

**25/01348/FUM**

Bens Yard  
Soham Road  
Stuntney  
Cambridgeshire  
CB7 5TR

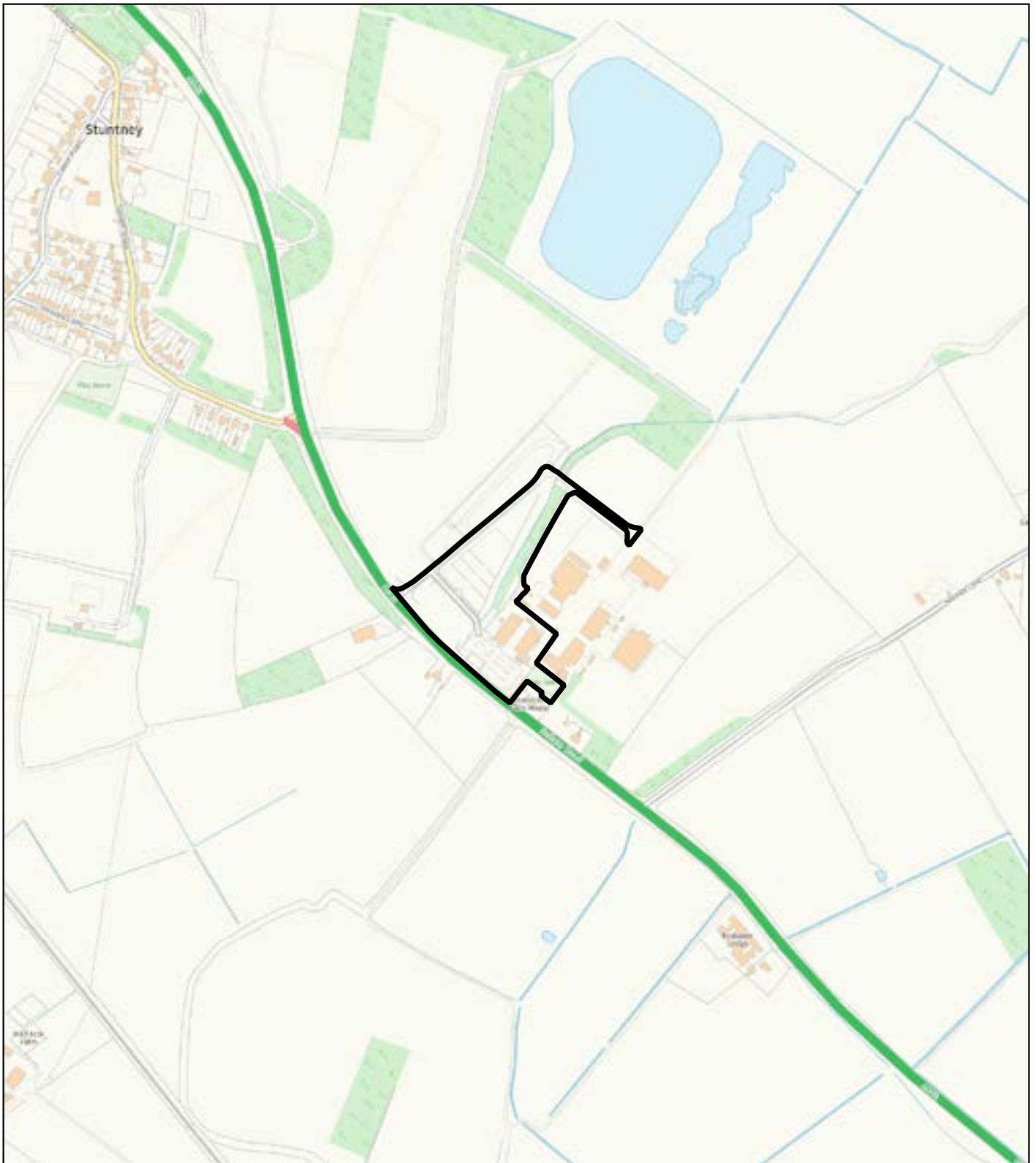
Proposed change of use of the site to allow class E(a) retail sale of goods, class E(b) sale of food and hot drinks, class E(c)(ii) professional services, class E(c)(iii) personal services class E(d) indoor sport, recreation or fitness, class E(e) medical and health services, class E(g)(i): offices, class F1(b): display of works of art, agricultural, sui generis: microbrewery, dog groomers, ancillary office/storage and administration space, seasonal events space, and the resurfacing of overflow car park (retrospective)

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

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T75T49GGFPB00>







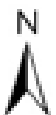
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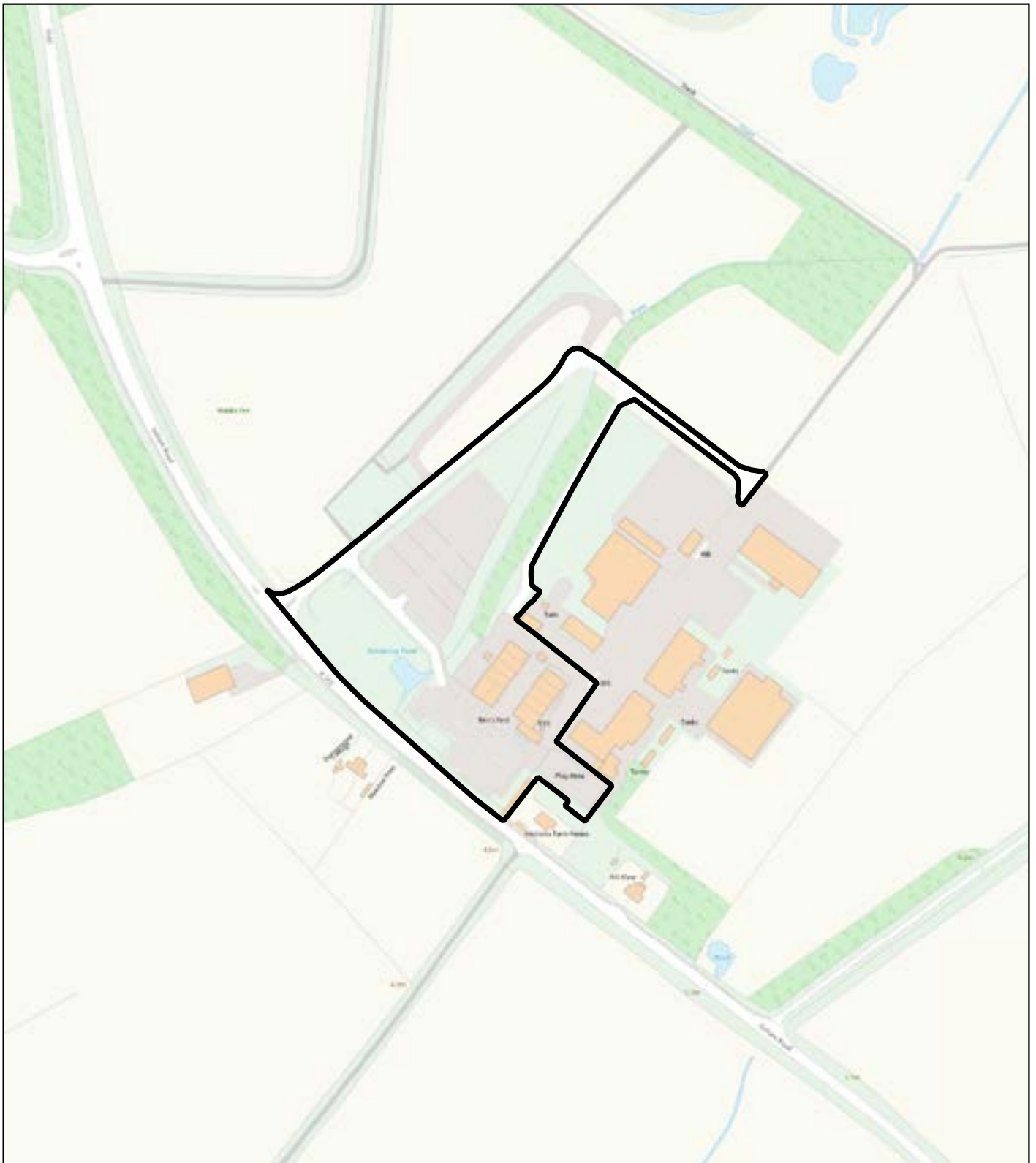


