

MAIN CASE

Proposal: Demolition of existing buildings. New supermarket (Use Class A1), including a cafe, recycling facilities, associated car parking, servicing, landscaping, access and highway works.

Location: Ely Chemical Co Ltd Lisle Lane Ely Cambridgeshire CB7 4AS

Applicant: Sainsbury's Supermarkets Ltd, Cadena Holdings Ltd Dane & Co

Agent: Indigo Planning

Reference No: 09/00420/FUM

Case Officer: Ann Caffall

Parish: Ely
Ward: Ely East

Ward Councillor/s: Councillor Brian Ashton
Councillor Jackie Petts

Date Received: 3 June 2009 Expiry Date: 2 September 2009

[K9]**1.0 EXECUTIVE SUMMARY**

- 1.1 The application seeks consent for the erection of a new supermarket, at the corner of Cresswells Lane and Lisle Lane with associated parking & recycling facility. The Gross floorspace would be 8503m², with a total net retail floorspace of 4314m² comprising 3236 m² of convenience floorspace and 1079m² of comparison floorspace together with 470 car parking spaces. Vehicular access would be via Cresswells Lane. The site lies within Ely Conservation Area.
- 1.2 The applicant's case is that the proposed Sainsbury's Store is consistent with the intentions for Ely city centre as outlined in the adopted core strategy in that it will support the role of Ely as a Major District Centre which will "act as the main focus of shopping, leisure and cultural development in East Cambridgeshire". The proposal will strengthen the retail offer such that it will encourage more residents to shop within the District.
- 1.3 The site is in a strategic position between the city centre and the riverside at the entrance to the country park. Redevelopment of this site for retail purposes raises significant planning issues relating to the principle of development and the future of the area, the potential environmental impacts of the development and the impact on the vitality and viability on the city centre.

- 1.4 Part of the site is owned by the District Council and involves the development of a vacant employment site. Although within the built up area the site lies outside the development envelope for Ely and outside the town boundary. The proposal represents a departure from the Development Plan and if Members are minded to approve the application then it will be necessary to refer the matter to the Secretary of State by reason of the Town & Country Planning (Development Plans and Consultation) (Departures) Directions 1999.
- 1.5 The application incorporates the provision of appropriate infrastructure through a S106 Agreement.
- 1.6 A site visit has been arranged for 12:15 prior to the meeting

RECOMMENDATION

The application is recommended for Approval subject to conditions and that matter is referred to the Secretary of State.

2.0 THE APPLICATION

- 2.1 The application seeks to demolish the vacant buildings and redevelop the site to create a new supermarket, with associated parking & recycling facility. The main building fronts Lisle Lane with customer parking and servicing to the rear. The store includes home delivery, customer restaurant and a drop off pick up point in the car park. New vehicular accesses for delivery vehicles and customers would be created from Cresswells Lane.
- 2.2 Gross floor area proposed is 8503m². A total net floorspace of 4314m² with the remainder used for storage, circulation and staff facilities. The net floorspace comprises 3236 m² of convenience floorspace and 1079m² of comparison floorspace.
- 2.3 300 - 400 full and part time staff will be employed. The proposed store opening hours are 8am – 10pm weekdays and Saturdays, and for six hours between 09:00 and 19:00hrs on Sundays and Bank Holidays. A travel plan for employees will be implemented to encourage staff to travel to the site by the most sustainable mode practical.
- 2.4 470 car parking spaces, 74 cycles stands to cater for 148 bicycles, and 24 motorcycle stands are included in the proposals. A “maximum stay” of 3hrs for customers would be part of the car park management regime with the view to deter rail commuters and allow tourists and visitors to the park their cars and then access the town centre on foot or by bus.
- 2.5 Delivery vehicles will approach the site via the A10, B1411 and B1382 Prickwillow Road. It is expected that there will be on average 8 deliveries per day. It is expected that 4 deliveries would be made using articulated vehicles and 4 would be by smaller vehicles. Three deliveries of perishable goods will take place between 23:00 and 07:00hrs. The service yard, accommodating two large articulated lorries, would be accessible via a ramp from the southern most point on Cresswells Lane.

- 2.6 The Design and Access statement provides full details of the layout and appearance of the proposal. The store, service yard /loading area would be on stilts above the car park which would be at ground floor level. The store entrance would be located at the Cresswells Lane/Lisle Lane corner with the checkouts facing Cresswells Lane and the restaurant facing Lisle Lane. The storage, back up area and the staff facilities will be located at the northeastern end and rear of the store where the service yard is located. A double height atrium space with a shallow undulating curved roof links the car park level to the store level. Access from the car park will be via lifts or by a Travellator. All entrances will be useable by people with any type of disability.
- 2.7 The pumping station would be relocated to the lower end of Cresswells Lane and existing utility services on the site would be realigned.
- 2.8 Improved access arrangements are included which are outlined in section 8.5 below.
- 2.9 Landscaping proposals would involve the retention and enhancement of existing planting along Lisle Lane, removal of the Leyland Cypress and new planting in Cresswells Lane.
- 2.10 Sustainable heating and lighting measures for the store are included within the proposals and a recycling bank for metals, plastic, glass fabric and paper which will be located in the car park.
- 2.11 Redevelopment of the site is expected to last for approximately 12 months from demolition through to construction and fit out. A Construction Traffic Management Plan will be submitted for approval by the Planning and Highway Authorities.
- 2.12 In order to achieve a junction at Lisle Lane and Cresswells Lane, which is acceptable to the Highway Authority an application, (LPA ref E/09/00839/FUL), was submitted to amend the approved access to the Aldi site. The application sought to move the access 16m to the southwest together with some alterations to the parking and landscaping arrangements. The principle of development has been approved under delegated powers subject to the signing of a S106 agreement to control the provision of the new access and closure of the existing access. At the time of writing this report the S106 negotiations were well advanced and Members will be updated.

3.0 THE APPLICANT'S CASE

Development will be an efficient use of a vacant brownfield site. The new supermarket will offer a full range of Sainsbury's product lines allowing shoppers to undertake their weekly bulk shopping. The design and siting of the building is appropriate for the site's location in the conservation area and will result in economic and social benefits. The new store will provide approximately 350 jobs. The store will claw back expenditure that is currently leaking outside the District. The applicants submit that the proposal is acceptable in terms of retail policies, highway impact and accessibility and accords with national strategic and local planning policy and guidance.

3.1 The following documents have been submitted by the applicant to support the application: -

- Design and Access Statement
- Planning and Retail Statement
- Conservation Area Statement
- Transport Assessment Report
- Interim Travel Plan
- Arboricultural Implication Assessment and Method Statement
- Landscape proposals
- Landscape and Visual Impact assessment
- Ecological Appraisal
- Flood Risk Assessment
- Geo-Environmental, Geo-Technical Assessments and Investigative Reports
- Statement of Public consultation
- Renewable Energy and Energy Efficiency Report
- Utilities Statement
- External Car Park Lighting Statement
- Archaeological Desk based Impact Assessment
- Air Quality Assessment
- Suggested Informative Statements and Conditions report

4.0 DEVELOPER CONTRIBUTIONS.

4.1 Heads of Terms and matters to be covered in a S106 Agreement have been agreed with the applicant, County Council and the Planning Authority. These cover improvements to roads, cycleways, bus provision, lighting and footpaths. Details are attached at Appendix 2.

5.0 THE SITE AND ITS ENVIRONMENT

5.1 Although within the built up area the site lies outside the development envelope for Ely and outside the town boundary. The site is allocated as an area of search for housing in the Council's adopted Core Strategy. The site lies at the southeastern edge of Ely, within the conservation area.

5.2 Lisle Lane and Cresswells Lane form the northwest and southwestern boundaries respectively. The eastern boundary abuts Travis Perkins in the northeast with the pocket park to the southeast. To the south west of the site is the Waste Water Treatment works with the River Great Ouse beyond. Site levels fall approximately 4.0 metres from Lisle Lane to the southern part of the site. To the south of the site lies the Post Office sorting office with housing in Bell Holt to the north.

5.3 The site measures approximately 2.12ha and was formerly occupied by Ely Chemical Company. A red brick former office block fronting Lisle Lane remains with the southern part of the site having been cleared following the grant of Conservation Area. The buildings were considered to have no historical or architectural merit. A pumping station owned by Anglian Water is located in the middle of the site, which is accessed off Cresswells Lane and enclosed with metal wire fencing.

5.4 Existing vehicular access is from Lisle Lane and Cresswells Lane. Pedestrian access is available to the city centre via Forehill and a number of public footpaths in the vicinity linking Lisle Lane, Bell Holt, Prickwillow Road Springhead Lane and The Vineyards. The nearest bus stop to the site is situated opposite Bell Holt adjacent to the site and within 30m of the proposed store entrance.

6.0 **PLANNING HISTORY**

6.1 Planning history directly relevant to the present proposal is:

06/01216/OUM	Demolition of existing building and erection of a non-food DIY retail warehouse (Class A1) together with garden centre and associated parking, landscaping, access and highway improvements to Cresswells Lane.	Withdrawn	19.01.2007
08/00091/OUM	Demolition of existing building and erection of a non-food DIY retail warehouse (Class A1) together with garden centre and associated parking, landscaping, access and highway improvements to Cresswells Lane.	Refused	08.09.2008
08/00157/CAC	Demolition of existing buildings.	Refused	10.09.2008

7.0 **REPLIES TO CONSULTATIONS**

7.1 **Ward Councillors** – None received

7.2 **Access Group** – None received

7.3 **City of Ely Council** – No objection in principle subject to the following:

- All deliveries should be routed by King's Avenue and down Lisle Lane
- Not enough consideration has been given to Lynn Road/Nutholt Lane junction
- Access should be up Forehill and not through the Vineyards
- Improvements to the pavements and possibly railings should be made to Fore Hill
- Pedestrian crossing on Lisle Lane is needed
- Parking on Lisle Lane should be prevented
- The proposed shuttle bus service should City Centre to the rest of Ely not just the city centre to encourage people to visit store without their car
- Parking at Sainsbury's should link with that of the District Council
- The City Council to be involved with any improvements to Forehill, Broad Street and the bus service

7.4 **Haddenham Parish Council** - The Parish Council has general support for this additional retail facility much needed in the locality.

7.5 **Environment Agency** – No objection to the proposed development subject to conditions relating to Flood risk and surface water drainage, Contaminated land, Pollution prevention, foul drainage, Historic landfill.

7.6 **Anglian Water**

Members should be aware that Anglian Water maintain an objection to this planning application and believe that any determination of the application would be premature whilst the issue of odour mitigation measures remain unresolved.

The development site is within the recommended 400m cordon sanitaire of Works (see Cambs and Peterborough Minerals and Waste Plan), which represents a significant investment and cannot be easily relocated.

Whilst Anglian Water takes all reasonably practicable steps to prevent odour arising from the Works it is nevertheless important that there should be no development within 400m which is potentially sensitive to odour or other nuisance arising from the location of the Works. This may otherwise lead to an unacceptable standard of amenity for future occupiers of the site or prejudice the ability of Anglian Water to carry out future operational changes to the Works that may be necessary to deliver wider growth or protection of the environment. This is particularly acute in relation to serving the additional growth outlined in the Council's Core Strategy growth targets and further extended targets as stated in the Draft Ely Masterplan.

Sainsbury's has carried out an odour survey to support their application and has proposed a site layout taking into consideration the location of our Works. The predicted 5 ou/m³ contour (generally accepted odour annoyance criterion) is within a few meters of the proposed building entrance. As such the nature of the proposed facility is such that there is significant potential risk of annoyance to members of the public, delivery staff and car park attendants. Furthermore due to the uncertainties associated with any predictive modelling, there is a risk that odour impact will extend further than the 5 ou/m³ contour.

Anglian Water have suggested a number of informatives and conditions to cover their assets within, or close to, the development boundary and a condition to protect Anglian Water from future odour complaints.

7.7 **Archaeology**

There is potential for medieval and pre-medieval archaeology to be present within the former chemical works site, though this will be subject to the level of truncation of the site during building construction and the life of the chemical works. Should planning consent be granted conditions requiring a programme of archaeological investigation is recommend and that this work should be commissioned and undertaken at the expense of the developer.

