

22/00816/MPO

Land North of Cam Drive

Ely

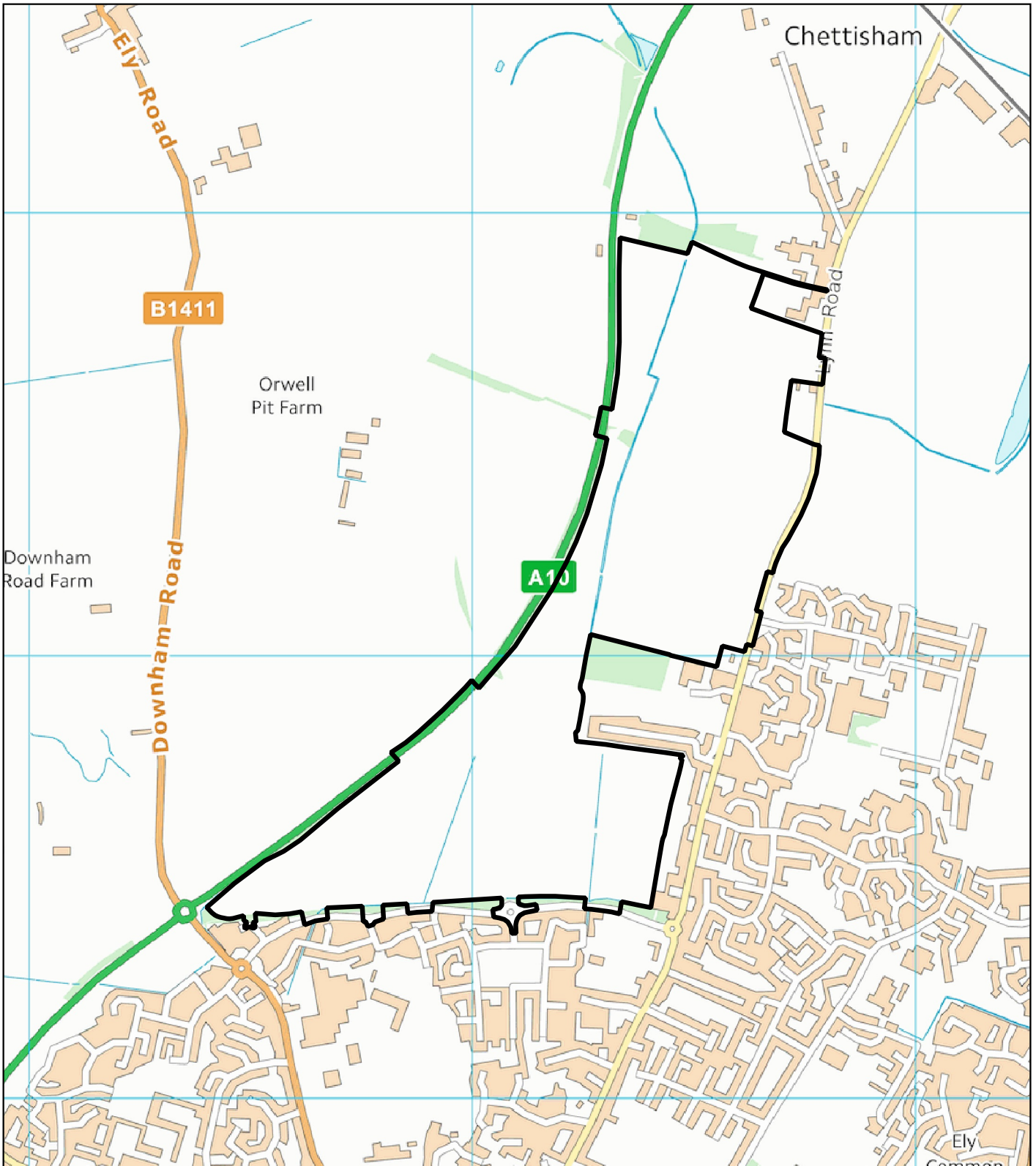
Cambridgeshire

Application for the modification of a planning obligation 13/00785/ESO

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH68E2GG0CS00>





22/00816/MPO

Land North Of
Cam Drive
Ely



East Cambridgeshire
District Council

Date: 09/02/2023
Scale: 1:12,500



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TITLE: 22/00816/MPO

Committee: Planning Committee

Date: 1 March 2023

Author: Planning Team Leader

Report No: X160

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Site Address: Land North Of Cam Drive Ely Cambridgeshire

