

MAIN CASE

Reference No: 19/00299/MPO

Proposal: Application for the modification or discharge of a planning obligation (Ref13/00785/ESO)

Site Address: Land North Of Cam Drive Ely Cambridgeshire

Applicant: Cheffins

Case Officer: Angela Briggs, Planning Team Leader

Parish: Ely

Ward: Ely North
 Ward Councillor/s: Simon Harries
 Alison Whelan

Date Received: 27 February 2019 **Expiry Date:** 17th June 2019

[U14]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the Deed of Variation to vary the original S106 agreement to include a new paragraph to be inserted in Schedule 4 in relation to the delivery of the Extra Care Home, and a revised appendix 9 relating to the specifications for the Cricket Facility Scheme (replacing the original agreement at Appendix 9).

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks to vary the original S106 agreement for the development to address the following specific areas under Schedule 4 and appendix 9:

- Bring forward the delivery of the Extra Care Home facility which forms part of the overall affordable housing provision (Phase 2b);
- Revise the specifications of the Cricket Pitch Facility and the Trim Trail (to be delivered as part of Phase 2).

2.2 The original appendix 9 of the S106 is attached as Appendix 1 of this report. The relevant extracts of the original S106 agreements is attached as Appendix 2.

2.3 The application is being brought before Planning Committee because it was Members' wish for the Extra Care Home to be delivered in a timely manner and to agree any changes to the S106 obligation as part of this strategic development.

2.4 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

13/00785/ESO	Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.	Approved	26.11.2014
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located at the northern fringes of the City, and forms part of the Isle of Ely rising gently above the surrounding fens. It extends to approximately 75.5 hectares of predominantly open fields, some currently used as agricultural land and some areas have now been developed. The site forms part of a larger proposed North Ely urban extension, which includes a total of 203 hectares of land stretching from the A10 in the west to the railway line in the east on land north of Kings Avenue and Cam Drive. This application site is bounded by Cam Drive to the south, by the A10 to the west, and by Chettisham village and open fields to the north. To the east the site boundary encloses King Edgar Close and Lily House and grounds, and is bounded by Lynn Road and residential dwellings fronting on to that Road. The Willows and Twinwood Cottage form a group of farm buildings located directly off Lynn Road to the north east. The south of the site is approximately 1km from the City centre, with Lynn Road being the direct linking route.

4.2 Development of the Southern part of this site is currently underway, with the Isle of Ely Primary School completed and opened in April 2016 followed by Phase 1 housing scheme, by Hopkins Homes, and the Care Home, situated opposite the School. The main access from Cam Drive has also been constructed which serves the School, and Phase 1 development, and the internal roadways. Some of the dwellings on Phase 1 are now already occupied.

5.0 PLANNING COMMENTS

5.1 This application seeks to vary two elements under Schedule 4 (Affordable Housing and Cricket Facility) and appendix 9 of the original S106 legal agreement associated with planning permission Ref: 13/00785/ESO, dated 20th June 2016, for a residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely. The variation relates to Phase 2 of the development only.

5.2 The two elements relevant to this variation relate to the following:

- The delivery and triggers for the Extra Care Home facility (Phase 2b); and
- The revised specifications of the Cricket Pitch facility appendix (as part of Phase 2a)

Extra Care Home Facility:

5.3 Currently, Schedule 4, Section 1, of the original S106 agreement does not include the specific mechanisms for the delivery of the Extra Care home element of the development, which is mentioned as part of the affordable housing delivery under paragraph 1.7 of Schedule 4 (see Appendix 2).

5.4 The Deed of Variation would include an additional section within Schedule 4 which specifically stipulates the delivery for the Extra Care facility as part of Phase 2. This would follow on from the Open Space paragraphs in section 5. Section 6 would read as follows:

“6. Extra Care Dwellings”

Unless otherwise agreed in writing between the Landowners and the Council, the Landowners covenant not to Occupy or permit the Occupation of more than 75% of the Market Dwellings in Phase Two unless and until the Extra Care Land has been transferred to an Affordable Housing Provider, such Affordable Housing Provider and draft transfer to be approved in advance by the Council in writing (such approval not to be unreasonably withheld or delayed);

Unless otherwise agreed in writing between the Landowners and the Council, the Landowner covenants not to Occupy or permit the Occupation of more than 75% of the Market Dwellings in Phase Two unless and until the Landowners have submitted to the Council for its determination an application for outline planning consent or full consent for the Extra Care Facility and the Council has determined to grant outline planning consent or full planning consent pursuant to the Landowners application;

Unless otherwise agreed in writing between the Council and the Landowners, the Landowners covenant to notify the Council five Working Days prior to the expected date of Commencement of Construction of the Extra Care Facility;

Unless otherwise agreed in writing between the Council and the Landowners, the Landowners covenant not to Occupy or permit the Occupation of more than 85% of the Market Dwellings in Phase 2 unless and until the construction of the Extra Care Facility has Commenced;

- 5.5 The original agreement shall then be re-numbered accordingly after this section.
- 5.6 This additional section would facilitate the delivery of the Extra Care Home in connection with Phase 2 of the development, in a timely manner, as part of the overall affordable housing strategy. This is a facility which Members were keen to come forward at an early stage of development. This mechanism in the S106 would allow this facility to come forward as a stand-alone application without affecting the delivery of other affordable units, as part of the wider development, and without the potential delays of being considered as part of a larger application. As such it is considered that this approach would encourage this facility to come forward earlier than otherwise expected and provide a much-needed facility in the local area.