7.8 **Cambridgeshire Fire & Rescue**

Concerns relate to the proposed car park, the likelihood of vehicle crime and safety on proposed pedestrian routes via Bell Holt and Vineyards.

7.9 **Environmental Health**

No objections subject to conditions limiting hours of delivery, lighting at the front of the store, odour mitigation and noise management plan regarding the extraction etc from the restaurant.

Scientific Officer – The impact on air quality given the increase in traffic flows as supplied are deemed to be largely satisfactory. Full contamination conditions should be applied.

7.10 **Ely Society**

- The Ely Society supports the provision of a Sainsbury superstore in Ely in principle. On balance we feel that the Lisle Lane site is probably the best, though not perfect option if an additional supermarket is needed promptly and if anything is going to happen at all.
- The significant additional traffic likely to be generated in the vicinity may be mitigated by less traffic travelling from north however only a thorough and independent traffic modelling study will prove or disprove this. There should be a weight limit imposed on Broad Street to force HGV' to use alternative routes.
- Alternative siting on the north/west edge of the city would integrate into the city centre. However they appear to involve complex land acquisition/relocation/open space issues which are likely to be contentious and take many years to resolve. Access problems particularly for delivery vehicles would however remain.
- A north of centre option e.g. Cam Drive could solve access problems and benefit all the new estates on that side of the city but at the risk of draining business away from the city centre like Tesco is accused of on the southern fringe. This could therefore do the city more harm than good and may well contravene government policy on green field sites.
- The design of the scheme seems to be low enough not to intrude on views of the Cathedral. Better a sensitive twenty-first century solution than a bit of ye-olde-ery.
- Ely Society must insist upon the relocation of the service ramp at the rear of the site to allow for the provision of a wide dedicated pedestrian landscaped link between the riverside and Pocket/Country Park.

7.11 **English Heritage**

The existing buildings on the site are of no architectural or historic interest and therefore English Heritage has no objection to the principle of redevelopment on this site. The massing of the new structure is controlled and views of the Cathedral are maintained or even enhanced.

Significant off site areas including the junctions of Lisle Lane, with Forehill, Forehill with Broad Street and Lisle Lane with Prickwillow Road are proposed and it is not clear from the application the extent of these works. These will have potential to impact upon the historic environment including the extent of any additional signage or the like. English Heritage would wish to have the opportunity to comment on these works.

7.12 **Principal Building Control Surveyor**

The renewable scheme provided is only in outline and does not address in detail the actual scheme which is not to be unexpected at this stage. The proposal is to achieve a structural envelope that performs 30% better than the current Building

Regulations part L standard and in addition to install a biomass boiler to cover the hot water load.

It appears that with a reduced heat loss/cooling load through the structure and the contribution to heating (depending on source of fuel) a Co2 reduction will be achieved over a “standard” building.

It is not possible to establish actual performance at this time and some concerns remain that the high electricity loading of this type of unit needs to be accurately assessed to ensure 10% of total energy consumption is provided by renewable means (or off-set by Co2 savings if felt appropriate).

It would be appropriate to apply a suitable condition to cover these details.

7.13 **Countryside Access Team**

The potential improvements that were discussed with the developer’s agent earlier in the planning process are largely reflected in this planning application. The suggested improvements to the rights of way network correspond well with the aims of Cambridgeshire’s County Councils Statutory Rights of Way Improvement Plan and the Local Plan.

7.14 **Residents and local societies –**

The applicants undertook an extensive public consultation exercise exhibition, Newspaper advertisements, presentations to local residents and societies. The applicant’s statement of public consultation indicates that 92% of the respondents (256 out of 280) were generally in favour of the proposals on the basis that the Sainsbury’s store would provide more choice and competition in Ely and create new jobs. The main concern was the impact of the new store on traffic in Lisle Lane and the effect on local road junctions. The secondary concern related to why the Lisle Lane site had been chosen and not on the north side of Ely where there were no supermarkets.

Letters of support have been received from 7 Cowslip Road Little Thetford, 36 Parade Lane, 8, 17 Bell Holt, 23 Columbine Road, 56 Fore Hill, 109 Henley Way

Letters of representation have been received from: 100 Lisle Close.36 Parade Lane, 36, 60 Prickwillow Road, 3 St Mary’s Court, 8 Willow Grove, 12 Compton Fields.

Concerns relate to:

- Increased traffic generation and implications for highway safety particularly at the Back Hill/Broad Street, Brays Lane /Beech Lane, /Newnham Street/Lynn Road, from the north and Prickwillow Road.
- Taking trade away from the remaining shops
- Reduction of staff at other supermarkets as a result of this proposal
- Loss of parking for residents in Lisle Lane.
- Design looks like a petrol station and should be a special architectural building with a design linking to historical heritage.
- Noise of people using the recycling centre
- Noise of delivery vehicles and customers using the car park
- Whilst supporting the principle of a new supermarket in Ely it is in the wrong location and should be away from housing and areas of known traffic congestion.

- Lack of footfall to the city - people will do their shopping and go straight home. A café on site reinforces lack of benefit to city generally.

7.15 Letters of representation have been received from 2, 6, 7, 10, 11, 15, 16, 18, 24, 41, 43, The Vineyards, 3 The Hoist, 2 Vineyard Way. Concerns relate to:

- Highway safety in the Vineyards - blind corners, single-track road, and existing footpath is very narrow and people walk in the road.
- Increase in pedestrian movements in the Vineyards will conflict with vehicular traffic.
- Increase in pedestrian and vehicular movements will conflict with current users and especially the elderly residents of Bell Holt who sometimes use mobility scooters.
- Change in the character of the area with a loss of residential amenity including privacy increase in noise levels.
- Loss of footfall on Fore Hill
- Increase in noise, litter anti social behaviour
- The potential for Sainsbury's customers to use The Vineyards, for parking and or as a drop off point especially if Lisle Lane/Cresswells lane junction is busy. There are no parking restrictions in the Vineyards and it is a cul-de -sac.

7.16 **Ely Traders Association** letter and a petition of 23 signatures from the Fore Hill Traders within this Association. Concerns relate to:

- Reduction of volume of passing customers on Fore Hill, which has been caused by ECDC emphasis on linking Sainsbury site to the town centre. Channelling of pedestrians along footpaths linking the Vineyards to Sainsbury's and the Aldi site will reduce footfall in Fore Hill.
- Any improvements to pedestrian linkages should in the first instance be between the primary shopping area and adjoining areas of secondary shopping.
- Improved pedestrian linkages between Lisle Lane and The Vineyards should be removed.
- Improved signage to the Town Centre and The Riverside should be via Fore Hill

7.17 **Ely Riverside Association** opposes the proposal. Concerns relate to:

- Increase in traffic generation. Broad Street, would be particularly affected as well as Broad Street/Back Hill, Fore Hill/Broad Street junctions
- Cam Drive is a preferable location compared with narrow traffic congested streets in historic centre. It would serve the new northern suburbs, which have no local shops and where use of bicycles or walking could be facilitated by a greater proportion of customers.

8.0 THE PLANNING POLICY CONTEXT

8.1 National Planning Policy

- PPS1 Delivering Sustainable Development and supplementary guidance on planning and climate change
- PPS4 Planning for Sustainable Economic Growth,
- PPS4 Practice guidance on Town Centres

PPS5 Planning and the Historic Environment
PPG13 Transport
PPS22 Renewable Energy
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risk

8.2 **Regional Spatial Strategy – East of England Plan**

SS4 Towns other than Key Centres and Rural Areas
T4 Urban Transport
T9 Walking cycling non-motorised transport
T7 Transport in Rural Areas
T13 Public Transport Accessibility
T14 Parking
ENG2 Renewable Energy Targets
ENV6 The Historic Environment
ENV7 Quality in the Built Environment
ENG1 Carbon Dioxide Emissions and Energy Performance

8.3 **Cambridgeshire and Peterborough Minerals and Waste Plan**

8.4 **East Cambridgeshire Core Strategy 2009**

CS1 Spatial Strategy
CS2 Housing
CS4 Employment
CS5 Retail and town centre uses
CS6 Environment
CS8 Access
CS9 Ely
EC1 Retention of employment sites
S1 Location of retail and town centre uses
S2 Retail uses in town centres
S4 Developer contributions
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

9.0 **PLANNING CONSIDERATION**

9.1 **The main planning issues to consider** in determining 09/00420/FUM are:

The principle of development – National Policy, Regional guidance and Adopted Core Strategy policies relating to spatial vision and strategic objectives for Ely.

Sequential approach and accessibility - PPS4 supports town centre first principles and emphasizes that schemes should comply with adopted town centre planning policy.

Impact considerations – Impact on Economic Development and the Town Centre. The objective is to focus on impacts during the first five years after the scheme.

Site-specific considerations – environmental and local considerations of the proposal.

Transportation – Effect on local traffic levels and congestion (especially to the trunk road network). Choice of means of transport.

9.2 **PRINCIPLE OF DEVELOPMENT**

The Council's strategic vision for this area is for high quality residential development, to raise the quality of the riverside area, promote and support tourism, and provide good pedestrian links between the river, town centre and Country Park. The adopted strategy for regeneration of this area is through housing and a small amount of offices (Policies CS2 CS9).

Retail use in the proposed location would be in conflict with the Development Plan and would have implications for the long-term strategic vision for the future development of Lisle Lane and the Riverside. Any grant of planning permission would require other material planning considerations to significantly outweigh adopted policy in order to justify a departure from the development plan.

9.3 **SEQUENTIAL APPROACH AND ACCESSIBILITY**

The site lies outside the town centre boundary as identified in the Core Strategy. A sequential approach means reducing the need to travel by seeking to focus new development within town centres, or failing that, on well located readily accessible 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 consumer choice and competition. The site should be available, suitable, and viable.

The applicant provides evidence of a sequential site search in their retail assessment (SRIA) and submits that the application site remains the most sequentially preferable site for new retail development. The following sites were identified by the applicant in their sequential test: -

Newnham Street/Paradise centre – whilst it is acknowledged this site could potentially accommodate new comparison goods retailing, the site was not considered suitable nor viable to cater for a modern store large enough to compete with Tesco. Availability was dependant on the relocation of existing uses which will not be achievable in the short term. The edge of centre location is no more sequentially preferable than the proposed site which is available immediately. Even if this site becomes available in the short term a smaller store

of the size, which could be accommodated on the site, would instead cater to everyday and top-up needs and therefore provide greater competition to Waitrose and the town centre specialist stores.

Angel Drove – although identified as an option to consider there are no existing retail/centre allocation on Angel Drove and therefore any site in this location would be “out of centre” and as such would be less sequentially preferable to the proposed site with fewer opportunities to establish links with the town centre.

Accessibility

Where less central sites are considered, preference should be given to “edge of centre” locations, which are well connected to the town centre by means of easy pedestrian access. Where there is good connectivity and linkages between the site and the town centre, shoppers will be able to make linked trips, which will support and compliment town centre uses. Members should consider whether the proposal is within easy pedestrian access of the town centre and will therefore function as an “edge of centre” or “out of centre” location.

PPS4 guidance defines an “edge of centre location” as one that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians’ perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is not an existing or proposed pedestrian route which provides safe and convenient access to the centre. An “out of centre” location is one that is not in or on the edge of centre, but not necessarily outside the urban area.

The applicant submits that although Fore Hill is a secondary shopping frontage this is contiguous with the primary shopping frontage and therefore within the “Primary Shopping Area” (as defined in PPG4). The proposal should therefore be considered an “edge of centre” location. Furthermore the applicants would submit that the site’s “edge of centre” location is established on the basis of the opportunity for achieving pedestrian linkages between the site and the town centre, rather than compliance with an arbitrary distance measurement. Linkages will be achieved between the site and Ely centre, via a number of pedestrian routes that Sainsbury’s are committed to maintaining. Sainsbury’s are unaware of any reason why the development of the Aldi footpath will not come forward which will provide a direct link into Ely city centre. The applicant suggests that the proposed car park, with a managed 3-hour stay would provide an additional facility for Ely. It would enable visitors to park their cars, visit the store and link it with a trip to the town centre.

