

AGENDA ITEM NO. 7

TITLE: UPDATE REPORT ON PLANNING APPROVAL 13/00122/ESF – HYBRID PLANNING APPLICATION COMPRISING: FULL PLANNING PERMISSION FOR A FOOD RETAIL SUPERSTORE (CLASS A1), SIX NON-FOOD RETAIL UNITS (CLASS A1), A DIY UNIT WITH EXTERNAL STORAGE AREA (CLASS A1), RESTAURANT (CLASS A3), PETROL FILLING STATION (SUI GENERIS), RECYCLING POINT, ACCESS AND DRAINAGE PROPOSALS. OUTLINE PLANNING PERMISSION FOR HOTEL (CLASS C10, PUBLIC HOUSE (CLASS A4), OFFICES (CLASS B1), AND STORAGE AND DISTRIBUTION UNITS (CLASS B8). LAND SOUTH EAST OF CAMBRIDGESHIRE BUSINESS PARK ANGEL DROVE ELY.

Committee: Planning Committee

Date: 2 July 2014

Author: Ann Caffall

[P21]

1.0 ISSUE

- 1.1 At Planning Committee on 6 November 2013, it was resolved: That planning application 13/00122/ESF be agreed in principle, subject to the following matters being addressed by the Head of Planning & Sustainable Development Services and reported back to the Planning Committee for final agreement:
1. Completion of a Section 106 Agreement to mitigate the impact of the development; and
 2. A mechanism for achieving closure of the existing store and its future use including the prevention of the existing site being used for substantial retail use; and
 3. Satisfactory plans relating to highway construction details are submitted and agreed; and
 4. Conditions delegated to the Head of Planning & Sustainable Development Services; and
 5. The application is referred to the Secretary of State to decide whether or not to “call in” the proposal for determination.
- 1.2 A copy of the previous report is attached for Members information at Appendix I.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members APPROVE:
- The Heads of Terms and Planning obligations
 - Approve the planning conditions and delegate minor amendments as necessary to the planning conditions to the Principal Development Management Officer and
 - Note the receipt of satisfactory Highway construction details

- Delegate the issue of the decision notice on completion of the S106 agreement to the Principal Development Management Officer.

If Members are minded to support the proposal, the application has to be referred to the Secretary of State for a period of 21 days to allow him to consider whether to 'call in' the application.

3.0 ITEMS FOR CONSIDERATION

3.1 **Heads of Terms:** The Heads of Terms are included in APPENDIX II and the method of securing the contribution.

The legal tests for when you can use a planning obligation (S106/Unilateral undertaking) are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. Planning obligations should only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms
- Directly related to the development and
- Fairly and reasonably related in scale and kind to the development,

Both the Council and the Applicant have sought legal advice on the Heads of Terms set out in Appendix II and it is agreed between the parties that the planning obligations comply with all three of the legal tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

It is agreed that the Applicant shall enter into a Planning Obligation (either Section 106 Agreement or Unilateral Undertaking (as appropriate)) to secure both provisional requirements and financial contributions to mitigate the impact from this development

Viability assessment.

In the early stages of negotiations the Applicant submitted to the Council a viability assessment to demonstrate the level of contributions that could be afforded by this development over and above the CIL contribution of £2.4 million. This assessment was verified by Carter Jonas, the independent consultants acting for the Council. It is agreed between the parties that the provisional requirements and the contributions set out in Appendix II is the maximum amount that the Council can seek within the realms of viability.

Uplift Mechanism

The development requires a contribution of £200,000 towards improvements to the A10/Cambridge Road and A10/A142 roundabouts. It is anticipated that other developments in the area will also contribute towards these improvement works. The applicant has agreed with the Council that should this contribution, be less than £200,000, the Council can use the underspend for improvements to the Town Centre or any other project as may be agreed between the applicant and the Council.

The development requires an entrance roundabout to be provided on Angel Drove. The Applicant and the Council have agreed a costing for this roundabout. In the event that this costing is less than previously agreed, the applicant shall pay the residual amount to the Council who will apply the contribution towards improvements to the Town Centre or any other project as may be agreed between the applicant and the Council.

Addressing the Impact on the City Centre

- 3.2 The retail impact assessment demonstrates that the development will have an impact on the vitality and viability of the City Centre. Peter Brett Associates, the Council's retail consultants confirm that the impact would be adverse and the Council should seek appropriate measures to mitigate this impact.

On 6 November 2013, Members of the planning committee raised concerns regarding the possibility of existing retailers in the City Centre relocating their business to Octagon Park and requested that officers seek measures to limit this possibility. Both the Council and the Applicant sought legal advice to secure a mechanism to alleviate this concern through a planning obligation. It is agreed that should a retailer, with a current presence within the City Centre, wish to relocate their business to Octagon Park they may do so. However they must first enter into a Unilateral Undertaking with the applicant which requires them to maintain a presence in the City Centre for a minimum period of 5 years.

To further mitigate the impact from the development officers have negotiated a Town Centre Improvement Contribution of £300,000 (with the possibility of additional funds in accordance with the uplift mechanism set out above. This contribution shall be used by the Council on projects in and around the City Centre, namely to;

- provide/improve/enhance pedestrian crossings,
- provide/improve/enhance signage,
- provide/improve/enhance public transport links,
- provide/improve/enhance footpath and cyclepaths,
- provide/improve/enhance lighting,
- provide/improve/enhance bus stops,
- provide/improve/enhance car parking
- and any other project as may be agreed in writing between the Applicant and the Council that relates to mitigating the impact this development will have on the City Centre.

- 3.3 The Applicant and Officers agree that the provisional requirements and the financial contributions set out in Appendix II sufficiently mitigate the impact this development will have on the City Centre.

3.4 **Closure of the existing store.**

A satisfactory solution has been agreed with the applicants following Counsel Advice on the matter. This involves a condition attached to the planning consent. (Condition number 43 in Appendix III)

The food superstore hereby permitted shall not open for retail trading unless and until the use of the land for retail purposes and occupied by the existing Tesco foodstore, (shown edged green on drawing number xxx attached to this permission), has permanently ceased.

- 3.5 **Plans relating to access and offsite highway matters.** Satisfactory plans have now been received and approved by the Local Highway Authority.
- 3.6 **Appropriate conditions.** A list of conditions is included at APPENDIX III. These matters have been discussed with the applicant and the retail consultants retained by the LPA. The conditions are agreed in principle and together with the measures outlined in the Heads of Terms ensure that the impact of the development on the investment in the town centre, its vitality and viability is acceptable. However minor rewording, that does not affect the substantive principle and/or reason for inclusion, may be necessary before the issue of the decision notice.

Officers recommend that Members approve the conditions and delegate to the Principal Development Management Officer any minor rewording that does not affect the substantive principle or reason for inclusion.

- 3.7 **Material considerations.** Members are aware that planning decisions should be made in accordance with the adopted development plan unless material considerations indicate otherwise. Since the Committee agreed the Octagon Park Angel Drove development in principle (13/00122/ESF), there has been a change in circumstances that should be brought to Members attention. It has been ruled by the Courts that a change in circumstances is a material planning consideration.

An outline application for a food superstore, petrol filling station, six retail warehouse units, pub, and restaurant has been received on the sports fields at Downham Road, Ely, (LPA Ref 14/00431/OUM). The applicant is Cambridge Property Group. The Agent is Martin Robeson Planning Practice. The Secretary of State ruled on 27 May 2014 that the proposal is not EIA development and the therefore the application does not need to be accompanied by an Environmental Statement.

The application on the Downham Road site effectively mirrors the proposals for Octagon Park. The site is currently used as the main sports ground for football, rugby, hockey and has squash, tennis and golf facilities. It is the only public site in the city and serves both Ely and the surrounding district. The applicant has indicated that they intend to submit a separate planning application for the relocation and enhancement of the current on-site sports facilities shortly.

A letter dated 10 June 2014, supporting the Downham Road site application has been received from the Agents, and is attached at APPENDIX IV. The summary points are that:

- the applicants have a successful track record of delivering major superstore retailers across East Anglia
- the applicants have made an attractive financial offer to the Council for the freehold land that it controls on the site and are awaiting a response.
- the Downham Road site provides Tesco's full requirement for Ely, a terrace of retail park units tailored in size and format to add to Ely's shopping attraction (rather than impacting on it) and related restaurant facilities.
- The location is sustainable and effective – will serve local community and intercept those going elsewhere. Retail element located adjacent proposed cinema and new leisure centre enhancing the viability of the site and helping create a complete "destination". Access and other infrastructure costs can be shared.
- Downham Road proposals will facilitate the nearby relocation and enhancement of Ely Outdoor Sports Association facilities, the members of which are very supportive.
- Whilst contractual agreements will result in Tescos occupying a replacement store in Octagon Park Angel Drove, it does not have the locational and enabling benefits that the Downham Road site will deliver and were entered into prior to the Downham Road application being advanced.
- The proposals on the Downham Road site have emerged since the Council initially decided to support the Octagon Park Angel Drove proposal and therefore must be taken into consideration by the Planning Committee as a material consideration.

The Core Strategy 2009 is the current adopted development plan and will be replaced by the Draft Local Plan (pre-submission version) 2013 as amended. (DLP). The DLP is currently being examined by a Planning Inspector, the hearing having been held in February 2014. Public consultation on the modification schedule has been carried out with further Hearing sessions scheduled for 23/24 June 2014. The Inspectors report is expected in mid July 2014 with adoption in October 2014.

Policy ELY9: A vision for Octagon Park in the DLP is as follows:

The site will be redeveloped for employment uses (B1, B2 and B8), and retail development (e.g. for bulky retail goods or a supermarket), and other service uses (including C1 and A4). Proposals incorporating retail development will need to accord with Policy COM 1 and demonstrate through a Retail Impact Assessment that there will be no adverse impact on Ely city centre.

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

Development will provide an attractive setting for this entrance into Ely, including the creation of a strong frontage along Angel Drove and consideration of the relationship of development to the Cambridgeshire Business Park. Substantial landscaping will reinforce the fen character of the site and minimise the visual impact of any car parking areas. A vehicular/pedestrian/cycle link to the Cambridgeshire Business Park will be incorporated and appropriate provision will be made for buses and taxis. The development of the site will need to make provision for the County Councils preferred route for the proposed Ely by pass.

The Officer Report at APPENDIX 1 discusses compliance of the Octagon Park Angel Drove application with Policy ELY9.

Taking into account NPPF guidance on what weight should be given to emerging policies:

- The DLP is at an advanced stage in the adoption process
- The modification to Policy ELY 9 involves a change to the last sentence and does not significantly alter its aims and objectives. There are no unresolved objections to this policy.
- At the Hearing in February, the Inspector did not ask for amendments or raise issue with Policy ELY9. The policy is considered to comply with NPPF policy.

In light of the above, your Officers give DLP Policy ELY9 significant weight.

In determining what weight the outline application at Downham Road should be given in the determination of the application for Octagon Park, the following factors have been considered by your Officers:

- The application site is unallocated in the Core Strategy 2009; there are no adopted Core Strategy policies which support this proposal.
- The application site is unallocated in the DLP. There are no emerging policies in the DLP which support this proposal.
- The outline application has only recently been validated following a screening direction from the Secretary of State confirming that an Environmental Statement is not required.
- Responses from consultees are still outstanding.
- Further information is necessary including an application for the relocated sports facilities
- The application is not ready for a determination.

In light of the foregoing, Officers consider that the application for the Downham Road site carries limited weight in the determination of the application under consideration at Octagon Park Angel Drove.

Officers have taken legal advice and Counsel has advised that application E/13/0122/ESF (Octagon Park on Angel Drove), can be determined now and does not need to be delayed further due to the receipt of application14/00431/OUM (Downham Road).

It is not for this committee report to pre-judge the outcome of the application at Downham Road but to advise Members of its receipt, the facts of the proposals and how this relates to the development plan. Members must consider whether the application at the Downham Road site is a material consideration which significantly outweighs their previous resolution to agree in principle the proposals for Octagon Park Angel Drove.

4.0 CONCLUSION

4.1 Members resolved to agree the application in principle on 6 November 2013.

The issues that were outstanding have now been resolved to the satisfaction of your Officers.

It is recommended that Members now resolve to Approve

- The Heads of Terms and Planning obligations
- Approve the planning conditions and delegate minor amendments as necessary to the planning conditions to the Principal Development Management Officer and
- Note the receipt of satisfactory Highway construction details
- Delegate the issue of the decision notice on completion of the S106 agreement to the Principal Development Management Officer.

If members are minded to support the proposal, the application has to be referred to the Secretary of State for a period of 21 days to allow him to consider whether to 'call in' the application. This process is necessary due to the size and type of development in an out of the centre location, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.

6.0 APPENDICES

6.1 Appendix I – Agenda Item No 5 – Officer Report To Planning Committee 6 November 2013

Appendix II – Heads Of Terms And Planning Obligations

Appendix III – Conditions

Appendix IV – Letter From Applicant In Support Of Application 14/00431/Oum (Food Superstore and Petrol filling station and six retail warehouses etc) at Downham Road Ely.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Application file – E/13/00122/ESF	Room 11A	Ann Caffall Senior Planning Officer E-mail: Ann.Caffall@eastcambs.gov.uk

MAIN CASE

Proposal:	Hybrid planning application comprising : Full planning permission for a Food Retail Superstore (Class A1), six Non-food Retail units (Class A1), a DIY unit with external storage area (Class A1), Restaurant (Class A3), Petrol Filling Station (sui generis), Recycling point, access and drainage proposals. Outline planning permission for Hotel (Class C1), Public House (Class A4), Offices (Class B1), and Storage and Distribution units (Class B8)		
Location:	Land South East Of Cambridgeshire Business Park Angel Drove Ely Cambridgeshire		
Applicant:	Healy Investments Ltd		
Agent:	Savills (UK) Ltd		
Reference No:	13/00122/ESF		
Case Officer:	Ann Caffall		
Parish:	Ely		
	Ward:	Ely East	
	Ward Councillor/s:	Councillor Lis Every Councillor Richard Hobbs	
Date Received:	14 February 2013	Expiry Date:	6 June 2013

[N128]**1.0 EXECUTIVE SUMMARY**

- 1.1 The application is referred to the Committee due to the strategic nature of the proposal. Development of this site outside the Ely town centre raises significant planning issues relating to the principle of development, the impact on the vitality and viability of the city centre, impact on heritage assets and the future use of the existing Tesco store.
- 1.2 National and adopted policies, particularly in relation to retail matters are material considerations and significant weight needs to be given to policies in the emerging Draft Local Plan (pre-submission version) 2013 which contains The Vision for Ely that reflects the Ely Masterplan (2010).
- 1.3 The applicant's case is that the proposed development brings forward a wide range of new employment opportunities across a number of sectors in line with Council policy. The development will not diminish the prominence of the Cathedral and is of an appropriate scale, type and design given the surrounding commercial context. The application site is better suited to act as a site for new additional retail and employment development than the northern edge of the town centre. The applicant's view is that there is no evidence that there will be a significant adverse impact on Ely city centre. The proposed development comprising new bulky goods retail and new employment opportunities; enables the potential for the

redevelopment of the Station Gateway and is consistent with the Council's current objectives for this area.

Officers are of the view that moving the existing Tesco site would realise one of the key initiatives in the draft Local Plan and greatly assist in the strategic vision for future development of the Station Gateway proposals. The Heads of Terms include items to improve linkages to the station, and the town centre; other transport mitigation measures and funding for Town centre improvements are also included. Officers are working with the applicants on the S106 agreement. A mechanism for the cessation of use from the existing Tesco Store and the future use of this site is being essential.

