



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Mr Alastair Morbey
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FAO Mr Richard Seamark
One Station Square
Cambridge
CB12GA

This matter is being dealt with by:

Angela Briggs

Telephone: 01353616307
E-mail: angela.briggs@eastcambs.gov.uk
My Ref: 18/01793/FUM
Your ref

7th May 2020

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Proposed demolition of existing buildings and the erection/ conversion of buildings to provide Class A1 (Retail), Class A3 (Cafe/ Restaurant), Class D2 (Leisure/ well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) access, parking, children's play area, landscaping, service yards & associated infrastructure

Location: Land Opposite Meadow View Soham Road Stuntney Cambridgeshire

Applicant: Mr Alastair Morbey

This consent for planning permission is granted in accordance with the application reference **18/01793/FUM** registered 19th December 2018.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
Transport assessment	A	18th January 2019
17043/P-014		19th December 2018
17043/P-013		19th December 2018

17043/P-012		19th December 2018
17043/P-010		19th December 2018
17043/P-011		19th December 2018
17043/P-008	C	19th December 2018
17043/P-009	C	19th December 2018
17043/P-004		19th December 2018
17043/P-003		19th December 2018
17043/P-015	A	19th December 2018
17043/P-016		19th December 2018
17043/P-017	A	19th December 2018
17043/P-018		19th December 2018
17043/P-019		19th December 2018
17043/P-002		19th December 2018
Phase 1 Geo Environmental Desk Study		19th December 2018
Retail Statement		19th December 2018
Landscape and Visual Impact Assessment		19th December 2018
Flood Risk Assessment		19th December 2018
Ecological Assessment		19th December 2018
Archaeological Desk Based Study		19th December 2018
Arboricultural Impact Assessment		19th December 2018
Utilities		19th December 2018
Energy Statement for Planning		9th January 2019
Breeam		9th January 2019

- 1 Reason: To define the scope and extent of this permission.

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

- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 3 No demolition/development shall take place 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 (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
 - a) the statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- 3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 No above ground construction shall take place on site until sample details of all the materials to be used in the construction of the external surfaces of the development, including walls, roofs, windows and doors, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by Cannon Consulting Engineers (ref: CCE/W941/FRA-05) dated November 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the commencement of use.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 Prior to the first use of the development, hereby permitted, details of all external lighting, including that to be used in the car park and internal access roads, and their times of use shall be submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the first occupation of any of the units, details of any play equipment or furniture to be installed on the play area, as shown on drawing number 17043/P-009 Rev C (Coloured Site Plan), shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out and completed in accordance with the approved details and prior to the occupation of any of the units.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 The tree protection measures as shown on the Tree Protection Plan within the Arboricultural Impact Assessment, dated 21st November 2018, shall be implemented prior to the commencement of development, site works or clearance (in relation to the development, hereby permitted) in accordance with the approved details, and shall be maintained and retained until the development is

completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. 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. If within a period of ten years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosures within the site, car parking layouts, hard surfacing materials, street furniture, signs within the site. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the commencement of use.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No amplified music shall be played outside any of the buildings, hereby approved, or anywhere else within the site, until an acoustic management plan is submitted to, and approved in writing by the Local Planning Authority. The control measures agreed within the plan shall thereafter be implemented/adopted for every outdoor event. Any outdoor event on the site shall be restricted to 8no events per calendar year.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to the first use of the development, hereby permitted, the existing access to Soham Road (A142) shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with drawing number 1690-02 Rev E, dated 12th May 2016.

- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 The new junction and road layout shall be constructed as shown on drawing number 1690-03 Rev B, dated 12th May 2016, and thereafter retained in perpetuity.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to the commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 1690-03 Rev B, dated 12th May 2016. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 The use hereby permitted shall take place only between the hours of 07:00 - 19:00 each day Monday to Saturday and 08:00 - 17:00 on Sundays, Bank Holidays and Public Holidays, with the exception of any seasonal events (up to 8no per calendar year), where said event shall only take place between the hours of 07:00 and 22:00 on any day. Deliveries to the site shall take place only between the hours of 06:30 - 19:00 Monday to Saturday and 07:30 - 17:00 on Sundays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 -13:30 on Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to the first occupation of the development, hereby permitted, details of any external plant or machinery shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 21 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 22 Prior to the commencement of use a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

