
MAIN CASE

Reference No: 18/00707/VAR3M

Proposal: To Vary Condition 1 and Condition 7 of previously approved 16/01159/FU3 for Change of use to car park, together with a footpath link from existing car park and associated external works

Site Address: Site South East Of Former Bowling Alley The Dock Ely
Cambridgeshire

Applicant: East Cambridgeshire District Council

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Ely

Ward: Ely East
Ward Councillor/s: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 25 May 2018 **Expiry Date:**
24 August
2018

[T74]

1.0 **RECOMMENDATION**

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

- 1 Approved plans
- 2 Specified materials
- 3 Flood Risk Assessment
- 4 Surface water disposal
- 5 PD - No structures
- 6 Car park layout and drainage
- 7 Soft landscaping scheme
- 8 Soft landscaping maintenance
- 9 Structures
- 10 Lighting and lux details

2.0 SUMMARY OF APPLICATION

- 2.1 Permission is being sought to vary condition 1 (approved plans) and condition 7 (car park layout and drainage) to reduce the number of disabled car parking spaces within The Dock car park from 8 spaces to 3 spaces. The proposed variation would increase the total capacity of the car park, providing an additional 2 car parking spaces and a motorcycle parking space.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 This application is to be determined by the Planning Committee as the applicant is East Cambridgeshire District Council.

3.0 PLANNING HISTORY

3.1

16/01159/FU3	Change of use to car park, together with a footpath link from existing car park and associated external works	Approved	02.02.2017
16/01159/DISA	To discharge conditions 5 (drainage), 11 (structures, CCTV, lamposts), 12 (lighting) and 13 (Construction Environmental Management Plan) of Decision dated 03/02/2017 for the change of use to car park, together with a footpath link from existing car park and associated external works	Conditions Discharged	22.05.2017
16/01159/DISB	To discharge conditions 5 (Drainage), 8 (Soft landscaping), 9 (Soft landscaping maintenance) and 11 (Structures) of planning permission 16/01159/FU3, for Change of use to car park, together with a footpath link from existing car park and associated external works.	Conditions Discharged	31.10.2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located along The Dock, surrounded to the north, west and south by The Dock Business Park, Cambridgeshire Business Park (including the County Council records building) and Angel Drove Car Park. A large Tesco superstore and Ely Train Station are located within close proximity to the north-east of the site. The site comprises a 128-space car park recently constructed following the approval of planning permission 16/01159/FU3.

5.0 RESPONSES FROM CONSULTEES

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

5.2 City of Ely Council – No concerns.

5.3 Ward Councillors - No Comments Received.

5.4 Consultee For Other Wards In Parish - No Comments Received.

5.5 East Cambridgeshire Access Group – Supports the adjustment as the agreement allowed the spaces to be returned to accessible parking if the need arose in the future. All development should comply with BS8300:2009 and Building Regulation Part M.

5.6 Local Highways Authority - No Comments Received.

5.7 Design Out Crime Officers – Has viewed the documents in relation to crime and disorder and have no comments regarding the variation at this stage.

5.8 A site notice was displayed on 7th June 2018 and a press advert was published in the Cambridge Evening News on 28th June 2018. No representations have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport impact
COM 8	Parking provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

6.3 National Planning Policy Framework 2012

4 Promoting sustainable transport

7 Requiring good design

11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP22 Achieving Design Excellence

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP16 Infrastructure to Support Growth

7.0 PLANNING COMMENTS

7.1 The main issue to consider when determining this application relates to parking provision.

7.2 Parking provision

Policy COM 8 of the East Cambridgeshire Local Plan and policy LP22 of the Submitted Local Plan 2017 relate to parking provision. The East Cambridgeshire Local Plan 2015 is the adopted Local Plan and therefore policy COM8 currently carries significantly more weight than policy LP22 when determining planning applications.

Policy COM8 states that development proposals should provide adequate levels of car and cycle parking, and make provision for parking broadly in accordance with the Council's parking standards (including parking for people with impaired mobility). In the case of public car parks, the Council's parking standards require 6% of the total car park capacity to comprise disabled car parking spaces.

The car park currently comprises 128 spaces, including 8 disabled car parking spaces. 6% of the total capacity of The Dock car park equates to 8 disabled car parking spaces. Therefore, the current provision of 8 disabled parking spaces

accords with the parking standards set out within Policy COM8 of the East Cambridgeshire Local Plan 2015.

The proposed variation would remove 5 disabled car parking spaces, leaving a total of 3 disabled car parking spaces. This would result in an under-provision of 5 disabled car parking spaces, not meeting the Council's parking standards set out within policy COM8.

The applicant has conducted a daily parking survey within the car park between 1st December 2017 and 18th March 2018, whereby the Open Spaces and Facilities Manager visited the car park twice a day (one AM visit and one PM visit) and recorded how many disabled car parking spaces were occupied at the time of the visit. During this survey period, the maximum number of disabled car parking spaces which were occupied at the time of the Open Spaces and Facilities Manager's visits was 3 spaces, with only a single occurrence of this on 11th January 2018.