East Cambridgeshire  
District Council

Date: 28 May 2026  
Scale: 1:8,000



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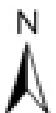
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**TITLE: 25/01348/FUM**

Committee: Planning Committee

Date: 10<sup>th</sup> June 2026

Author: Planning Team Leader

Report No: AB15

Contact Officer: Rachel Gordon, Planning Team Leader  
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**Site Address: Bens Yard, Soham Road, Stuntney Cambridgeshire CB7 5TR**

**Proposal: Proposed change of use of the site to allow class E(a) retail sale of goods, class E(b) sale of food and hot drinks, class E(c)(ii) professional services, class E(c)(iii) personal services class E(d) indoor sport, recreation or fitness, class E(e) medical and health services, class E(g)(i): offices, class F1(b): display of works of art, agricultural, sui generis: microbrewery, dog groomers, ancillary office/storage and administration space, seasonal events space, and the resurfacing of overflow car park (retrospective)**

**Applicant: Cole Ambrose Limited**

**Parish: Ely**

**Ward: Ely East**

Ward Councillor/s: Kathrin Holtzmann  
Mary Wade

**Date Received: 12 January 2026**

**Expiry Date: 13 April 2026**

### **Recommendation**

1. Members are recommended to APPROVE the application subject to the conditions set out in Appendix 1.
2. The application is being heard by committee because it triggers the Councils Constitution in respect of the application being a full application for major employment uses.

## Summary of Application

3. The application seeks full permission for the proposed change of use of the site to allow class E(a) retail sale of goods, class E(b) sale of food and hot drinks, class E(c)(ii) professional services, class E(c)(iii) personal services class E(d) indoor sport, recreation or fitness, class E(e) medical and health services, class E(g)(i): offices, class F1(b): display of works of art, agricultural, sui generis: microbrewery, dog groomers, ancillary office/storage and administration space, seasonal events space, and the resurfacing of overflow car park (retrospective).
4. The existing planning permission provided for the erection of the Ben's Yard rural retail village which comprises small-scale shops (Use Class A1 now Use Class E(a)) together with a café and restaurant (Use Class A3 now Use Class E(b)) and an adventure playground. The permission also included leisure/well-being (Use Class D2 now Use Class E(d)), a Micro-brewery (Sui Generis) together with ancillary storage, office and administration space in association with these uses.
5. This application does not seek to expand the consent for retail (Class E(a)) or an increase in the allowable floorspace linked to this use. Instead, the application proposal seeks to broaden the range of uses at Ben's Yard to allow the applicant to respond to challenges in the retail market, respond to evolving market demand for alternative uses to retail, which in turn will help to secure tenants for vacant units and ensure the long-term viability of Ben's Yard.
6. The proposal seeks to amend the conditions to allow an increase in the maximum unit size for retail uses to allow the scheme to meet tenant requirements from prospective retail operators; and an increase in mezzanine space and to allow mezzanine space to operate independently from the associated ground floorspace. An expansion to the hours of trading and the hosting of seasonal events is also sought.
7. The proposals are also seeking permission to allow the applicant to accommodate retail multiples. The removal of the current restriction on multiples would allow the applicant to attract brands that are commonly found in premium farm shop complexes in rural settings.
8. The proposals are in direct response to the difficulties in securing tenants for all units at Ben's Yard within the range of commercial uses that are permitted. However, the applicant has received sustained interest from operators that fall outside of the permitted uses. At the same time, restrictions on trading profiles, unit sizes, and trading hours are preventing the occupation of space by operators that fall within the permitted uses.
9. One of the key challenges faced by the applicant is the ability to secure tenants with good covenants or trading history given that tenants are limited to independent operators. While the scheme has enabled many locals to start new retail businesses, the majority of tenants are inexperienced in running a businesses. This has led to a high number of business failures within the scheme and a high churn of tenancies, which along with persistent rent arrears and the abandonment of leases has had a significant financial impact on the applicant.

10. 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 [Simple Search](#).

## **Planning History**

### *Site History*

11. 13/00234/FUL – Demolition of derelict storage building and replacement with new farm office building. Approved 17/06/13
12. 16/01526/FUL – Creation of new farm access with service roads and closure of existing farm access. Refused 09/03/17
13. 17/00832/FUL – Creation of new farm access with service roads and closure of existing farm access. Approved 12/07/17
14. 18/01793/FUM – 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. Approved 07/05/20
15. 23/00161/VARM To vary condition 31 (no retail floor space to be occupied by a retail multiple) of previously approved 18/01793/FUM for 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. Withdrawn 02/05/23
16. 23/00367/VARM - To vary condition 25 (floor space limit) of previously approved 18/01793/FUM for the 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. Withdrawn 11/05/23
17. 23/01056/VARM – To vary Condition 18 (opening hours) of 18/01793/FUM, relating only to the restaurant and café. Approved 16/07/24
18. 25/00719/ADN – 2 post signs, 3 banners (2 roadside), 6 directional signs, 3 way-finding signs and 4 freestanding signs – retrospective. Pending consideration

### *Adjacent Site History*

### *Building to rear of Ben's Yard*

19. 23/00404/FUL – Change of use of existing agricultural building to flexible B2, B8 & agricultural use, and erection of additional hardstanding and associated infrastructure. Approved 29/08/23

*Land Northeast of Ben's Yard and Harlocks Farm access road*

20. 23/00761/FUL – Development of four tennis courts with external lighting, fencing, clubhouse and associated parking, drainage, utilities and landscaping. Refused 10/10/23
21. 24/01076/FUL - Proposed development of four tennis courts (with external lighting), fencing, clubhouse, and associated parking, drainage, utilities and landscaping. Application refused 10/04/25. Appeal dismissed 05/01/26

*Land North West of Harlocks Farm*

22. 24/00323/FUL – Change of use of agricultural field to a dog park with fencing, double access gate and proposed footpath. Approved 11/11/24

## **The Site and its Environment**

23. The site is located 1km to the southeast of Stuntney and 3.5km southeast of Ely city centre, along the Soham Road (A142). The site is situated outside of the development boundary of Stuntney, in the open countryside. Access is via the A142. The A142 (Soham Road) links Ely to the northwest with Soham and Newmarket to the southeast.
24. The Site is 4.1ha in size and comprises an arrangement of buildings that contain that are used for retail and leisure uses, a children's playpark, a main car park, an overflow car park, an area for seasonal events, drainage basin and internal access road (from the A142 junction).
25. The Site lies to the south-west of Harlocks Farm, which contains a number of agricultural buildings (of varying size (scale, footprint, height) and differing traditional/modern construction appearance), yard areas for parking, unloading and manoeuvring, and storage areas.
26. To the north-west of Harlocks Farm lies an area of land that has an implemented planning permission (reference 24/00323/FUL) for a dog park.
27. The dog park lies on a pedestrian route of a circular countryside/wildlife walk around a reservoir and woodland areas, which customers/visitors/staff of Ben's Yard can use.
28. The Site is located to the northwest of Harlock's Farmhouse (2-storey) which is set back from Soham Road and has its own access. To the south-east of Harlocks Farmhouse is a pair of semi-detached two-storey properties.
29. Approximately 1km to the south-east of Ben's Yard is the Barcham Trees Ltd. site, which has an extant permission (reference 22/00827/FUM) for a new arboretum, visitor centre with a cafe, restaurant and retail facilities, car parking, new highway access arrangements.