Comment on the sequential approach and accessibility

It is acknowledged that there is a lack of large sites, which are central, available and suitable for modern retailing within the town centre boundary of Ely. Whilst an alternative site has been identified for retail purposes in the Core Strategy

(Policies CS5 and CS9) on the northern edge of the city, which meets the guidance on sequential assessment and definition of “edge of centre”, it is unlikely this will become available in the short term (5 years). It is acknowledged that the application site in Lisle Lane is available and the applicants assert that the proposal is viable. There is no reason to doubt that there is a reasonable prospect the proposed development will be delivered within the next 5 years.

From the corner of Lisle Lane/Cresswells Lane, to the nearest point of Market Place:

Using the Aldi footpath would be 364m

Using existing footpath link through Bell Holt would be 497m

Using the existing footpaths via Fore Hill would be 450m

From the corner of Lisle Lane/Cresswells Lane to the bottom of Fore Hill

Using the existing footpaths would be 254m

However from the middle of the proposed car park (having put the shopping in the car) it would be some 100m as the crow flies to the corner of Cresswells Lane/Lisle Lane. Thus the distances for pedestrians would be 354m to the bottom of Fore Hill using existing footpaths, over 500m to the Market Place using the Aldi footpath, and over 590m using the Bell Holt footpath link. It is also the case that all the pedestrian routes from the site to the town centre would involve an upward climb, which in the Fen landscape is notable. In addition all the pedestrian linkages from the site to the city centre would involve crossing Lisle Lane. Lisle Lane is locally perceived as a boundary between the city and riverside. The proposed distances are above the guidance for defining “edge of centre” and “out of centre”.

Although the footpath through the Aldi site has been approved and the applicants see no reason why the site will not be developed, it is the case that the site is outside the applicants control and there is no guarantee that the site will be developed and the pedestrian link become available. Although the Aldi route is considered unlikely to prove an attractive route encouraging linked trips and pedestrian movement between the centre and riverside it would increase the choice for pedestrians. There is an existing footpath network. Improvements and additional crossings in Lisle Lane and Waterside are proposed. Nevertheless your officers consider that for the purposes of PPS4 the proposed store is an “out of centre site” in the built up area.

9.4 **IMPACT CONSIDERATIONS**

Impact on Economic Development

9.4.1 Carbon Dioxide emissions and sustainable construction -

Core Strategy Policy EN3 requires applicants to demonstrate how schemes maximise energy demand and resource through sustainable design and construction and how they are located and designed to withstand the longer-term impacts of climate change. Policy EN4 requires that the proposal under consideration provides at least 10% of its energy requirements from a decentralised and renewable low carbon source.

The submitted Renewable Energy and Energy Efficiency Report indicates that that the company has a continued commitment to improving energy efficiency, reducing carbon emissions, reducing waste, reducing packaging, and increasing recycling in all their operations. Sustainable measures incorporated within the proposal include:

- rainwater harvesting, to minimise water use for certain operations within the store
- daylight – linked sun pipes and north lights in the sales area as a means of natural daylight into the store area
- provision of dimming control systems and energy efficient lighting to create a hybrid system to reduce energy consumption
- Controlled reflectors to external lighting in the car park area which direct light minimising waste light and light spillage
- Recycling banks within the store car park for metals, plastics, glass, fabric and paper.
- Planting native trees and shrubs
- Locally sourced materials wherever possible
- Re-use of materials on site wherever possible
- Employ off site manufacture wherever possible
- Use of electric delivery vehicles

The Report indicates that the Biomass Boiler plant to serve the heating demand for the store achieves around 40% of the overall energy consumption and thus exceeds the 10% target.

9.4.2 **Comment on the Carbon Dioxide emissions and sustainable construction**

The renewable scheme provided is only in outline and does not address in detail the actual scheme, which is not to be unexpected at this stage. The proposal is to achieve a structural envelope that performs 30% better than the current Building Regulations part L standard and in addition to install a biomass boiler to cover the hot water load.

It appears that with a reduced heat loss/cooling load through the structure and the contribution to heating (depending on source of fuel) a Co2 reduction will be achieved over a “standard” building.

The Principal Building Control Surveyor indicates that it is not possible to establish actual performance at this time and some concerns remain that the high electricity loading of this type of unit needs to be accurately assessed to ensure 10% of total energy consumption is provided by renewable means (or off-set by Co2 savings if felt appropriate). It is therefore considered appropriate to apply a suitable condition to cover these details of design and construction.

9.4.3 **Choice of means of transport** – this is discussed in transportation section below.

9.4.4 **Design**

Members should consider whether the proposal secures a high quality and inclusive design which takes the opportunity for improving the character and quality of the area and the way it functions.

PPS1, PPS5, Policy EN1, EN2 and EN5 of the Core Strategy outline that any new development on this site must be of a high quality sustainable design that will improve the local environment, enhance the conservation area, maintain existing views of the cathedral and take account of its position at the edge of the historic core of Ely.

Policy EN2 outlines a number of criteria, which are expected of any new development, and this includes:

(e) retain existing important landscaping and natural and historic features and include landscape enhancement schemes that are compatible with the Councils Landscape guidelines for recreation and biodiversity

(f) ensure that the scale, massing and materials of buildings relate sympathetically to the surrounding area

(k) provide structure by making use of existing views, vistas and landmarks and creating new ones.

(p) ensure that car parking is discrete and accessible

(q) ensure that there is no detrimental effect on the appreciation of Ely as an historic cathedral city in the quality of the approaches and the quality of views of the cathedral distant and close to.

Pre application discussions with the conservation officer, planning officer and English Heritage have resulted in the submitted plans whereby the overall mass and scale has been broken into six distinct areas with variable heights.

- Customer restaurant, business support area and Warehouse 12.8m
- Front entrance canopy 13.3m
- Entrance lobby 15.5m
- Atrium 13.5m
- Sales area 14.3m
- Unloading bay 12.4m
- External Plant 16.10m

A mix of cladding materials and different shading has also been introduced to break up elevational treatments to Cresswells Lane and Lisle Lane. Proposed materials used on the building would be clear glass in dark grey frames, buff coloured brick, reconstituted stone cills, western red cedar boarding, coated metal cladding panels in varying colours of light, medium and dark grey. Fascia panels would be white.

The mass of the new store will fill the width of the site to a depth of some 100m and will be higher than the existing and adjoining buildings.

9.4.5 **Comment on the design**

It is accepted that the buildings that were, and which remain, on the site have no historical or architectural merit.

It is cause for concern that more space has not been allocated for planting on such a major scheme located within the updated conservation area and adjacent to the country park. There is a lack of landscaping along the boundary with Cresswells Lane and within the Car Park. Whilst it is considered that the rear service yard, expanse of car parking and lack of strategic landscaping will not present an attractive approach to and from Ely and the riverside area there have been no

objections from English Heritage and the Conservation Officer regarding the design and Layout. The massing of the proposed building has been sensitively designed to take account of the site constraints. It is a modern building fit for purpose, with accessibility for all levels of ability. Existing views to the Cathedral from the edge of Pocket Park at Cresswells Lane are maintained.

9.4.6 Impact on economic and physical regeneration in the area

Members need to consider the impact of retail development on this vacant site and whether the proposal will raise the quality of the riverside for residents and tourists, provide improved links between the river and town centre and an attractive setting to the new country park. Core Strategy objectives of residential development of the site provides the opportunity to create new views to the Cathedral as well, a softer landscaped edge to Cresswells Lane and the country park, together with pedestrian and cycle linkages to the riverside. It could introduce pedestrian and cycle access through the site to the riverside and improve the quality of the environment for residents and tourists. However development of the site for these purposes is not guaranteed. Your officers are of the view that residential development with high quality offices would be subject to viability and density issues. The site could remain vacant. A retail store with a car park in this location would generate an increased number of visitors to this part of Ely which in turn could increase the number of people visiting the riverside, country park and city centre. Should Members approve the application it will not compromise housing delivery.

9.4.7 Impact on Local Employment

The site is a vacant employment site and adopted policy is to provide for some high quality office development. The proposed new store would provide employment opportunities for 300 – 400 part time and full time employees and PPS4 indicates that A1 retail employment can play a part within the local economy. This is considered acceptable within the overall strategy of the Core Strategy to provide a range of employment within the District.

9.4.8 Town Centre Impact

One of the key differences between PPS6 and PPS4 is that the applicant no longer has to demonstrate that there is a 'need' for the development although Local Planning Authorities still have to assess the need for retail development in the formulation of their policies. However, retail proposals over 2,500 sqm are required to be accompanied by a retail assessment, which looks at 'retail impact'. The 'impact test' contained in PPS4 requires developers to examine in more detail the scale and nature of any impact on the town centre. PPS4 (Policies EC14 and EC15) indicates that an assessment of retail impact should include:

- The impact on the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal*
- The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the retail offer*
- The impact of the proposal on allocated sites being developed in accordance with the development plan*
- The impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure*

capacity in the catchment area up to 5 years from the time the application is made

Whether the proposal is of an appropriate scale in relation to the size of the centre and its role in the hierarchy of centres

Any locally important impacts on centres

9.4.9 **Comment on the Town Centre Impact**

The applicants have submitted a retail impact assessment (SRIA), which has been the basis for discussion and scrutiny.

The Council's Retail Study 2009 (ECDCRS) is the most up to date assessment of retail needs in East Cambridgeshire and informed the adopted policy on retail provision in the Core Strategy (Policy CS5). It was endorsed by the Inspector at the Core Strategy Examination.

In summary the EDCRS identifies that over the long term 2007 – 2025 the available expenditure for new floorspace is £13.2m with a potential for between 1,000m² (net) and 2,600m² (net) of convenience floorspace depending on the sales density adopted, with an average of about 1,800m². The recommended strategy for allocating the available convenience floorspace is for 50% of convenience provision to be directed to Ely as the Major Town Centre and the remainder split between Soham (30%), and Littleport (20%) This has informed Policy CS5 which allocates 900m² convenience floorspace to Ely, and with 550 m² in Soham and 350 m² in Littleport. The Core Strategy allocates a total of 8500 sqm of comparison floorspace in the long term up to the year 2025.

The SRIA does not address the impact of the proposed comparison floorspace due largely to the EDCRS identification of sufficient available comparison expenditure to support the amount proposed (1079m² net) within the Sainsbury's store. In relation to convenience floorspace, the issue is more complex due partly because the EDCRS and the SRIA do not use the same methodology and assumptions.

When assessing retail impact, applicants should look at the retail impact of their proposals over a 5-year period and should also take account of the cumulative impact of their retail proposals with existing commitments. The only commitment in Ely is the planning permission granted in 2008 for the development of an Aldi food store of 1600m² net floorspace on land on the northern side of Lisle Lane. A further commitment is the planning permission for the Co-op at Littleport. The applicants therefore need to demonstrate that there is sufficient expenditure capacity for both their proposal and the committed Aldi and Co-op stores so that there would be no adverse impact upon the vitality and viability of Ely town centre as a whole.

The applicant submits there is sufficient expenditure capacity to accommodate an anticipated turnover of the Sainsbury's store of £34.80m and the committed Aldi store at 2013. They assert that whilst the amount of floorspace proposed is greater than the EDCRS recommendation, a new Sainsbury's food store will increase existing market share of Ely in accordance with policy CS5, and will claw back between 5% to 10% of expenditure which is currently leaking from the District. This would have spin off benefits for Ely city centre through linked trips and increased visitation to other city centre facilities.

The applicant also expects that the majority of the convenience turnover of the new Sainsbury store (£24m) will be diverted from the two existing large food stores serving Ely - Tesco and Waitrose with a further £4.5m– being diverted from other stores outside the District where residents currently carry out their weekly convenience shop. This assessment has been made on the basis of existing shopping patterns, the nature of existing provision, which includes a limited provision of small specialist convenience stores in Ely city centre, (Iceland and Spar) and the fact that residents of Littleport and Soham will continue to obtain top-up shopping needs at their closest stores. The smaller centres do not provide for comprehensive weekly grocery needs, but tend to cater for everyday local needs which are served by the existing provision within those centres. It is not anticipated that the proposed Sainsbury's store would materially alter the existing top up shopping patterns in those centres.

Furthermore, the SRIA has not taken into account the expenditure generated from Ely's strong tourist market, which the applicants consider partly cushions the city centre and therefore the assessment can be regarded as conservative.