The draft list of Heads of Terms is attached as Appendix 2 to this report.

1.4 A site visit has been arranged for 12.00 noon prior to the meeting.

2.0 RECOMMENDATION

Delegate approval to the Head of Planning & Sustainable Development Services, subject to:

- Completion of a Section 106 Agreement to mitigate the impact of the development; and
- A mechanism for achieving closure of the existing store and its future use including the prevention of the existing site being used for substantial retail use; and
- Satisfactory plans relating to highway construction details are submitted and agreed; and
- Conditions delegated to the Head of Planning and Sustainable Development Services; and
- The application is referred to the Secretary of State to decide whether or not to "call in" the proposal for determination.

3.0 THE APPLICATION

3.1 This hybrid application seeks full consent on 13.27ha, to create a retail park on Angel Drove to include six non-food retail units, DIY stores, a restaurant and a new large format food superstore with petrol station and recycling point.

Outline consent is sought on 2.83ha of the site for a public house, 60 room hotel, offices and storage and distribution units (Class B8). The overall site area amounts to some 16.1ha.

Following a scoping request, an Environmental Impact Statement is also included with the application.

The application can be viewed on the Council's website

<http://pa.eastcambs.gov.uk/online-applications/simpleSearchResults.do;jsessionid=F9DA618B01771371028AB5DDCFE5B737?action=firstPage>

3.2 It is understood from the applicant that Tesco will be the operator of the food superstore which would relocate from its existing premises on Angel Drove. From preliminary marketing, interest has been shown from a range of operators for the remaining non food units and the Agent has identified that the largest non-food unit would be occupied by a DIY retailer, with the external storage area partially used for sales as a garden centre.

3.3 It is proposed to locate the new food store, measuring some 85m x 121m, across the south eastern corner of the site, with the retail units to the eastern side and offices and B8 units across the south western corner forming a "u" shaped development. The Angel Drove frontage (western boundary), will be flanked by proposed offices, a landscaped area with water features, hotel and a petrol station. Set back from Angel Drove, behind the offices and the landscaped area will be a restaurant overlooking a water feature.

- 3.4 Access to the development will be gained via a new roundabout on Angel Drove. An internal roundabout and 7m wide circulation roads will enable access, and servicing, to the different retail areas and car parks within the site. A footpath links the application site to the existing business park to the north and the footpath along the eastern side of Angel Drove will be extended to the application site.
- 3.5 A central car parking area at ground level providing 1,114 spaces for the retail units and the Tesco store is proposed, plus 45 disabled spaces, 20 motorcycle spaces and 160 cycle spaces. The parking area is orientated in a curved, south easterly direction, so that it faces the retail units. Separate parking areas are proposed adjacent to the other uses on the site.
- 3.6 The existing ditch towards the eastern end of the site will be relocated to the eastern boundary and serve to discharge the surface water drainage of the site. There is a separate agreement in place between the applicant and the IDB.
- 3.7 The retail element essentially consists of retail units which are to be finished in timber larch panels and composite panels to the upper parts and the roof. Each of the retail units will be clearly defined by a protruding entrance foyer, this will be fully glazed at ground floor and contain the fascia sign at first floor level. The rear of the units will be finished in composite cladding panels.
- 3.8 The proposed food store will be similarly finished in timber and cladding. The front elevation will be a mix of full height glazed panels and protruding timber and glass entrance/exit foyers. The front elevation has its fascia sign set between two timber canopies, the highest of which is recessed and forms part of the roof line. The lower of the two timber canopies is supported by a number of timber posts; these are spaced at regular intervals and sited to either side of the foyers.
- 3.9 The restaurant will be accessed via a pedestrian walkway that runs a course from north to south through the site. The restaurant will be oval in shape and will feature a mono-pitch roof which will rise in an east to west direction and will be supported by timber posts along its western elevation. The western elevation (facing the lake) will be fully glazed and include an external terrace to the front, this will serve the purpose of an outdoor seating area. The restaurant is proposed to be finished in timber cladding.
- 3.10 The remainder of the proposals form part of the outline application and will be subject to a reserved matters submission. The proposed uses shown on the illustrative layout for this part of the site is acceptable: it shows the proposed hotel (two-storeys in height) will occupy a prominent corner position at the entrance to the site. The principal elevations will address Angel Drove and the internal access road. It is proposed to site the public house further into the application site, immediately to the east of the hotel. Parking to serve these two buildings will be to the rear, adjacent to the boundary with the Cambridgeshire Business Park.
- 3.11 Scale parameters have been provided for both the B1 and B8 units; the B8 unit being sited closest to the proposed food store.

The proposed floor areas in m² for the areas where **full** planning consent is sought are:

Unit	Gross external	Gross internal	Net floorspace convenience	Net non-food floorspace
Tesco	10,800 including 632 cage marshalling and dot.com servicing	10,225 (not including cage marshalling and dot.com)	61% of floorspace	39% of floorspace

	area	floorspace).		
Unit 1 non food	696	690		690
Unit 2 non food	702	696		696
Unit 3 non food	702	697		697
Unit 4 non food	702	697		697
Unit 5 non food	936	932		932
Unit 6 non food	936	1,437		1,437 including 505m2 mezzanine floor
DIY unit	4,045 including 1,129 external storage area	3,483 includes 1,136 mezzanine (Not including external storage area)		3,483 including 1,136 mezzanine floor.
Restaurant		574		574
Petrol filling station	90	90		90
Total	19,609			

The proposed floor areas in m² for the areas where **outline** consent is sought are:

Use	Gross internal floorspace m2
Hotel	2100
Public house	574
Offices	5046
Storage and Distribution	1509
Total	9229

3.12 Landscaping proposals are concentrated towards the Angel Drove frontage and include tree and shrub planting with two open water areas. A third area of water and planting is proposed on the southern boundary between the new Tesco store and the B8 unit.

The existing Tesco store provides 440 jobs. The new store will provide an additional 80 jobs giving a total of 520 of which some 174 will be full time and 346 part time. This equates to the full time equivalent of 300 jobs. It is estimated that across the site, excluding Tescos, but including the areas where outline consent is sought, a further 605 full time equivalent jobs could be created.

The route of the proposed Ely bypass involves part of the application site. It crosses the southern corner to the rear of the proposed new superstore. An attenuation pond is proposed on the remaining part of the site to the south of the by-pass.

4.0 THE APPLICANT'S CASE

- 4.1 Together with the plans outlined in the section below, the application is supported by:
- Environmental Statement
 - Design and Access Statement
 - Planning and Retail Statement
 - Transport Assessment and Travel Plan
 - Flood Risk Assessment
 - Drainage and Services report
 - Environmental Noise Assessment

- Renewable Energy and Efficiency Statement
- Environmental Sustainability Statement
- Contamination site check, and ground investigation reports
- Competed RECAP Waste Management Design Toolkit Assessment
- Lighting Report
- Statement of Community engagement
- Drainage and Services report
- Air Quality Assessments
- Suggested Informative Statements and Conditions report

These documents can be viewed on the Councils website

<http://anitepa.eastcambs.gov.uk/AniteIM.WebSearch/Results.aspx>

- 4.2 Ely is the focus for new growth and the proposals meet the Council's aspirations for growth within the District. The proposed development is on a site where there is consent for employment uses, and the proposals on the whole of the site, including the outline elements, bring forward a wide range of new employment opportunities across a number of sectors, in line with Council policy.
- 4.3 The proposed development at Angel Drove will not diminish the prominence of the Cathedral and is of an appropriate scale, type and design, given the surrounding commercial context.
- 4.4 Due to its historic fabric there are no sequentially preferable sites within Ely city centre that are available, suitable and viable to accommodate the proposal. The application site is better suited to act as a site for new additional retail and employment development than the northern edge of the town centre. There is a requirement for a new food superstore and A1 retail in Ely as evidenced by the strong market demand expressed to the applicant. There is no evidence that there will be an adverse impact on Ely city centre.
- 4.5 The proposed development is in a sustainable accessible location close to Ely train station and the associated bus links. The proposal incorporates provision for appropriate linkages to the local area and broader destinations for pedestrians, cyclists and public transport users. There are genuine opportunities for linked trips to occur with nearby retail and other commercial uses.
- 4.6 The Ely Masterplan identified the Council's wish to redevelop the Station Gateway area which will necessitate finding an alternative site for the existing Tesco Store. Whilst the plan envisaged the development of a new business park adjoining the Cambridgeshire Business Park for light industrial /high-tech uses in the short to medium term, the long term vision (2021 – 2031) suggests the "Angel Drove Commercial Park" for bulky goods retail showrooms. The proposed development comprising new large format retail and new employment opportunities enables the potential for the redevelopment of the Station Gateway and is consistent with the Council's current objectives.

In addition the proposed unit size of the non-food retail units will provide retail facilities for large format retailers that are not currently available within the city, thus enabling expenditure that would otherwise flow out of the district, to be retained within Ely.

- 4.7 Finished floor levels of the buildings ensure that the development exposure is kept to an appropriate level in accordance with the exceptions test. There is no significant contamination on the site and the noise report concludes that the development could proceed without the likelihood of the development harming the amenity of local residents by reason of noise.
- 4.8 There are no local or statutory ecological designations within the site itself. There will be no adverse impacts on the two County Wildlife sites to the northwest and to the east of the site.

Suitable mitigation measures can be imposed by condition to ensure there are no significant adverse effects on the badger sett identified within the site.

5.0 THE SITE AND ITS ENVIRONMENT

- 5.1 The application site is situated approximately 1.4km to the south of Ely and comprises some 16.10ha (39.65acres) of open agricultural land on the south eastern side of Angel Drove which is the A142 at this point. Immediately to the north is the Cambridgeshire Business Park.
- 5.2 The Cambridge to Ely railway line forms the eastern boundary and a spur of land some 12m wide and 11m long projects southwards parallel with the railway line. The site is relatively level with some drainage channels and an open main drain, within the site.
- 5.3 The River Great Ouse lays some 40m to the east. The application site lies partly within Flood Zone 3 and partly within Flood Zone 2. A narrow band of the site farthest from the River Great Ouse lies within Flood Zone 1.
- 5.4 The route of the proposed Ely bypass involves part of the application site as it crosses the southern corner of the application site to the rear of the proposed new superstore. The remaining piece of land will join Angel Drove at a new roundabout.

6.0 PLANNING HISTORY

07/01347/OUM	Proposed employment development comprising Offices B1 (A), Light Industrial Units B1(C), Industrial Uses (B2), Storage and Distribution (Classes B8), & Hotel (C1) & Pub/Restaurant (A3/A4) together with storm water storage facilities	Approved	07.08.2009
00/00824/OUT	Proposed Business Park comprising approx 36,000m2 of new floorspace falling within Class B1 (Business)	Approved	03.09.2001

7.0 REPLIES TO CONSULTATIONS

- 7.1 City of Ely Council - No objections. The site should be developed as part of a coherent development in line with the Ely Masterplan and the Station Gateway. Adequate transport links to the city centre should be made with cycle lanes and provision of cycle parking and bus stops. Buildings should be designed to ensure that they are in keeping with the image of Ely.

Following receipt of the amended plans no additional comments or concerns were raised.

- 7.2 Environmental Health (Noise) - No objection subject to the imposition of the following conditions:

- Operational hours for the car wash/jet wash of 7am-10pm daily;
- Details of external fixed plant/machinery and noise levels for this plant and machinery not to exceed agreed limits;

7.3 Environmental Health (Contaminated land and air quality) - The contaminated land report does not raise any issues that warrant further investigation. In terms of air quality, the data needs updating and clarification is sought on data within the report submitted with the planning application.

7.4 Conservation Officer – Does not support the application proposals on the grounds of poor design which pays little regard to the context of the site and will not preserve or enhance the character, appearance or quality of the setting of Ely as a Cathedral city. The proposed layout creates pleasant views into the site, with the soft landscaping as the focal point. The design of the retail units are disappointing and have a lack of regard to the proximity to the Cathedral city. The design put forward is neither modern, nor contemporary and replicates existing retail parks across the UK. Recent supermarket developments in Ely have achieved a higher standard of design. The design of the proposed stand-alone restaurant unit is welcomed; however elements of it could be further improved.

Following receipt of the additional plans the Conservation Officer maintains previous objections. The reduction in the size of the fascia signs to the non-food retail units is welcomed. The amendments to the landscaping and layout of the car parking will improve the visual appearance of the area.

7.5 Local Highway Authority

7.5.1 Transport Assessment Team – I have no objection to the proposed development subject to:

- Extension of the existing footpath along the southern edge of Angel Drive, in the form of a shared footway/cycleway at a width of 3.0m
- Provision of a pedestrian refuge to provide a crossing facility for pedestrians and cyclists who may use the informal footpath which adjoins the northern edge of Angel Drive
- Junction capacity improvements to the A10/A142 Witchford Road and A1-/Cambriedge road junctions
- Construction Traffic Management Plan
- Implementation of travel plan
- The agreed public transport strategy

Being secured as part of any planning permission.

7.6 Highway Engineer - Detailed highway matters including the treatment of field accesses, surface water issues, footway arrangements, technical layouts of the new Angel Drive roundabout, and pedestrian/cycle access have not yet been finalised. Further plans need to be submitted and agreed together with conditions.

7.7 Cambridgeshire County Council Historic Environment Team - No objections.

7.8 Cambridgeshire Fire and Rescue - Adequate provision to be made for fire hydrants, to be secured by way of planning condition or legal agreement.

7.9 Anglian Water- No objections, recommend a condition in relation to the submission of a foul drainage strategy. Also recommend notes to the applicant covering the following matters:

- Existence of assets close or crossing the site or assets subject to an adoption agreement. The proposed site layout should account for these assets;
- The applicant should apply to Anglian Water prior to the discharge of trade effluent to the public sewer;

- Recommend that petrol/oil interceptors be installed in all car parking/washing/repair facilities;
- Installation of properly maintained fat traps on all catering establishments.

7.10 Environment Agency- No objection, subject to the following conditions:

- Minimum finished floor levels of 2.9m AOD for the hotel and 1.2m AOD for all other buildings;
- Full suite of contaminated land conditions, including a contamination risk assessment and a condition which addresses unidentified contamination discovered during development;
- Scheme for the installation of underground tanks;
- Method statement for control measures in relation to Japanese Knotweed;
- A scheme for habitat mitigation and compensation;
- Method statement for the removal and relocation of fish from the main drain.

Advise an informative that it is the responsibility of the applicant to ensure that adequate residual capacity exists within the existing foul water drainage system.

7.11 Cawdle Fen Internal Drainage Board- Legal agreement is already in place with the developer for the disposal of surface water.

7.12 English Heritage- Strong concerns over the proposals for the following reasons:

- Proposed uses may conflict with the vision for the Station Gateway;
- Impact on existing retail units within Ely city centre;
- Development is contrary to the NPPF and should be recommended for refusal; Development which results in harm to the historic environment, and where that harm is not outweighed by wider public benefits should not be considered to constitute sustainable development;
- The development would erode the relationship of the Cathedral with the surrounding Fens and would compound the harm that has already resulted from the industrial units on the adjacent site;
- The bulky food store (Tesco) will impact on the setting of Ely Cathedral;
- It is assumed that the banking to the proposed bypass will screen the development;
- The development would harm the views out into the Fen landscape from the West Tower of Ely Cathedral;
- The uses proposed within the development will prejudice the mix of uses proposed for the Ely Station Gateway;
- Aspiration statements are not sufficient to justify the proposal.

