
MAIN CASE

Reference No: 15/01240/VARM

Proposal: Variation of condition 3 (Reserved matters) of previously approved 08/00563/ESO for Extension to Lancaster Way Business Park including infrastructure, roads services yards, drainage and landscape works.

Site Address: Land South East Of Wellington Road Lancaster Way Business Park Ely Cambridgeshire CB6 3NW

Applicant: Grovemere Property Limited

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Ely

Ward: Ely South

Ward Councillor/s: Councillor Tom Hunt
Councillor Coralie Green

Date Received: 16 October 2015 **Expiry Date:** 10 February 2016

[Q180]

1.0 **RECOMMENDATION**

1.1 Members are requested to approve the application subject to the recommended conditions below (full conditions can be found under appendix 1).

- 1 Approved Plans
- 2 Masterplan
- 3 Approval of details
- 4 Use class limits
- 5 Landscaping
- 6 Biodiversity
- 7 Sustainability
- 8 Archaeological
- 9 Land contamination
- 10 Land contamination
- 11 Surface water
- 12 Surface water
- 13 Foul water drainage
- 14 Noise disturbance
- 15 Waste management

- 16 Fire safety
- 17 Parking
- 18 Bus shelter
- 19 Second bus shelter

2.0 SUMMARY OF APPLICATION

2.1 The application seeks to vary condition 3 in order to provide the developer greater flexibility of the timing of when they are required to submit reserved matter applications.

2.2 The current condition on 08/00563/ESO reads:

3 Application for approval of the reserved matters (i.e. layout, scale, appearance and landscaping) shall be made to the Local Planning Authority for each phase of the development in accordance with the following phasing timetable:

a) Within 3 years of the date of this decision details of the principle access road (Wellington Road) shall be submitted to and approved in writing by, the Local Planning Authority. All approved works shall be commenced within 2 years of the approval of the details.

b) Within 5 years of the date of this decision, details of at least 10,000 sqm of proposed development on the site shall be submitted to the Local Planning Authority as reserved matters applications.

c) Within 10 years of the date of this decision details of at least a further 20,000 sqm of proposed development on the site (giving a total of at least 30,000 sqm at that point) shall be submitted to the Local Planning Authority as reserved matters applications.

d) Within 15 years of the date of this decision notice details of the remaining proposed development shall be submitted to the Local Planning Authority as reserved matters applications.

The development for each building and immediate curtilage shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters for each relevant plot.

Any changes to the proposed phasing shall be agreed in writing with the Local Planning Authority.

3 REASON: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990, as amended, and to enhance the appearance of the site during its development and assimilate the development into its surroundings in pursuance of Policy EN1 and ENV6 of the East Cambridgeshire District Core Strategy 2009.

2.3 The revised wording:

- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") of each building and immediate curtilage within each phase shall be obtained from the Local Planning Authority in writing before any development of that building in that phase is commenced, and shall be carried out as approved.

All reserved matters application shall be submitted within 15 years of the 1st April 2011 to the Local Planning Authority.

The development for each building and immediate curtilage shall be begun before the expiration of 2 years from the date of the approval of the last reserved matters for each relevant plot.

- 3 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Order 1990, as amended.

2.4 The application is brought before Planning Committee by Officers as this application could affect the timing of bringing forward the approved employment land at Lancaster Way. The original planning application was also determined by planning committee.

2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

06/01422/NMAA	Non material amendment of previously approved 06/01422/FUM for construction of four general industrial/warehouse buildings with associated parking and servicing area		15.09.2015
08/00048/FUM	Revised proposal for unit D of application 06/01422/FUM, general industrial/warehouse building with associated parking & servicing area.	Approved	21.04.2008
06/01422/FUM	Construction of four general industrial/warehouse buildings with associated parking and servicing area.	Approved	24.04.2007
13/00974/FUM	Erection of warehouse with ancillary office, clean room, marshalling area, service yard, car and cycle parking and associated	Approved	27.03.2014

infrastructure

15/01227/VARM	To vary condition 1 (approved plans) of previously approved 06/01422/FUM for construction of four general industrial/warehouse buildings with associated parking and servicing area, added as a Non material amendment by 06/01422/NMAA	Approved	04.01.2016
14/01145/VARM	Variation of Condition 11 (Drainage) of previously approved 13/00974/FUM for erection of warehouse with ancillary office, clean room, marshalling area, service yard, car and cycle parking and associated infrastructure to provide alternative drainage proposals	Approved	05.06.2015
08/00563/ESO	Extension to Lancaster Way Business Park including infrastructure, roads services yards, drainage and landscape works	Approved	04.02.2011
13/01142/RMM	Under Condition 3 (a) of Planning permission 08/00563/ESO - within 3 years of the date of this decision details of the principle access road (Wellington Road) shall be submitted to and approved in writing by, the Local Planning Authority. All approved works shall be commenced within 2 years of the approval of the details. The original application was EIA development and an ES was provided at that time.	Approved	26.03.2014

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located on the south eastern edge of the Lancaster Way Business Park and connects onto the public highway via Wellington Road. This site forms part of the approved extension to the business park. The northern edge of the site is defined by the Cambridge Commodities building.