The applicant has asserted that both Tesco and Waitrose are currently overtrading i.e. are trading at levels which are in excess of the respective company average. Furthermore, that even with Aldi trading, there would still be sufficient capacity for the new Sainsbury's and that the proposal also provides the opportunity to improve the range and choice of goods available to existing residents. They confirm that the operational requirements of an efficient modern Sainsbury's store can be met by the use of the application site.

The applicant concludes that their SRIA demonstrates that the proposed Sainsbury store will not adversely impact upon potential investment within the city centre or upon its character and role within the District. The ongoing demand for premises in the city centre, despite the Sainsbury's proposal, is demonstrated by the recent opening of M&Co in the former Woolworth's unit in the Market Place. The applicants therefore contend that the Sainsbury's store will not harm the health of Ely city centre, nor the smaller centres of Soham and Littleport.

Government guidance contained in the Practice Guidance to PPS4 confirms that retail impact studies are not a precise science but there are certain accepted principles when assessing retail impact. One of these is that superstores tend to impact upon other similar stores and therefore there is no dispute with the applicants that the majority of the Sainsbury's turnover would be diverted from other large stores. Furthermore, it is accepted that both Tesco and Waitrose, which would experience the greatest levels of trade diversion, are currently trading in excess of their company averages and may therefore be regarded as overtrading. In terms of Tesco this is an out of centre store and whilst the level of trade diversion is significant, PPS4 does not provide any protection to maintain current levels of trade in such locations. It should be remembered however, that the Inspector in the Lidl Inquiry did not regard the level of overtrading at either Tesco or Waitrose to be such as to demonstrate a need for the Lidl store and therefore justified under the former PPS6, which did require applicants to demonstrate need.

A further accepted principle is that superstores such as Sainsbury, Tesco and Waitrose tend to attract different customers to the 'deep discounters' such as Aldi and Lidl. As such, it is unlikely that a Sainsbury's would adversely impact directly upon the proposed Aldi. No objections have been received from Aldi.

The critical issue will be the impact that the Sainsbury store would have on Ely city centre. Retail Impact Assessments are not required to assess impacts upon individual shops but should look at the impact upon the town centre as a whole. The applicants have been asked to provide an assessment of the likely impact upon Ely Town Centre and this has now been submitted. The applicants have assessed the total town centre convenience turnover to be £21.79m of which £6.94m would be diverted to Sainsbury. This represents a loss of 31.8% of the current convenience turnover of the town centre. The applicants argue that this level of trade diversion can be borne because it represents the overtrading of Waitrose which would still operate at a level above the company average and that the level of diverted convenience trade forms only a small part of the overall turnover of the city centre as a whole. Following concerns by officers, the appellants have also submitted additional figures, which quantify the comparison turnover of the town centre, to put the convenience trade diversion into context.

The applicants accept that there would be some loss of spin-off convenience and comparison trade from the rest of the town centre, as a result of the diversion of convenience trade away from Waitrose. However, they maintain that with the package of measures that are proposed which link Sainsbury with Ely city centre, the new store will generate a far greater level of spin-off trade resulting overall in a positive impact upon the town centre.

The level of trade diversion and consequential impact upon the Waitrose store is not disputed and your officers consider that there are two points to bear in mind: - Firstly, it is your officers' opinion, that Sainsbury's would be located in an out of centre location and not in an edge of centre location as the applicants argue. Sainsbury therefore has the potential to draw a significant amount of convenience trade away from the town centre, the impact of which will be concentrated almost exclusively on Waitrose. Waitrose performs as an anchor store, which draws significant numbers of shoppers into the city centre and generates linked trips to other shops and services. As has been accepted by the applicants, the likely level of diversion will result in less footfall and spending in other food and non-food shops in Ely town centre. Small existing food stores in Ely town centre (including various butchers, bakers, grocers etc.) are likely to have smaller profit margins and less ability to respond to the challenge of falls in levels of trade than national supermarket chains. In the light of the recent recession, any significant diversion of existing trade away from the city centre could have an adverse impact upon its vitality and viability, contrary to PPS4.

Secondly, it is accepted that Sainsbury has the potential to generate spin-off trade for the town centre, which could, in all likelihood, compensate for the amount of spin off trade lost as a result of the diversion of trade from Waitrose. The applicants argue that this spin off trade would result in a positive impact upon the town centre. This would be important in protecting the town centre from what otherwise could be an unacceptable loss of trade. However, your officers consider that this could only be effective if the new Sainsbury store could and would

function as an edge of centre store. It is therefore considered that the levels of trade diversion outlined above could only be borne if Members were satisfied that Sainsbury could be linked to the City Centre so that it effectively performed a similar function as Waitrose in providing linked trips and assisted in underpinning the city centre.

9.5 Site specific Environmental Impacts

9.5.1 Archaeology - There is potential for medieval and pre-medieval archaeology to be present. Should planning consent be granted standard conditions requiring a programme of archaeological investigation is recommended and that this work should be commissioned and undertaken at the expense of the developer.

9.5.2 Air Quality - The applicants have submitted an amended Air Quality Assessment in relation to the proposed increase in traffic generated by the proposal. Air quality is a material planning consideration and the Councils Scientific Officer has scrutinised the report and is satisfied that air quality is acceptable. There would need to be significant discrepancies in the traffic figures for any adverse impacts to occur.

9.5.3 Flood risk and drainage – There are no objection from the Environment Agency in principle to the proposed development, subject to conditions requiring submission of further information.

9.5.4 Residential Amenity and Local Interest Groups

Ely residents and Local interest groups raise concerns regarding the traffic generation, increase in congestion and loss of parking. Ely Traders Association concerns relate to the loss of footfall in Fore Hill if access is provided via the Aldi site. EHO have raised no objections subject to appropriate conditions.

9.5.5 Footpath linkages

Local residents have objected to the proposed increased use of footpaths linking to the Vineyards and the potential for cars to use The Vineyards as a drop off/waiting area for Sainsbury's customers. The loss of parking in Lisle Lane has also been a reason for objection. Ely Traders Association have expressed concerns about the pedestrian linkage through the Aldi site as they fear it would reduce the volume of passing custom and the marginalization of Fore Hill.

The applicants have confirmed that the favoured pedestrian route with signage will be via Fore Hill. Your officers are of the view that increased use of an existing footpath network within the Town Centre boundary could not be considered to be detrimental to residential amenity and The Local Highway Authority is satisfied that restricted on road parking at the Vineyards is not necessary at this time. It is the case that there will be a loss of on – street parking in Lisle Lane.

9.5.6 Odour – It is acknowledged that the proposal falls within the 400m cordon sanitaire. It is understood that the applicant and Anglian Water are in discussions regarding suitable mitigating measures for odour nuisance and Anglian Water maintain an objection to determination of the application until these measures are agreed.

9.5.7 Community Safety -

Cambridgeshire Constabulary concerns relating to vehicle theft and pedestrian making a shortcut through the car park to the riverside country park area remain unresolved. CC do not believe defensible planting around the car park will work and suggest that from a crime reduction and community safety perspective the south east boundary should be secured by fencing up to the main vehicle entrance in Cresswells Lane. The applicant does not propose to provide fencing around the southeast boundary of the site, however in respect of security wish the following to be noted:

- The store will have a security guard on site for the majority of its trading hours
- Even though the store will not trade 24hours a day it will be staffed at all times for replenishment purposes which will mean there will be a Sainsbury's presence on site at all times.
- The car park will be managed by Euro Car Parks, who will be on site for a significant number of hours per week
- CCTV coverage and ANPR (external number plate recognition system) will be provided in the car park to monitor the security of car parking areas when not in use.

9.5.8 Biodiversity

The applicant's ecological appraisal found that the site has limited biodiversity interest. The mitigation measures proposed are acceptable to Natural England.

Comment on the site specific Environmental Impacts

There will be delivery vehicles to the site between the hours of 23:00 and 07:00, however in view of the hours of operation of the former Chemical company and the adjacent post office sorting office it is considered that a condition requiring a yard management plan is acceptable (Appendix 1 Condition 26) to protect the amenities of adjoining residential occupiers. In addition a condition requiring the fence along the southwest elevation of the service yard should be an acoustic fence should be attached to any grant of planning permission. (Appendix 1 Condition 25).

Whilst the issue of odour mitigation measures remain unresolved, your officers are of the view that this does not preclude Members, should they be so minded, from approving the application in principle, provided that a condition requiring odour mitigating works are provided prior to commencement of development. (See condition 20 Appendix 1). Your officers expect that negotiations between Anglian Water and the applicants will continue in order to resolve the outstanding matter of odour mitigation.

With regard to community safety the applicants have taken into account security of the site and your officers are of the view that within the conservation area defensible planting is preferable to a security fence. However the potential for pedestrians taking a shortcut through the car park and also for vehicle theft remains.

It is considered that the substantive elements of the site-specific environmental impacts are considered to be acceptable subject to conditions being attached to the appropriate elements of the application.

9.6 **TRANSPORTATION**

Highway Authority

Existing Use Traffic Generation

- 9.6.1 The site has consent for B1 use (Ely Chemical Company) and B8 use (Dane Distribution Ltd), although the premises are no longer in operation. TRICS software (a national database) has been used in order to ascertain what the peak hour traffic generation of the previous uses may have been. These can be seen in the table below.

	Traffic Generation		
	Arrivals	Departures	Total
Weekday am peak	12	2	14
Weekday pm peak	3	13	16

On a typical weekday the previous uses could have generated 112 car trips and 38 HGV trips on a daily basis.

Proposed Trip Generation

- 9.6.2 The applicant's transport consultant predicts that the proposed Sainsbury's supermarket development would generate around 18,828 person trips on a typical Friday, of which 84.7% would be made by car. The table below shows a breakdown of the proposed trip generation and mode splits.

Mode	Percentage %	One-way person trips	Total two way person trips
Friday			
On foot	12.0	1133	2266
Public Transport	2.1	196	392
Bicycle	0.9	83	166
Driving car or van	76.2	7171	14342
Passenger car or van	8.5	797	1594
PSV	0.1	11	22
OGV	0.2	23	46
Taxi	0.0	0	0
Total	100	9414	18828

- 9.6.3 The 7,171 cars assumed to visit the proposed store on a typical Friday represents a high proportion of the 38,100 dwellings expected to be in East Cambridgeshire by 2016. Wards within 10km of Ely would account for 27,200 of these dwellings. A further 7,167 visits by car are expected by the applicant on a typical Saturday.
- 9.6.4 The applicant's transport consultant predicts that 872 car trips would be made to/from the store in the Friday pm peak hour (17:00 – 18:00) and 1082 in the Saturday peak hour (11:00 – 12:00). For transport assessment purposes, a trip is defined as a single movement. Therefore, a single visit to and from the store (two-way) would be measured as 2 trips. A food supermarket is one of the largest generators of traffic per square metre of floor area. The development would inevitably lead to increased congestion on the local highway network particularly along Lisle Lane, Broad Street and Station Road.
- 9.6.5 An acceptable range of measures has been proposed by the applicant to provide for access along Lisle Lane & Cresswells Lane and to improve pedestrian, cycle and bus routes to the store. In addition, the applicant intends to make a sum of money available to carry out further highway improvements to mitigate against congestion where possible within the constraints of the historic street layout. These further improvements would be subject to public consultation and Area Joint Committee discussion in the usual way.
- 9.6.6 The effect of the trips generated by the proposed development has not been assessed using a Transport Model of the city as a whole. It is, therefore, not possible to predict with any certainty how traffic flows would change on roads in the centre or to the south and east of the city. The County Council cannot at this stage reassure the East Cambridgeshire District Council (ECDC) Development Control Committee that a solution to all congestion issues arising out of this development can be found. However, as no strategic road or junction would necessarily be adversely affected, it is not considered that a highway objection on the grounds of congestion alone could be sustained at appeal. The County Council, as highway authority, has no remit to consider such matters as air quality or residential amenity and these matters are for your authority to take into account during the decision-making process.

