps and photovoltaic panels. Given the details submitted in support of the application it is considered that the proposal meets the requirements of policy EN4 of the Core Strategy and policy ENV4 of the draft Local Plan.

- 7.138 The proposed signage will form part of a separate application to this.
- 7.139 All buildings falling within the A use classes are CIL liable.
- 7.140 Members should be aware that the application has been advertised as a 'Departure' from the development plan as the Local Plan has not yet been adopted.
- 7.141 In summary, the proposed development is in accordance with policy ELY10 which allocates the site for a leisure allocation, alongside other policies in the Core Strategy, draft Local Plan and the NPPF which have been referenced throughout this report. The proposal has been subject to extensive pre-application discussions and public consultation.
- 7.142 No issues have been raised in relation to flooding and drainage, subject to details of a surface water drainage scheme and the proposal would not have an adverse impact on biodiversity, while providing appropriate mitigation measures alongside extensive landscaping and the opportunity for the creation of natural habitats as part of the scheme. It is considered that subject to the recommended conditions and the withdrawal of the highway holding objection the proposal would not create an adverse impact on residential amenity or highway safety. The mitigating landscape proposals and the design and layout of the buildings are sympathetic to the adjacent land and the settlement edge and it is considered that the proposal would not have a significant adverse impact on the character and appearance of the area.
- 7.143 Given the rapid population expansion of Ely, a strong demand now exists for a wider choice and increased capacity of leisure facilities that are currently poorly provided in Ely. Therefore taking into account the end use of the site and the policy allocating the site in the draft Local Plan to build on the existing facilities, creating a sport and leisure hub for the district and the benefit to the economy as a whole, it is considered that the public benefits of the proposal outweigh the impact on the view of the Cathedral outlined in English Heritage and the Conservation Officers comments. It is acknowledged that there would be some impact on the setting of the Cathedral. At the point referred to in their comments the development will be viewed partly in line with the view of the Cathedral, although the majority of the Cathedral which can be viewed at present within the landscape would largely remain, due to existing vegetation already in situ and landscape features. No other long distance views would be affected by the proposal and short distance views of the Cathedral would not be impacted by the development.

## 8.0 APPENDICES

### 8.1 Appendix 1 – Recommended draft conditions

8.2 Appendix 2 – Committee report for application 10/01020/FUM

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
14/01353/FUM – Application File	Rebecca Saunt Room No. 011 The Grange	Rebecca Saunt Senior Planning Officer 01353 665555
10/01020/FUM – Application File	Ely	rebecca.saunt@eastcambs.gov.uk