Following receipt of the additional plans, English Heritage maintains their objection.

7.13 Natural England- The proposal does not appear to affect any statutorily protected sites or landscapes. There are no suitable features within the existing site to support bat roosts or Great Crested Newts. The Local Planning Authority should consider biodiversity enhancements for both bats and Great Crested Newts within the site such as new roosts, water bodies and suitable terrestrial habitat.

7.14 Ely Society- Disappointed that retail is moving further away from the city centre. Efforts should be made to minimise light pollution and sympathetic use of solar panels.

7.15 Ely Cycling Campaign - Current cycling provision within the proposals is inadequate. The proposed route through the site and links to the city centre are incomplete and sub-standard.

The level of cycle parking is too low, this should be a minimum of 350 cycle hoops which should be easily accessible and covered.

7.16 Ely Access Group- 'We welcome the intention in the Design and Access Statement to ensure access for all members of the community'. It should take into account all forms of transport to allow access for all members of the public.

7.17 Other responses - 7 Site notices were displayed at various points along the public highways and footpaths. Neighbouring units were individually notified.

Objections:

3 letters of objection were received raising the following issues:

- If the application is granted planning permission then it will tie CCC Highways hands by increasing the cost of compulsory purchase and reduce its scope for action;
- Granting of planning permission could restrict the options for the proposed bypass;
- Impact on retailers in Ely city centre;
- Viability of town centre;
- Increased dependency on car borne travel;
- Not a sustainable proposal;
- The LPA should be encouraging the expansion of the existing business park on the adjacent site;
- This is the worst use for the site;
- Impact on the Ely vision of a 'thriving city centre'
- Tesco store would be more appropriately located within the North of Ely;
- Generic retail park;
- Not well integrated into Ely;
- Light pollution;
- It will affect the lighting of the Cathedral at night.

7.18 M&Co raise the following additional issues:

- The National Planning Policy Framework (NPPF) emphasises the importance of maintaining vibrant town centres and the need to give highest priority to locating any additional retail developments within them;
- The Retail Impact Assessment should be independently assessed;
- There is an example elsewhere in the UK where an independently appointed consultant by the Local Authority contradicted the findings of the retail assessment;
- The development will split the retail focus in Ely, to the detriment of the existing shopping centre;
- Prepared to release trading figures to demonstrate how out of town retail has impacted on their stores in other towns.

7.19 A letter of objection has been received from Indigo Planning Limited, on behalf of Sainsbury's Supermarkets, this raises similar issues to those by the objectors, together with the following issues:

- The Planning and Retail Statement has shortcomings which must be addressed before it can be considered adequate;
- The assessment doesn't accurately assess the impact of the proposed retail floor space on existing established centres and the sequential analysis doesn't provide a thorough assessment of sequentially preferable sites;
- Concerns over the robustness of the retail assessment for the following reasons:

no justification to support the inflow estimates, arithmetic errors, the impact assessment fails to account for the Sainsbury's and Aldi stores and the trade diversion patterns are illogical and not credible;

The Transport Assessment is premature as it doesn't contain the results from the Ely Saturn Model and doesn't offer any suggested mitigation; the traffic analysis is flawed;

The site is not in a sustainable location as it is remote from the town centre, suffering from poor connectivity and no specific cycling or pedestrian measures proposed. The cumulative impact of the whole proposal must be assessed.

7.20 Support:

40 letters of support were received, raising the following points:

- It will result in better parking provision at Ely railway station;
- Better access at Ely railway station for buses, taxis and drop-off/pick-up;
- Cannot think of a better use for the site;
- Will bring in business and jobs;
- Desperate need for additional parking at the railway station;
- It should be conditioned that public parking at the existing Tesco store should be allocated for the railway station;
- It will encourage tourism, particularly with the provision of the hotel;
- Stimulates the local economy;
- Increased choice for locals;
- There is a need locally for out of town development;
- It will keep people shopping locally;
- Ely is behind the times;
- It will rejuvenate a dying town;
- A new hotel is badly needed;
- It will meet the needs of a growing population;
- It will free up other sites such as the Station Gateway;
- It will reduce congestion from around the railway station;
- It will encourage people to travel to Ely;
- It will not have a detrimental impact on the city centre;
- It will not impact on the Cathedral or any other historic sites in Ely;
- Sooner the better;
- Very much needed.

8.0 THE PLANNING POLICY CONTEXT

8.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS4	Employment
CS5	Retail and town centre uses
CS6	Environment
CS7	Infrastructure
CS8	Access
CS9	Ely
EC1	Retention of employment sites
EC9	Tourist accommodation
S1	Location of retail and town centre uses
S2	Retail uses in town centres
S4	Developer contribution

S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN3	Sustainable construction and energy efficiency
EN5	Historic conservation
EN6	Biodiversity and geology
EN7	Flood risk
EN8	Pollution

8.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

Other Documents

Ely Masterplan 2010

Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD 2011

Cambridgeshire Landscape Guidelines 1991

Ely Environmental Capacity Study 2001

8.3 National Planning Policy Framework 2012

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

8.4 East Cambridgeshire Draft Local Plan (Pre-submission version) February 2013

Growth 2:	Locational Strategy
Growth 3:	Infrastructure Requirements
Growth 5:	Presumption in favour of Sustainable Development
EMP1:	Retention of existing employment sites and allocations
EMP8:	Tourist Accommodation
ENV1:	Landscape and Settlement Character
ENV2:	Design
ENV3:	Shop fronts and advertisements
ENV4:	Energy efficiency and renewable energy in construction
ENV7:	Biodiversity and geology
ENV8:	Flood Risk
ENV9:	Pollution
ENV12:	Listed Buildings
COM1:	Location of retail and town centre uses
COM2:	Retail uses in town centres
COM7:	Transport impact
COM8:	Parking provision
ELY2:	Retail-led/mixed use allocation, The Grange, Nutholt Lane
ELY3:	A Vision for Paradise area
ELY4:	A Vision for the Waitrose carpark area

ELY5:	A Vision for land north of Nutholt Lane
ELY7:	Ely Market Square
ELY8:	Employment-led/mixed-use allocation, Station Gateway
ELY9:	A vision for Octagon Business Park

9.0 PLANNING COMMENTS

9.1 **The main issues to consider** in determining the application to relocate the existing Tesco Store with the creation of a retail park with restaurant, hotel and offices are:

A - The principle of development – whether the proposal fits with National Policy, Adopted Core Strategy 2009 policies, the Draft Local Plan (pre-submission version) 2013, and the spatial vision and strategic objectives relating to Ely as outlined in the Ely Masterplan on retail and leisure provision.

B - Sequential approach –Retail policy embodies town centre first principles and emphasizes that schemes should comply with adopted town centre planning policy.

C - Impact on Economic Development and the Town Centre - The objective is to focus on impacts during the first five years after the scheme has been developed.

D - Design – Impact of the development upon the character and appearance of the countryside, impact on the setting of Ely Cathedral and site specific design considerations.

E - Site-specific considerations - environmental and local considerations of the proposal including flood risk, ecology, contamination, air quality, drainage, lighting and landscaping.

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

9.2. A - The principle of development

9.2.1 **National policy** on town centre uses, (retail, pub, restaurant office uses are defined as town centre uses) is contained within paragraphs 23-27 of the NPPF. The Government Guidance for Town centres 2009 is also relevant. The principle is to concentrate retailing and other main town centre uses within town centres. The application site is not located within Ely town centre and therefore the NPPF requires that a sequential approach for site selection and the tests of town centre impact are carried out. When an application fails to satisfy the sequential test or is likely to have a significant adverse impact on existing, committed and planned public and private investment or town centre vitality and viability, the NPPF advises, it should be refused.

9.2.2 **Local policy** - the adopted Core Strategy 2009 allocates the application site for B1/B2/B8 employment use
Planning consent comprising Offices B1 (A), Light Industrial Units B1(C), Industrial Uses (B2), Storage and Distribution (Classes B8), & Hotel (C1) & Pub/Restaurant (A3/A4) have been granted in principle on this site (LPA Ref 07/01347/OUM).

9.2.3 The Core Strategy 2009 Policy CS5 identified that there was a requirement for an additional 8500m2 of comparison goods floorspace in Ely to 2025, and 900m2 of convenience goods floorspace.
The Council's retail update in 2012 indicated a need for 6373m2 of additional comparison floorspace in the District to 2031 and 1984m2 of convenience goods floorspace. This latter figure takes account of the new Sainsbury's foodstore.

9.2.4 The Draft Local Plan pre-submission version 2013 (DLP), Policy COM1 focuses main town centre uses within identified town centres wherever possible. Where development over 280m2 is proposed out of centre it needs to comply with the tests identified in the NPPF and the following criteria:

- The sequential approach has been followed and there are no suitable sequentially preferable sites available;

- The site is suitable for the proposed use and the building form and design is appropriate in the local context;
- The scale and type of development is directly related to the role and function of the centre or its locality in accordance with the hierarchy in policy GROWTH 2;
- For retail development of 280m2 net or larger, there would be no adverse effect on the vitality and viability of the nearest town centre or any other centres, as demonstrated in a Retail Impact Assessment;
- The development would enhance the character and attractiveness of the centre and its locality and not adversely affect residential amenity; and
- The development would be accessible by a choice of means of transport (including public transport, walking and cycling) and the local transport system is capable of accommodating potential traffic implications.

9.2.5 Policy GROWTH 2 in the DLP focuses development on the Market Towns of Ely Soham and Littleport. Ely is the most significant service and population centre in the district and will be a key focus for housing employment and retail growth.

9.2.6 Policy ELY 9, in the DLP refers to the application site as the Octagon business park and envisages that *“the site will be redeveloped for a mix of B1 and B2 employment uses and an element of retail development (e.g. for bulky retail goods or a supermarket).”*

With regard to the site of the existing Tesco store, the Council’s strategic vision in the Ely Masterplan 2010 identifies the Railway Station/Angel Drove Gateway as a major opportunity for mixed-use regeneration to enhance the entrance to the City. The existing Tesco store lies within the Station Gateway area and detailed work is currently being carried out on the Station Gateway supplementary planning document

9.2.7 Policy ELY 8 in the DLP identifies *Area 1: Railway station, Tesco supermarket and petrol station - “there is an opportunity to create a new public space/pedestrian route, across the Tesco site from the station towards the town centre, taking advantage of long distance views of the cathedral. The re-location of the Tesco supermarket would allow the area to be comprehensively re-developed”.*

A draft SPD on the Station Gateway is currently being developed which will provide a framework for future schemes and is due to be considered by Development and Transport Committee in December 2013.

9.2.8 **Comment on policy**

The proposed retail uses comprise some 83% of the site with the employments uses B1 and B8 being only 12.3%. Whilst the site has an extant consent for mixed use development which is not wholly employment, the proposal does not strictly accord with the emerging policy in the draft Local Plan which identifies the site as a key employment location for Ely (Octagon Business Park), and specifies an *element* of retail development.

The justification for such a significant proportion of retail floorspace within the application site is that for economic reasons, delivery of the site would not be viable and that the development of the Octagon Business Park as proposed, gives the opportunity for the current Tesco supermarket to relocate. This would free up the current Tesco site for redevelopment, and provide an opportunity to raise the visual quality of this part of the city.

Policy EL8 in the emerging Local Plan indicates that the aspirations for the Station Gateway is for the Tesco site to be relocated enabling the site to be redeveloped for high quality offices and some apartments and possibly an element of leisure. The application affords the opportunity to deliver the relocation of the existing Tesco store, improve the visual quality of this part of the city and explore the future redevelopment of the site.

The following matters need to be addressed:

- There is a mechanism for ensuring that Tesco's cease trading from the current site and
- There is no possibility of the application site being developed by an alternative supermarket operator, with Tesco's remaining on their current site. This possibility would mean significantly more retail provision in the city, well above projected future requirements which would not accord with the overall retail provision and vision for Ely as set out in the DLP and

Work is currently being carried out with the applicant, in order to achieve these objectives.

9.3 **B - Sequential approach**

- 9.3.1 The sequential approach to site selection is that applications for main town centre uses should be located in town-centres, then in edge-of-centre locations, and only if suitable sites are not available, should out-of-centre sites be considered. 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 NPPF makes it clear that when applying the sequential test, flexibility is required on issues such as format and scale, car parking provision, and the scope for disaggregation. When an application fails to satisfy the sequential test, the NPPF advises it should be refused.

The application was accompanied by a Planning and Retail statement (PRS) which includes both a sequential test and a retail impact assessment. This has been scrutinised by Peter Brett Associates, (PBA) independent retail consultants appointed by ECDC.

Flexibility and Search Criteria

The applicant has recognised the need to demonstrate flexibility in applying the sequential test to the proposed development and the PRS outlines the operational and market requirements of the proposed superstore and provides evidence of a sequential site search to accommodate a superstore of around 8,000m² Gross Floor Area.

PBA advises that the operational requirements for a food superstore submitted by the applicant are reasonable, however not all of these requirements would apply to the additional non-food retail floorspace. The approach to the sequential assessment appears to be principally justified on the basis of a market requirement for large format stores that cannot be accommodated within the historic core of Ely City Centre. The PRS states that "*such retailers generally locate on retail parks and generally compete more directly with retailers on other retail parks. Non-food retailers are unable to secure a presence in the city because of existing unit size. Ely is considered a constrained town centre in terms of having the appropriate space for the large scale retail outlets such as those proposed at the site. These serve a different market to the majority of retail outlets that exist within the historic centre, and as such the vitality and viability of the centre would not be adversely affected*".

- 9.3.2 The PRS suggests that the proposed non-food retail floorspace would be restricted to bulky goods retailers. Officers accept that there would be more limited overlap with comparison goods retailers in the city centre. The bulky goods operators would more likely compete with existing retailers in out-of-centre locations and specifically at retail parks in higher order centres such as Cambridge and Peterborough. However the PRS has identified only one unit as being specifically for the use of a bulky goods operator and this is the proposed DIY store. PBA advises that it would be appropriate to restrict the sales from this unit accordingly to a DIY use. Condition 27 in Appendix 1 to this report refers.

Disaggregation

In carrying out the sequential test the applicants have examined the scope for disaggregation of the proposals and considered what contribution more central sites are able to make in meeting the same requirements. However the applicant states that it is *vital to look at the proposed development as a whole and whether there are sites capable of accommodating a mixed use development of a similar scale*. PBA advises that this appears to be principally justified on the basis of market requirements for large format stores that cannot be accommodated within the historic core of Ely centre. It is implied that a retail park with a mix of uses is necessary to provide effective competition with existing destinations.

The LPA agrees that it would be inappropriate to seek the arbitrary subdivision of the proposed food superstore itself, and this approach to the requirements of single operators is confirmed by the Practice Guidance. However there is no reason why the relocated Tesco superstore could not operate as a freestanding facility or would need to be supported by other retail uses at the application site. PBA advise that it would be possible to disaggregate elements of the proposed non-food retail floorspace, if suitable sites were available in sequentially preferable locations.

Sequentially preferable sites

A sequential search of alternative In-Centre sites, Edge-of-Centre sites and Out of Centre sites was undertaken by the applicants. The PRS concludes that the application site is the most sequentially preferable location to accommodate the proposed development.