Applicant: Mr A Lee And Mr C W J Jackson

Parish: Ely

Ward: Ely North

Ward Councillor/s: Simon Harries
Alison Whelan

Date Received: 25 August 2022

Expiry Date: 20 October 2022

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE the modification of planning obligation 13/00785/ESO as detailed in 1.2 below;
- 1.2 The modification of the s106 legal agreement dated 20th June 2016 attached to the planning permission 13/00785/ESO to allow for the fixed delivery of 40% affordable housing across the development; alterations to triggers for when payments are made.
- 1.3 Members are further recommended to instruct the Director Legal Services to negotiate and complete the necessary legal agreement to secure the above.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks a modification to the S106 agreement, dated 20th June 2016 in connection with planning application 13/00785/ESO. The outline application sought the erection of 1200 homes with associated employment and community uses, (including care facility). Supporting infrastructure, open space and landscaping on land

to west of Lynn Road. The application seeks the following amendments in brief, which relates to Phase 5 specifically;

- Fixes the affordable housing in Phase 5 to 40% without the further need for a viability statement
- Alters the triggers in Phase 5 (Schedule 7) for outdoor sports and primary education to enable the contributions to be made following the occupation of 150 dwellings rather than as an upfront cost.
- Removes the open space maintenance contribution and allotments maintenance from the list of contributions in Clause 17.1, which must be paid by 800 occupations.

2.2 The application is brought to committee as it does not meet the delegation scheme and therefore needs to be considered by members.

2.3 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/>.

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 November 2014

14/03005/CCA

Erection of three form entry primary school, with associated infrastructure including new public highway and pedestrian footpaths

Approved

3 November 2014

15/03000/CCA

Application under Section 73 of the Town & Country Planning Act 1990: To vary Conditions 7,9 & 14 of Planning Permission 14/03005/CCA for Erection of three form entry primary school, with associated infrastructure including new public highway and pedestrian footpaths

Approved

20 March 2015

16/01794/RMM

Reserved Matters Application for approval of details of access, appearance, scale, layout and landscaping for the construction of 199 dwellings, garages, roads, footpaths/ cycleways, open spaces and associated infrastructure and other works in respect of Parcels A and B in Phase 1 of Outline Planning Permission 13/00785/ESO

Approved

7 September 2017

17/02002/FUM

Erection of a three storey sixty six bed care home for older people with associated car park, access and landscaping

Approved

6 April 2018

20/00360/RMM

Reserved Matters for appearance, landscaping, layout and scale for the construction of 258 dwellings and associated infrastructure following outline planning application 13/00785/ESO (Orchards Green Phase 3)

Approved

5 August 2020

21/00727/ADN

1x landscape main sign with back struts, 1x large landscape main sign, and 1x tri-set main sign. Each sign has 2x Flag Poles, one either side of signs (retrospective)

Approved

21 July 2021

20/00797/RMM

New highway access from the A10 carriageway as detailed under condition 34 of 13/00785/ESO

Approved

12 May 2021

22/00772/VARM

To vary Condition 39 (Cycle way) of previously approved 13/00785/ESO for 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

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is allocated as part of the Local Plan (Policy ELY 1) as an urban extension to north Ely. The site is approximately 210 hectares (518.921 Acres) and is within the ownership of 2 landowners, Church Commissioners and Endurance Estates. This application relates to land under the control of Endurance Estates and relates specifically to Phase 5, currently allocated for development without the requisite Reserved Matters application in situ to deliver.

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.

