

MAIN CASE

Reference No: 17/00385/VAR3M

Proposal: Variation of condition 1 (Approved plans) of previously approved 14/01353/FUM for Hybrid planning application consisting of a detailed scheme for the construction of a six screen multiplex cinema and four in-line restaurants (A3-A4 use), six additional units in A3-A5 use, underpass, highways works, associated landscaping (including drainage attenuation basin), site infrastructure and services ('the Phase 1 Development'); and an Outline scheme for the construction of a district-wide leisure centre, associated landscaping, site infrastructure and services ('the Phase 2 Development')

Site Address: Ely Leisure Village Downham Road Ely Cambridgeshire

Applicant: East Cambs District Council

Case Officer: Rebecca Saunt, Planning Manager

Parish: Ely

Ward: Ely West

Ward Councillor/s: Councillor Sue Austen
Councillor Neil Hitchin

Date Received: 27 February 2017 **Expiry Date:** 29th May 2017

[R283]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Period
- 3 Materials
- 4 Soft Landscaping
- 5 Landscape Maintenance
- 6 Replacement Planting
- 7 Hard Landscaping Scheme
- 8 Energy Report
- 9 Hours of Operation
- 10 Deliveries to site when operational
- 11 CCTV Scheme

- 12 Access to adjoining sports facilities
- 13 Fire Hydrant

2.0 SUMMARY OF APPLICATION

- 2.1 The reserved matters for the leisure centre were previously approved under application 16/00372/RM3M. This application is seeking to vary condition 1 of that permission which is the approved plans. The changes to the originally approved plans are listed below:

Site plan

- The synthetic turf pitch has been repositioned
- Disabled parking bays and coach drop off relocated
- Service yard layout revised
- Cycle hoops added
- Access road layout revised
- Over flow car park omitted and number of spaces incorporated with the main car park. Number of car parking spaces has been maintained
- Block paving to car park omitted and brought in line with Phase 1 finishes

Floor Plans

- Internal layouts revised to suit operational requirements
- Roof plant omitted and accommodated internally

Elevations

- Height of buildings reduced and curtain/window heights revised to suit
- Height of brick plinth to Foyer and Sports Hall revised
- Rain screen material to Sports Hall revised
- Single storey Sports Hall stores incorporated
- Windows to east elevation – dry change – rationalised to suit internal layout and additional window to multipurpose room added

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

- 2.3 This application has been brought to Planning Committee as the applicant is East Cambridgeshire District Council.

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|---------------|---|----------|------------|
| 16/00372/RM3M | Approval of the detailed appearance, landscaping, layout and scale for the construction of a district-wide leisure centre ('the | Approved | 10.06.2016 |
|---------------|---|----------|------------|

Phase 2 Development')
previously approved by
15/01134/VARM.

14/01353/FUM	Hybrid planning application consisting of a detailed scheme for the construction of a six screen multiplex cinema and four in-line restaurants (A3-A4 use), six additional units in A3-A5 use, underpass, highways works, associated landscaping (including drainage attenuation basin), site infrastructure and services ('the Phase 1 Development'); and an Outline scheme for the construction of a district-wide leisure centre, associated landscaping, site infrastructure and services ('the Phase 2 Development')	Approved	22.06.2015
15/01134/VARM	To vary condition 1 and condition 37 of previously approved E/14/01353/FUM for approved plans and BREEAM	Approved	12.11.2015
16/01225/VARM	To vary condition 1 (Approved plans) of previously approved 14/01353/FUM	Approved	06.01.2017

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site lies on the north-western edge of Ely, adjacent to the A10 and is accessed from Downham Road. This proposal forms phase 2 of the previously approved hybrid application for the cinema, associated restaurants and the outline element of the leisure centre. The site comprises 3.23 hectares. The site is located just outside the Ely development envelope, but sits within a landscape of intermittent built forms and adjacent to the cinema development which is currently under construction.
- 4.2 The immediate area adjacent to the site accommodates a number of sports clubs and facilities, including Ely City Football Club, Ely Tigers Rugby Club, On Par Golf facilities and the A10 to the south and Downham Road and the cinema development to the east. The sites primary frontage follows the line of the A10. The site is mostly flat, with the existing site levels generally lower than the surrounding

roads. The site is bounded by existing trees and hedges.

5.0 RESPONSES FROM CONSULTEES

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

Design Out Crime Officers – Viewed the documents and have nothing to comment, object or recommend.