The identified alternative In - Centre site was

1. Waitrose Car Park (1ha)

The alternative sites identified on the Edge-of-Centre were

2. The Grange and adjacent site in Nutholt Lane (0.6ha)
3. Ambulance and Police Station (0.3ha)
4. Paradise Area (1.6ha)

The Out-of-Centre sites were:

5. Standens site (1.8ha)
6. Existing Tesco Angel Drove (3.8ha)
7. EMG Ford, Hanson concrete, and Westmill food sites Angel Drove (3ha)

9.3.3 Comment on site assessment

Waitrose car park - Officers accept that whilst the site is suitable for the development of large format non-food retail floorspace, there is no evidence that the site is being marketed and Policy ELY4 of the draft Local Plan envisages the redevelopment of the Waitrose car park as a retail-led mixed use scheme with the potential for offices, community and residential uses on upper floors. There are no firm proposals, at the time of writing this report, by the John Lewis Partnership, to redevelop the area. Officers therefore accept that the site is not available and the site can be discounted.

The Grange – The site examined also included the Magistrates Court and the Job Centre. This site is suitable for some form of piecemeal redevelopment with an element of large format non-food retail floorspace. However Officers would agree with the PBA assessment that it would probably be more appropriate for the area to be redeveloped comprehensively given the conservation area status and historic nature of the Magistrates Court. Comprehensive redevelopment of this area would require a programme of site assembly and there is no firm indication that the existing uses are due to relocate in the near term. Officers would therefore

accept that the site presents a long term opportunity but is not currently available and can be discounted.

Ambulance and Police Station and Paradise areas – Policy ELY5 of the Draft Local Plan envisages that the area will be residential, complimented by office and community uses. There are no current plans for the relocation of these facilities, however the Local Plan covers a 20 year period up to 2031 and it is possible that one or both of these units may wish to move over this period. Retail development at this site would therefore be unsuitable and unavailable and can be discounted.

Paradise Area – Policy ELY3 in the DLP envisages a residential led scheme with car parking and community uses. Whilst the site would be capable of accommodating a substantial amount of retail floorspace it would be contrary to the emerging local plan and owing to complex ownership issues, unlikely to be available for redevelopment within a reasonable time frame and can be discounted.

Standens, Existing Tesco Store, EMG Ford etc – Paragraph 24 of the NPPF states that preference should be given to out-of centre sites that are accessible and well connected to the town centre when applying the sequential test. PBA comments that it is arguable whether the three sites identified by the applicant are more accessible or better connected to the City Centre than the application site. *The ability of any new retail development on these 3 sites to form stronger linkages with the City centre are marginal and should be given limited weight.*

Taking each of the sites in turn it is understood that EMG Ford are to remain on their site and whilst it would be possible to accommodate an element of large format non-food retail floorspace on the Standens works that remain in commercial use, there may be other environmental constraints arising from the existing use that would reduce the viability of such development and in view of the relocation plans of the existing owners being unclear, it is accepted that the site is currently unavailable and unsuitable.

The existing Tesco site will become available if the retailer is able to realise its objective of relocating to a larger store within Ely. Given that Tesco is apparently not seeking to deliver the additional floorspace that it requires through the extension of its existing store, or the redevelopment of its existing site, then it is accepted that these options are not considered to be feasible. It is accepted that the site is not suitable for the development of the food superstore that is proposed as part of the application scheme.

Whilst the Westmill food site would be capable of accommodating some of the proposed non-food retail floorspace, this site together with the other out-of centre searches, lie within the Station Gateway Area identified in the Ely Masterplan and which has been carried forward in the DLP. Policy ELY7 envisages the site being comprehensively redeveloped for high quality offices and apartments and possibly some form of leisure. This will include a new public transport interchange and small retail units. PBA point out that sequential site No. 7 and other sites identified within the Station Gateway area could potentially accommodate a significant amount of non-retail floorspace. However any retail park development in this location would conflict with the proposals set out within the Ely Masterplan and emerging Local Plan for mixed use residential and employment development with this area. Therefore, on balance site no. 7 is not considered to be a suitable alternative to the application site.

- 9.3.4 **Conclusion on sequential test** – In terms of the sequential sites considered by the applicant, it is accepted that there are no suitable or available alternatives to the application site. None of the in-centre or edge-of-centre sites appear to be of sufficient size to accommodate the proposed food superstore. It is feasible that some of the sites could be redeveloped to provide an element of non-food large format retail floorspace and thereby meet similar needs to the application scheme on sequentially preferable sites. However there are various constraints that apply to these sites which would affect their availability in the near term.

In terms of the out-of-centre sites that have been considered, limited weight can be attached to their sequential advantages over the application site. These sites are closer to the City Centre than the application site and enjoy some advantages in terms of access by public transport. However, if they were to be developed for main town centre uses it is unlikely that such development would form materially stronger linkages with the City Centre. Large format retail floorspace at these sites would conflict with the District Council's objectives for comprehensive redevelopment for employment and residential uses within the Ely Station Gateway area.

Officers are of the opinion that the permeability of the site using public transport, cycle and pedestrian links should be strengthened and provision for these is included within the Heads of Terms seen at Appendix 2.

9.4 **C - Impact on Economic Development and Town Centre**

- 9.4.1 The NPPF outlines that the impact assessment needs to include an assessment of:
- The impact of the proposal on existing, committed, and planned public and private investment in centres within the catchment area of the proposal.
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre, and wider area, up to five years from the time the application is made (for major schemes the impact has to be assessed for 10 years).

When an application is likely to have a significant adverse impact on the above, the NPPF advises, it should be refused.

- 9.4.2 The applicants have carried out an impact assessment of the proposal in accordance with the requirements of paragraph 26 of the NPPF. Results of the surveys and assessments can be found in the Planning and Retail Statement Appendices via the following links:

<http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00090645.pdf>

<http://anitepa.eastcambs.gov.uk/AniteIM.WebSearch/Results.aspx>

- 9.4.3 As detailed above, the application comprises an additional 881 m² of convenience goods and 7913m² comparison goods floorspace. The applicants have reviewed the PRS figures in light of comments from the Council and PBA.

9.4.4 **Impact on planned investment and Economic Development**

The PRS at Para.5.141 considers the impact on public and private investment in town centres in accordance with the requirements of the NPPF. The applicant is not aware of any significant planned and committed future investment within Ely city centre but is committed to working with the District Council to deliver the objectives of the adopted Core Strategy, including through the delivery of public realm enhancements in the City Centre (included within the HOT's).

It is accepted that at the time of writing the report, there are no firm proposals for any of the sites identified as opportunity sites within the emerging Local Plan for investment within and on the edges of the city centre. PBA however does have concerns that given the size of the proposed development at Angel Drove, it would reduce operator demand for floorspace within the City Centre and thereby adversely impact on the viability of future investment. If permitted, the application scheme would absorb the entire requirement for additional retail floorspace at Ely currently forecast by the District Council for the period up to 2031. However, given the uncertainty over the availability of sites to the north of the city centre, and in the absence of any public or private sector proposals for their redevelopment, PBA

are unable to conclude that the proposed development would result in significant adverse impact in this respect.

PBA also comment that the relocation of the existing Tesco store at Angel Drove, to enable the redevelopment of the area to the north of the railway station, is a stated objective of the District Council. Facilitating the proposal, could potentially encourage investment in the redevelopment of the Station Gateway Area.

9.4.5 Impact on Local Employment

The site is allocated for employment uses with an element of retail. Whilst the proposal as a whole will provide employment for 605 new full time equivalent across the site, the new superstore will provide an additional 80 FTE jobs. The remaining job provision will be provided by the retail units, hotel and restaurant etc, but predominantly by the "B" Use classes. However, the B1 and B8 Uses are within the areas for which only outline consent has been applied. In view of adopted policy and the DLP, Officers wish to ensure that these employment uses are delivered. Condition 19 outlines that *within 3 months of first occupation of any of the A1 retail units hereby approved, details of a marketing strategy to bring forward the B1 and B8 units shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the advertising details, the publications where advertisements are to be placed, Agents used, and the time period for each form of advertisement. The approved strategy shall be implemented as agreed.* This is also an item within the S106 agreement.

9.4.6 Impact on Town Centre

The second impact test of the NPPF requires an assessment of the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. The PRS undertook a quantitative impact assessment to demonstrate the impacts of the proposed development on Ely City Centre and other town centres.

The PRS concluded that there is no clear evidence of significant adverse impact on any centres in the study area and therefore there can be no objections to the proposed development on the grounds of impacts identified in the NPPF

9.4.7 **Comment on Town Centre impact.**

The submitted impact figures have been scrutinised by PBA and further information requested. Revised figures have been provided by the applicant to replace those in the original PRS. This revised information is currently being considered by PBA. The revised figures show a 5.7% impact on the trade of Ely City Centre when combined with other commitments. The impact on other centres in the District is significantly smaller.

An update on the retail impact on the Town centre will be given verbally by PBA at the meeting.

The revised impact figures can be seen via the following links:

<http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00106742.pdf>

<http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00106741.pdf>

It is possible that if the application scheme was to gain planning permission then the new retail development could attract interest from new operators who have hitherto not had a published requirement for Ely. However it is equally possible that the proposed development would be attractive to existing city centre retailers such as Boots or Argos. It is very likely that such retailers would be keen to locate alongside new operators within a high profile development that provided modern, large floor plates and free car parking. It is of concern to

Officers that the loss of such anchor stores from Ely city centre could result in significant adverse impacts on its vitality and viability. Mitigation of the impact on the town centre will be required. A suitable means of controlling the range of goods sold from the retail units needs to be found and Officers are currently exploring a way forward with the applicants.

9.5 **D - Design and Layout**

9.5.1 Policy EN2 in the Core Strategy 2009 requires all development to be designed to a high quality reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and or appearance of an area will not be acceptable.

The proposed mixed use development consists of a large supermarket set deep within the site and positioned at an angle to face the customer car park. The remainder of the non-food retail units will be arranged in a roughly “U” shaped form to the north of the proposed Tesco food store, their principal elevations will project towards the customer car park. All of the retail elements within the scheme will be finished in a similar pallet of materials consisting of timber, composite cladding and glazing. This is explained in the Design and Access Statement which states that the non-food, DIY unit and restaurant are proposed to be designed as ‘shell and core’ due to market considerations and the flexibility needed to respond to individual occupiers. The timber cladding will allow the appearance of the retail units to weather over time (and have a grey appearance).

9.5.2 The design of the proposed Tesco food store includes provision for energy efficiency and low carbon measures as required by planning policy. This includes the large sections of specialized glazing to the front elevation which will minimise solar gain in summer, allow natural daylight and for the use of solar gain during the winter months. The installation of roof mounted ventilators will allow natural ventilation of the food store; however this will result in prominent features on the roofscape of the building.

9.5.3 The proposals for the retail units are arranged around a customer car park; this large car park dominates the site. The car park itself is broken up, in part, by small parcels of landscaping; this is largely restricted to a tree lined boulevard which bisects the parking area on a diagonal. Further planting is proposed on the periphery of the car park, particularly on its western edge where it runs parallel to the main vehicular access from Angel Drove and internal roundabout.

9.5.4 **Comment on Design**

Whilst the wooden cladding ensures consistency of appearance to the retail part of the scheme, there is little reference to Ely as a historic cathedral city in the design approach. This is disappointing as progress has been made on good design in other recent retail developments in Ely. English Heritage and the conservation officer raise concerns regarding the generic design of the buildings. Essentially the proposed development represents a typical retail park in an out- of- town location on the settlement edge of Ely.

Comparisons can be drawn with many retail parks in out-of-town locations around the UK; the scale layout and design are driven by the function which the buildings will be used. It is designed as a package, and dictated by retailer requirements. Whilst the roof mounted ventilators will be visually prominent it is considered that the requirement to include energy efficiency measures outweighs the visual obtrusiveness of these features. Landscaping and water features have been incorporated into the layout of the site, which take account of the Angel Drove approaches. The largest building (food store) is proposed at an angled position towards the rear of the site. Whilst the gable of the store (85m in depth, 9.9m in height) will be visible, this view will be obscured from Angel Drove by landscaping and by the proposed offices and B8 units when they are developed. Officers therefore consider that a phased landscaping scheme should be secured by condition, which includes interim planting along the Angel Drove frontage to help mitigate the impact of the development on the character of the area.

The setting back of the retail units towards the rear of the site, together with the positioning of the customer car park in the central area allows long views into the site; this draws the line of vision into the site, towards the retail elements of the scheme. Landscaping is proposed running north to south adjacent to the access roadway which will provide a buffer between the car park and the other users adjacent to Angel Drive.

The proposed B1 and B8 units, together with the hotel and public house, form part of the outline submission, and will be considered under a subsequent reserved matters application. However scale parameters of these buildings have been provided, which show that the buildings will relate in scale and size to the remainder of the scheme and will not result in built development that will dominate views into and out of the site. This is particularly important as the buildings forming the outline proposals will be positioned adjacent to Angel Drive and the Cambridgeshire Business Park. In the interests of visual amenity it is considered prudent to secure the scale parameters of these buildings by way of a planning condition.

Given that the site has historically been allocated for commercial uses and is allocated for employment use with some retail, in the emerging Local Plan, the design and layout is accepted. It is considered that the proposal complies with adopted planning policy for the site.

9.5.5 Impact on the countryside

Policy EN1 in the Core Strategy 2009 outlines that development should be sympathetic to the character of the area, demonstrating that their location scale design and materials will protect, conserve and where possible, enhance the settlement edge. In terms of the wider landscape, public views into the proposed development will be available from the footpath from Cawdle Fen which runs alongside the River Great Ouse to the east of the site and from the railway line when approaching from the south. These views will be of the rear of the retail units and the rear of the Tesco food store. The Ely Environmental Capacity Study shows part of the site as a green wedge in the settlement edge and identifies it forming part of the gateway into the historic core from the railway.

- 9.5.6 From the A10 roundabout Angel Drive curves down towards the site as the topography changes and the application site appears as an open agricultural field with drainage channels and a telegraph line which runs east to west. The buildings which occupy the southern boundary of the Cambridgeshire Business Park are visually prominent to any vehicle users travelling towards the existing Tesco store. This view is more open as the trees which line the eastern side of Angel Drive terminate where the vehicular access with the Sewage Treatment Works is located, creating an open vista towards Stuntney and the industrial buildings to the north.

The design of the buildings within the development do not deviate from a standard format for retail parks found elsewhere in the country, however the layout takes account of the Angel Drive approaches to the site. The largest building (food store) is proposed at an angled position towards the rear of the site and whilst the gable of the store (85m in depth, 9.9m in height) will be visible, this view will be obscured from Angel Drive by landscaping and by the proposed offices and B8 units when they are developed. Officers therefore consider that a phased landscaping scheme should be secured by condition, which includes interim planting along the Angel Drive frontage to help mitigate the impact of the development on the character of the area.

Wireframe Visualisations have been submitted within the appendices of the Environmental Statement. (Document 3 Volume 2 Appendices Environmental Statement) which can be accessed via the following link:

<http://anitepa.eastcamb.gov.uk/AnitePublicDocs/00091108.pdf>

9.5.7 **Comment on impact on the landscape**

The wireframes provide a visual illustration of how the proposed development will appear in the landscape when viewed from various vantage points from Angel Drove and Cawdle Fen. The visualisations show that the proposed development in terms of its scale and height will be read as an extension to the existing Cambridgeshire Business Park to the north. Thus Officers consider that the proposed development will not appear as an isolated development within open countryside but will integrate visually with the existing business park. The business park presents as a relatively low scale fringe development continuing from the railway station. When viewed in conjunction with existing development the proposal will have a cumulative impact on the settlement edge. However the proposed landscaping on the southern and eastern boundaries will break up the built form and the impact will not be such that it will significantly detract from the transition from the historic isle into the fenland landscape beyond.