## **Responses from Consultees**

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

### **East Cambs Ecologist - 6 February 2026**

From the information provided the Senior Ecologist has reviewed this application and, as of 6/2/25 supports this application, with providing that ecological features be added to the site as per ENV7 of the local plan and NPPF section 15.

The site is not within the LNRS.

### **Environmental Health - 28 January 2026**

No objections.

I have read the NIA dated November 2025 which recommends the following plant noise limits -

- o Daytime: 54 dB LAr,Tr
- o Night-time: 43 dB LAr,Tr

I would ask that these are conditioned or that the following condition is attached which achieves the same thing -

"The specific rated noise level emitted from the site shall not exceed the background noise level. When assessing, the free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019."

I have examined the Amplified Noise Mitigation Plan and would ask that compliance with this document is conditioned.

### **County Highways Transport Team – 28 May 2026**

No objections subject to a condition for a Travel Plan.

### **Strategic Planning - No Comments Received**

### **Parish - 10 February 2026**

The Council has no concerns.

### **Ward Councillors - No Comments Received**

### **Consultee For Other Wards In Parish - No Comments Received**

### **The Ely Group Of Internal Drainage Board - 28 January 2026**

The site is within the Middle Fen and Mere Internal Drainage District.

The applicants' agents have consulted with the Board in relation to the surface water element of this application. This has been approved by the Board, therefore we have no objections to the application.

### **CCC Growth & Development - No Comments Received**

**Economic Development** - I think the assessment is robust and provides reasoned argument for the approach Bens Yard is looking to take.

The proposed development is moving away from that which was originally approved, but I think they will struggle to survive without more flexibility.

The site employs over 50 staff members as of early 2026 and has the potential to grow.

I think if they attract the premium multiple to the site that are unique to the area it would not necessarily negatively impact Ely.

Also in the context of the failed retail site at Angel Drove it offers an opportunity to fill a gap.

### **Tourism (Visit Ely) - No Comments Received**

#### **Lead Local Flood Authority - 22 April 2026**

We have reviewed the following documents:

- Formal Technical Note, MTC Engineering, Dated: 9th April 2026
- Surface Water & Foul Water Disposal Drainage Statement, MTC Engineering, Ref: 3567, Dated: 12th January 2026
- Flood Risk Assessment, Cannon Consulting Engineers, Ref: CCE/W941/FRA-05, Dated: November 2018
- Proposed Balancing Pond Details, MTC Engineering, Ref: 3567-02, Dated: 3rd December 2025

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. Request a condition to be in accordance with details submitted.

Informatives to include - IDB Consent, Pollution Control, Construction Surface Water Maintenance

#### **Local Highways Authority – 19 May 2026**

No objections.

A site notice was displayed near the site on 23 January 2026 and a press advert was published in the Cambridge Evening News on 29 January 2026.

Neighbours – 15 neighbouring properties were notified. No responses were received.

### **The Planning Policy Context**

31. East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1      Levels of housing, employment and retail growth

GROWTH 2	Locational strategy
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
EMP 4	Re-use and replacement of existing buildings in the countryside
EMP 7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood Risk
COM 1	Location of retail and town centre uses
COM 7	Transport impact
COM 8	Parking provision

32. Supplementary Planning Documents  
Design Guide  
Flood and Water
33. National Planning Policy Framework (December 2024)  
2 Achieving sustainable development  
4 Decision-making  
6 Building a strong, competitive economy  
7 Ensuring the vitality of town centres  
8 Promoting healthy and safe communities  
9 Promoting sustainable transport  
11 Making effective use of land  
12 Achieving well-designed places  
14 Meeting the challenge of climate change, flooding and coastal change  
15 Conserving the natural environment
34. Draft National Planning Policy Framework (2025)  
On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. Regard has therefore been had to the NPPF published in December 2024 in assessing the current application.
35. Local Nature Recovery Strategy December 2025
36. Planning Practice Guidance

## **Planning Material Considerations and Comments**

37. Principle of Development
38. Ben's Yard was originally permitted (7th May 2020) under planning application 18/01793/FUM for the '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 (Original Permission).

39. Construction work began in 2022, and officially opened to the public on the 29th June 2023, trading as a locally owned, high-quality, retail and leisure village.
40. The buildings at Ben's Yard currently provide for 1,943m<sup>2</sup> GIA of floorspace, broadly split between 1,166m<sup>2</sup> of retail, and 777m<sup>2</sup> of non-retail floorspace.
41. Its buildings are generally of 1.5 storey proportions and have been designed so that a mezzanine floor can be installed in each unit (excluding the kiosk and unit 13). There is currently only one mezzanine used on-site, for ancillary officing and storage, as planning restrictions in the Original Permission do not allow for it to be included as additional sales area. Many of the shops would opt to have a mezzanine if they could use it for additional sales space.
42. There are 14 units at Ben's Yard. The units are on average 130m<sup>2</sup> GIA in size, with others ranging from 45m<sup>2</sup> to 283m<sup>2</sup> (excluding the kiosk unit of 30m<sup>2</sup>).
43. Current uses include a restaurant, café, farm shop, handcrafted furniture, gift shop, home interiors, hairdressers, and varying pop-up uses in the kiosk. There is currently one large unit (Unit 1 – of 283m<sup>2</sup>) that has not yet been built out owing to concerns over finding a suitable tenant(s).
44. In over two years of trading since opening, Ben's Yard has experienced significant operational and financial challenges, primarily as a result of the strict restrictions that were imposed as planning conditions on the Original Permission.
45. This is evidenced by the number of tenants that have vacated or are seeking to re-negotiate leases. Currently, 8 of the 14 units are either vacant, at risk, or subject to on-going legal proceedings. During the lifetime of the application, the tenants of the restaurant have had to close.
46. A key challenge has been having a tenant line-up dominated by smaller / start-up businesses, many of which (not unlike a significant number of new businesses) have failed within the first 12-24 months. This has left Ben's Yard with sizeable rent arrears, legal costs in pursuing these arrears, and profile damage of having vacant units. As more units become vacant, the sense of decline intensifies, undermining customer and business investment confidence.
47. The reason why Ben's Yard has only been pursuing smaller / start-up businesses is because one of the planning restrictions prevents 'retail multiples' i.e. those businesses with 9 or more outlets.
48. However, through the marketing undertaken, it is known that there are some premium, high profile, brands who want to invest in East Cambridgeshire but will only do so at Ben's Yard (owing to its brand, the co-location of high quality, like-minded businesses, ease of accessing Ben's Yard from the A142 and convenience of parking etc). Most of these businesses are prevented from doing so because their size and/or use doesn't fit within the Original Permission for Ben's Yard. Accordingly, Ben's Yard is currently unable to let its vacant units to large brands

and cannot capture the economic value and brand profile that would benefit both Ben's Yard and the local area/district.