Sport England – This application seeks minor amendments to the previous scheme, the amendments have been agreed with Sport England, and we therefore raise no objection to this revised application.

Environmental Health – As the recent noise impact assessment was completed since this variation and is therefore based upon the most up to date information, I have no issues to raise. The site is already covered by a noise condition.

Waste Strategy (ECDC) - No Comments Received

Cambridgeshire Fire and Rescue Service - No Comments Received

Internal Drainage Board – No comment to make on this condition, but would wish to comment on any drainage conditions.

City of Ely Council – No concerns regarding this application

Ward Councillors - No Comments Received

- 5.2 Neighbours – 50 neighbouring properties were notified, site notice posted and advert placed in the Cambridge Evening News, 1 response was received from 23 Cam Drive in relation to the level of disturbance, noise and vibrations connected to this ongoing project, which they are finding distressing at times. The resident has noticed numerous cracks to the internal walls of their home. The neighbour lodges their complaint and consequently objects to further works until they can be assured all work is being managed responsibly and consideration being made to local families and their properties.

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
EMP 7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 3	Shop fronts and advertisements

ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision
ELY 10	Leisure allocation, land at Downham Road

6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

Principle of Development

- 7.1 The principle of development has already been established through the granting of application 16/00372/RM3M. This application seeks to vary condition 1 which is the approved plans to make minor amendments to the proposal as outlined in paragraph 2.1 of this report.

Residential Amenity

- 7.2 The plant which was originally proposed on the roof has now been located internally. This amendment has formed part of a noise report which was submitted by the applicant to address a condition on the outline permission and Environmental Health Officers are satisfied with the findings of the report. Given the positioning of the building in relation to neighbouring buildings the proposed amendments would have no impact on residential amenity. 1 letter of objection has been received in relation to the vibrations from the development as a whole during construction. At that point in time the leisure centre was not under construction and it is believed that this was from the underpass construction. The letter received has been forwarded to Turnstones who were the applicants for the phase one development. The proposed minor amendments to the scheme will not have an

adverse impact on residential amenity and the proposal complies with policy ENV2 of the Local Plan.

Visual Amenity

- 7.3 The overall height of the building has been reduced, which overall reduces the overall visual appearance of the building within the landscape. The sports hall was originally 12.2 metres high and this has been reduced to 9.8 metres in height, the roof over the proposed pool area was originally 9.5 metres and this has been reduced to 7 metres in height. The proposed amendments also include a single storey sports hall storage area, adjacent to the sports hall, instead of the storage being located internally. Following the internal amendments there has been some alterations to the fenestration. The height of the brick plinth has been increased and an alternative to the rain screen material on the sports hall has also been proposed. On the whole it is not considered that these amendments would have an adverse visual impact on the development as a whole. Concerns have been raised with the applicant in relation to the alternative rain screen material proposed for the sports hall and a condition has been recommended to request details of this material, notwithstanding the details submitted as part of the application.
- 7.4 The block paving to the car park has been amended so that the proposal is in line with the hard landscaping scheme of the phase 1 development. This will enable the whole scheme to flow and would therefore not have an adverse visual impact. The alterations to the internal layout will not have a visual impact and no concerns are raised. The minor amendment to the positioning of the synthetic turf pitch will also not have an adverse impact on the visual appearance of the development as a whole or any wider views of the scheme.

Historic Environment

- 7.5 The impact on the historic environment was assessed as part of the reserved matters application. The proposed minor amendments would not have any impact on views of the Cathedral and therefore the proposal will not have an adverse impact on the historic environment.

Highways

- 7.6 The proposal includes amendments to the previously approved parking and access road to the leisure centre. The original application showed the parking in 2 sections and this has now been amalgamated into one section, whilst still retaining the number of parking spaces previously approved (320 in total). The proposed site plan also shows the positioning of the cycle parking, situated to the front of the building. The amendments will not impact the accessibility of the leisure centre and will comply with policies COM7 and COM 8 of the Local Plan.

Ecology

- 7.7 Ecology was assessed as part of the previous applications and the proposed amendments would not have any impact. Details were submitted as part of the previous reserved matters application to meet the requirements of the condition on the outline permission.

Flood Risk and Drainage

- 7.8 The proposals will not impact the flood risk or drainage of the site. Details of surface water drainage were secured by condition on the outline application and sufficient

information has been submitted to enable the discharge of the surface water drainage condition and complies with policy ENV8 of the Local Plan.