ACCESS IMPROVEMENTS PROPOSED TO BE CARRIED OUT BY SAINSBURY'S

- 9.6.7 The applicant has proposed a series of changes to the existing highways in the vicinity of the site in order to facilitate access to the proposed store. The following are acceptable in principle but may be subject to minor revisions as detailed design and Traffic Regulation Orders progress:
- Traffic signal-controlled junction at Lisle Lane / Cresswells Lane with pedestrian facilities on all sides and 1 remote puffin crossing on Lisle Lane approximately 80m southwest of Cresswells Lane. *Note: This is predicted to lead to queues of up to 31 - 35 vehicles on Saturday mid-day and up to 12 – 14 vehicles late Friday afternoon on the Lisle Lane approaches to Cresswells Lane. At mid-day on Saturday, the queue is likely to extend back almost as far as Waterside. Micro-simulation has been carried out to demonstrate the interaction of the proposed Aldi access with the proposed signals. Queues would build up then dissipate along Lisle Lane and at the Aldi access during*

the peak hour whilst severe congestion could be encountered by drivers trying to leave Sainsbury's. The acceptable layout depends on the revised position of the Aldi access, which is the subject of 09/00839/ful.

- Improvements to Cresswells Lane to provide supermarket access
- Change in priorities at Lisle Lane / Waterside / Fore Hill junction with a zebra crossing approximately 24m northwest of Lisle Lane
- Parking restrictions of No Waiting At Any Time or Between 8am and 6pm along the whole length of Lisle Lane and Cresswells Lane *Note: Whilst delivery of these measures is dependent on a separate public consultation exercise and Committee decision, it is probable that the minimum restrictions required for the efficient operation of the proposed junction layouts could be delivered.*
- Lighting improvements along entire length of Lisle Lane (awaiting confirmation from applicant).

FURTHER ACCESS IMPROVEMENTS

- 9.6.8 It has been agreed in principle that S106 financial contributions would be provided by the applicant for the following:
- Surface and lighting improvements on public footpaths 6, 8, 9 and 12
 - Providing an on-street cycle lane on Lisle Lane northeast of Bell Holt
 - Improvements to Waterside and Springhead Lane rights of way
 - Bus service enhancements
 - A town centre traffic and environmental improvement study with an amount for potential highway improvements (see below)

OTHER POTENTIAL IMPROVEMENTS TO MITIGATE CONGESTION

- 9.6.9 Modelling of the revised layout of the Lisle Lane / Waterside junction, the existing layout of the Broad Street / Back Hill junction and the Prickwillow Road / Lisle Lane mini-roundabout has shown that these junctions should perform to an acceptable level in terms of both highway safety and traffic capacity once the improvements listed in 8.5.7 above have been carried out.
- 9.6.10 The existing layout of the Broad Street / Back Hill / Potters Lane / Station Road junction has also been investigated. Because the junction is already congested, any increase in traffic due to general development in the area would lead to more queuing at peak times. The addition of trips going to/from Sainsbury's on top of general traffic growth in the area shows a disproportionate increase in queuing. With the existing layout of the junction, the applicant's Transport Assessment (TA) shows that, by the year 2016, queuing would occur of up to 123 west-bound vehicles on Broad Street in the Friday pm peak hour and up to 200 north-bound vehicles on Station Road in the Friday pm peak hour due to a combination of general growth on the network and the additional traffic generated by the Sainsbury's development:

	2009 Base Traffic Flows	2016 Flows excluding Sainsbury's	2016 Flows including Sainsbury's
Link	Queue	Queue	Queue
Back Hill	0	0	0
Station Road	15	59	200
Broad Street	11	44	123

- 9.6.11 Broad Street and Station Road are not identified as Strategic Roads in the County's Asset Management Plan. However, Broad Street and Station Road are C-classified roads and play an important role for people moving about the city. Any queue of more than 31 north-bound cars on Station Road would block back and potentially obstruct the A142 at the Angel Drove / Station Road roundabout compounding problems that already occur at the junction when south-bound traffic is held up by the level crossing. Problems at this location would be relieved by the Ely Southern Link Road but there is no date set for the implementation of this long-term project.
- 9.6.12 The County Council's Transport Assessment Manager is of the view that the queues predicted in the applicant's TA are unlikely to materialise as a result of the Sainsbury's application since
- The number of trips predicted by the applicant appears unrealistically high
 - Many food shoppers would not queue past one supermarket to get to another, other shoppers may adapt their behaviour to shop on-line or at quieter times
 - Some drivers may use alternative routes (e.g. Queen Adelaide Way to get to / from the A142; Nutholt Lane, Lynn Road, St Mary's Street to get between the east and west sides of Ely)
- 9.6.13 The applicant has not used ECDC's transport base model of the city of Ely to show how routes across the city and around the southeast of the city might be affected by the proposed development. Instead, the applicant has offered a sum for this modelling to be carried out by ECDC plus a further capped amount for a highway scheme or schemes in the area to deal with the congestion arising. ECDC may consider that it would be beneficial for the study to be carried out now so that the likely effects of the Sainsbury's store on the wider city road network could be evaluated to inform the Development Control Committee's decision.
- 9.6.14 At this stage, it is not clear what highway scheme or schemes might be appropriate to mitigate against congestion where possible within the constraints of the historic street layout. Any highway improvements would be subject to public consultation and Area Joint Committee discussion in the usual way.

APPROPRIATE CONDITIONS TO ANY CONSENT GRANTED

9.6.15 Should ECDC be minded to grant consent, the following matters should be covered by conditions:

- Prior to first occupation, access and off-site highway works built to the written satisfaction of the LPA in consultation with the LHA
- Parking, turning, servicing, loading and unloading areas shown on the approved plans to be laid out etc. prior to first occupation
- Temporary facilities for loading, parking and turning of all construction vehicles to be clear of the public highway
- Development not to be occupied until a travel plan submitted and approved in writing by the LPA in consultation with the LHA
- No part of the source of any lighting to be visible to users of the adjacent public highway.

9.6.16 **Comment on Transportation**

The applicants Transport Assessment predicts queues at the Cresswells Lane /Lisle Lane junction. There will also be queuing and congestion in the Broad Street/Back Hill/Station Road area, which could have a knock on effect to the A142. The County Council's Transport Assessment Manager is of the view that the queues predicted in the applicant's TA are, for various reasons, unlikely to materialize and whilst Broad Street and Station Road play an important role in the city, they are not identified as Strategic roads. As no strategic road or junction would necessarily be adversely affected, a highway objection on the grounds of congestion alone could not be sustained at appeal.

It is not clear what highway schemes or scheme might be appropriate to mitigate against the predicted congestion and Members should consider The County Council's Transport Assessment Manager's comments with regard to transport modeling of the city of Ely taking place in order to inform their decision. The Transport Assessment Manager has advised that it is not known if the ECDC model is appropriate to model food retailing in the City. A review of the model is needed to understand the way retail trips have been incorporated and advise whether it is capable of giving a more robust analysis than the work undertaken for the Transport Assessment.

10.0 **OVERALL CONCLUSIONS**

10.1 **The positive impacts:**

- Provision of full time and part time employment
- Introduction of a new convenience retailer within Ely.
- Increase in choice for comparison goods shopping
- Clawback of trade to the town which is currently leaking out of the District
- Provision of car parking to support the town centre
- Provision of enhancements to cycle routes and pedestrian links within the town centre secured by S106 agreement
- Support for improved bus services and other highway improvements secured by S106 agreement.

- Consolidation of Ely as a Major Town Centre within the District.
- Improved signage and city centre improvements secured by S106 agreement
- Provision of cycle routes in the country park secured by S106 agreement
- Increased footfall on Forehill, which is a secondary shopping frontage within the town centre.
- Benefits for loyal Tesco and Waitrose shoppers by reducing overtrading at the present stores.

10.2 The negative impacts

- Strategic vision for the area is for housing and high quality office.
- Retail Impact on the town centre as a whole is unclear, with the possible loss of some independent comparison and convenience retailers
- Traffic congestion and queuing
- Lack of structural planting, in relation to the riverside, country park and conservation area
- The potential for pedestrians to take a shortcut through the car park and for vehicle theft.
- The potential for the store to act as an out of centre store with pedestrians not linking trips between the proposed store, car park and the town centre.

Planning policy requires new retail development to be located in a place, which supports the vitality and viability of the existing town centre without giving rise to any significant adverse impacts. In an historic market town such as Ely with an associated road network, the current proposal inevitably gives rise to a complex number of issues to be reconciled.

The adopted strategy for the area is for predominantly residential use, however housing delivery for the Lisle Lane area would not be compromised if the application site were developed for retail use. In addition the housing allocation strategy for Ely will be made through the Ely Area Action Plan, which is in the process of preparation.

Within the next 5 years it is unlikely that the site identified within the Core Strategy in Newnham Street/Paradise Centre as the “main opportunity for the expansion of the city centre” will become available and the application is premature before the adoption of the Ely Action Area Plan. In any event the site is not large enough to cater for a modern store of the Sainsbury’s model. Availability of this site is dependant on the relocation of existing uses, which will not be achievable in the short term.

Although the majority of recent housing growth has taken place to the north of Ely and where areas of search for future housing growth are identified in the Core Strategy, any proposal for a supermarket to the north of the city would be in an out of town location, need to pass the sequential test, contrary to policy and premature before the adoption of the EAAP. The opening of the link road to Thistle Corner (imminent) will provide car borne residents in the north of the city a more direct link to the application site.

Given the existing use of the site and adjoining uses, your officers consider that the impact of the proposal on the site specific environmental considerations are

acceptable and can be controlled by appropriate conditions. However there are two issues, which remain of concern to your officers.

It is your officers' opinion, that Sainsbury's would be located in an out of centre location and therefore has the potential to draw a significant amount of convenience trade away from the town centre. In the light of the recent recession, any significant diversion of existing trade away from the city centre could have an adverse impact upon its vitality and viability, contrary to PPS4. The applicants argue that the site is edge of centre and well connected to the city, which would in turn, would result in spin off trade. This would have a positive impact upon the town centre. Your officers consider that this spin off trade from Sainsbury's to Ely city centre would be important in protecting the town centre from what otherwise could be an unacceptable loss of trade. However, your officers consider that this spin off could only be effective if the new Sainsbury store could and would function as an edge of centre store. Your officers are of the view that the package of measures put forward by the applicant do improve linkages with the Town Centre and that it is likely once the store is opened pedestrian routes will become established.

Members must be satisfied that there is good connectivity between Sainsbury's and the city centre so that it effectively performs a similar function as Waitrose providing linked trips and assisting in underpinning the city centre.

The second issue relates to the traffic queues and congestion, which will inevitably result from the proposal.

It is not clear what highway scheme/s might be appropriate to mitigate against congestion within the constraints of the historic street layout. The applicant has offered the finances to carry out further modelling work using the ECDC transport base model to show how the city might be affected by the proposed development by the congestion at the Broad Street Back Hill junction. In addition the applicant has offered a further capped amount for a highway scheme/s to deal with arising congestion. The S106 agreement secures these monies.

The County Council's Transport Assessment Manager is of the view that the predicted queues are unlikely to materialise, and an objection on the grounds of congestion alone is not a reason, which the Local Highway Authority feels, could be sustained at Appeal.

Members must decide whether, the predicted levels of congestion and queuing are acceptable or whether they wish further modelling work to be carried out prior to the determination of the application.

11.0 **RECOMMENDATION**

On balance your officers are of the opinion that the positive impacts of the proposal outweigh the negative and that the application should be APPROVED subject to:

The conditions outlined in Appendix 1, and a Section 106 covering the Heads of Terms in Appendix 2.

Any minor variation to the wording of the planning conditions and S106 agreement which do not affect the substantive content, are delegated to The Head of Planning and Sustainable Development and

The application is referred to the Government Office, to enable the Secretary of State to decide whether or not to “call in” the proposal for determination.