49. No new buildings are proposed, nor any external changes to the existing buildings.
50. Ben's Yard has authorised use of 1,943m<sup>2</sup> GIA for retail (1,166m<sup>2</sup>) / non-retail uses (777m<sup>2</sup>) and is currently able to install mezzanines of 1,236m<sup>2</sup> GIA across all of its relevant units for ancillary office/storage uses.
51. Under the terms of the Original Permission, the scheme could therefore theoretically accommodate 3,179m<sup>2</sup> (GIA) of floorspace, of which 1,943m<sup>2</sup> (GIA) would be for retail/non-retail purposes. Currently, only one mezzanine has been provided, owing to the cost of installing a mezzanine for just ancillary office and storage accommodation.
52. The proposed development seeks to optimise use of the mezzanine floorspace available, for any of the authorised uses it is now pursuing, either to create an additional level of space for the respective ground floor unit, or as a smaller, independent, planning unit.
53. The proposal does not seek to increase the amount of retail use (Class E(a)), and this would remain capped at 1,166m<sup>2</sup> (including mezzanine space) and the maximum floorspace (including mezzanine space) allowed for leisure uses would be 2450sqm. Should the site not be able to secure retail and leisure uses the proposal seeks the total floor space to be non-retail and non-leisure uses (3,179m<sup>2</sup> GIA).
54. The current uses at the site include the following:

Use Class	Sector
Class A1 (now Class E(a))	Retailers supporting the sale of food and non-food goods
Class A3 (now Class E(b))	Restaurants, cafes
Class D2 (now Class E(d))	Indoor sport, recreation or fitness
Class D2 (now Class E(e))	Spa/Wellbeing
Sui Generis	Micro-brewery
	Ancillary office/storage and admin

55. Whilst D2 now falls within Use Class E, the original permission restricted the uses to those specifically stated and allowed for no change within the use class. Therefore, this application seeks flexibility across the use classes for the following uses:

Use Class	Sector/Anticipated type of business
Class E(a)	Retailers supporting the sale of food and non-food goods
Class E(b)	Restaurants, cafes
Class E(c)(ii)	Professional services e.g. property agency
Class E(c)(iii)	Personal services e.g. hair salon
Class E(d)	Indoor sport, recreation or fitness
Class E(e)	Dentist/Medical/Vets practice
Class E(g)(i)	Workspace/Office

Class F1(b)	Display of works of art
Sui Generis	Dog groomers/micro-brewery
	Ancillary office/storage and admin

56. It has already been established in the original application 1,166m<sup>2</sup> GIA of retail, 777m<sup>2</sup> GIA of non-retail and 1,236m<sup>2</sup> GIA of mezzanine for ancillary office/storage uses would be acceptable at Ben's Yard.
57. The proposed amendments to conditions pursuant to the original consent (18/01793/FUM) seeks the modification of restrictions on retail multiples (Condition 31) and permission to increase the maximum unit size to 285sqm save for one larger unit of 425 sqm.
58. Condition 28 of the original permission restricted the maximum unit size of the retail floorspace to 185sqm save for a single large unit of 287sqm and condition 31 stated that "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)."
59. This application is seeking an amendment to this condition to allow for the amalgamation of units, where required, to create a single unit of up to 425sqm and to allow retail multiples throughout the site but not exceed 874.5m<sup>2</sup> (75%).
60. To ensure the vitality of the town centres paragraph 91 of the NPPF sets out the sequential approach to development which is to be applied for proposals for main town centre uses.
61. The NPPF definition of Main Town Centre Uses are: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
62. NPPF's requirements for the sequential test states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
63. Paragraph 94 of the NPPF provides the requirements for the impact test and states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace).

64. Policy COM 1 of the Local Plan applies the sequential test to proposals for retail and main town centre uses that are located outside the town centres of Ely, Soham and Littleport. For retail developments of 280 sqm net floorspace or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on any other centres, as demonstrated in a Retail Impact Assessment.

65. The following table sets out whether the sequential test is applied:

Sector	Use Class	Main Town Centre Use	Subject to Sequential Test	Subject to Impact Test
Retail	Class E(a)	Yes	Yes	Yes – if above 280sqm
Restaurants/Cafes	Class E(b)	Yes	Yes	Yes – if above 2,500sqm
Professional/ personal services	Class E(c)	Yes	Yes	No
Gym/Leisure/Soft Play Centre	Class E(d)	Yes	Yes	Yes – if above 2,500sqm
Workspace/Office	Class E(e)	Yes	Yes	No
Dentist/Medical	Class E(e)	No	No	No
Vets/Medical	Class E(e)	No	No	No
Art exhibition space	Class F1(b)	Yes	Yes	No
Dog Grooming	Sui Generis	No	No	No

66. Main town centre uses that are proposed as part of this application and that are subject to the sequential test include retail (relating to the removal of restrictions on retail multiples), food and beverage (restaurants and cafes, but excluding hot food takeaways), professional and personal services, leisure (gym and soft play centre), office uses, and exhibition space.

67. A sequential test has been carried out by the applicant.

68. This concludes that the proposals are required to ensure the long-term viability of this tourist and visitor attraction. As such, the benefits of the proposals would not benefit Ben's Yard if they were accommodated in any other location.

69. A review of potential alternative sites was considered that were based on sites previously assessed for the original scheme and there are no new sites that have come forward that could reasonably support a similar scheme to Ben's Yard. The original assessment concluded that there were no sequentially preferable sites, and the same conclusion applies in this case.

70. It is therefore considered that the sequential test has been satisfied.

71. In respect to impact, the test only applies to the proposal to allow retail multiples which applies to the permitted floorspace allowed under Condition 26 for the sale of retail goods (1,166 sqm gross/816 sqm net sales). There is no local threshold in place for leisure uses within Policy COM1 of the Local Plan. Therefore, the NPPF's default threshold applies (2,500 sqm gross). As the scheme size (including the proposal associated with the mezzanine floorspace) falls under this threshold there is no obligation to assess the impact associated with the proposed uses for the proposals relating to floorspace allowed for food and beverage, gym and soft play uses.
72. Policy COM1 of the adopted Local Plan requires an impact assessment to be applied to proposals for retail floorspace that is located outside of the centres of Ely, Soham and Littleport. It does not apply to leisure floorspace. However, impact on leisure proposals is a consideration within the NPPF, but only where it comprises over 2,500 sqm gross of floorspace. The proposed amendments to accommodation primarily relates to the increase in mezzanine floorspace. This would allow a total of 2,450 sqm GIA to support leisure uses, which is below the NPPF's threshold for assessing leisure floorspace at out of centre locations. Therefore, without any provisions in the Local Plan for a local floorspace threshold for leisure proposals impact is not a consideration for the proposal to allow leisure uses as part of the change of use application.
73. Instead, impact will apply to the proposal to remove the restrictions on retail multiples and the proposal to increase the maximum unit size.
74. In considering the impact test, it is relevant to reflect on the direction provided at paragraph 018 of the Town Centres and Retail Planning Practice Guidance (PPG), which identifies that a judgement as to whether likely adverse impacts are significant can only be reached in light of local circumstances.
75. In this regard, it is important that there is an up-to-date understanding of the current health of Ely city centre, Soham town centre, and Littleport town centre from which the implications of any potential impact and trade diversion can be assessed. The applicant's consultants, LSH, visited the three centres in February 2025 to review land uses and appraise their role, function, and current performance.
76. In summary, the assessments confirmed that the three centres are vital and viable based on relevant Key Performance Indicators. Of note there has been minimal change to the centres since LSH carried out an assessment of Ely and Soham in January 2024 (in support of planning application reference 23/01056/VARM). However, what was of particular note is that vacancies have reduced considerably for Ely (from 21 to 13) over the past year and half and as the health check assessment details, a number of vacancies are directly linked to new store openings. The position bucks the trend nationwide of shop failures and demonstrates how flexibility in uses that benefit landlords and tenants in Ely city centre are helping the centre to evolve and respond to changes in the retail and leisure markets.
77. The applicants impact assessments conclusions are that the towns are vital and viable, there is no evidence to suggest that the towns have been impacted by the

opening of Ben's Yard. From this they concluded that the Ben's Yard is performing a complementary role to Ely, Soham and Littleport.