Strategic Housing Officer - 20 September 2022

Thank you for advising us of the above application for the modification of a planning obligation 13/00785/ESO. The Strategic Housing Team understand that this application relates to an increase of the affordable housing provision on Phase 5 of this development to 40%. This is in accordance with Policy HOU 3 of East

Cambridgeshire Local Plan 2015 (as amended) to deliver 40% affordable housing on site and we therefore approve this modification.

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing and to secure an affordable housing mix that meets the housing needs of the area. Early indications suggest that we will be requiring an affordable housing mix of one to five-bedroom homes on site.

Housing Section - No Comments Received

Legal Services Manager - No Comments Received

Cambridgeshire County Council – No objections subject to the trigger being 100 homes and not 150 homes occupied.

5.2 A site notice was displayed near the site on 29th September 2022. No responses have been received.

6.0 PLANNING COMMENTS

Affordable Housing Provision

- 6.1 The definition of “Phase Five Affordable Housing Scheme” shall be deleted and replaced with: *“Means a scheme to be submitted to and approved in writing by the Council detailing the quantum, tenure, mix and location of the Affordable Housing for Phase Five which shall deliver 40% Affordable Housing and which shall have a tenure split of 70% Affordable Rent Dwellings (which may include an element of Social Rent Dwellings at the discretion of the Landowners) and 30% Intermediate Dwellings (unless otherwise agreed between the Council and the Landowners) ”* Paragraph 1.1 of Schedule 7 shall have the words *“(which has been subject to the relevant viability review pursuant to Schedule 8)”* deleted. Paragraph 1.5 of Schedule 8 shall have the words *“determined by the outcome of the Second Viability Review.”* deleted and replaced with the words *“40% Affordable Dwellings.”* Paragraph 2 of Schedule 8 shall be deleted. Which said in brief there was a need for a second Viability Review relating to the provision of affordable housing. The change in wording results with Phase 5 delivering 40% affordable housing with an additional 8 dwellings being provided on Phase 4.
- 6.2 Paragraph 3.1 and 3.2 of Schedule 8 shall have the words “or the Second Viability Review” deleted. The definition of Second Viability Review shall be deleted. These deletions, regularise the wording of the document as it is no longer being required.

Open Space Contributions

- 6.3 A new Clause 17.2 shall be inserted after Clause 17.1 as follows: *“17.2 In relation to Phase Five only, the Phase Five Open Space Maintenance Contribution and that proportion of the Allotments Maintenance Contribution payable by Phase Five shall both be excluded from those financial contributions referred to within Clause 17.1 above which are required to be paid prior to 800 Occupations anywhere on the Land”* If this was not altered this would delay the delivery of funding, as the remaining

phases are currently under construction. Therefore, by re wording the S106 will enable the other developers to pay their contribution.

- 6.4 Paragraph 4.1 of Schedule 7 shall be deleted and replaced with the following: *“The Landowners covenant not to Occupy more than 100 Dwellings within Phase Five unless and until the full amount of the Outdoor Sports Contribution (together with any Indexation) and the Outdoor Sports Maintenance Contribution (together with any Indexation) have been paid to the Council in accordance with Schedules 3, 4 and 5 of this Deed.”* Paragraph 5.1 of Schedule 7 shall be deleted and replaced with the following: *“The Landowners covenant not to Occupy more than 100 Dwellings within Phase Five unless and until the full amount of the Primary Education Contribution has been paid to the County Council in accordance with Schedules 3, 4 and 5 of this Deed.”* Currently, the developers would pay the full contribution before any of the dwellings are occupied. Due to the change in market, it is being requested that this contribution is made upon the occupation of 100 dwellings. This gives some certainty to the developer for the foreseeable future. Originally, 150 occupations was requested however the County Council would only agree to 100 occupations, which was accepted by the applicant.
- 6.5 The changes to the S106 agreement are considered acceptable and are within the spirit of the original development approval.

Background Documents

22/00816/MPO
13/00785/ESO
14/03005/CCA
15/03000/CCA
16/01794/RMM
17/02002/FUM
20/00360/RMM
21/00727/ADN
20/00797/RMM
22/00772/VARM

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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