Other than on this occasion, during the same survey period, the amount of disabled car parking spaces which were occupied at the time of the Open Spaces and Facilities Manager's visits varied between 0-2 spaces. At no time during the survey period did the Open Spaces and Facilities Manager record more than 3 disabled car parking spaces being occupied.

Although the proposed variation would result in an under-provision of 5 disabled car parking spaces in policy terms, the results of the parking survey indicate that the disabled car parking spaces are currently being significantly under-utilised.

The parking survey was also conducted at the nearby Angel Drove car park which provides 3 disabled car parking spaces. It should be noted that at no time during the survey did the Open Spaces and Facilities Manager record the disabled car parking spaces in the Angel Drove car park being fully occupied.

The East Cambridgeshire Access Group has commented that they are happy with the proposed variation as the agreement allowed the spaces to be returned to accessible parking if the need arose in the future. Any such agreement is outside of the controls of planning and it is considered that a condition could not be appended to the variation of condition requiring this as it would not be precise or enforceable. It is expected that the applicant will continue to monitor the availability of disabled car parking within the car park and will not discriminate against those with a disability.

Based on the results of the parking survey, it is considered that there is sufficient justification to support the proposed variation to reduce the number of disabled car parking spaces from 8 spaces to 3 spaces in The Dock car park, despite it not being compliant with the Council's parking standards set out within Policy COM8.

7.3 Other matters

The wording of a number of other conditions relating to this Variation of Condition application have been amended from the wording shown on the original planning permission (ref: 16/01159/FU3) or removed entirely. The purpose of this is to

reflect the fact that those conditions have previously been discharged and/or due to the car park development having already been implemented.

7.4 Planning Balance

The proposed variation does not comply with the Council's parking standards set out within Policy COM8. However, based on the results of the parking survey, on balance, it is considered that sufficient justification has been put forward by the applicant to demonstrate that the proposed variation would not result in a lack of disabled parking provision in the car park. The application is therefore recommended for approval.

8 APPENDICES

8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00707/VAR3M	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00707/VAR3M Conditions

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

Plan Reference	Version No	Date Received
100	O	25th May 2018
CAR PARKING SURVEY DEC-MAR		25th May 2018
PHASE 1 HABITAT SURVEY		13th September 2016
TRANSPORT STATEMENT		5th September 2016
DESIGN AND ACCESS STATEMENT		5th September 2016
AIR QUALITY ASSESSMENT		5th September 2016
FLOOD RISK AND DRAINAGE ASSESSMENT		5th September 2016
GROUND INVESTIGATION		5th September 2016
TRANSPORT STATEMENT ADDENDUM		14th December 2016
5142 099		5th September 2016
ARCADY 8 REPORT		20th December 2016
280616/02		5th September 2016
EPS/LS/1624-1		5th September 2016
5142 100	E	7th October 2016
5142 103	B	7th October 2016
5142 100	G	10th May 2017
Planting Specification		30th October 2017
D29502/LKM/A		12th April 2017
5142 SK050		10th May 2017
Construction Method Statement		12th April 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 The materials to be used in the construction of the entrance, car park and footpaths shall be as specified on drawing no. 100 Revision O. All works shall be carried out in accordance with the approved details.
- 2 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 3 The development permitted by this planning permission shall be in accordance with the approved Flood Risk Assessment (EPS,UK16.2234, dated 17th May 2016) and the underground SuDS system as shown on drawing no. 5142 100 Revision E, in perpetuity.
- 3 Reason: To ensure that the development does not increase flood risk elsewhere by reducing floodplain capacity, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 4 The development shall be in accordance with the surface water disposal details, as shown on drawing no. 5142 100 Rev G and approved by discharge of condition application ref: 16/01159/DISA, in perpetuity.

- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no structures shall be erected within the car park without the prior written consent of the Local Planning Authority.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 6 The car park area and new footpath shall be laid out, demarcated, levelled, surfaced and drained in accordance with drawing no. 100 Revision O and thereafter retained for that specific use.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7 In respect of the soft landscaping details shown within the Planting Specification approved by discharge of condition application ref: 16/01159/DISB, if within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 8 All works shall be in accordance with the soft landscaping maintenance scheme approved by discharge of condition application ref: 16/01159/DISB.
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 9 Prior to their installation, details of all structures within the site, including lampposts, CCTV columns, entrance/exit barriers and payment machines, shall be submitted to, and approved in writing by, the Local Planning Authority.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 The lighting and lux details, and associated mitigation measures, as shown on drawing no. D29502/LKM/A and approved by discharge of condition application ref: 16/01159/DISA, shall be adhered to in perpetuity.

- 10 Reason: In the interests of public safety, to prevent light pollution and to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policies LP22, LP28 and LP30 of the Submitted Local Plan 2017.