78. The submitted Impact Assessment on Ely, Soham, and Littleport has been assessed in respect to:
- the potential change in trade diversion associated with the removal of restrictions on multiple retailers;
  - the ability for the applicant to configure units to allow larger standard store sizes (up to 425 sqm gross).
79. The applicant is proposing that 75% of the retail floorspace (i.e. 875 sqm GIA out of 1,166 sqm GIA) could support retail multiples. As there is a limitation on the amount of floorspace that can be used for retail, with further restrictions on the composition of retail by sales of goods (i.e. convenience and comparison). Therefore, the potential to attract a retail multiple will be limited in terms of the number of units.
80. Ben's Yard is currently supported by a broad mix of independents, which can be described as a high quality and lifestyle-oriented retail offer. This is in contrast to the budget and mid market offer in Ely.
81. By allowing retail multiples, the applicant is seeking to maintain the calibre of retail offer by targeting specific retail multiples that fit with Ben's Yard's premium profile. This will allow the scheme to continue to operate within a different customer market to Ely, Soham, and Littleport.
82. The Retail Assessment and addendum assessments in support of the Ben's Yard scheme tested a range of impacts. Scenarios considered the impacts that would arise if the entire floorspace accommodation was occupied by comparison retailers or a mixture of convenience and comparison. The solus impact on Ely ranged from -0.8% (all comparison retail) to -0.9% (including convenience). Cumulative impact impacts ranged from 12-19% for Ely, which was due to larger scale retail commitments. It should be noted that the plans for a retail park at Ely Gateway have been abandoned following the site's acquisition by another developer with the intention of bringing forward a logistics hub. This means that the cumulative impact on Ely identified in the retail assessments in support of the Ben's Yard application will be considerably lower.
83. The proposals to allow retail multiples to trade from the permitted retail floorspace and curated to ensure a premium offer is maintained would have little impact on the trading position of Ely and the two town centres. This is on the basis that existing provision serves an entirely different customer market and any uplift in trading diversion (beyond what was previously assessed) would be nil or negligible.
84. While it may be argued that premium retail multiples could draw trade from premium independents in Ely, this is likely to be limited given that expenditure will already be diverted to comparable premium retailers trading outside of the district. This highlights the potential to claw back expenditure that is currently lost to premium retailers in Cambridge and other locations, and online.

85. The Impact Assessment concludes that the provision of retail multiples within the consented area for retail sales will have no or limited additional uplift in impact from what was previously assessed for the original scheme.
86. The applicant is seeking greater flexibility in the configuration of units to allow the maximum retail unit size to increase from 185 to 265 sqm save for one which will be a maximum of 425 sqm.
87. The larger maximum unit size would also allow the applicant to meet the requirements of prospective tenants, including those who have confirmed interest in locating to Ben's Yard but require a larger unit than what is currently available.
88. In the absence of any reliable method to assess quantitative impact, the applicant has considered how a larger unit would compare to those that range in size from 186 sqm to 425 sqm that are currently available in Ely, Soham and Littleport and the tenants who occupy these units.
89. In Ely, the applicant has identified 52 units that support a unit size of 186 sqm to 425 sqm, which account for 22% of total units that support retail and service uses. It should be noted that two thirds of units in the town centre comprise units with accommodation of 180 sqm or under.
90. A review of VOA data on units along High Street and Churchgate Street in Soham identified only three units that falls within the 186 sqm to 425 sqm unit size range. This equates to 10% of all units on High Street and Churchgate Street.
91. There are no shops in Littleport that fall within the floorspace range. With the exception of the Co-op store (549 sqm), all other commercial units support ground floor floorplates that are under 186 sqm. The Co-op store is highlighted by the LPA in the pre-application advice as an example of how BY could attract a competing local format retailer.
92. The analysis shows that the vast majority of units in key commercial locations support smaller unit sizes and are more comparable with those at Ben's Yard (based on the current 27-unit size restrictions). In theory, the current unit size restrictions are more likely to create conditions that would enhance competition for accommodation between Ben's Yard and the three centres. By allowing a larger unit size at Ben's Yard the applicant can meet specific tenant requirements for the scheme and continue to target brands that would not otherwise seek space in Ely, Soham and Littleport.
93. It is considered that the conclusions of the sequential and impact assessments provide a robust and reasoned argument for the proposed amendments and is considered to be in compliance with policy COM 1.
94. Furthermore, the site employs over 50 staff with the potential to grow. This is given significant weight in the application.
95. Policy EMP 7 'Tourist Facilities and Visitor Attractions' identifies that new or extended tourist facilities or attraction will be supported where inter alia:

- there is an identified need to create new facilities or improve existing facilities; and
- the proposal is of an appropriate scale and nature relative to its location and would not of itself have a significant adverse impact on traffic generated.

96. The Council determined that the proposal was in accordance with the above policy in granting planning permission in 2020 and it is considered that the expansion of uses would improve the existing facilities. The proposal does not change the external footprint but the expansion of uses are considered to be of an appropriate scale and nature relative to its location and would not have a significant impact on traffic generated.
97. The proposed extension of Class E activities (and certain Class F / sui generis uses), such as soft play, personal and professional services, gyms, art exhibition space, dog grooming) and the introduction of appropriate retail multiples will help to strengthen Ben's Yard's profile as a visitor destination. Ben's Yard is included on the 'Things to do' page of the 'Visit Ely' (official tourist board, and partner of Visit England). As such, the proposals support the aims of Policy EMP 7.
98. In conclusion, the principle of the proposal to allow more flexibility of use classes, increased unit sizes and the allowance of retail multiples is considered acceptable subject to other matters discussed below.

### **Residential Amenity**

99. Policies ENV2 and COM1 of the East Cambridgeshire Local Plan requires all new developments to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
100. The proposal includes the extended hours of operation. The current hours of operation are conditioned as follows:
101. 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 (1) Units 3, 8 and 9 on approved plan 17043 P 009 C, where the use shall take place between the hours of 07:00 and 23:00 where in café/restaurant use only; and (2) 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.
102. The proposed hours are to be as follows:
- The hours of operation shall be as follows:
- E(a) Shops: 6am – 10pm daily
  - E(b) Café/restaurant: 6am to 10pm, daily
  - E(c)(ii) Professional services: 6am to 10pm
  - E(c)(iii) Personal Services: Monday to Saturday: 6am – 10pm
  - E(d) Spa, wellbeing, fitness studio, gym, and children's indoor play: 6am – 10pm, daily

- E(e) vet's practice, private GP/dental, complementary health, physio: 6am – 10pm, daily (standard hours), 24-hour emergency hours provision
- E(g)(i) Offices: 6am- 10pm, daily
- F1(b) Display of works of art: 6am – 10pm, daily
- Agricultural: unrestricted
- Microbrewery: Public Hours 6am -10pm otherwise unrestricted
- Dog groomers: 6am – 10pm, daily
- Seasonal events: 6am – 10pm (daily, for duration of scheduled events)

The security gate shall be set to close at 10.30pm and open at 05.30am, ensuring an additional 30 minutes for staff to open/set up and close/leave the site before/after general hours closing.

For those businesses needing unrestricted hours / out of hours emergency use, provision shall be made (e.g. access card, manual entry security code) to enable staff/visitors to access when required. This would prevent unrestricted access for members of the public, which is necessary for security and safety reasons.

103. The Environmental Health Officer (EHO) has been consulted on the application and raises no objections subject to this condition.
104. The application has also been supported with a Lighting Impact Assessment and an Acoustic Assessment.
105. With regards to the lighting, no additional external artificial lighting is included within the proposed development. However, the lighting assessment was carried out to consider the potential effects of lighting from the extended hours of operation on the surrounding residential amenity.
106. The report concludes that in terms of operational impacts, the extended hours will result in lighting being active for longer periods; however, with continued use of suitable control measures such as timers, dimming regimes and presence detection where appropriate, unnecessary lighting can be avoided. This ensures that extended operation does not materially alter the site's lighting characteristics.
107. With respect to highway considerations, the existing lighting arrangement is unlikely to cause glare or distraction to road users. Illumination levels within the car park and access points will remain sufficient for safe movement, and no significant effects on the surrounding highway network are anticipated as a result of the increased hours.
108. Regarding residential amenity, the controlled distribution and cut-off optics of the existing luminaires mean light spill towards nearby properties remains minimal. The extended period of operation is therefore not expected to introduce new adverse effects or significantly alter the current lighting experience for local residents.
109. Overall, the increase in operating hours is not expected to generate unacceptable lighting impacts, provided the existing luminaires continue to operate under appropriate management and control arrangements.
110. It is recommended to condition the lighting to continue to operate in accordance with the details and recommendations of the lighting assessment.