- 22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 23 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to 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.
- 23 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 2015.
- 24 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 24 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 25 The total gross internal floorspace hereby consented shall extend to no more than 1,943sqm gross and notwithstanding the provisions of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revising, revoking and re-enacting that order), no enlargement by way of extension, installation of a mezzanine floor (unless required for ancillary storage and/or office accommodation for any specific unit and for no other purpose) or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.
- 25 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015
- 26 The total gross internal retail floorspace shall extend to no more than 1,166sq m and the total retail net sales area to no more than 816sqm. The retail floorspace is limited to uses falling within Class A1 (shops) (a), (d), (e) and (g) and for no other purpose falling within Class A1 of the schedule to the Town and Country Planning (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.
- 26 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 27 The total gross internal non-retail floorspace shall extend to no more than 777sq m. The non-retail floorspace is limited to:
- uses falling within Class A3 (restaurant and cafes), as defined in the Town and Country Planning (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,
 - a spa/wellbeing and/or fitness studio (Class D2 (assembly and leisure)) and for no other purpose falling within Class D2 of the schedule to the Town and Country Planning (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, and
 - as a micro-brewery ('sui generis').

The non-retail floorspace hereby permitted can only operate where at least a single unit (excluding the kiosk) trading as a café/restaurant always includes the use of produce sourced directly from the Harlocks Farm Estate. For the avoidance of doubt, produce sourced directly from Harlocks Farm Estate can include, but not be limited to, potatoes, onions, celery, venison, partridge, pheasant, and/or pigeon. A register shall be kept by the operator of the produce sourced from Harlocks Farm Estate and this register shall be made available for inspection by the local planning authority upon request.

27 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.

28 The maximum unit size of the retail floorspace shall be 185sq m gross internal, save for a single large unit of 287sq m gross internal and excluding the combined retail/workshop space ('maker space') as defined in condition 30 below.

28 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.

29 The minimum unit size for both the retail and non-retail floorspace shall be 45sq m gross internal, save for a single 'kiosk' unit of 30sq m gross internal.

29 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.

30 For so long as a single unit (excluding the kiosk) is used for the sale of convenience goods including always the sale of produce sourced directly from the Harlocks Farm Estate and a minimum net sales floorspace of 200sq m is used for the provision of a combined retail/workshop space ('maker space') to accommodate tenants who make goods for sale on-site, the remainder of units making up the total net retail floorspace as defined in condition 26 above can be used for the sale of convenience or comparison goods, providing the net sales area for the sale of comparison goods outwith the retail/workshop space is no more than 487sq m and shall not be used for the sale of mobile phones and mobile phone accessories, domestic electrical white goods, pharmaceutical and medical goods, and audio visual goods.

For the avoidance of doubt, produce sourced directly from Harlocks Farm Estate can include, but not be limited to, potatoes, onions, celery, venison, partridge, pheasant, and/or pigeon. A register shall be kept by the operator of the produce sourced from Harlocks Farm Estate and this register shall be made available for inspection by the local planning authority upon request.

30 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.

31 None of the total gross retail floorspace hereby consented shall be occupied by a retail multiple whereby the operator is part of a network of nine or more outlets (as defined by Experian).

31 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.

32 For a period of 36 months from the first occupation of the development hereby consented, none of the total gross retail floorspace shall be occupied by any retailer who at the date of such occupation, or within a period of 12 months immediately prior to occupation, trades retail floorspace in the town centres of Ely, Soham and Littleport.

- 32 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 33 The proposed development, hereby permitted, shall be completed in accordance with Section 7.2 of the Ecological Assessment by Green Environmental Consultants, dated November 2018.
- 33 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway without permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents and approval under the Highways Act 1980 and Street Works Act are also obtained from the County Council.
- 2 The applicant/developers attention is drawn to the guidance notes issued by the Council's Environmental Health on potential nuisance during construction and demolition works which is available on our website <http://eastcambs.gov.uk/planning/guidance-leaflets>. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.
- 3 Cadent have identified operational intermediate pressure gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadents legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadents Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

The entrance road into the land parcel will cross a Cadent intermediate pressure pipeline, the Applicant must contact Cadents Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadents Plant Protection Team for approval before carrying out any works on site and ensuring that Cadent Gas requirements are adhered to.

- 4 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to retail impact and highway safety
- 5 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are

required to complete the CIL Additional information Requirement Form - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Exemptions from the Levy are available but must be applied for and agreed before development commences, otherwise the full amount will be payable.

For more information on CIL please visit our website <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email cil@eastcambs.gov.uk.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Rebecca Saunt

Planning Manager

Dated: 7th May 2020