5.0 RESPONSES FROM CONSULTEES

- 5.1 The full responses are available on the Council's web site.

Local Highways Authority – No objections in principal but seeks to ensure that the previous S106 Agreements are still secured.

Historic Environment Team (County Council) – An archaeological brief has been requested b the applicant for this site. This was first established during the evaluation for the major extension site for the business park under application E/01422/06/F and subsequent excavation of the two plots for ISON and Cambridge Commodities within the 08/00563/ESO area for which no archaeological condition had been attached. This was achieved owing to the re-application for permission for amended building layouts in these two plots.

By January it might be the case that the archaeological field work might be completed. The post excavation element of an archaeological programme will not have been completed by this time and recommend archaeological condition is attached to any consent.

Environmental Health – No concerns over proposal.

Cawdle Fen Internal Drainage Board – The board has no comment from the drainage point of view.

- 5.2 Neighbours – No neighbours were consulted as part of this application but a site notice was erected on the 3 November 2015 and press notice went out on the 29 October 2015. No letters from interested residents have been received.

6.0 The Planning Policy Context

- 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk

ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 National Planning Policy Framework 2012

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The principle of development has been defined by planning permission 08/00563/ESO. There are no concerns over the principle of this development. This previous application was subject to an Environmental Statement and a S106 agreement. A deed of variation to the S106 agreement dated the 2nd December 2015 has already been drawn up and signed, which ensures any variation to 08/00563/ESO is still covered by the previous agreed contributions.

7.3 Several of the conditions for 08/00563/ESO have already been discharged and if approved any revised decision notice will need to reflect previously agreed details.

7.4 Phasing of Development

7.5 The previous phasing condition required that the developer submit a minimum amount of floor space every five years (first five years 10,000 sqm; within ten years, 30,000 sqm and then the remainder within 15 years). This does mean that if the developer was to submit only 9,999 sqm in the first five years they would lose the ability to submit any additional reserved matter applications, as the proposal would not comply with 08/00563/ESO.

7.6 The condition does not require the developer to build this level of floorspace and for this reason does not necessary speed up the provision of employment within the local area. With the condition not necessarily bringing forward employment and potentially putting the developer to unnecessary expense as they submit proposals that they have no intention of building, the current condition struggles to meet the test of 'reasonableness'. Therefore it is considered acceptable to vary the wording of this condition.

7.7 The principle access road was approved under 13/01142/RMM and has been implemented in connection with the Cambridge Commodities Build. This element of the condition should therefore be removed.

7.8 It is understood that part of the reasoning behind placing the phasing was to prevent the applicant land banking. While it is noted that Lancaster Way Business Park is actively growing, recently benefited from becoming an Enterprise Zone and is unlikely to be land banked very little weight can be given to this.

7.9 It is recommended that the condition is reworded (as stated in paragraph 2.3) in order to grant the developer greater flexibility in when they can submit additional floorspace.

7.10 Planning Balance

7.11 It is considered that on balance that the proposed change in the timing of submission of reserved matters is considered to be acceptable.

8.0 APPENDICES

8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01240/VARM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Senior Planning Officer 01353 665555 andrew.phillips@ea stcambs.gov.uk
06/01422/NMAA		
08/00048/FUM		
06/01422/FUM		
13/00974/FUM		
15/01227/VARM		
14/01145/VARM		
08/00563/ESO		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 15/01240/VARM Conditions

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

Plan Reference	Version No	Date Received
ENVIRONMENTAL STATEMENT		9th June 2008
C477500010-60	REV D	9th June 2008
C477400010-50	REV G	9th June 2008
C477400010-53	REV F	9th June 2008
C477500010-52	REV K	9th June 2008
ARCHAEOLOGY EXCAVATION PLAN 2008		Holmes M 2008 08/121 f.2 16th July 2008

- 1 Reason: To define the scope and extent of this permission.
- 2 The Masterplan shall accord with the details agreed under planning permission 08/00563/ESO. This masterplan shall inform all subsequent reserved matters applications. Any changes to the masterplan shall be agreed in writing with the Local Planning Authority.
- 2 Reason: To ensure the development of the site is progressed in a co-ordinated and comprehensive manner, in accordance with agreed principles and that sufficient infrastructure is in place to serve each phase, in accordance with policies GROWTH 3, ENV1, ENV2, ENV7, ENV8 and ENV9 of the East Cambridgeshire Local Plan Adopted April 2015.
- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") of each building and immediate curtilage within each phase shall be obtained from the Local Planning Authority in writing before any development of that building in that phase is commenced, and shall be carried out as approved.