- 9.5.8 A factor which also needs to be taken into consideration in relation to the impact of the proposal on the character and appearance of the landscape, is the Ely southern bypass. A County application has been received (13/03005/CCA) showing the anticipated route which crosses the south eastern corner of the application site to the rear of the superstore building. At the south eastern corner of the site, where the road and embankment crosses the rail bridge the anticipated height of the road will be 10.533m above ground level. The road level will therefore be above the roof height of the highest building on the site and the embankment will obscure the majority of views from the south.

In turn, new views of the site will be available from the east from the by-pass and again Officers are of the opinion that the proposal will appear as a continuation of development from the railway station on the settlement edge. Whilst the proposed landscaping on the eastern boundary is not a continuous belt of thick tree planting, it will afford some softening of the hard edge of the retail units, and allow views across the site to the wooded fringe of the golf course beyond. The landscaping which is proposed on the eastern boundary will also have time to establish prior to the completion of the by-pass. In addition it is anticipated that landscaping and planting will form part of the by-pass application.

9.5.9 Impact on the conservation area and Cathedral.

One of the key concerns in any proposal within Ely is the impact on the Cathedral, a Grade 1 Listed Building, and its setting as outlined in Policy EN5 of the Core Strategy. National policy outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Objections have been received from English Heritage on the grounds that the proposal is contrary to NPPF guidance and should be refused. The grounds of objection are that the development will result in harm to the historic environment, and this harm is not outweighed by wider public benefits.

- 9.5.10 Using the English Heritage methodology a Heritage assessment has been submitted with the Environmental statement which can be viewed at:

<http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00091107.pdf>

An assessment of the cathedral and its setting were taken from 20 viewpoints from south east and northern points, within the site, from middle distance views and further afield with the furthest point being east of Little Thetford.

9.5.11 The applicant's report assesses the predicted effects of the scheme and the magnitude of impact which would result from the proposed development from construction to 5 years from each of the 20 viewpoints. The findings were that from two of the 20 viewpoints there would be a minor beneficial impact; this is due to landscaping on the northern boundary between the application site and the southern end of the business park. The impact of development on nine of the 20 viewpoints would be negligible and from the remaining nine viewpoints there would be minor adverse effects. The viewpoints where it is calculated there will be a minor adverse effect are to the south east of the site between the two railway lines close to the Great River Ouse. The applicant recognises that there would be a residual effect of built development, consisting of an extended built form along the urban fringe, in a transitional site between the Isle of Ely and fenland. Wire frame visualisations have been submitted showing the proposed building superimposed on the excising landscape.

9.5.12 **Comment on Impact on the conservation area and the Cathedral**

Officers would accept that the visualisation shows a realistic impact of the proposed buildings on Angel Drove in relation to the Cathedral.

When viewed from the south and east the site will not appear as an isolated site within the countryside but will be part of the exiting urban fringe. The ridge height of the proposed non-food retail units are 9 - 9.4m and the maximum height of the highest building (Tesco food store) is 9.9m. The rear elevation of the superstore and the retail units will be partly screened by the railway embankment which is approximately 2m higher than the level of the site and by the proposed tree and shrub planting on the south eastern boundary of the site. The buildings will also be seen in conjunction with the existing buildings located on Cambridgeshire Business Park and The Dock light industrial estate.

The proposed development does extend the urban fringe which surrounds the "Isle" and whilst it involves the loss of open agricultural land, the site has historically been considered within the development plan as a suitable site for development. Another factor which must be put into the balance is the opportunity which will arise from the relocation of the existing Tesco store; this offers the potential for improvements to the station gateway area which lies within the conservation area and closer to the Cathedral. It is considered that the impact of the extension of the urban fringe in this location will not have a significant detrimental impact on the heritage asset of the Cathedral and its setting such that the application should be refused. The quintessential views of the Isle of Ely with the Cathedral and its towers will remain.

Whilst the application site will be seen from the Cathedral towers looking out of the conservation area, Officers consider that the change in scene by the addition of the proposal on the fringe of the settlement, will not interrupt views to the fen landscape beyond, nor change the relationship between the historic Isle above low lying fen. The view will predominantly remain the same and will not be so materially different such that it will have a significant detrimental impact on the heritage assets of Ely including the Cathedral.

9.6 **E - Site specific issues**

9.6.1 **Flood Risk**

Policy EN7 in the Core Strategy 2009 seeks to ensure that proposals are not at risk of flooding and do not cause flood risk elsewhere. The submitted Flood Risk Assessment states that the site is situated within flood zones 1, 2 and 3 so it is an area with varying probabilities of flooding. It states that approximately 2/3 of the site are located within flood zone 3, this is the area with the highest probability of flooding. The Flood Risk Assessment (FRA) advises that this area benefits from flood defences (maintained by the Environment Agency), that the River Great Ouse is located a minimum of 315m from the north eastern corner of the site, and that the existing railway embankment may provide some restriction to flood flows. The assessment also accounts for flooding from existing drains and from foul sewers on the adjacent site (Cambridgeshire Business Park).

9.6.2 Mitigation is proposed (in the FRA) in the form of finished floor levels being set at 2.9m AOD for the hotel, this allowance takes into account the breach flood level of 2.3m. The remainder of built development within the site is proposed to have a minimum floor level of 1m AOD. The majority of built development is proposed within flood zones 2 and 3, where there is a greater risk from flooding. However the buildings proposed within these flood risk areas are for retail purposes, this use is classified as Less Vulnerable Development in the Flood Risk Vulnerability Table within the National Planning Policy Framework and therefore acceptable in flood risk terms. The Environment Agency have raised no objections to the proposed development on flood risk grounds, they recommend that the development be undertaken in accordance with the mitigation measures (i.e. finished floor levels being set at 2.9m AOD for the hotel and 1.2m AOD for all other buildings) set out in the flood risk assessment. This is reflected in planning condition 20 below.

9.6.3 Drainage

The Hydrology and Drainage section (Chapter 11) of the Environmental Statement states that the key receptor for surface water drainage will be the Internal Drainage Board (IDB) drain and the pumped catchment that forms Cawdle Fen. The key receptor for foul water disposal will be the Ely Sewage Treatment Works, maintained by Anglian Water. The drainage chapter accounts for potential flooding issues generated by surface water disposal, together with the potential for contaminated material to enter the surface water sewer. Drainage plans have been submitted showing the method of both surface and foul water disposal from the site. The method of surface water disposal is by means of a piped system which is fed via an interceptor to the re-diverted drain that runs along the eastern boundary of the site. The drain will feed into the balancing pond which is proposed in the south eastern corner of the site, to the rear of the proposed Tesco food store. It is worth noting that the ponds and water features which are proposed to the front of the site are for landscaping purposes only and do not form part of the comprehensive surface water drainage scheme for the development.

9.6.4 The Cawdle Fen IDB has commented that they have a legal agreement in place with the developer for the disposal of surface water, and provided that the developer follows this agreement then no objections are raised. Whilst there is a legal agreement in place between the respective parties, it is considered prudent to recommend a planning condition which requests a scheme for the disposal of surface water drainage to be formally agreed by the LPA. This will allow the LPA to ensure that the scheme for the disposal of surface water is acceptable, particularly given the scale of development and the extent of hard surfaces being proposed. Condition 18 addresses this issue.

9.6.5 The proposed method of foul drainage disposal involves a new foul pumping station to the east of the proposed Tesco food store; the discharge point is identified as the existing sewage treatment works to the south west of the site. Anglian Water confirmed that there is sufficient capacity within the existing sewerage system to accommodate the additional domestic flows from the development. In addition they have commented that Anglian Water would wish to agree a suitable pump rate, calculations for foul water flows and the most suitable point of connection with the developer and recommend a condition for a foul water strategy to be submitted for consideration. Again it is considered prudent to recommend a condition that a foul water drainage strategy is submitted for consideration, this will enable the Local Planning Authority to assess whether the drainage scheme is appropriate to serve the scale of development proposed and that the most suitable point of connection is made to the existing system. (Condition 17)

9.6.6 Contamination

Policy EN8 of in the Core Strategy 2009 requires that development proposals should minimise, and where possible, reduce all emissions and other forms of pollution including light and noise pollution, and ensure no deterioration in water quality.

A contaminated land survey has been submitted with the planning application, together with a site check assessment. The contaminated land assessment makes recommendations in terms

of the spread of foundations for the built phases of the development and concludes that all tests showed contamination to be below the thresholds applicable to landscaped areas, hard cover and buildings. In addition the results show that there is no significant contamination at the site. The Environment Agency has recommended that a full site investigation is undertaken which is reflected in view of their responsibilities in looking at contamination of water supply and sources. Given the conclusions of the report and the respective consultation responses it is considered prudent to recommend a planning condition that if any contamination is found during construction then work shall cease until such time that the remediation of the material is undertaken.

9.6.7 Archaeology

An archaeological survey has not been submitted with the planning application. However a full site evaluation was undertaken in 2000 in relation to planning application 00/00824/OUT which proposed a 36000m² business park. The site evaluation revealed that the site contained no archeological evidence of any significance. The results of this previous site evaluation have been entered into the county's Historic Environment Record. No objections are raised by the Historic Environment Team (Cambridgeshire County Council) on archaeological grounds.

9.6.8 Ecology

An ecological assessment of the site has been submitted with the planning application in line with the requirements of policy EN6 in the Core Strategy. The survey builds on the findings of previous habitat reports that had been undertaken at the site. The survey identified both flora and fauna species and evaluated their ecological value. In terms of habitats the survey concludes that these are considered to be of negligible to low ecological value at the local level. In terms of other habitats, which includes hedgerows and drainage ditches, these are considered to be of minor to moderate ecological value. With regard to protected species the assessment concludes that the site has moderate ecological value for water voles but low ecological value for bats, badgers, reptiles, amphibians, birds and invertebrates. The Environmental Statement identifies that there could be a number of adverse effects during the construction phase of the development. Appropriate mitigation is designed within the development including the relocation of species and the design of wetland features to maximise wildlife opportunities and the planting of indigenous trees and plants.

Natural England have applied their own Standing Advice and advised that there are no suitable features on the site that would support the roosting of bats or for the foraging, hibernation and commuting corridors for great crested newts. In addition, Natural England has recommended that consideration should be given to the promotion of biodiversity enhancements within the site. In light of this comment, a condition is recommended that a biodiversity management plan be submitted, to include new habitat creation for badgers, bats and in particular great crested newts.

9.6.9 Air Quality

An air quality assessment was submitted with the planning application, the contents of which were not considered to correspond with the air quality monitoring that had been undertaken by the Environmental Health department. Following a request for the figures to be updated, a further air quality assessment was received, dated September 2013. At the time of writing this report ongoing dialogue is taking place between Environmental Health and the developer's air quality consultant in respect of the revised data, which is based on the Tesco store being moved to the new site and the southern by-pass being built. Should planning consent be granted, it is considered that a condition is required to ensure air quality details are submitted and agreed, together with any mitigation measures required.

9.6.10 Noise/Lighting

A noise assessment has been submitted with the planning application and lighting issues have been addressed within the Environmental Statement. The noise assessment has addressed noise from a number of identifiable sources including mechanical plant, service

yards, car parking, petrol station, road traffic and from commercial development (i.e. the offices and B8 units). The report identifies the nearest sensitive receptors; including residential properties which are the Paradise Cottages located 500m from the western boundary of the site. The report concludes that the development can proceed without the likelihood of operations harming the amenity of local residents by reason of noise. It goes on to state that fixed plant can be designed to ensure that it does not exceed the background noise level during the daytime of 38dB and 35dB at night. Environmental Health has recommended a condition that no external plant or machinery should exceed these specified limits. An additional condition is recommended that the proposed car wash/jet wash within the petrol filling station is only used between 7am and 10pm on a daily basis; this is considered prudent as the car wash has moving parts that give rise to potential noise disturbance.

9.6.11 With regard to lighting the Environmental Statement acknowledges that the lighting scheme will constitute a degree of change, particularly as this site occupies an urban edge location. It goes on to state that the lighting to the proposed development will be seen in conjunction with the existing lighting along the Angel Drove street scene and the neighbouring business park, which when combined with the wider backdrop of Ely creates a strong lit element within night-time views.

It is acknowledged that light spill will inevitably result from the proposed development, particularly as the service yards will be used during the night. Mitigation is partly proposed by way of landscaping and the use of low energy down lighters fitted with cowls to minimise light spill. A condition to control the lighting on the site is required to prevent light spill from the site. It is considered that with the appropriated conditions the requirements of policies EN2 and EN8 of the Core Strategy in respect of amenity, noise and light pollution will be addressed.

9.6.12 Energy efficiency/Sustainable measures

An energy statement has been submitted with the planning application. It sets out the passive design and energy efficiency measures that are proposed to both the Tesco food store and the non-food retail units and considers the range of renewable technologies that could be incorporated into the development. Passive design measures include enhanced performance walls, floors and roof, use of natural light and improved glazing that minimises solar gain in summer and maximises natural daylight. Energy efficiency measures for the proposed Tesco food store include energy efficient lighting, roof mounted ventilators, CO² sensors and roof lights for additional glazing. A similar approach to passive design measures are proposed to the non-food retail units and energy efficiency measures include fan control, use of low energy luminaires, zoned lighting, mechanical ventilation and heat recovery and lighting control. The renewable energy technologies identified for the proposed development are a Combined Heat and Power (CHP) Plant for the Tesco food store and Air Source Heat Pumps (ASHP) for the remaining buildings. The CHP Plant is proposed to the rear of the Tesco food store, within the rear service yard. The energy consumption figures demonstrate that the CHP and ASHP will ensure that 10% of energy production can be derived from on-site renewable technology provision. A condition is recommended that the development is undertaken in accordance with the energy statement and the site Masterplan drawing. This will ensure that the proposed development meets the requirements of policy EN4 of the Core Strategy 2009.

9.6.13 Landscaping

Policies EN2 and EN6 in the Core Strategy require new development proposals to include landscape enhancement schemes to ensure the character and appearance of the area will be acceptable. The applicant has submitted landscape proposals which show some planting and water features are proposed to the Angel Drove boundary. However the main planting shown is on the part of the site to which only outline consent has been applied for, which raises concerns regarding delivery which is discussed in more detail below.

The main issue to consider is views towards the site from the surrounding countryside and along approach roads such as Angel Drove. As previously noted the lack of existing planting along the southern side of Angel Drove (the site frontage) results in open views across the site, towards the Cambridgeshire Business Park. The arboricultural report submitted with the

planning application shows that the existing trees and hedges positioned along the site boundaries will be removed to facilitate the proposed development; therefore the site will become completely open in its appearance. Interim planting is therefore required along the site frontage with Angel Drove; this will help to screen views into the site in the short-term, particularly when a vehicle is approaching along Angel Drove from the roundabout with the A10. The positioning of the proposed office units and the drainage ditch will restrict the amount of resultant space available for a more comprehensive and long-term soft landscaping scheme to be established along the site frontage. This will be to the detriment of the visual assimilation of the proposed development into this urban edge location, with the resultant visual effect being the prominence of the office buildings in close proximity to the site frontage.