12.0 **APPENDICES**

- Appendix 1 Planning Conditions
- Appendix 2 Agreed S106 Contributions

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application File	Ann Caffall Room No. 011 The Grange Ely	Ann Caffall 01353 665555 ann.caffall@eastcambs.gov.uk

APPENDIX 1
PLANNING AND DEVELOPMENT COMMITTEE JUNE 2 2010
09/00420/FUL Sainsbury's – Lisle Lane Ely
SUGGESTED PLANNING CONDITIONS

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. Competent persons must undertake the investigation and risk assessment, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - i. (i). A desk study identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
 - ii. (ii). A site survey of the extent, scale and nature of contamination based on 1 to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 - iii. (iii). An assessment of the potential risks to:
 1. Human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 2. adjoining land;
 3. groundwaters and surface waters; ecological systems;
 4. archaeological sites and ancient monuments;
 - iv. (iv). An appraisal of remedial options, and proposal of the preferred option(s).
- 3 This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.
- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 5 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be

given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 7 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports of the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.
- 8 Prior to the commencement of any development, a scheme for the provision and implementation of pollution control to the water environment, which shall include foul water drainage, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- • Details of how the scheme will be maintained and managed after completion
 - • Full calculations for the surface water storage up to the 1 in 100 year critical storm including an allowance for climate change.
 - • A letter of confirmation from the sewerage undertaker that they will accept the proposed discharge.
- 10 No development shall take place within the site until the applicant, or their agents or successors in title, has implemented an archaeological programme of fieldwork, analysis and reportage in accordance with a written scheme of investigation which has been submitted by the applicant

or their agent and approved in writing by the Local Planning Authority or their archaeological advisors on their behalf.

11 Prior to the commencement of the development hereby permitted a comprehensive construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a plan must include details of the routes to and from the site for construction and delivery vehicles and details of the access onto the site from the public highway. The scheme shall include details of the maintenance of a travel log showing all delivery and service vehicle route movements to and from the site. A monthly management audit shall be undertaken on the log to check for compliance with the approved route. Temporary facilities for loading, parking and turning of all construction vehicles shall be clear of the public highway. The log and management audit shall be made available to the Local Planning Authority within 7 days of written request.

12 Prior to commencement of the development hereby approved details of the biomass boiler, height of the flue, fuel type and transportation methods, structural envelope, heating, and cooling systems for the building should be submitted to, and approved in writing by the Local Planning Authority. Such details should include sufficient information to show compliance with Policies EN3 (sustainable construction and energy efficiency) and EN4 (renewable energy) of the East Cambridgeshire Core Strategy 2009.

13 No development shall take place until details of facilities for the storage and removal of refuse from the site have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the store and retained thereafter.

14 Prior to the first occupation of the development hereby permitted, the on-site servicing, loading/ unloading and turning area, shall be laid out surfaced and drained in accordance with the approved plan No.83308/A/55.

15 Prior to the first occupation of the development hereby permitted, 470 car parking spaces 74 cycle stands and 24 motor cycle stands, shall be laid out and provided to the written satisfaction of the Local Planning Authority, within the application site, for the parking of cars, cycles and motor cycles and such spaces shall thereafter be retained and maintained at all times solely for the specific use of parking of cars, motorcycles and cycles in connection with the development hereby permitted. The car park shall include a designated dial a ride pick up/drop off point as indicated on plan No DMWR/A1/PL00012/E.

16 Prior to the commencement of the development details of the method for piling for construction works, including a method statement and noise emissions shall be submitted to and approved in writing by the local planning authority. All piling works shall be carried out in accordance with the approved details.

17 Prior to the first occupation of the store fire hydrants shall be installed at the site in accordance with detail previously submitted to and approved in writing by the Local Planning Authority.

18 Prior to the occupation of the development hereby permitted a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority.

19 Prior to the first occupation of the development hereby permitted, all access and off-site highway works shown on plans 83308/A/43/E, 83308/A/15A, 83308/A/37 and 83308/B/6/D shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. Works to include the permanent closure of the existing access on to Lisle Lane and the reinstatement of the verge and footway.

20 No development shall take place until full details of odour mitigation measures have been submitted to and agreed in writing by the Local Planning Authority and those works shall be carried out as approved. These details shall include the design and layout of the development and screening along the north east/south east boundary to take account of any odours and visual nuisance from the Crosswells Lane Waste Water Treatment Works.

21 Prior to the commencement of development the applicant shall prepare a comprehensive employment strategy taking account of the District Council's Skills Fledge to assist local recruitment within Ely. This strategy shall be submitted to and approved in writing by the Local Planning Authority and carried out strictly in accordance with the approved details.

25 Prior to commencement of development details of the acoustic fencing to be erected along the south western elevation of the service yard shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

26 Prior to the commencement of development a Yard Management plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented once the store begins trading. It shall include measures such as:

- The headlights and radars are to remain switched off when the delivery vehicles are stationary
- Measure to ensure loading bay roller shutter doors are kept closed during unloading and
- The use of an Early Warning Tracker System to communicate to the store and give an estimated time of arrival.

27 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Existing trees to be retained as agreed in the permitted scheme are to be identified and shown for retention on the soft landscape plan. The works shall be carried out strictly in accordance with the approved details prior to the opening of the development hereby approved

26 No development shall take place until a scheme for the maintenance of the trees and shrub planting for a minimum period of five years, has been submitted to and approved in writing by the Local planning Authority. The scheme shall include details of the methods for the proposed

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maintenance regime, a detailed maintenance schedule, and details of who will be responsible for its continuing implementation and will include arboricultural inspection of existing trees agreed for retention and newly planted trees. Any proposed tree works arising from the arboricultural inspection will need to be submitted to the Trees Officer in writing for consideration. The soft landscaping shall be maintained in accordance with the agreed scheme. Any newly planted trees or shrubs that are removed, uprooted, destroyed or dies within five years of the original planting shall be replaced in the planting season following loss.

29 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as submitted and specified in the application. No additional or alternative materials shall be used unless otherwise agreed in writing by the Local Planning Authority

27 The Use of the Store hereby permitted shall be solely for Class A1 retail use with an ancillary A3 Café use. No more than 33% of the permitted net retail sales area shall be used for the sale of comparison goods.

28 The retail store hereby permitted shall only be open for customers between 00:00 and 22:00 hours Mondays to Saturdays and 10:00 – 18:00hrs on Sundays and 09:00 – 19:00 hrs on Bank or Public Holidays.

29 No deliveries shall be despatched from the site outside the hours of 06:00 – 22:00 hours Monday - Saturday, and outside the hours of 08:00 - 19:00 on Sundays, Bank or Public Holidays.

30 No external loudspeaker systems shall be installed.

31 The areas within 10m of the glazed section of the elevations on the ground floor to Lisle Lane and Cresswells Lane shall remain free of posters, boards, display equipment or other obstructions unless otherwise agreed in writing by the Local Planning Authority.

32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the areas shown for landscaping on the plans hereby approved shall be retained and maintained as open landscaping, and shall not be developed, enclosed or used in any way unless otherwise agreed in writing by the Local Planning Authority

33 No plant or machinery to be used in connection with any site demolition, site preparation or construction works, shall be operated on the premises before 07:30hrs on Monday to Saturday, nor at any time on Sundays or Bank Holidays

34 No part, or part of, the source of any lighting shall be directly visible to users of the adjacent public highway

Informatives

1 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity, or

introduce any elements detrimental to highway safety that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality.

2 This decision notice should be read in conjunction with the Section 106 Obligation of even date herewith and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

3 The premises, layout, design and construction must comply with relevant food hygiene and health and safety legislative requirements. Contact should be made with the Commercial Team in Development Services to confirm layout and design and finishes to food areas.

4 The premises must have the relevant licences in place in accordance with the Licensing Act 2003 to sell alcohol and carry on any other licensable activity. Contact should be made with a licensing officer within the Commercial Team Environment Services to discuss any proposed application.

5 Anglian Water has assets close to or crossing this site or there are assets subject to adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that any diversion works should normally be completed before development can commence.

6 There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for sustainable homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.

7 The development can be supplied from the network system that at present has adequate capacity. The developer may submit a formal requisition for a water supply main under Section 41 of the Water Industry Act 1991 or enter into an agreement to lay the water main ready for adoption by Anglian Water under section 51A of the Act.

8 The foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity, subject to satisfactory Section 185 diversion proposals with the existing pump rate maintained and additional storage provided that would be part of the new adoptable system/PSTN under S185 diversion proposals if flows are proved greater than existing. If the developer wishes to connect to Anglian Water sewerage network they should serve notice under

section 106 of the Water Industry Act 1991. Anglian Water will then advise of the most suitable point of connection.

9 The development can be accommodated within the public surface water network system, which at present has sufficient capacity for the existing discharge rate. The developer should notify Anglian Water of its intention to connect to the public surface water sewer under section 106 of the Water Industry Act 1991. Anglian Water will then advise of the most suitable point of connection and the maximum rate of discharge, which should be made. A renunciation may be required and this could affect the site layout.

10 The foul drainage from this development will be treated at Ely - Cresswell lane sewage treatment works that at present has available capacity for these flows, subject to satisfactory section 185 diversion proposals with the existing pump rate maintained and additional storage provided.

11 Whilst the applicant is aware that signage and advertising on this site will need to be the subject of a separate application, the applicants attention is drawn to English Heritage comments relating to the use of internally illuminated signage and location and size of any advertising. In this regard no internal illumination of advertisements will be permitted and any external illumination methods will need to be previously discussed and agreed with the Local Planning Authority. No advertisement will be permitted above the Canopy or roofline and no trough lights will be permitted. Advertising will be restricted to the corner of Lisle Lane and Cresswells Lane and will not be permitted on other elevations.

12 The development site is within the 15-metre cordon sanitaire of a pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from their site, it is nevertheless prudent that there should be no development within 15 metres if the development is potentially sensitive to odour or other nuisance or which might give rise to complaints from the occupiers regarding the location of the pumping station.

35 The site is situated approximately 70m from a closed landfill site, which accepted household and commercial waste. There is a possibility of landfill gas migrating from the landfill site into the strata below this development. Responsibility for the safe development and secure occupancy of the development rest with the applicant.

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APPENDIX 1 - UPDATED VERSION
PLANNING AND DEVELOPMENT COMMITTEE JUNE 2 2010
09/00420/FUL Sainsbury's – Lisle Lane Ely
SUGGESTED PLANNING CONDITIONS

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.

- 2 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. Competent persons must undertake the investigation and risk assessment, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - i. (i). A desk study identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
 - ii. (ii). A site survey of the extent, scale and nature of contamination based on 1 to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 - iii. (iii). An assessment of the potential risks to:
 1. Human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 2. adjoining land;
 3. groundwaters and surface waters; ecological systems;
 4. archaeological sites and ancient monuments;
 - iv. (iv). An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.

- 3 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 4 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 6 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 7 Prior to the commencement of any development, a scheme for the provision and implementation of pollution control to the water environment, which shall include foul water drainage, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 8 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Details of how the scheme will be maintained and managed after completion
 - Full calculations for the surface water storage up to the 1 in 100 year critical storm including an allowance for climate change.
 - A letter of confirmation from the sewerage undertaker that they will accept the proposed discharge.
- 9 No development shall take place within the site until the applicant, or their agents or successors in title, has implemented an archaeological programme of fieldwork, analysis and reportage in accordance with a written scheme of investigation which has been submitted by the applicant or their agent and approved in writing by the Local Planning Authority or their archaeological advisors on their behalf.
- 10 Prior to the commencement of the development hereby permitted a comprehensive construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a plan must include details of the routes to and from the site for construction and delivery vehicles, and details of the access into the site from the public highway. The scheme shall include details of the maintenance of a travel log showing all delivery and service vehicle route movements to and from the site. A monthly management audit shall be undertaken on the log to check for compliance with the approved route. Temporary facilities for loading, parking and turning of all construction vehicles shall be clear of the public highway. The log and management audit shall be made available to the Local Planning Authority within 7 days of written request.