Planning Balance

- 7.9 The principle of this development has been secured by the approval of a reserved matters application. This variation of condition 1 application seeks permission for a number of minor amendments to the scheme. The proposed amendments as detailed within this report will not have an adverse impact on residential amenity or the visual appearance of the development or the character and appearance of the area. Material planning considerations such as ecology, flood risk and drainage have all been dealt with at the outline and reserved matters stage and therefore do not need to be revisited as part of this application.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- No objections have been raised by any of the consultees and the approval of the reserved matters has already been approved and this application only seeks minor amendments.

9.0 APPENDICES

- 9.1 Appendix 1 – Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00385/VAR3M 16/00372/RM3M 14/01353/FUM 15/01134/VARM 16/01225/VARM	Rebecca Saunt Room No. 011 The Grange Ely	Rebecca Saunt Planning Manager 01353 665555 rebecca.saunt@eas tcams.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 17/00385/VAR3M Conditions

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

Plan Reference	Version No	Date Received
8140 L(9)002	L	12th April 2017
8140 L(0)003	L	27th February 2017
8140 L(0)004	K	27th February 2017
8140 L(0)005	E	27th February 2017
8140 L(0)010	K	27th February 2017
8140 PR3D001		27th February 2017
8140 PR3D002		27th February 2017
8140 PR3D003		27th February 2017
8140 PR3D004		27th February 2017
8140 EC MA 01		27th February 2017
ENERGY REPORT		21 st March 2016
10 YEAR LANDSCAPE PLAN		21 st March 2016
SOFTWARE SPECIFICATION		21 st March 2016
399-02		21 st March 2016
399-01	A	21 st March 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of application 16/00372/RM3M (10.06.16).
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 Notwithstanding the details on Drawing No. 8140 EC MA 01 and 8140 L(0)010 Rev K, no above ground construction shall take place on site until details of the external rain screen material to be used on the sports hall has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 The soft landscaping works shall be carried out in accordance with Drawing No. 399-01A, 399-02 and the soft works specification by The Huck Partnership Limited, dated March 2016. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. The landscaping shall thereafter be maintained in accordance with the 10 Year Landscape Management Plan by The Huck Partnership, dated March 2016.
- 4 Reason: To ensure that the site is landscaped in an attractive and structured manner, to enhance the visual amenities of the area and assimilate the development into its surroundings in compliance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 5 Prior to the occupation of the development details of whom will be responsible for the landscape maintenance for this phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved scheme.
- 5 Reason: To ensure that the site is landscaped in an attractive and structured manner, to enhance the visual amenities of the area and assimilate the development into its surroundings in compliance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 6 If within a period of ten years from the date of the occupation of the development, or from the planting of any tree within phase 2, 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.
- 6 Reason: To ensure that the site is landscaped in an attractive and structured manner, to enhance the visual amenities of the area and assimilate the development into its surroundings in compliance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 7 The hard landscaping works shall be carried out in accordance with Drawing No. L(9)017 Rev C prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 7 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 ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 8 The development shall be carried out in accordance with the details of the Energy Report produced by YBS and dated March 2016 Revision 2. The renewable energy sources identified shall be installed and brought into use prior to the first occupation of the 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 ENV4 of the East Cambridgeshire Local Plan 2015.
- 9 The leisure centre hereby permitted shall be open for use by the general public only between the hours 06:00 - 23:00 each day.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Deliveries to the site once operational, shall be limited to 06:00 - 00:00 each day. There shall be no deliveries outside of these times.

- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the occupation of the development a CCTV scheme shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be installed and fully operational prior to commencement of use and shall remain in perpetuity.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 12 During construction, access to the adjoining sports facilities shall be maintained at all times, unless agreed in writing with the Local Planning Authority.
- 12 Reason: To ensure safe access is maintained to adjoining sports facilities, in the interests of sport/recreation provision, and to meet the requirements of policy COM7 of the East Cambridgeshire District Local Plan 2015.
- 13 The fire hydrant scheme approved by application 16/00372/DISA shall be installed prior to commencement of use and shall remain in perpetuity.
- 13 Reason: To ensure the appropriate infrastructure is in place and to ensure adequate public safety provision in accordance with policies ENV2 and GROWTH 3 of the East Cambridgeshire Local Plan 2015.