- 9.6.14 Planting is proposed along the eastern and southern boundaries of the site. It is accepted that long views towards the site, particularly from Cawdle Fen and public footpaths to the south east will be available in the short term. However there is sufficient space in which substantial planting can be established and help to screen the built development (in particular the rear elevations of the retail units) over the longer term. It is worth noting that the course of the proposed southern link bypass will run parallel to the southern boundary of the site, this will provide a hard, engineered barrier against the site, thereby providing screening to the proposed development.
- 9.6.15 Whilst the use of tree planting to either side of the main vehicular access will help to frame views into the site, the lack of planting/landscaping within the customer car park will result in the hard surfacing of the car park being highly visible. This will be particularly evident when viewed from the internal roundabout looking towards the non-food and DIY units. The limited soft landscaping results in the customer car park dominating the majority of views across the retail park. The inclusion of the soft landscaped pockets on the edge of the site, together with the ponds, will in future create a pleasant green and open environment around the offices and the restaurant.
- 9.6.16 The main issue in considering the proposed landscaping is to consider views towards the site from the surrounding countryside and along the approach roads. As previously noted the lack of existing planting along the southern side of Angel Drove (the site frontage) results in open views across the site, towards the Cambridgeshire Business Park. The arboricultural report submitted with the planning application shows that the existing trees and hedges positioned along the site boundaries will be removed to facilitate the proposed development; therefore the site will be completely open in its appearance. Interim planting is therefore required along the site frontage with Angel Drove, which will help to screen views into the site in the short-term, particularly when a vehicle is approaching along Angel Drove from the roundabout with the A10. The positioning of the proposed office units and the drainage ditch will restrict the amount of resultant space available for a more comprehensive and long-term soft landscaping scheme to be established along the site frontage. This will be to the detriment of the assimilation of the proposed development into this urban edge location, with the resultant visual effect being the prominence of the office buildings in close proximity to the site frontage. Whilst the use of tree planting to either side of the main vehicular access will help to frame views into the site, the evident lack of planting/landscaping within the customer car park will ensure that the hard surfacing of the car park will be highly visible. This will be particularly evident when either a pedestrian or vehicle user is positioned close to the internal roundabout looking towards the non-food and DIY units. The lack of soft landscaping within the site results in the customer car park (in particular its hard surfacing) dominating the majority of views across the retail park. The inclusion of the soft landscaped pockets within the site, together with the ponds will create a pleasant green and open environment around the offices and the restaurant.
- 9.6.17 A landscaping plan has also been submitted for consideration. Officer's consider that whilst the proposed landscaping scheme provides frontage planting and water features to the Angel

Drove frontage the development is dominated in visual terms by a customer car park with large expanses of hard standing.

9.6.18 **Summary**

The proposed soft landscaping is predominantly located along the Angel Drove frontage a part of the site for which outline consent is requested. It is considered crucial to the appearance of the site that interim planting along the Angel Drove frontage is provided and that this is secured by condition. The lack of planting within the central car park remains unresolved.

9.6.19 The consideration of this application must also take account of the proposed Ely bypass, from which new public views of the site will be visible and the rear of the superstore and retail units. Whilst it is not possible to screen the site on all boundaries and still provide the amended layout, there is room for some planting along the eastern boundary of the site particularly towards the southern end and additional strategic planting on the area between the proposed B8 units and the superstore. This will give some softening to the site and break up the roofscape of the retail park. A condition to ensure soft landscaping details has been proposed.

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

9.7 **F - Transportation**

9.7.1 The Transport Assessment (TA) report accompanying the application covers the key aspects expected for a development of this scale.

The Strategic Team at the County Council have examined the proposals in relation to the walking and cycling infrastructure, local public transport services, local roads trip generation and distribution and transport impact.

For the purposes of assessing the transport impact from the occupation of the full site, the forecast year of 2017 has been assumed. The TA shows that the development will exacerbate the existing capacity constraints at the A10/A142 Witchford Road and the A10/A142 Cambridge Road junctions in the Friday PM Peak. Mitigation measures at these two junctions have been proposed and are included within the HOTs. It has been demonstrated in the TA that, owing to a redistribution of trips from the north of Ely to the proposed site (as opposed to trips to the existing Tesco Store), the junctions on Angel Drove and Back Lane/Broad Street all benefit from reductions in traffic once the development has been completed.

The route of the proposed Southern Bypass crosses the application site. The bypass will have significant traffic benefits for the proposed development and could mitigate traffic impacts in some locations.

9.7.2 The public transport strategy has been discussed with the County Council and can be secured through the S106. A bus shelter will be provided on the site which will be lit and provide real time bus information. A bus service linking the city centre and the proposed development is proposed as part of the public transport strategy, to improve access by public transport to the site for staff and shoppers. As other developments come forward in Ely a more holistic view of the public transport routes in Ely needs to be taken and it may be that funding could be used to contribute to a wider Ely wide solution.

9.7.3 A travel plan framework has been submitted and agreed with CCC as part of the TA to reduce car borne trips to the site. The travel plan will be secured as part of the S106 agreement. The framework travel plan will provide the minimum standards for each individual unit. A travel plan co-ordinator to help individual businesses to prepare the travel plans and promote the use of travel modes other than the car to the proposed site. They will also have responsibility

for implementing the measures outlined in the travel plan and also the monitoring of the travel plan.

The short term target for the framework travel plan is to reduce employee single occupancy car journeys by 5% within 2 years and reduce single occupancy car journeys by 10% within 5 years. In the event that the proposed modal shift targets are not achieved, the travel plan measures will be reviewed and remedial measures identified and implemented by the on-site travel plan co-ordinator. A full travel plan with survey data and mode share targets will be submitted to CCC within 6 months of the initial staff and customer travel surveys. Monitoring of the travel plan will need to take place on an annual basis rather than in years 1, 3 and 5 as suggested in the framework travel plan. Annual monitoring will ensure that progress towards targets is being made and remedial measures can be identified and implemented early.

- 9.7.4 It is proposed to extend the footway on the southern side of Angel Drove with an adjacent grass verge, westwards to the application site through the implementation of a shared footway cycleway of width 3.0 meters. The existing footway will be widened to match this standard, within the highway boundary where possible. The crossing of Sir James Black Road will be modified to provide sheltered crossing facilities. These measures will be secured within the S106.
- 9.7.5 There is an informal footpath that accesses Angel Drove to the north; it is likely that some pedestrians may choose to access the retail park from this location. As there is no formal crossing point in the vicinity of this footpath for pedestrians to cross safely, a pedestrian refuge should be provided at this point and will be secured through the S106 agreement.
- 9.7.6 Whilst the proposal provides for 1,411 car parking spaces for the retail units including the Tesco store plus 45 disabled spaces, 20 motorcycle spaces and 160 cycle spaces, this does not meet the maximum parking provision for the retail area proposed on the site. However these are a maximum standards and it is expected that there will be linked trips between the different retail units on the site, reducing the need for parking. The public transport strategy will further reduce the need for car borne travellers and car parking spaces. Officers also consider that if the maximum requirement for car parking spaces on the site were to be provided, this would further reduce the area available within the site for landscaping and strategic planting.
Separate additional parking is available for the other users on the site which will be addressed during the reserved matters application.
- 9.7.7 Detailed highway engineering matters, including the treatment of field accesses, surface water issues, footway arrangements and the technical layout of the Angel Drove roundabout, together with pedestrian/cycle access have not yet been finalised and therefore the LPA will require further plans to be submitted and agreed together with conditions. These are indicated as a generic "highway conditions" in the list of conditions at Appendix 1.

9.8 **OVERALL CONCLUSIONS**

- 9.8.1 If permitted the application would absorb the entire requirement for additional retail floorspace at Ely currently forecast by the District Council for the period up to 2031. The proposed site is out-of-town. Officers are satisfied that the sequential test has been satisfied for the purposes of national and local policy. Revised retail impact figures show that the application will have a 5.7% impact on the trade of Ely City centre in combination with other committed projects. Officers are currently discussing with the applicants a means of controlling the range of comparison goods which can be sold from the six individual retail units, to help mitigate this impact. A response from PBA regarding the additional retail impact assessment information is awaited and other mitigation measures for impacts on the town centre may be required.

- 9.8.2 A key issue in the determination of the application is to ensure that retail units cannot operate from both the application site and the existing Tesco site in Angel Drove. A mechanism to achieve this is currently being investigated.
- 9.8.3 Moving the existing Tesco site would realise one of the key initiatives in the local plan and greatly assist in the strategic vision for future development of the Station Gateway proposals. The S106 agreement includes items to improve linkages to the station, and the town centre; other transport mitigation measures and funding for Town centre improvements are also included.
- 9.8.4 The proposal represents a retail park in an out-of town location which has been designed as a package and dictated by retailer requirements. The design does not reflect local character as required by adopted policy. However, its visual impact is not considered to have a major adverse impact on the setting of Ely and the cathedral.
- 9.8.5 The landscape proposals focus on the Angel Drove frontage with linear elements to other boundaries. It is important that interim planting along the Angel Drove frontage, where outline consent is requested, is achieved prior to those elements being developed.
- 9.8.6 The substantive elements of the site – specific environmental impacts are acceptable subject to conditions, and whilst the proposal will change the urban fringe, this is a site which has been historically designated as an employment site and Officers consider that the impact of the proposal will not cause significant detrimental harm to the Cathedral and its setting.

10.0 RECOMMENDATION

Delegate approval to the Head of Planning & Sustainable Development Services, subject to:

- Completion of a Section 106 Agreement to mitigate the impact of the development; and
- A mechanism for achieving closure of the existing store and its future use including the prevention of the existing site being used for substantial retail use; and
- Satisfactory plans relating to highway construction details are submitted and agreed; and
- Conditions delegated to the Head of Planning and Sustainable Development Services; and
- The application is referred to the Secretary of State to decide whether or not to “call in” the proposal for determination.

APPENDICES

Appendix 1 – Draft Conditions

Appendix 2 - Draft Heads of Terms

Appendix 3 – Sequential Site Assessment Tables (Appendix 8 of the Applicants submitted Planning and Retail Statement).

Background Documents

File E/13/00122/ESF

File E/07/01347/OUM

File E/00/00824/OUT

Location(s)

Ann Caffall

Room No. 011

The Grange

Ely

Contact Officer(s)

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Senior Planning Officer

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**PLANNING COMMITTEE 2 JULY 2014
HEADS OF TERMS AND PLANNING OBLIGATIONS**

13/00122/ESF Land South East of Cambridgeshire Business Park, Angel Drove, Ely

	Project	Cost
1	Entrance Roundabout Angel Drove New roundabout to be installed and associated highway works	To be provided by the developer
2	A10 Roundabout mitigation Contribution towards improvements to the A10/Cambridge Road and A10/A142 roundabouts to mitigate against traffic impact at these two junctions.	£200,000 The contribution shall be paid to the District Council to the order of the County Council, subject to conditions
3	Contribution for footway and cycle link From Northern End of Bartholomew's Walk, around the back of Strikes Bowling Alley, across the eastern boundary of Strikes, to link with the existing footway in the Dock and the existing Tesco Store Links to City Centre and Station Cycleway/footway linkages including consideration of lighting requirements and pedestrian refuges on Angel Drove	£30,000
4	Provision of cycleway and footway Street lighting to the boundary of the site, opposite the southern end of Sir James Black Road	To be provided by the developer
5	Community Transport Contribution	£75,000 £60,000 (real-time bus shelter contribution)
6	City Centre Protection Restriction on retailers leaving the town centre in favour of this development and requiring them to maintain their presence in the town centre for 5 years	
7	Green Transport Travel Plan Provision of alternative methods of transport to and from the development other than by car, management of car park	To be carried out by the developer
8	Town Centre Improvement Contribution	£300,000

CONDITIONS

1 Approved Plans condition

2 **OUTLINE PLANNING PERMISSION FOR HOTEL (CLASS C1), PUBLIC HOUSE (CLASS A4), OFFICES, (CLASS B1) AND STORAGE AND DISTRIBUTION UNITS (CLASS B8), INDICATED AS AREAS 2 AND 3 ON DRAWING NUMBER 6567 P0004/E**

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

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

2 Reason: The application is in outline only and gives insufficient details of the proposed development. In order that the Council may be satisfied that the details of the proposal are in accordance with the adopted development plan and to comply with Section 92 of the Town and Country Planning Act 1990.

3 The development to which this permission relates (areas 2 and 3) shown on drawing no. 0744/GA/004F must be begun no later than the expiration of two years from the final approval of the reserved matters for that area, or in the case of different dates of approval of the reserved matter, the final approval of the last such matter to be approved.

3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended

4 The details to be submitted at reserved matters stage for areas 2 and 3 shall follow the principles on the submitted layout plan drawing number 6567P0101/F, received on 14 March 2014.

4 Reason: To create a satisfactory appearance of the development and ensure views into and across the site are acceptable, in accordance with Policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1 and ENV2 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

5 In pursuance of condition 2 the landscape scheme shall provide details of species, siting, planting distances and programme of planting. Planting is to be carried out during the first available season after commencement of the development and shall thereafter be maintained in accordance with the detailed management arrangements to be submitted to and approved in writing by the Local Planning Authority. Any tree or shrub planted as part of the scheme which is removed or severely damaged or is found to be dying or seriously diseased within ten years of planting, shall be replaced within the next available planting season with a tree or shrub of similar size and species to be agreed in writing by the Local Planning Authority.

- 5 Reason: To ensure that the site is landscaped in an attractive and structured manner during the phases of development, to enhance the visual amenities of the area and assimilate the development into its surroundings in compliance with Policies EN1, EN2 and EN6 of the East Cambridgeshire District Core Strategy 2009 and Policies ENV1, ENV2 and ENV7 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 6 All hard and soft landscape details submitted in compliance with Condition 1 of this permission shall comply with the approved Landscape Masterplan for the area. (Condition 29 of this permission refers).
- 6 Reason: To ensure that the site is landscaped in a structured manner to enhance the visual amenities of the area and assimilate the development into its surroundings in compliance with Policies EN1, EN2 and EN6 of the East Cambridgeshire District Core Strategy 2009 and Policies ENV1, ENV2 and ENV7 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 7 For each phase of development, if within a period of five years from the date of the occupation of the last building within that phase of development, or from the planting of any tree within that phase, that tree, or any tree planted in replacement for it, is removed uprooted or destroyed or dies, or becomes in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority give its written consent to any variation by way of a formal application.
- 7 Reason: To ensure the longevity of the landscaping scheme, in accordance with Policies EN1 and EN6 of the East Cambridgeshire Core Strategy 2009 and ENV1 and ENV7 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) as amended 2013
- 8 The development hereby permitted shall be carried out in strict accordance with the Energy Statement dated November 2012, undertaken by URS Infrastructure and Environmental UK Limited. The renewable energy sources identified within the statement (Combined Heat and Power and Air Source Heat Pumps) and shown on Drawing 6567 P101 Revision D shall be installed prior to the first occupation of any building hereby permitted and thereafter retained.
- 8 Reason: To ensure that the development takes the opportunities available to contribute to delivering the Government's Climate Change Programme and energy policies, and in doing so contribute to global sustainability, and to contribute to tackling climate change in accordance with Policy EN4 of the East Cambridgeshire Core Strategy 2009 and ENV6 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 9 The minimum ground floor level of the hotel shall be at least 2.9m AOD and the minimum ground floor level of any other building involved in the development must be at least 1.00m AOD.