- 11 Prior to commencement of the development hereby approved details of the biomass boiler, height of the flue, fuel type and transportation methods, structural envelope, heating, and cooling systems for the building should be submitted to, and approved in writing by the Local Planning Authority. Such details should include sufficient information to show compliance with Policies EN3 (sustainable construction and energy efficiency) and EN4 (renewable energy) of the East Cambridgeshire Core Strategy 2009.
- 12 No development shall take place until details of facilities for the storage and removal of refuse from the site have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the store and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 13 Prior to the first occupation of the development hereby permitted, the on-site servicing, loading/ unloading and turning area, shall be laid out surfaced and drained in accordance with the approved plan No.83308/A/55.
- 14 Prior to the first occupation of the development hereby permitted, 470 car parking spaces 74 cycle stands and 24 motor cycle stands, shall be laid out and provided to the written satisfaction of the Local Planning Authority, within the application site, for the parking of cars, cycles and motor cycles and such spaces shall thereafter be retained and maintained at all times solely for the specific use of parking of cars, motorcycles and cycles in connection with the development hereby permitted. Unless otherwise agreed in writing by the Local Planning Authority. The car park shall include a designated dial a ride pick up/drop off point as indicated on plan No DMWR/A1/PL00012/E.
- 15 Prior to the commencement of the development details of the method for piling for construction works, including a method statement and noise emissions shall be submitted to and approved in writing by the local planning authority. All piling works shall be carried out in accordance with the approved details.
- 16 Prior to the first occupation of the store fire hydrants shall be installed at the site in accordance with detail previously submitted to and approved in writing by the Local Planning Authority.
- 17 Prior to the occupation of the development hereby permitted a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority.
- 18 Prior to the first occupation of the development hereby permitted, all access and off-site highway works to be carried out by the applicant shown on plans 83308/A/43/E, 83308/A/15A, 83308/A/37 and 83308/B/6/D shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. Works to include the permanent closure of the existing access on to Lisle Lane and the reinstatement of the verge and footway.
- 19 No development shall take place until full details of odour mitigation measures have been submitted to and agreed in writing by the Local Planning Authority and those works shall be carried out as approved. These details shall include the design and layout of the development and screening along the southwestern boundary taking account of any odours and visual nuisance from the Cresswells Lane Waste Water Treatment Works.
- 20 Prior to the commencement of development the applicant shall prepare a comprehensive employment strategy taking account of the District Councils Skills Pledge to assist local

recruitment within Ely. This strategy shall be submitted to and approved in writing by the Local Planning Authority and carried out strictly in accordance with the approved details.

- 21 Prior to commencement of development details of the acoustic fencing to be erected along the southwestern elevation of the service yard shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.
- 22 Prior to the occupation of the development a Yard Management plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented once the store begins trading. It shall include measures such as:
 - The headlights and radio are to remain switched off when the delivery vehicles are stationary
 - Measures to ensure the loading bay roller shutter doors are kept closed after unloading and
 - The use of an Early Warning Tracker System to communicate to the store and give an estimated time of arrival.
- 23 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Existing trees to be retained as agreed in the permitted scheme are to be identified and shown for retention on the soft landscape plan. The works shall be carried out strictly in accordance with the approved details during the first planting season following the occupation of the development hereby approved
- 24 No development shall take place until a scheme for the maintenance of the trees and shrub planting for a minimum period of five years, has been submitted to and approved in writing by the Local planning Authority. The scheme shall include details of the methods for the proposed maintenance regime, a detailed maintenance schedule, and details of who will be responsible for its continuing implementation and will include arboricultural inspection of existing trees agreed for retention and newly planted trees. Any proposed tree works arising from the arboricultural inspection will need to be submitted to the Trees Officer in writing for consideration. The soft landscaping shall be maintained in accordance with the agreed scheme. Any newly planted trees or shrubs that are removed, uprooted, destroyed or dies within five years of the original planting shall be replaced in the planting season following loss.
- 25 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as submitted and specified in the application. No additional or alternative materials shall be used unless otherwise agreed in writing by the Local Planning Authority
- 26 The Use of the Store hereby permitted shall be solely for Class A1 retail use with an ancillary A3 Café use. No more than 33% of the permitted net retail sales area shall be used for the sale of comparison goods.
- 27 The retail store hereby permitted shall only be open for customers between 08:00 and 22:00 hours Mondays to Saturdays and between 10:00 – 18:00 on Sundays and 09:00 – 19:00 hrs on Bank or Public Holidays.
- 28 No deliveries shall be despatched from the site outside the hours of 06:00 - 22:00 hours Monday - Saturday, and outside the hours of 08:00 - 19:00 on Sundays, Bank or Public Holidays.

- 29 No external loudspeaker systems shall be installed.
- 30 No plant or machinery to be used in connection with any site demolition, site preparation or construction works, shall be operated on the premises before 07:30hrs on Monday to Saturday, nor at any time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 31 No part, or part of, the source of any lighting shall be directly visible to users of the adjacent public highway

Informatives

- 1 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity, or introduce any elements detrimental to highway safety that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality.
- 2 This decision notice should be read in conjunction with the Section 106 Obligation of even date herewith and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.
- 3 The premises, layout, design and construction must comply with relevant food hygiene and health and safety legislative requirements. Contact should be made with the Commercial Team in Development Services to confirm layout and design and finishes to food areas.
- 4 The premises must have the relevant licences in place in accordance with the Licensing Act 2003 to sell alcohol and carry on any other Licensable activity. Contact should be made with a licensing officer within the Commercial Team Environment Services to discuss any proposed application.
- 5 Anglian Water has assets close to or crossing this site or there are assets subject an adoption agreement. Therefore the site layout should take this in to account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 6 There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for sustainable homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.
- 7 The development can be supplied from the network system that at present has adequate capacity. The developer may submit a formal requisition for a water supply main under

Section 41 of the Water Industry Act 1991 or enter into an agreement to lay the water main ready for adoption by Anglian Water under section 51A of the Act.

- 8 The foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity, subject to satisfactory Section 185 diversion proposals with the existing pump rate maintained and additional storage provided that would be part of the new adoptable system/PSTN under S185 diversion proposals if flows are proved greater than existing. If the developer wishes to connect to Anglian Water sewerage network they should serve notice under section 106 of the Water Industry Act 1991. Anglian Water will then advise of the most suitable point of connection.
- 9 The development can be accommodated within the public surface water network system, which at present has sufficient capacity for the existing discharge rate. The developer should notify Anglian Water of its intention to connect to the public surface water sewer under section 106 of the Water Industry Act 1991. Anglian Water will then advise of the most suitable point of connection and the maximum rate of discharge, which should be made. Attenuation may be required and this could affect the site layout.
- 10 The foul drainage from this development will be treated at Ely - Cresswell lane sewage treatment works that at present has available capacity for these flows, subject to satisfactory section 185 diversion proposals with the existing pump rate maintained and additional storage provided.
- 11 Whilst the applicant is aware that signage and advertising on this site will need to be the subject of a separate application, the applicants attention is drawn to English Heritage comments relating to the use of internally illuminated signage and location and size of any advertising. In this regard no internal illumination of advertisements is likely to be supported and any external illumination methods will need to be previously discussed and agreed with the Local Planning Authority. No advertisement are likely to be supported above the Canopy or roofline and likewise no trough lights. Advertising should be restricted to the corner of Lisle Lane and Cresswells Lane and not on other elevations.
- 12 The development site is within the 15-metre cordon sanitaire of a pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from their site, it is nevertheless prudent that there should be no development within 15 metres if the development is potentially sensitive to odour or other nuisance or which might give rise to complaints from the occupiers regarding the location of the pumping station
- 13 The site is situated approximately 70m from a closed landfill site, which accepted household and commercial waste. There is a possibility of landfill gas migrating from the landfill site into the strata below this development. Responsibility for the safe development and secure occupancy of the development rest with the applicant.

**APPENDIX 2
 PLANNING COMMITTEE 2 JUNE 2010
 LPA REF 09/00120/FUM
 DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW SUPERMARKET WITH ASSOCIATED
 CAR PARKING, SERVICING AND LANDSCAPING.**

Planning Agreement Contributions (S106)

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Ref	Description
1)	Prickwillow/Lisle Lane roundabout - The Applicant shall pay a sum towards the costs associated with highway improvements at the Prickwillow Road / Lisle Lane junction. This sum shall be payable on implementation of the proposals.
2)	Footpath Improvements (6, 8 & 12) - The Applicant shall undertake the footway improvements as indicated (purple lines) on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon, in accordance with the specification in [Annex 1] in relation to the surfacing of Footpaths 6, 8 and 12. Concerning Footpath 6, the Applicant shall reconstruct the steps with even treads and risers and provide appropriate handrails in the vicinity of the steps in addition to resurfacing this Footpath. These works shall be completed to the satisfaction of the County Council prior to first occupation of the development.
3)	Footpath Lighting Improvements (9 & 6) - Secondary pedestrian links with enhanced lighting shall be provided by the Applicant as indicated (blue lines) on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon, in accordance with the specification in [Annex 2]. These works shall be completed to the satisfaction of the County Council prior to first occupation of the development.
4)	Lisle Lane cycle way (between Prickwillow and Bell Holt) - The Applicant shall pay to the County a sum amounting to the full cost of the detailed designs and specification for a shared surface footway cycle way on the north side of Lisle Lane between Prickwillow Road and Bell Holt in accordance with the specification in [Annex 3] and as shown on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon, prior to the commencement of development. The footway shall be widened to 2 metres. Alterations at junctions along this route shall also be included in these works as indicated on the plan to provide reduced radii and dropped kerbs.
5)	Cresswells Lane Shared Surface - The Applicant shall pay to the County a sum amounting to the full cost of the detailed designs and specification for a shared surface footway cycle way on the east side of Cresswells Lane between Lisle Lane and the Country Park in accordance with the specification in [Annex 4] as shown on Plan 83308/B/4, [Revision B] prior to the commencement of development.

Ref	Description
6)	Lisle Lane cycle way (between Cresswells Lane and Waterside) - The Applicant shall pay to the County a sum amounting to the full cost of the detailed designs and specification for a cycle way on the south side of Lisle Lane between Cresswells' Lane and Waterside, of width 1.1 metres, in accordance with the specification in [Annex 5] to the satisfaction of the County Council, prior to first occupation of the development.
7)	Waterside & Springhead Lane Footpath Improvements - The Applicant shall pay a sum to the County Council as a contribution towards the environmental improvement of footways in Waterside and Springhead Lane, identified coloured yellow on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon. This payment shall be made prior to first occupation.
8)	Lisle Lane Pelican Crossings - [Two Pelican pedestrian crossings shall be provided by the Applicant on Lisle Lane as indicated on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon, in accordance with the specification in [Annex 6] to the satisfaction of the County Council, prior to first occupation of the development.
9)	Country Park & Town Centre Cycleways - The Applicant shall pay a sum towards the costs of implementing cycleway proposals to the Country Park and in the town centre prior to first occupation.
10)	Public Right of Way Over Aldi Land - The Applicant shall procure evidence to the District Council and County Council that access rights have been secured for the general public over land within the Aldi ownership on the north side of Lisle Lane demonstrating that there is the right for the public to pass and repass over the Aldi forecourt to the footpath leading to the town centre. Aldi shall complete the revised access engineering operations prior to the first occupation of the Applicant's store.
11)	Lisle Lane Lighting Improvements - The Applicant shall prepare a scheme to enhance street lighting on Lisle Lane between Waterside and Prickwillow Road. The specification for these improvements shall be agreed with the County Council and District Council. These works shall be prepared having regard to the highways and related improvements forming part of these proposals and the revised proposals prepared by Aldi, currently being considered by the District Council. The Applicant shall make a capital contribution to undertake these improvements. This contribution shall be paid in full to the County Council prior to first occupation of the development.
12)	Lisle Lane/Fore Hill Junction Improvements - The Applicant shall undertake the highways and related improvements as shown on Plan 83308/B/4, [Revision B], at the junction of Lisle Lane / Forehill in accordance with the specification in [Annex 7]. These works shall include a changing of priority at the Lisle Lane / Fore St junction, and provision of a pedestrian crossing on Fore St at that location. These works shall be completed to the satisfaction of the County Council prior to first occupation of the development.
13)	Lisle Lane/Cresswells' Lane Signalised Junction - A signalized junction at Lisle Lane / Cresswells' Lane shall be provided by the Applicant in accordance with the design indicated on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon, in accordance with the specification in [Annex 8] to the satisfaction of the County Council, prior to first occupation of the development.
14)	Parking Restrictions Orders - The Applicant shall meet the full costs of promoting and making a Parking Restriction Order on Lisle Lane, Cresswells' Lane and Waterside, prior to the commencement of development.