Cricket Pitch Facility

- 5.7 The second element of the Deed of Variation relates to the Cricket Pitch facility which is also included under Schedule 4, section 3. A scheme for the cricket pitch and associated pitches, and the Pavilion, was attached to the original S106 agreement at Appendix 9 (please refer to Appendix 3 of this report). The children's play facility would also now form a 'Trim Trail' to be installed within the Long Fen Country Park alongside the Cricket Pitch area, rather than provided on the Sports Pitch, and would include 5 pieces of play equipment (as shown indicatively on drawing number: 411-Fss-09-SP Rev A). Reference to the Trim Trail has now been included as part of the amended appendix.
- 5.8 The amended appendix would replace the original version with the following (italic and bold areas indicate the changes):

'The Cricket pitch will be a full sized adult pitch with appropriate foundations, drainage, layout and construction as approved by the English and Wales Cricket Board (ECB) and Sport England (SE). It will be constructed by an experienced cricket and sports turf contractor as approved by the Institute of Groundsmanship (IOG), **for example TTS or similar.**

It will provide a **ten** wicket square **of which one wicket is to be an artificial wicket** and the radius from the **stumps on the wicket at the edge** of the square will be approximately **52.74m**. The total playing area plus safety run off will be approximately **1.3ha**. The orientation, gradient etc will be as recommended by the ECB and SE **but broadly as shown on attached LMC Architects drawing No. 411-FSS-09-SP Rev A.**

There will be appropriate safety netting as required plus two artificial practice wickets in nets, 2 sight screens, water and power supply to enable care for the pitch.

The outfield and pavilion will also be used for soccer matches. **Three No youth pitches one each suitable for 5 v 5, 7 v 7 and 9 v 9 matches respectively with** run off without using the **ten** wicket square, **again as shown on drwg No 411-FSS-09-SP Rev A. Three** sets of mobile counter weighted football goalposts **of appropriate size suitable for each age group** will also be provided. The facility will be built in accordance with the Successful Management of “Dual Use Cricket and Football Sites” Guidance Notes produced by the Football Association (FA), The ECB and the IOG.

The pavilion design, layout, orientation and construction will meet the requirements of the ECB and the FA for a two team changing facility plus toilets, showers, officials changing, kitchen and room for match teas. It will be a minimum of 150 sqm GIF and designed to ensure appropriate child safeguarding controls and will be fully fitted out with fixtures and fittings. There will also be provision for the storage of grounds maintenance equipment **in a separate secure store abutting the pavilion**. There will be appropriate access and car parking plus cycle parking.

The reserved matters application will include detail of the pitch drainage, layout and construction including the types of turf and grass. The Landowners will employ a specialist consultant approved by the ECB and IOG, to oversee the pitch design and construction. It is expected that the contractors will work closely with the expert in order to ensure that the pitch meets the required quality standard and passes inspections, in advance of transfer to the relevant body

In addition, a Trim Trail comprising 5 pieces of equipment is to be installed in Long Fen Country Park but in proximity to the pitches as shown indicatively on drwing No 411-FSS-09-SP Rev A.

- 5.9 The amended specification details are supported by the Cricket and Football Clubs and reflect their provision requirements.
- 5.10 The children’s facility was originally planned to be included within the Sports pitches site. However, due to the size and requirements for the Sports Pitches, this provision has been moved off-site within the Long Fen Country Park area, which is nearby the sports pitches, and is known as the ‘Trim Trail’. This Trim Trail would include sufficient play equipment provision to meet the needs of the new community, and, by virtue of its close proximity to the sports pitches, is considered acceptable.
- 5.11 Both these important elements (Extra Care Home and Cricket Facility), have formed part of this Deed of Variation to ensure that all elements of the development are provided, in-keeping with the spirit of the original S106 agreement, and to maintain the momentum of development at North Ely.
- 5.12 It is considered that the proposal to seek variations to the original S106 agreement, as described in my report, are acceptable and Members are recommended to agree the variation to the original agreement and approve the application.

6.0 APPENDICES

6.1 Appendix 1 – Appendix 9 from the original agreement

6.2 Appendix 2 – Extract from Schedule 4 of the original S106 agreement, Ref: 13/00785/ESO.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00299/MPO	Angela Briggs Room No. 011	Angela Briggs Planning Team Leader
13/00785/ESO	The Grange Ely	01353 665555 angela.briggs@east cambs.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>