- 9 Reason: To protect the development from flooding in extreme circumstances in accordance with Policy EN7 of the East Cambridgeshire Core Strategy 2009 and ENV8 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any Order revoking or re-enacting that Order, with or without modification), no aerials, antennae satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.
- 10 Reason: In the interests of visual amenity, to ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies EN1, EN2 and S5 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1 and ENV2 and COM6 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 11 Notwithstanding the Use Class A1 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification, the following changes of use shall not be permitted on the site without the prior consent in writing by the Local Planning Authority by way of a formal planning application.
- Class A - a change to a Class A1 shop or A2 Financial and Professional Services, from Class A3 (restaurant and cafes) and A4 drinking establishments.
Class B - a change to a Class B8 (storage and distribution) from a Class B1.
- 11 Reason: To ensure that the development has the appropriate mix of uses and in order not to prejudice the primary shopping role of Ely city centre in accordance with policy CS5 of the East Cambridgeshire Core Strategy 2009 and Policy GROWTH1, GROWTH 4 and ELY9 of the East Cambridgeshire Draft Local Plan (Pre-submission version) 2013 as amended. .
- 12 If, during development, contamination not previously identified is found to be present on any part of the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with, and obtain written approval of the strategy from the local planning authority. The remediation strategy shall be implemented as approved
- 12 Reason. To protect and prevent the pollution of controlled waters (particularly the drains which also may be in continuity with EU Water Framework Directive protected Ten Mile River) from potential pollutants associated with current and previous land uses (namely the adjacent railway) in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7, and Policy EN8 of the East Cambridgeshire Core Strategy 2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

- 13 Details of the provision of fire hydrants, or equivalent, on the site shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority at reserved matters stage.
- 13 Reason: To ensure the appropriate infrastructure is in place and to ensure adequate public safety provision in accordance with Policy EN2 of the East Cambridgeshire Core Strategy 2009 and Policy ENV2 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 14 Details of the method of disposal of surface and foul water drainage for Areas 2 and 3 as shown on drawing number 6567 P0004/E, shall be submitted to and approved in writing by the Local Planning Authority at reserved matters stage. Details of how the scheme shall be maintained and managed after completion shall be included. The scheme shall be implemented as approved prior to occupation of any building.
- 14 Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policies EN2 and EN7 of the East Cambridgeshire Core Strategy 2009 and Policies ENV2 and ENV8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 15 Details of habitat enhancements for flora and fauna to increase biodiversity within areas 2 and 3, shall be submitted to and approved in writing by the Local Planning Authority at reserved matters stage. Details of how the scheme shall be maintained and managed after completion shall be included. The Biodiversity scheme shall be implemented and approved prior to occupation of any building.
- 15 Reason: To enhance the biodiversity of the site in accordance with Policy EN6 of the East Cambridgeshire Core Strategy 2009 and Policy ENV7 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 16 Prior to the commencement of development details of the on-site facilities for serving, loading/unloading and turning areas for vehicles shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 16 Reason To ensure the safe and efficient operation of the public highway in accordance with Policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and Policies COM7 and COM8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 17 Any building constructed on Areas 2 and 3 (drawing number 6567 P004/E shall accord with the scale parameters as set out below:

Use Class	Gross internal floorspace (m2)	External Height
A4 drinking establishment	574	2 storeys
B1Offices	5,046	2 storeys

B8 Storage and distribution	1,509	2 storeys
C1 Hotel	2,100	3 storeys

- 17 Reason: To ensure satisfactory uses and layout of the site in accordance with Policies EN2 and CS4 of the Core Strategy 2009 and Policies ENV2 and GROWTH 4 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 18 All external lighting proposals shall be submitted to and agreed in writing by the Local Planning Authority prior to each phase of the development hereby approved. The lighting proposals shall have regard to the principles set out in the lighting report entitled "Octagon Park Angle Drove Ely Lighting Report dated November 2012 and relevant guidance highlighted in Appendix A. The lighting for each phase of the development shall be installed in accordance with the agreed scheme, prior to the first occupation of any building on the site.
- 18 Reason: In the interests of minimising light pollution, sky glow and energy waste in accordance with Policy EN8 of the East Cambridgeshire Core Strategy 2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

FULL PLANNING APPLICATION FOR A FOOD RETAIL SUPERSTORE (CLASS A1), SIX NON-FOOD RETAIL UNITS (CLASS A1), A DIY UNIT WITH EXTERNAL STORAGE AREA (CLASS A1), RESTAURANT (CLASS A3), PETROL FILLING STATION (SUI GENERIS), RECYCLING POINT, ACCESS AND DRAINAGE PROPOSALS SHOWN AS AREA 1 ON DRAWING NUMBER 6567P/004/E

- 19 New Approved Plans conditions
- 19 Reason: To define the permission and in the interest of the proper development of the site.
- 20 The development within Area 1 of Drawing number 6567 P004/E, hereby permitted shall be commenced within 3 years of the date of this permission.
- 20 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 21 No development shall take place until samples of all the materials to be used in the construction of the external surfaces of each of the retail units and the restaurant unit hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 21 Reason: To safeguard the character and appearance of the area, and ensure an integrated approach to design in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and Policy ENV2 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

- 22 No development shall take place until a method statement for the control of Japanese Knotweed has been submitted to and agreed in writing by the Local Planning Authority. The control measures shall be implemented and maintained in accordance with the agreed method statement.
- 22 Reason: To identify and eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works and to accord with Policy EN6 of the East Cambridgeshire Core Strategy 2009 and Policy ENV7 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 23 No development shall take place until a biodiversity management plan for enhancing biodiversity within the site for flora and fauna has been submitted to and approved in writing by the Local Planning Authority. The plan shall also include:
- i) Details of sensitive working methods to be employed in order to avoid harm to protected species;
 - ii) Details of compensatory habitat creation and new nesting/roosting features to be created for protected species, in particular Bats and Great Crested Newts; and Badgers.
 - iii) Timings for the above works, monitoring procedures and remedial measures triggered by monitoring.
 - iv) Management responsibilities
 - v) Details of the maintenance of habitats and features for a minimum period of 10 years.
- All works shall be carried out in accordance with the approved method statement and the approved features shall thereafter be retained.
- 23 Reason: To secure biodiversity enhancement as required under Core Planning Principle 11 of the National Planning Policy Framework and Policies EN1 and EN6 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1 and ENV7 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 24 Prior to the commencement of development a scheme for the management of fish found in the main drain on the eastern boundary of the application site shall be agreed in writing by the Local Planning Authority. The scheme shall include a timetable, management and maintenance responsibilities. The scheme shall be implemented in its entirety in accordance with the agreed details.
- 24 Reason: To protect the biodiversity value of the land and habitats, in accordance with policies EN1 and EN6 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1 and ENV7 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 25 No fixed plant and/or machinery shall come into operation until details of all external plant and machinery, including any mobile plant to be used for operational activity, has been submitted to and agreed in writing by the Local Planning Authority. The details shall include appropriate noise mitigation measures for all external plant and machinery to be installed or operated. The rating level of noise emitted from the fixed plant shall not exceed 38 dB(A) between the hours of 0700 - 2300hrs and 35 dB(A) at any other time. The noise levels shall be determined by measurement or calculation at the nearest sensitive receptor

and all measurements and assessments shall be made according to BS4142:1997. The plant and machinery shall be installed and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority by way of a formal application.

- 25 Reason: To safeguard the amenity of neighbouring occupiers, to define the terms of the permission in accordance with policies EN2 and EN8 of the East Cambridgeshire Core Strategy 2009 and ENV2 and ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 26 Prior to the commencement of the filling station hereby approved, a scheme to install the underground tank(s) shall be submitted to the Local Planning Authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system.

The scheme shall be fully implemented and thereafter maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

- 26 Reason: To protect and prevent the pollution of controlled waters (particularly the drains which also may be in continuity with EU Waster Framework Directive protected Ten Mile River) from potential pollutants associated with current and previous land uses paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7 and Policy EN8 of the East Cambridgeshire Core Strategy 2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 27 No development approved by this planning permission shall take place until a remediation strategy that includes the components to deal with the risks associated with contamination of the site, identified in the preliminary risk assessment, has been submitted to and approved, in writing, by the local planning authority:
Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 27 Reason To protect and prevent the pollution of controlled waters (particularly the drains which also may be in continuity with EU Waster Framework Directive protected Ten Mile River) from potential pollutants associated with current and previous land uses paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7 and Policy EN8 of the East Cambridgeshire Core Strategy 2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan(pre-submission version) 2013 as amended.
- 28 No occupation of any part of the permitted development shall take place until a scheme highlighting and including the following elements has been submitted to and approved by the local planning authority for approval:
1. All previous uses
 2. Potential contaminants associated with those uses
 3. A conceptual model of the site indicating sources, pathways and receptors

4. Potentially unacceptable risks arising from contamination at the site
 5. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 6. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 7. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 28 Reason. To protect and prevent the pollution of controlled waters in accordance with Policy EN8 East Cambridgeshire Core Strategy 2009 and ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 29 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval of the scheme from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 29 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 30 Prior to the commencement of development on the site, a comprehensive landscape Masterplan shall be submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include the provision of a phased landscaping strategy for the whole of the application site including all public areas and a programme of implementation. It shall include the landscape design principles and show details of hard and soft landscaping, water features, tree planting for both strategic landscaping within the site and structural landscaping on the site boundary. The plan shall include the provision of interim planting along the Angel Drove frontage prior to the first occupation of any retail unit hereby approved.

Soft landscaping works referred to above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and the implementation programme.

Hard landscaping works referred to above, shall include proposed finished levels, hard surfacing materials, signage and lighting and other minor artifacts, proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc), and proposed, planting within the water features and Sustainable Urban Drainage systems.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works for any phase of development shall be carried out prior to the occupation of any part of that phase of development or in accordance with the programme of implementation agreed with the Local Planning Authority.

Subsequent detailed landscaping schemes for later phases of development shall comply with the approved landscape Masterplan.

- 30 Reason: To ensure that the site is landscaped in an attractive and structured manner during the phases of development, to enhance the visual amenities of the area and assimilate the development into its surroundings in pursuance of Policies EN1, EN2 and EN6 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 31 No development shall take place until a scheme for the maintenance of the soft and hard landscaping, for each phase of the development for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include methods for the proposed maintenance regime for each phase of the development, a detailed schedule, and details of who will be responsible for its continuing implementation. The landscaping shall be carried out and maintained in accordance with the agreed scheme.
- 31 Reason: To ensure the longevity of a satisfactory landscaping scheme, in accordance with Policies EN1, EN2 and EN6 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 32 For each phase of development, if within a period of five years from the date of the occupation of the last building within that phase of development, or from the planting of any tree within that phase, that tree, or any tree planted in replacement for it, is removed uprooted or destroyed or dies, or becomes in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority give its written consent to any variation by way of a formal application.
- 32 Reason: To ensure the longevity of the landscaping scheme, in accordance with Policies EN1 and EN6 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1, ENV7 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 33 No development shall take place on any phase of development until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected for that phase of development. The boundary treatment shall be completed before the buildings/s within that phase of development is/are occupied. Development shall be carried out in accordance with the approved details.
- 33 Reason: To ensure that the details of the development are in keeping with the phasing of the site in accordance with Policy EN2 of the Core Strategy 2009 and Policy ENV2 of the

East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

- 34 Prior to the first occupation of any building on the site, fire hydrants shall be installed at the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 34 Reason: To ensure the appropriate infrastructure is in place and to ensure adequate public safety provision in accordance with Policy EN2 of the East Cambridgeshire Core Strategy 2009 and Policy ENV2 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 35 Prior to the commencement of development a strategy for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to occupation of any building on the site.
- 35 Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policies EN3 and EN7 of the East Cambridgeshire Core Strategy 2009 and Policies ENV4 and ENV8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 36 Prior to commencement of development a strategy for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Details of how the scheme shall be maintained and managed after completion shall be included. The scheme shall be implemented, maintained and managed, as approved prior to occupation of any building on the site.
- 36 Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy EN7 of the East Cambridgeshire Core Strategy 2009 and Policy ENV8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 37 Prior to the commencement of development, an Energy Statement containing full details of the proposed methods of providing at least 10% of the buildings proposed energy requirement, from decentralised and renewable or low-carbon sources, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of any of the buildings hereby permitted and thereafter retained unless otherwise agreed by the Local Planning Authority
- 37 Reason: In the interests of minimising the use of resources and withstanding Climate Change, in order to comply with Policy EN4 of the East Cambridgeshire Core Strategy 2009 and Policy ENV6 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 38 No development shall take place until a detailed Air quality impact assessment, together with any mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented as approved.
- 38 Reason: To ensure that risks from air pollution to the future users of the neighbouring land are minimised in accordance with policy EN8 of the East Cambridgeshire Core Strategy

2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

- 39 Within 3 months of first occupation of any of the A1 retail units hereby approved, details of a marketing strategy to bring forward the B1 and B8 units shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the advertising details, the publications where advertisements are to be placed, Agents used, and the time period for each form of advertisement. The approved strategy shall be implemented as agreed.
- 39 Reason: The application has been determined on the basis of compliance with Policy CS4 of the East Cambridgeshire Core Strategy 2009 and Policy ELY 9 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013 as amended and the provision of jobs and future employment.
- 40 All external lighting proposals shall be submitted to and agreed in writing by the Local Planning Authority prior to each phase of the development hereby approved. The lighting proposals shall have regard to the principles set out in the lighting report entitled "Octagon Park Angle Drove Ely Lighting Report" dated November 2012 and relevant guidance highlighted in Appendix A. The lighting for each phase of the development shall be installed in accordance with the agreed scheme prior to the first occupation of any building on the site.
- 40 Reason: In the interests of minimising light pollution, sky glow and energy waste in accordance with Policy EN8 of the East Cambridgeshire Core Strategy 2009 and Policy ENV9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 41 The car and jet wash shall only be permitted to operate, including for maintenance purposes, during the following hours: 7am- 10pm on a daily basis.
- 41 Reason: To safeguard the amenity of neighbouring occupiers, and to define the terms of the permission in accordance with Policy EN2 of the East Cambridgeshire Core Strategy 2009 and ENV2 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 42 The minimum ground floor level of buildings within Area 1 of Drawing number 6567 P004/E, hereby permitted must be at least 1.00m AOD.
- 42 Reason: To protect the development from flooding in extreme circumstances in accordance with Policy EN7 of the East Cambridgeshire Core Strategy 2009 and ENV8 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 43 The food superstore hereby permitted shall not open for retail trading unless and until the use of the land for retail purposes and occupied by the existing Tesco foodstore, (shown edged green on drawing number xxx attached to this permission), has permanently ceased.
- 43 Reason: To ensure that the development complies with convenience foodstore provision for Ely and future employment provision in accordance with Policies CS5, CS9 and S1 of

the Core Strategy 2009 and Policies COM1, GROWTH 2, ELY 7, ELY 8, and ELY 9 of the East Cambridgeshire Draft Local Plan (Pre submission version) 2013 as amended.