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Ref	Description
15)	Parking Restriction Yellow Lining - The Applicant shall meet the full costs of the County Council in applying keep clear and double yellow line road markings to Lisle Lane, Cresswells' Lane and Waterside prior to first occupation of development.
16)	Signage - The Applicant shall pay a sum towards the costs of implementing new signage associated with the footways, cycleways and parking restrictions created or altered in connection with the Applicant's proposals as indicated on Plan 05308/B/4, [Revision B] prepared by Savell Bird & Axon. This payment shall be made prior to implementation of the proposals.
17)	Town centre traffic and environmental improvement study - The Applicant shall pay a revenue sum towards the cost of undertaking a town centre traffic and environmental improvement study related to the ongoing improvements for the Market Towns Strategy. This sum shall be paid to the District Council prior to implementation of the planning permission. The terms of reference for the study shall be agreed between the County Council, the District Council and the Applicant. The study shall include an analysis of the congestion and safety problems of the junction at Broad Street with Back Hill. In mitigation of traffic congestion problems in Ely town centre, the Applicant shall pay a capital sum to the District Council prior to first occupation of the store.
18)	Ely A142 Improvement Scheme - The Applicant shall pay a capital sum to the District Council as a contribution towards the cost of making improvements to the highway network to the south of Ely. This sum shall be paid prior to first occupation of the store.
19)	Shuttle Bus - The Applicant shall pay a sum towards the cost of providing two buses (specification to be provided by Paul Nelson). This sum shall be paid to the District Council by single payment prior to the commencement of development. In addition the Applicant shall make a total revenue contribution towards supporting these bus services within Ely with the objective of serving the urban area with enhanced bus services with a greater frequency than currently provided over a five year period. These sums shall be paid to the District Council by payments starting at the commencement of development.
20)	Secure cycle parking - The District Council has procured 4 sets of cycling hoops for Ely town centre. The Applicant shall procure 4 similar sets of hoops and pay for the installation of the 8 cycle hoops in the town centre at the locations identified by the District Council as shown on Plan [XXX] prior to first occupation of the store.
21)	CCTV - The Applicant shall install CCTV to cover the highway known as Cresswells' Lane and the Country Park in accordance with the installation and monitoring specification to agreed with the District Council and provide this installation prior to first occupation.
22)	Car Park Management Scheme - From first occupation of the development the Applicant shall provide a 3 hour period per car using the store car park for free customer parking. This will allow and encourage linked trips to the nearby Country Park as well as shopping trips to the town centre. The Applicant shall liaise with the District Council and agree with the District Council the precise mechanism for redeeming any parking charges in the store and in relation to any subsequent changes from time to time. The Applicant shall synchronise parking penalties with those prevailing in the town managed by the District Council from time to time. The District Council shall liaise with the applicant over proposed parking management charges and penalties.

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Ref	Description
23)	Car Park Demand Management - The Applicant shall make a contribution towards the capital cost of introducing better demand management of on and off street parking in Ely town centre [further details to be provided shortly].
24)	Travel Plan - The Applicant shall prepare a travel plan based on the principle of the draft travel plan to be approved by the County Council and East Cambridgeshire District Council prior to first occupation. The Applicant shall undertake the requirements of the Travel Plan in accordance with those obligations, including all fees and costs of the County and District Councils in monitoring and managing the Travel Plan.
25)	Economic Development - The Applicant shall prepare a comprehensive employment training package known locally as a Skills Pledge to assist employment potential within Ely. The Skills Pledge shall be agreed with East Cambridgeshire District Council prior to first occupation. The Applicant shall undertake the requirements of the Skills Pledge in accordance with those obligations, including payment of all fees and costs of the District Council in monitoring and managing the Skills Pledge.
26)	Environmental Improvements - The Applicant shall pay the sum as a contribution for environmental improvements in the town centre, Fore Hill and Lisle Lane. This contribution shall be made prior to commencement of development.
27)	Leisure Development - The Applicant shall pay a sum to the District Council as a contribution towards the cost of implementing the Leisure Development. This sum shall be paid prior to first occupation of the store.
28)	Country Park and public amenity space - The Applicant shall pay a sum to the District Council as a contribution towards the costs of providing and maintain the Country Park. This sum shall be paid prior to first occupation of the store.
29)	S106 Fees and Costs - The Applicant shall pay the District Council's and County Council's fees and costs associated with the negotiation, preparation, execution of this agreement. These fees and costs shall be paid prior to the completion of this Agreement.
30)	S106 Ongoing Management Fees and Costs - The Applicant shall pay the District Council's and County Council's fees and costs associated with the management of this Agreement. These fees and costs shall be paid annually for the first 5 years from the date of implementation of the planning permission.
31)	Highways Improvements General - The Applicant shall pay a sum of to the County Council, in respect of the following cost heads, each of which is described more fully above: a. Prickwillow/Lisle Lane Roundabout (see item 001 above) b. Footpath Improvements (6, 8 & 12) (see item 002 above)

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Ref	Description
	<p>c. Footpath Lighting Improvements (5 & 6) (see item 003 above)</p> <p>d. Lisle Lane Cycle Way (between Prickwillow and Bell Holt) (see item 004 above)</p> <p>e. Lisle Lane Lighting Improvements (see item 011 above)</p> <p>This sum shall be paid prior to first occupation of the site. Any sum that remains unexpended at the end of 5 years is to be repaid to SSE.</p>

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APPENDIX 2 – UPDATED VERSION
PLANNING COMMITTEE 2 JUNE 2010
LPA EF 09/00420/FUM
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW SUPERMARKET WITH ASSOCIATED CAR
PARKING, SERVICING AND LANDSCAPING
Planning Agreement Contributions (S106)

Ref	Description	Status
1)	Footpath Improvements (6, 8 & 12) - The Applicant shall pay a sum to the County Council towards costs associated with footway improvements as indicated (purple lines) on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon, in relation to the surfacing of Footpaths 6, 8 and 12.	Agreed
2)	Footpath Lighting Improvements (9 & 6) – The applicant shall pay a sum to the County Council towards the costs associated with secondary pedestrian links with enhanced lighting as indicated (blue lines) on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon.	Agreed
3)	Lisle Lane between Prickwillow Road and Bell Holt – The Applicant shall pay to the County a sum amounting to the full cost of the detailed designs and specification for improvements to Lisle Lane in the vicinity of the Lisle Lane/Prickwillow Road roundabout and between Prickwillow Road and Bell Holt.	Agreed
4)	Cresswells Lane Shared Surface - The Applicant shall carry out works to provide a shared surface footway cycle way on the east side of Cresswells Lane between Lisle Lane and the Country Park shown on Plan 83308/B/4[Revision B], prior to the occupation of development.	Agreed
5)	Lisle Lane Cycle Lane (between Cresswells Lane and Waterside) - The Applicant shall carry out works to provide a cycle lane on the south side of Lisle Lane between Cresswells' Lane and Waterside, of width 1.2 metres, prior to first occupation of the development.	Agreed
6)	Waterside & Springhead Lane Footpath Improvements – The Applicant shall pay a sum to the County Council as a sum towards the environmental improvement of footways in Waterside and Springhead Lane, identified coloured yellow on Plan 83308/B/4, [Revision B] prepared by Savell Bird & Axon. This payment shall be made prior to first occupation.	Agreed
7)	Lisle Lane Pelican Crossings – One remote Pelican pedestrian crossings shall be provided by the Applicant on Lisle Lane as indicated on Plan 83308/a/43/E prepared by Savell Bird & Axon, to the satisfaction of the County Council, prior to first occupation of the development.	Agreed
8)	Country Park & Town Centre Cycleways - The Applicant shall pay a sum towards the costs of implementing cycleway proposals to the Country Park and in the town centre prior to first occupation.	Agreed
9)	Lisle Lane Lighting Improvements - The Applicant shall prepare a scheme to enhance street lighting on Lisle Lane between Waterside and Prickwillow Road. The specification for these improvements shall be agreed with the County Council and District Council. These works shall be prepared having regard to the highways and related improvements forming part of these proposals and the revised proposals prepared by Aldi, currently being considered by the District Council. The Applicant shall undertake these improvements prior to first occupation of the development.	Agreed

Ref	Description	Status
10)	Lisle Lane/Fore Hill Junction Improvements - The Applicant shall undertake the highways and related improvements as shown on Plan 83308/A/15/A, at the junction of Lisle Lane / Forehill. These works shall include a changing of priority at the Lisle Lane / Forehill junction, and provision of a pedestrian crossing on Forehill at that location. These works shall be completed to the satisfaction of the County Council prior to first occupation of the development.	Agreed
11)	Lisle Lane/Cresswells' Lane Signalised Junction - A signalized junction at Lisle Lane / Cresswells' Lane shall be provided by the Applicant in accordance with the design indicated on Plan 83308/A/43/E, prepared by Savell Bird & Axon, to the satisfaction of the County Council, prior to first occupation of the development.	Agreed
12)	Parking Restrictions Orders - The Applicant shall meet the full costs of the County Council promoting and making a Parking Restriction Order on Lisle Lane, Cresswells' Lane and Waterside, prior to the commencement of development.	Agreed
13)	Signage and Parking Restriction, Yellow Lining and signage - The Applicant shall provide new signage associated with the footways, cycleways and parking restrictions created or altered in connection with the Applicants proposals prior to occupation of the development. The applicant shall apply keep clear and yellow line road markings and signage to Lisle Lane, Cresswells' Lane and Waterside prior to the first occupation of the development.	Agreed
14)	Town centre traffic and environmental improvement study - The Applicant shall pay a revenue sum towards the cost of undertaking a town centre traffic and environmental improvement study related to the ongoing improvements for the Market Towns Strategy. This sum shall be paid to the District Council prior to implementation of the planning permission. The terms of reference for the study shall be agreed between the County Council, the District Council and the Applicant. The study shall include an analysis of the congestion and safety problems of the junction at Broad Street with Back Hill. In mitigation of traffic congestion problems in Ely town centre, the Applicant shall pay a capital sum to the District Council prior to commencement of development.	Agreed
15)	Shuttle Bus - The Applicant shall pay a sum towards the cost of providing two buses (specification to be provided by Paul Nelson). This sum shall be paid to the District Council by single payment prior to the commencement of development. In addition the Applicant shall make a total revenue contribution towards supporting these bus services within Ely with the objective of serving the urban area with enhanced bus services with a greater frequency than currently provided over a five year period. These sums shall be paid to the District Council by payments starting at the commencement of development.	Agreed
16)	Secure cycle parking - The applicant shall pay a contribution towards town centre cycle parking prior to first occupation of the store.	Agreed
18)	CCTV - The Applicant shall pay a sum to ECDC towards CCTV provision prior to first occupation of the development.	Agreed
19)	Car Park Management Scheme - From first occupation of the development the Applicant shall provide a 3 hour period per car using the store car park for free customer parking. This will allow and encourage linked trips to the nearby Country Park as well as shopping trips to the town centre. The Applicant shall liaise with the District Council and agree with the District Council the precise mechanism for redeeming any parking charges in the store and in relation to any subsequent changes from time to time. The Applicant shall synchronise parking penalties with those prevailing in the town managed by the District Council from time to time. The District Council shall liaise with the applicant over proposed parking management charges and penalties.	Agreed
20)	Car Park Demand Management - The Applicant shall make a contribution towards the capital cost of introducing better demand management of on and off street parking in Ely town centre prior to the first occupation of the development.	Agreed

Ref	Description	Status
21)	Travel Plan - The Applicant shall prepare a travel plan based on the principle of the draft travel plan to be approved by the County Council and East Cambridgeshire District Council prior to first occupation. The Applicant shall undertake the requirements of the Travel Plan in accordance with those obligations, including all fees and costs of the County and District Councils in monitoring and managing the Travel Plan.	Agreed Covered by a Condition
22)	Economic Development - The Applicant shall prepare a comprehensive employment training package known locally as a Skills Pledge to assist employment potential within Ely. The Skills Pledge shall be agreed with East Cambridgeshire District Council prior to first occupation. The Applicant shall undertake the requirements of the Skills Pledge in accordance with those obligations, including payment of all fees and costs of the District Council in monitoring and managing the Skills Pledge.	Agreed in principle. Covered by a Condition
23)	S106 Fees and Costs - The Applicant shall pay the District Council's and County Council's fees and costs associated with the negotiation, preparation, execution of this agreement. These fees and costs shall be paid prior to the completion of this Agreement.	Agreed
24)	S106 Ongoing Management Fees and Costs - The Applicant shall pay the District Council's and County Council's fees and costs associated with the management of this Agreement.	Agreed