111. An acoustic assessment was also submitted with the application. This has been reviewed by the EHO who recommends that the application be conditioned in accordance with the plant noise limits suggested. This can be conditioned.
112. The application clarifies the events to be held at the site and has provided an Amplified Noise Mitigation Plan. The EHO has no objections subject to a condition for the development to be carried out in accordance with this plan.
113. It is considered that, subject to conditions, the proposal would be in accordance with policies ENV2 and COM1 of the East Cambridgeshire Local Plan.

### **Visual Amenity**

114. Policy ENV1 requires development proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive complementary relationships with existing developments.
115. The proposal does not give rise to any visual amenity concerns. The permission is predominately an application to allow flexibility of uses for the site but does also include the retrospective resurfacing of the overflow carpark.
116. This was undertaken to create a more stable surface for seasonal events and carparking. Prior to this, the land would become heavily damaged when in use. The surface now is loose recycled road planings, which enable rainfall to percolate through to the field drainage beneath.
117. The previous landscaping has not been completed from application 18/01793/FUM and as this application would create a new permission in its own right, a landscaping scheme will be requested to finalise the landscaping for the site.

### **Highways**

118. Policy COM 7 aims to ensure that new development supports sustainable and accessible transport while minimising negative impacts on the transport network and local area.
119. Policy COM 8 states that development proposals should provide adequate levels of car and cycle parking, and make provision for parking broadly in accordance with the Council's parking standards.
120. The County Council Transport Team were consulted on the application and initially objected as the submitted information did not include sufficient information to determine the highway impact of the proposed development.
121. The agent subsequently submitted a transport response that asserts that the proposed changes at Ben's Yard would not create significant highway or transport impacts and that the existing access arrangements remain acceptable.
122. The key points of the response include:

- Pedestrian and cycle infrastructure was already assessed and approved as part of the original 2020 Ben's Yard permission. The applicant states there have been no pedestrian-related incidents since opening and no recorded accidents at the nearby crossing point, therefore no further off-site pedestrian or cycle improvements are considered necessary.
- Public transport provision is considered adequate, with most bus users travelling southbound towards Ely where an equipped bus stop with shelter already exists. The northbound stop is mainly used for drop-offs and therefore lacks infrastructure.
- Collision data from Cambridgeshire County Council shows no significant accident history near the site access. Two slight incidents were identified but were attributed to driver error and unrelated manoeuvres rather than any inherent safety problem with the junction.
- Updated traffic counts and queue surveys undertaken in April 2026 confirmed:
  - AM peak: 07:30–08:30
  - PM peak: 16:30–17:30
  - Weekday site access peak: 13:45–14:45
  - Saturday peak: 11:45–12:45
- Traffic interacting with the Ben's Yard access was relatively low compared with total flows on the A142. Queue surveys recorded generally minimal delays, with queues mostly between 0–1 vehicles and occasional peaks of 3–4 vehicles.
- Trip generation assessments using TRICS data considered both office and business park scenarios for the full 3,179m<sup>2</sup> Class E floorspace. The applicant concludes traffic generation would remain modest, with the highest combined Saturday scenario generating 69 arrivals and 52 departures.
- Parking accumulation modelling forecast peak demand of between 82 and 115 spaces. While this exceeds the 75-space main car park, the applicant states overflow parking areas are available and sufficient to prevent overspill parking onto the public highway.
- Capacity modelling using Junctions 9 assessed existing, committed, and proposed traffic scenarios through to 2031. The assessment found no operational issues with the A142 right-turn lane. The Ben's Yard access would generally operate within capacity except for a short spike in the weekday PM peak where Ratio of Flow to Capacity (RFC) reaches 1.00. This exceedance is argued to be acceptable because it is temporary, occurs only on a private access road, and is based on a worst-case traffic scenario.
- Queue modelling was considered consistent with observed queue survey data and showed no significant discrepancies.
- A Travel Plan is accepted as necessary and could be secured by planning condition prior to construction of the additional mezzanine floorspace.

123. Overall, the applicant concludes that the proposed change of use and mezzanine additions would not result in significant highway safety or capacity impacts, particularly on the A142, and that no additional highway mitigation measures are required beyond a Travel Plan.

124. The County Council Transport Team reviewed the additional information submitted following its initial consultation and is now satisfied with the majority of the transport and highway matters raised.

125. The key points of their response include:
- No additional pedestrian infrastructure along Soham Road in Stuntney is required, as it was not part of the original application.
  - Public transport provision was reviewed, noting that the northern Soham Road bus stop functions mainly as a drop-off point and lacks infrastructure.
  - Collision data was accepted, with three slight accidents recorded near the site access over the past 60 months.
  - New traffic and queue length surveys were undertaken in April 2026, confirming peak traffic periods and showing maximum queues of 4 vehicles on a weekday and 10 vehicles on a Saturday at the Ben's Yard access.
  - The applicant's trip generation assessments were accepted, including worst-case office and business park scenarios within Class E use. Forecast traffic movements varied by scenario, with the highest Saturday peak estimated at 111 vehicle trips.
  - Parking assessments indicated peak demand of between 82 and 115 spaces, which can be accommodated through the main and overflow car parks.
  - The committed development assumptions and TEMPro growth forecasts were accepted.
  - Junction capacity assessments identified future congestion and queuing issues at the A142/site access junction, particularly during PM peak periods. While the site access arm is forecast to operate over capacity, the Highway Authority notes that queuing occurs on private land rather than the public highway.
  - The Authority also raised concerns that increased congestion could encourage riskier driver behaviour at the junction, potentially increasing road safety risks.
  - A discrepancy in the Saturday peak period used within the PICADY assessment was noted but was not considered critical to the overall conclusions.
  - A Travel Plan will be required to encourage sustainable travel and would be secured through a planning condition.
126. Overall, despite acknowledged future capacity constraints at the site access junction, the County Council Transport Team (CCTT) do not object to the application, subject to a condition requiring submission and implementation of a Travel Plan before the development is first occupied.
127. A condition will be recommended and is listed in Appendix 1. It will be reworded to that suggested by CCTT as Ben's Yard is currently occupied and therefore the condition will need to be more specific. Therefore, it is recommended the condition read:
- Within four months of the date of this decision, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include suitable measures and incentives to promote sustainable travel to the site and a date for its first implementation. The approved Travel Plan shall be implemented in accordance with the approved date and be adhered to for the lifetime of the development.*

128. It is considered, subject to conditions, that the proposal is in accordance with policy COM 7 and COM 8 of the East Cambridgeshire Local Plan.

### **Flood Risk and Drainage**

129. Policy ENV 8 requires all developments and re-developments to contribute to a reduction in an overall flood risk.
130. The documents submitted with the application demonstrate that surface water from the proposed development can be managed through the use of permeable paving, swales, filter strips and a detention basin.
131. The Lead Local Flood Authority (LLFA) have been consulted on the application and is supportive of the use of permeable paving and swales as in addition to controlling the rate of surface water leaving the site they also provide water quality treatment which is of particular importance when discharging into a watercourse.
132. The unrestricted discharge rate represents a clear departure from the approved drainage strategy and is not supported by the LLFA. Despite this, they acknowledge that the IDB have approved the unrestricted discharge rate. An additional 131.4m<sup>3</sup> of attenuation storage is to be provided within the attenuation basin to align with the approved drainage strategy.
133. The LLFA requests a condition for the surface water to be in full accordance with Proposed Balancing Pond Details providing the additional 131.4m<sup>3</sup> as submitted (ref: 3567-02) dated 3rd December 2025.
134. The proposal, subject to conditions, is considered to be in accordance with policy ENV 8 of the East Cambridgeshire Local Plan.