- 44 Notwithstanding the provisions of Section 55 (2) of the Town and Country Planning Act 1990 (as amended), the internal floorspace hereby permitted within the DIY unit and non-food retail Units 1 to 6 shall be a minimum of 500 sq m.
- 44 Reason: The application has been determined on the basis of the site providing large units of retail floorspace that cannot be accommodated within the city centre. A reduction in floorspace and/or subdivision of any open Class A1 retail unit below 500m² will create smaller units which will compete directly with the existing stock of retail floorspace within the city centre. In accordance with Policy CS5 of the Core Strategy and Policy COM1, Policy ELY 9 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 45 Notwithstanding the provisions of Class A1 to the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order, with or without modification, the 3483sq.m gross internal floorspace hereby permitted within the DIY unit (as shown on drawing No. 6567 P101E), shall not be used other than for the sale of DIY goods and materials, gardening goods and materials, home improvement products, furniture, carpet and floor coverings, and the ancillary sale of related items. The external storage area to the DIY unit shall not exceed 1129 sq.m and shall only be used for the sale of gardening goods and materials, and the ancillary sale of related items.
- 45 Reason: The application has been considered on the basis of retail floorspace commensurate to a DIY retail operator. This sales density is much lower than might be achieved by unrestricted A1 use and therefore appropriate to restrict the range of goods that can be sold from this unit and as outlined in Policy CS5 of the East Cambridgeshire Core Strategy 2009 and Policies ELY9 and COM1 of the East Cambridgeshire Draft Local Plan (Pre-submission version) 2013 as amended.
- 46 Notwithstanding section 55 (2) (a) of the Town and Country Planning Act 1990 (as amended) there shall be no subdivision of the superstore hereby permitted without the grant of planning permission from the local planning authority, save that the superstore may contain the ancillary uses commonly provided including a café / restaurant, bakery, financial services, automated teller machines, lottery ticket sales, pharmacy, hot food takeaway, post office and dry cleaners / laundry.
- 46 Reason: The application has been determined on the basis of the site providing an acceptable amount of retail floorspace. Subdivision of the foodstore to provide further units of unrestricted A1 retail use may result in impacts not previously assessed in accordance with policy CS5 of the East Cambridgeshire Core Strategy and Policy ELY9 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013 as amended.
- 47 Notwithstanding the Use Class A1 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order, with or without modification, the following changes of use shall not be permitted on the site without the prior consent in writing by way of a formal planning application to the Local Planning Authority:

Class A - a change to a Class A1 shop or A2 Financial and Professional Services, from Class A3 (restaurant and cafes) and A4 drinking establishments.

Class B - a change to a Class B8 (storage and distribution) from a Class B1.

- 47 Reason: To ensure that the development has the appropriate mix of uses and in order not to prejudice the primary shopping role of Ely city centre in accordance with policy CS5 of the East Cambridgeshire Core Strategy 2009 and Policy COM1 and ELY9 of the East Cambridgeshire Draft Local Plan (Pre- submission version) 2013 as amended.
- 48 Notwithstanding the provisions of section 55 (2) (a) of the Town and Country Planning Act 1990 there shall be no additional mezzanine floorspace created within any of the retail units, excluding the superstore hereby permitted, without the prior written permission of the Local Planning Authority.
- 48 Reason: The application has been determined on the basis of the site providing an acceptable amount of retail floorspace in accordance with policy CS5 of the East Cambridgeshire Core Strategy and Policy ELY 9 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013.as amended.
- 49 Notwithstanding the provisions of the Town and Country Planning Permitted Development (Amendment) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained from the Local Planning Authority by way of a formal planning application.
- 49 Reason: In the interests of visual amenity, to ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies EN1, EN2 and S5 of the East Cambridgeshire Core Strategy 2009 and Policies ENV1 ENV2 and COM6 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 50 Notwithstanding the provisions of section 55 (2) of the Town and Country Planning Act 1990 (as amended) no internal or external floorspace shall be added to any of the retail units hereby approved, without the prior approval by way of a formal application to the Local Planning Authority.
- 50 Reason: The application has been assessed on the basis of the proposed floorspace in accordance with policy CS5 of the East Cambridgeshire Core Strategy 2009 and Policies COM1 and ELY 9 of the East Cambridgeshire Draft Local Plan (Pre submission version) 2013 as amended.
- 51 Units 1-6 and the DIY unit shall not be open to the public outside of the following hours: 8am-8pm Monday to Saturday and 10am-4pm on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority by way of a formal application.
- 51 Reason: To safeguard the amenity of neighbouring occupiers, and to define the terms of the permission in accordance with Policy EN2 of the East Cambridgeshire Core Strategy 2009 and Policy ENV2 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

- 52 Prior to the commencement of the development hereby permitted a comprehensive construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a plan must include details of the routes to and from the site for construction and delivery vehicles, and details of the access into the site from the public highway. The scheme shall include details of the maintenance of a travel log showing all delivery and service vehicle route movements to and from the site. A monthly management audit shall be undertaken on the log to check for compliance with the approved route. The log and management audit shall be made available to the Local Planning Authority within 7 days of a written request. The Traffic Management Plan shall provide for temporary facilities for the parking, turning, loading, and unloading of all vehicles clear of the public highway.
- 52 Reason: In the interests of highway safety, in accordance with Policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and Policies COM7 and COM 8 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 53 All access and off-site highway works shown on drawing numbers 0744/GA/006/ A, 0744/GA001/F, 0744/GA/002/B, shall be completed to the satisfaction of the Local Planning Authority prior to the first occupation of the development hereby approved. Works shall include the permanent closure of the redundant access onto Angel Drove.
- 53 Reason: In the interests of highway safety, in accordance with Policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and Policies COM7 and COM8 of East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 54 Prior to the first occupation of the development hereby permitted, the on-site servicing, loading/unloading and turning areas shown on Drawing no 0744/GA/001/F shall be laid out, surfaced and drained and thereafter retained.
- 54 Reason: In the interests of highway safety, in accordance with Policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and Policies COM7 and COM8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.
- 55 Prior to the first occupation of the development hereby permitted, the car parking spaces, cycle stands and motor-cycle stands, shall be laid out and provided within the application site, for the parking of cars, cycles and motor cycles. A minimum of 776 car parking spaces shall be provided for the superstore. 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.
- 55 Reason: To ensure the safe and efficient operation of the public highway in accordance with Policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and Policies COM7 and COM8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

56 Prior to the commencement of development a construction phase method statement shall be submitted to and agreed in writing by the Local Planning Authority. Such statements shall include the means of protecting the users of the adjacent public highway. The agreed details shall be carried out and implemented as agreed.

56 Reason: To ensure the safe and efficient operation of the public highway in accordance with Policies EN2, S6 and S7 of the East Cambridgeshire District Council 2009 and ENV2 COM7 and COM8 of the East Cambridgeshire District Council Draft Local Plan (pre-submission version) 2013 as amended.

57 The development permitted by this planning permission shall be restricted to those uses and floorspace identified in the application description.

Areas where outline consent is granted

Use	Gross internal floorspace m2
Hotel	2100
Public house	574
Offices	5046
Storage and Distribution	1509
Total	9229

Areas where full permission is granted

Unit	Gross external	Gross internal	Net floorspace convenience	Net non-food floorspace
Superstore	10,981 including 660 cage marshalling and dot.com servicing area	10,857(including cage marshalling and dot.com floorspace).	61% of floorspace	39% of floorspace
Unit 1 non food	723	690		690
Unit 2 non food	719	696		696
Unit 3 non food	717	697		697
Unit 4 non food	717	697		697
Unit 5 non food	956	932		932
Unit 6 non food	956	1,437		1,437 including 505m2 mezzanine floor
DIY unit	3539 including 1,129 external storage area	3,483 includes 1,136 mezzanine (Not including external storage area)		3,483 including 1,136 mezzanine floor.
Restaurant		574		574

Petrol filling station (sui generis)	90	90		90
Total	19,370			

57 Reason To define the terms of the permission. The application has been determined on the basis of the impacts of the proposed scheme and to ensure that no changes are undertaken that result in impacts not previously assessed in accordance with policy CS5 of the East Cambridgeshire Core Strategy and Policy ELY9 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013 as amended.

LETTER RECEIVED FROM MARTIN ROBESON PLANNING PRACTICE, AGENTS ACTING ON BEHALF OF CAMBRIDGE PROPERTY GROUP, APPLICANTS FOR 14/00431/OUM

Our Ref: MGR/SM/2659/LT20140610

10 June 2014

Cllr James Palmer
Oak House, 41 Sand Street
Soham
Cambridgeshire
CB7 5AA

MRPP

**MARTIN ROBESON
PLANNING PRACTICE**

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Dear Councillor Palmer

PROPOSED MAJOR DEVELOPMENT FOR TESCO AND OTHERS, HEReward PARK, DOWNHAM ROAD, ELY

I am writing to all members of East Cambridgeshire District Council on behalf of our client, Cambridge Property Group (CPG), to update you on important relevant matters relating to their major development proposal at Hereward Park, Downham Road, Ely. As a business they have a successful track record of delivering major superstore retailers into the best and most effective locations for local communities across East Anglia including Tesco stores at Hunstanton, Downham Market, Brandon and currently under construction at Chatteris.

Their experience tells them that this will be an excellent scheme for Ely. They have therefore committed considerable financial resources to it and obtained access to the substantial development funding required.

A while ago they also made an attractive financial offer to the Council for the freehold land that it controls here. A response is keenly awaited.

Meanwhile our client's planning application to accommodate Tesco's relocation requirement from the Station Gateway area has been with your officers since mid-April. The scheme provides Tesco's full requirement for Ely, a terrace of retail park units tailored in size and format to add to Ely's shopping attraction (rather than impacting on it) and related restaurant facilities. The scheme's scale, character and design ensures that it has the quality and ambience that will make it attractive for the wider community and thus help serve to retain their spending locally. Its location to the north of the City makes it extremely convenient for Ely's existing and future communities and best able to intercept those going elsewhere, i.e. to Cambridge, a truly sustainable and effective location.

The scheme has further specific and important benefits. It will facilitate the nearby relocation and enhancement of EOSA's facilities for Ely's Rugby, Tennis and Hockey Clubs and for Ely City Football Club all of whom are very supportive of our proposals. The retail scheme will be located immediately adjacent to the Council's proposed Multiplex Cinema and the longer term site reserved for a new Leisure Centre, enhancing the viability of the former and helping create a complete 'destination'. Access and other infrastructure costs can also be efficiently shared.

Tesco entered into a contract to occupy a replacement store in the Octagon Park, Angel Drove proposal to the south west of Ely before our proposals advanced. Not only does that scheme not have the locational and enabling benefits of our proposals, but whilst there remains a prospect of planning permission being granted for it, Tesco, as you will have noted, are required to act positively in respect of it, however ill advised.

MARTIN ROBESON BA FRTP I FRICS FRSA

JOANNA JONES BA (HONS) MSC MRTPI
MILES YOUNG BSC (HONS) DIPPG MSC
LUKE RAISTRICK BA (HONS) MPLAN

ED BARRETT BA (HONS) MURP MRTPI MIPI
KATYA SAMOKHVALOVA MTCP
RICHARD ROBESON BA (HONS) MSC
ALANA HARRIS BA (HONS)

ROBERT POSSELT BPD GDIPTP (Consultant)

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Our client's proposals have emerged since the Council initially decided to support the Octagon Park, Angel Drove proposal. Planning permission has not yet been granted for that scheme. It does not have most of the benefits that the Hereward Park proposal will deliver. In town planning terms, our client is advised that their proposals constitute *"an important material planning consideration in the final determination of the Octagon Park, Angel Drove application"*. As such, the Council are required by planning law to take them fully into account in any final decision on the Octagon Park, Angel Drove proposal.

I understand that the Council's Planning Committee may shortly be considering its final decision on the Octagon Park, Angel Drove proposal and will have to carefully assess in that decision the advantages and considerable merits of our Hereward Park proposals. The right decision for Ely and East Cambridgeshire is to reject the Octagon Park, Angel Drove proposal on the clear basis that there is now the real prospect of a more beneficial scheme being delivered, which has greater benefits to the community of Ely as well as to the Council. At least, it should be deferred pending the determination (i.e. grant) of CPG's more preferable scheme.

I attach a plan of our client's scheme and a map helpfully showing the respective locations of the proposals.

If you would like further information, or have any queries, please contact our adviser, Martin Robeson of MRPP on 07766 333600 or at MartinRobeson@mrpp.co.uk

Yours sincerely

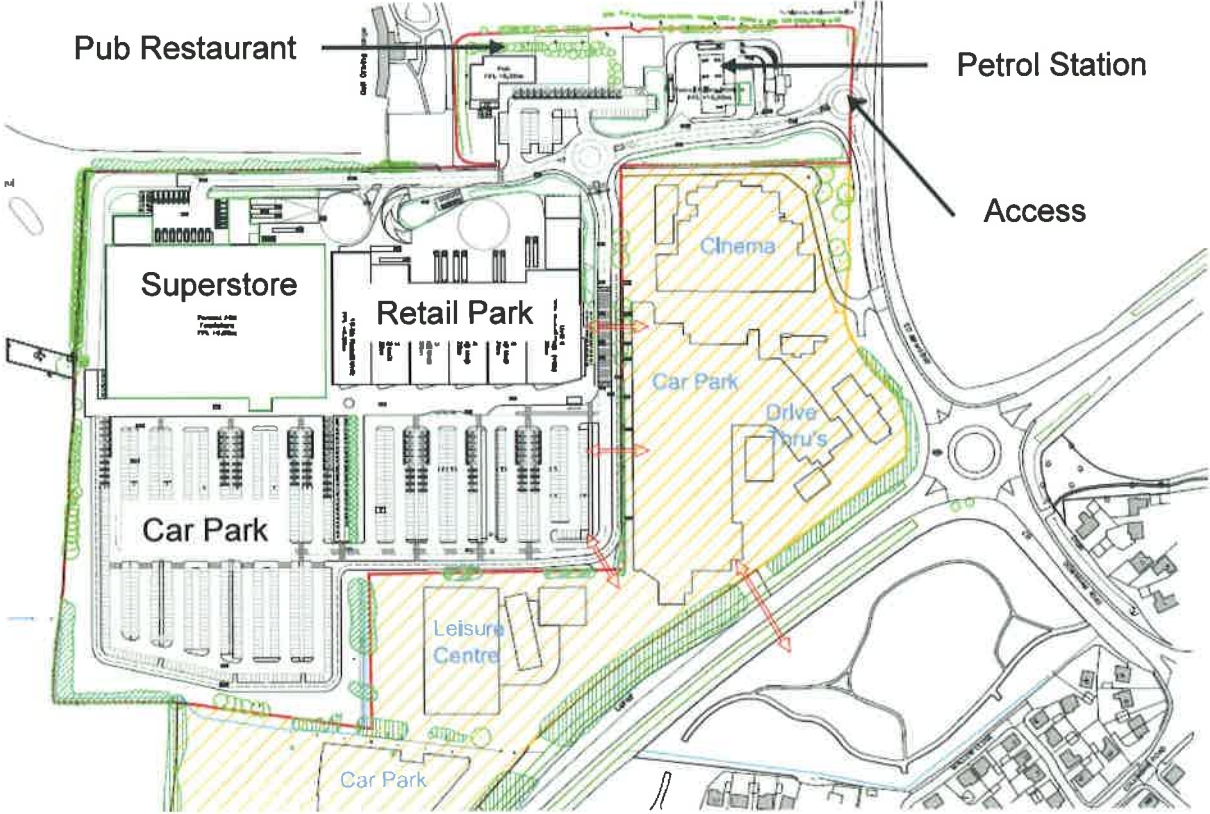


 **Martin Robeson**
MartinRobeson@mrpp.co.uk

cc: John Hill - Chief Executive, East Cambs DC
Ann Caffall - Planning Officer, East Cambs DC

Enc

Layout Plan of Hereward Park and the Council's adjacent leisure proposal



Map of Hereward Park and Octagon Park locations