All reserved matters application shall be submitted within 15 years of the 1st April 2011 to the Local Planning Authority.

The development for each building and immediate curtilage shall be begun before the expiration of 2 years from the date of the approval of the last reserved matters for each relevant plot.
- 3 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Order 1990, as amended.
- 4 Notwithstanding that the application is for a mix of B1(b) and (c), B2 and B8 uses, the ratio of those uses over the whole site shall be as follows:
B1(b) and B1(C): Not more than 21,060 sqm of developed floor space.
B2: A minimum of 53, 820 sqm of developed floor space.
B8: Not more than 51,480 sqm of developed floor space.

(These uses being as identified in the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order.)

- 4 Reason: To ensure a satisfactory mixed use of the site in accordance with the identified needs of the Council's economic strategy, and having regard to the visual and highway impact in accordance with Policies GROWTH4 and COM7 of East Cambridgeshire Local Plan Adopted April 2015.
- 5 The strategic landscaping within the site and structural landscaping on the boundary shall commence in accordance with the approved details in planning application 08/00563/ESO.

Subsequent reserved matters applications for landscaping of the strategic landscaping detailed in Condition 1, and the landscaping for individual plots shall include the hard landscaping details and materials, soft landscaping details including planting plans, and a 20 year management plan to ensure their future maintenance and protection, and details of vehicular and pedestrian accesses into the site, as they relate to that plot. These details shall be in accordance with the strategic landscaping plan and shall be submitted prior to the commencement of any development of the relevant phase or plot. The approved details shall be implemented within the first planting season following commencement of works on each individual plot, and managed and maintained in accordance with the management plan.

- 5 Reason: To enhance the appearance of the site during its development and assimilate the development into its surroundings in accordance with Policy ENV1 of the East Cambridgeshire Local Plan Adopted April 2015.
- 6 Alongside the consideration of any reserved matters application a 20 year management plan to meet the relevant local and national biodiversity habitat action plans and species plans, as they relate to that plot and in accordance with the details contained within the masterplan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, and shall be carried out in accordance with the approved scheme.
- 6 Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy, and in accordance with policy ENV7 of the East Cambridgeshire Local Plan Adopted April 2015.
- 7 As part of each reserved matters application, prior to the commencement of each individual plot, an energy and sustainability strategy which complies with relevant planning policy at the time of submission of the application, including details of on-site renewable energy technology, energy efficiency measures and sustainable construction methods to be incorporated into the development, as they relate to that plot, shall be submitted to, and approved in writing by, the Local Planning Authority, and all development shall be carried out in full compliance with the agreed strategy.

- 7 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 contributes to global sustainability, and effectively tackles climate change, in accordance with ENV4 of the East Cambridgeshire Local Plan Adopted April 2015.
- 8 Notwithstanding the archaeological evaluation details submitted with the application no development shall take place within zones 1, 2 or 3, as defined by this condition, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the local planning authority for three identified archaeological zones. With reference to the evaluation report submitted in support of the scheme's planning application, the zones are:

Zone 1: Archaeological Evaluation Trenches 52, 56, 57, 70-76, 78-82;

Zone 2: Archaeological Evaluation Trenches 32, 32A, 37, 55, 58-60;

Zone 3: Archaeological Evaluation Trenches 1, 3, 4, 6

Each of the identified areas will be excavated as single entities to prevent the loss of archaeological site integrity through piecemeal investigation in advance of any preparatory or construction ground works as they relate to that zone.