### **Ecology, BNG and Local Nature Recovery Strategy (LNRS)**

#### *Ecology and BNG*

135. Policy ENV7 requires all development proposals to:
- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
  - Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
  - Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.
136. There has been a loss of habitat since January 2020 by the resurfacing of the overflow carpark although this is acknowledged that this grassland condition was not great. It is still, however, a loss of habitat.
137. No habitat loss mitigation has been offered as compensation. Improvement to some of the habitat onsite would be acceptable or provision of suitable wildlife enhancement features.

138. It is therefore recommended that a condition is included for a scheme of ecological improvements to offset habitat loss and provide features for wildlife.
139. It is considered, subject to conditions, that the proposal would be in accordance with policy ENV7.
140. With regards to BNG the application is exempt.

#### *Local Nature Recovery Strategy*

141. The Cambridgeshire-Peterborough Local Nature Recovery Strategy (LNRS) was published on 23rd December 2025. The LNRS is a spatial strategy which plans, maps and creates priorities for nature in a given area. It is a statutory document produced under the Environment Act 2021. Local authorities must have regard to any relevant LNRS through the exercise of its functions, including as a local planning authority (see S40(2A) of the NERC Act 2006).
- 142.
143. Amongst other matters, the LNRS identifies on a map (the 'habitat map') "areas that could become of particular importance for biodiversity" (ACB sites). Typically, such sites will be farmland with limited, if any, current significant interest for biodiversity, but it has been determined to offer the potential to become important if measures were taken to improve the habitats on that particular site.
144. For this particular application, it has been determined that no LNRS ACB site aligns with the planning application site area and there is no other apparent reason why the LNRS is an important determining factor for this application. As such, very little weight has been given to the content of the LNRS in reaching a recommendation for this planning application.

#### **Other Material Matters**

145. None.

#### **Human Rights Act**

146. The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **Equalities and Diversities**

147. In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which

means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

### **Planning Balance**

148. The proposal would provide greater flexibility within the existing Ben's Yard rural retail village permission through the expanded range of Class E uses, Class F uses and associated sui generis uses, alongside amendments to unit size restrictions, mezzanine floorspace, trading hours, seasonal events and the removal of restrictions on retail multiples. The application does not propose an increase in overall retail floorspace previously approved.
149. It is considered that significant weight be afforded to the economic and viability benefits arising from the increased flexibility of the scheme. The applicant has demonstrated that the current permission has proven restrictive. The broadened range of uses would assist in securing tenants, improve occupancy rates and support the long-term sustainability of the development. The wider range of uses would enhance the site's offer, increase visitor attraction and support rural employment and economic growth. The removal of restrictions on retail multiples would provide greater commercial attractiveness to prospective tenants. Increased flexibility in unit sizes and mezzanine arrangements would similarly assist in meeting operator requirements and improving marketability of units.
150. Additional positive weight can be given to the proposed seasonal events and broader leisure and community-orientated uses, which have the potential to increase footfall, enhance the attraction of the site and strengthen its role as a rural destination without adversely impacting the town centres of Ely, Littleport and Soham.
151. The proposed extension to trading hours would provide operators with greater flexibility and may improve the commercial viability of businesses operating from the site. The resurfacing of the carpark assists in improving accessibility and operational efficiency.
152. Impacts of the proposal such as residential amenity, highways, drainage, noise, landscaping, biodiversity and lighting have been carefully considered and are capable of being controlled through suitably worded conditions.
153. Overall, it is considered that the economic and operational benefits arising from the proposal significantly outweigh the limited impacts identified, all of which are capable of being appropriately mitigated through planning conditions. The proposal would support the long-term vitality and viability of the rural retail village whilst maintaining an acceptable impact on the character of the area, neighbouring amenity, and the wider highway network. It is considered that the proposal accords with the relevant planning policies and there would be no significant adverse impacts that would weigh against the proposal. Subject to appropriate planning

conditions, the proposal is considered to be appropriate and is recommended for approval.