For the avoidance of doubt the definitive plan demarking the trenches is Holmes, M. 2008 Archaeological trial excavation of land south-east of Lancaster Way Business park, Ely. ECB2862. March-April 2008 Northamptonshire Archaeology unpublished report ref 08/121 (Fig. 2)

- 8 Reason: To safeguard archaeological assets in Zones 1-3 from impacts relating to any groundworks of the development scheme, and to ensure the proper investigation, recording, reporting and presentation of archaeological assets threatened by development in Zones 1-3 in accordance with Policy ENV14 of the East Cambridgeshire Local Plan Adopted April 2015.
- 9 Notwithstanding the details of the investigations, assessments and actions already taken to address risks from land contamination, any reserved matters or full applications submitted in relation to any buildings which would overlie the locations of former ponds on the site, must incorporate details of passive ground gas protection measures to include well-ventilated suspended floor slabs with a suitable membrane lapped and sealed across all service entries, joints and penetrations. The verification of this membrane must include a manufacturers statement outlining the appropriateness of using this particular membrane to protect from the suspected ground gases and photographs of its supervised installation, by a competent person. The subsequent development must be carried out in accordance with the approved details.
- 9 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 ENV9 of the East Cambridgeshire Local Plan Adopted April 2015.

- 10 Notwithstanding the information contained in the Environmental Statement, if, during any part of the phased development or development of an individual plot, contamination not previously identified is found to be present at the site, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority. No further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on that part of the development until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
- 10 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 ENV9 of the East Cambridgeshire Local Plan Adopted April 2015.
- 11 The surface water drainage scheme shall commence in accordance with the details agreed in writing under planning application 08/00563/ESO. The works scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified and agreed in the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.
- 11 Reason: To ensure that individual sites, and the development as a whole, is served by an adequate surface water drainage system in accordance with policy ENV8 of the East Cambridgeshire Local Plan Adopted April 2015.
- 12 Prior to commencement of any development of an individual plot within a phase of the development, a scheme for surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme as they relate to that plot shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.
- 12 Reason: To ensure that individual sites, and the development as a whole, is served by an adequate surface water drainage system in accordance with policy ENV8 of the East Cambridgeshire Local Plan Adopted April 2015.
- 13 Prior to commencement of any development of an individual plot within a phase of the development, a scheme for the provision and implementation and phasing of (i) foul water drainage, and (ii) pollution control, as they relate to that plot shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.
- 13 Reason: To ensure satisfactory methods of foul water drainage, and pollution control in accordance with policies ENV8 and ENV 9 of the East Cambridgeshire Local Plan Adopted April 2015.

- 14 Notwithstanding the mitigation measures detailed in paragraphs 11.44 and 11.51 of the Environmental Statement (submitted in planning application 08/00563/ESO), prior to the commencement of development of any individual plot, details of methods to minimise construction noise and noise from the business activities to be carried out on the site, as they relate to that plot, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully implemented. The development shall be carried out in strict accordance with the agreed details.
- 14 Reason: To minimise any adverse impact on the reasonable residential amenities of the neighbouring residential property, in accordance with Policy ENV9 of the East Cambridgeshire Local Plan Adopted April 2015.
- 15 No development shall commence on any individual plot until a scheme for waste management and recycling within that plot has been submitted in writing to, and approved in writing by, the local planning authority, and no development shall take place other than in accordance with such approved scheme.
- 15 Reason: To ensure the minimisation of waste generation and its appropriate disposal/recycling in accordance with Policy ENV2 of East Cambridgeshire Local Plan Adopted April 2015.
- 16 Prior to the commencement of each individual plot within a phase, a scheme for the provision of fire hydrants, or a satisfactory alternative, as they relate to that plot, shall be submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed with the approved details prior to the occupation of any part of the development of each individual plot.
- 16 Reason: To ensure the proper infrastructure for the site in the interest of public safety.
- 17 Prior to the commencement of development of an individual plot, full details of the parking, turning and loading layout associated with that plot shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority.
- 17 Reason: In the interests of highway safety, in accordance with COM 7 of East Cambridgeshire Local Plan Adopted April 2015.
- 18 Prior to the submission of any Reserved Matters application which results in a cumulative total of 20,000sq m or more floor space details of the design and location of a single bus shelter shall be provided to the Local Planning Authority. The bus shelter shall be constructed and available for use prior to the first occupation of 20,000 sq m unless otherwise agreed in writing with the Local Planning Authority.
- 18 Reason: To ensure provision of infrastructure to promote sustainable travel for users of the site in accordance with Policies GROWTH 3 and COM7 of East Cambridgeshire Local Plan Adopted April 2015.
- 19 Prior to the submission of any Reserved Matters application which results in a cumulative total of 50,000sq m or more floor space details of the design and location of a second bus shelter shall be provided to the Local Planning Authority. The bus shelter

shall be constructed and available for use prior to the first occupation of 50,000 sq m unless otherwise agreed in writing with the Local Planning Authority.

- 19 Reason: To ensure provision of infrastructure to promote sustainable travel for users of the site in accordance with Policies GROWTH 3 and COM7 of East Cambridgeshire Local Plan Adopted April 2015.