## Appendices

### Appendix 1 – Recommended Conditions

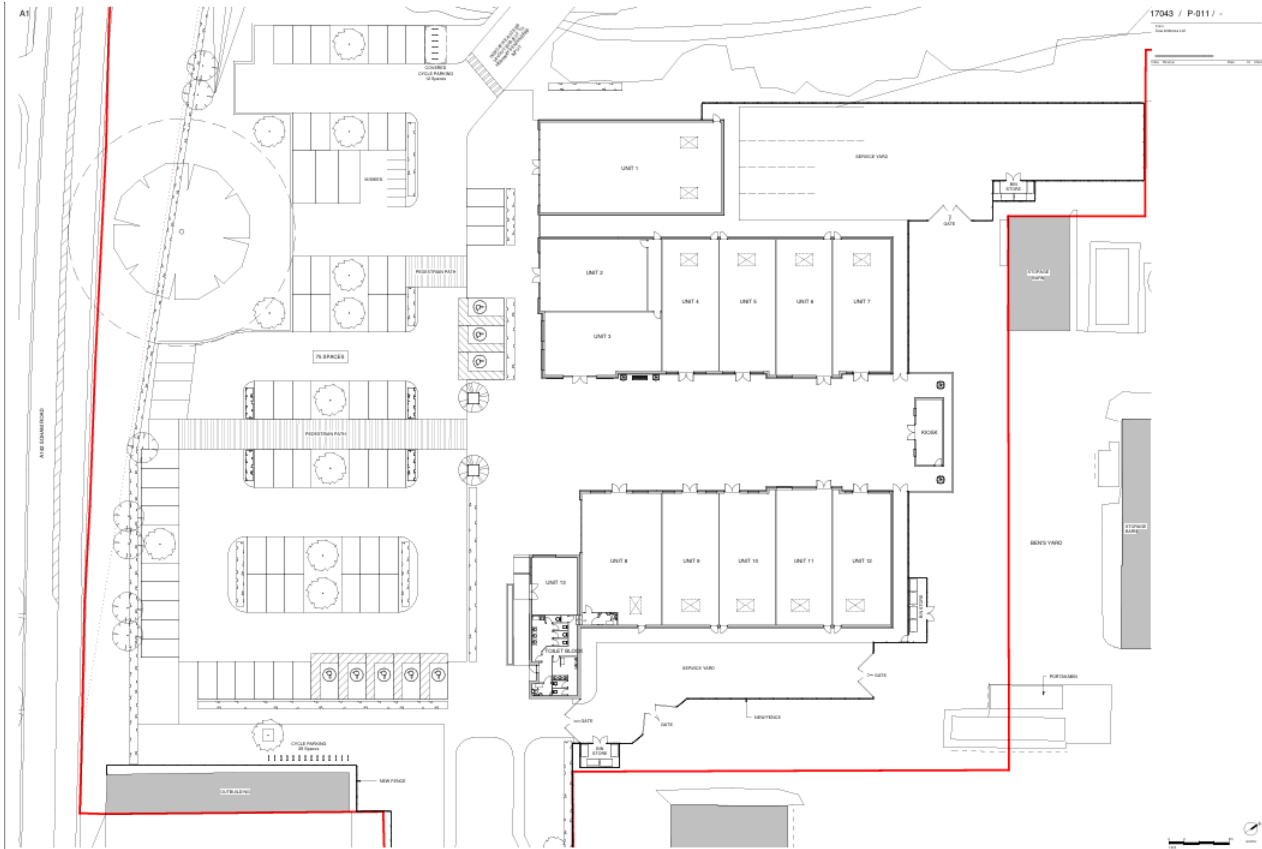
## Plans

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

### Plan 1 – Location Plan

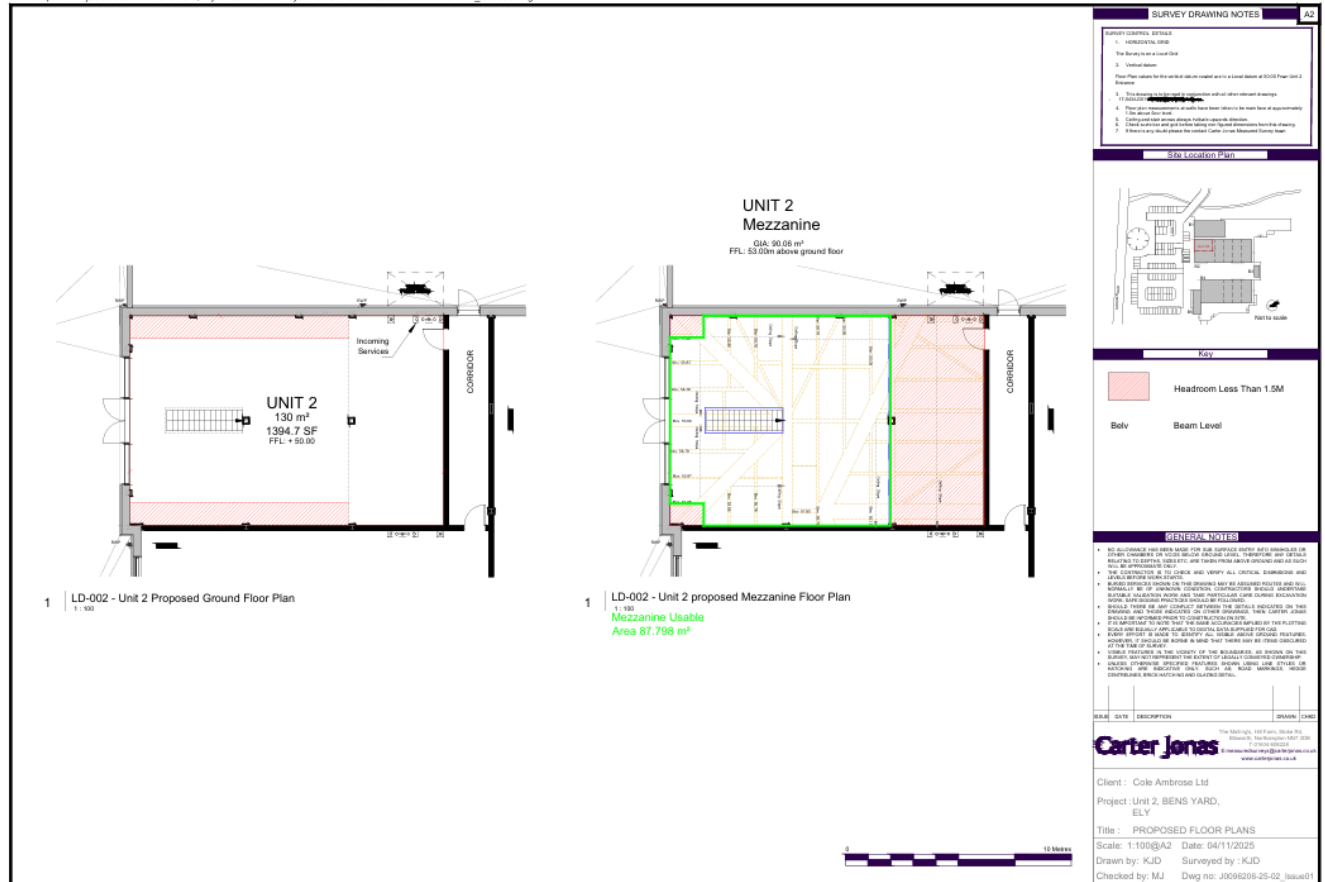


### Plan 2 – Block Plan



Plan 3 – Unit 2

M:\Geospatial Projects\J096206-Bens Yard, Ely -\Measured Survey\04 ISSUED\Issue03\J096206-25-01to11\_Issue03.dwg

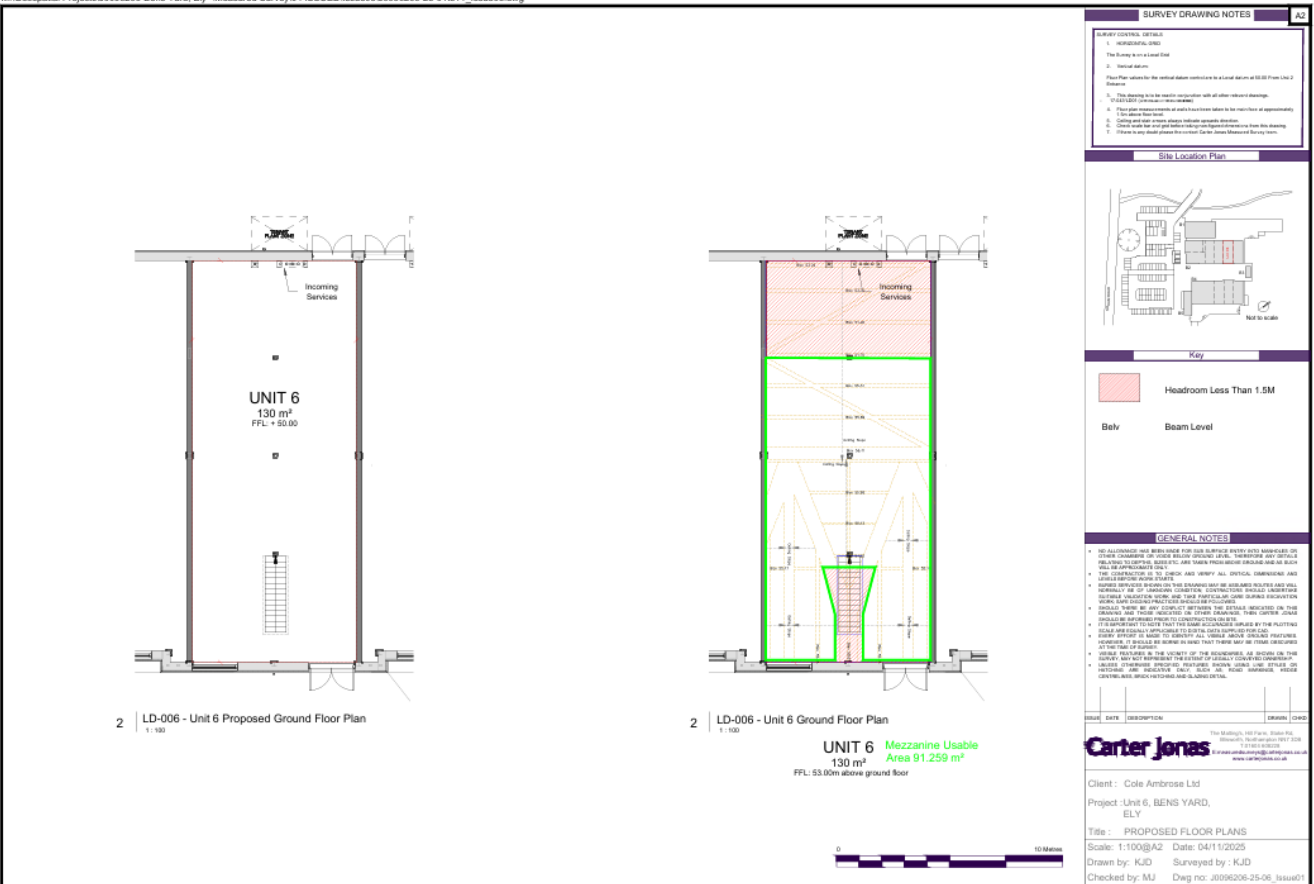


Plan 4 – Unit 3





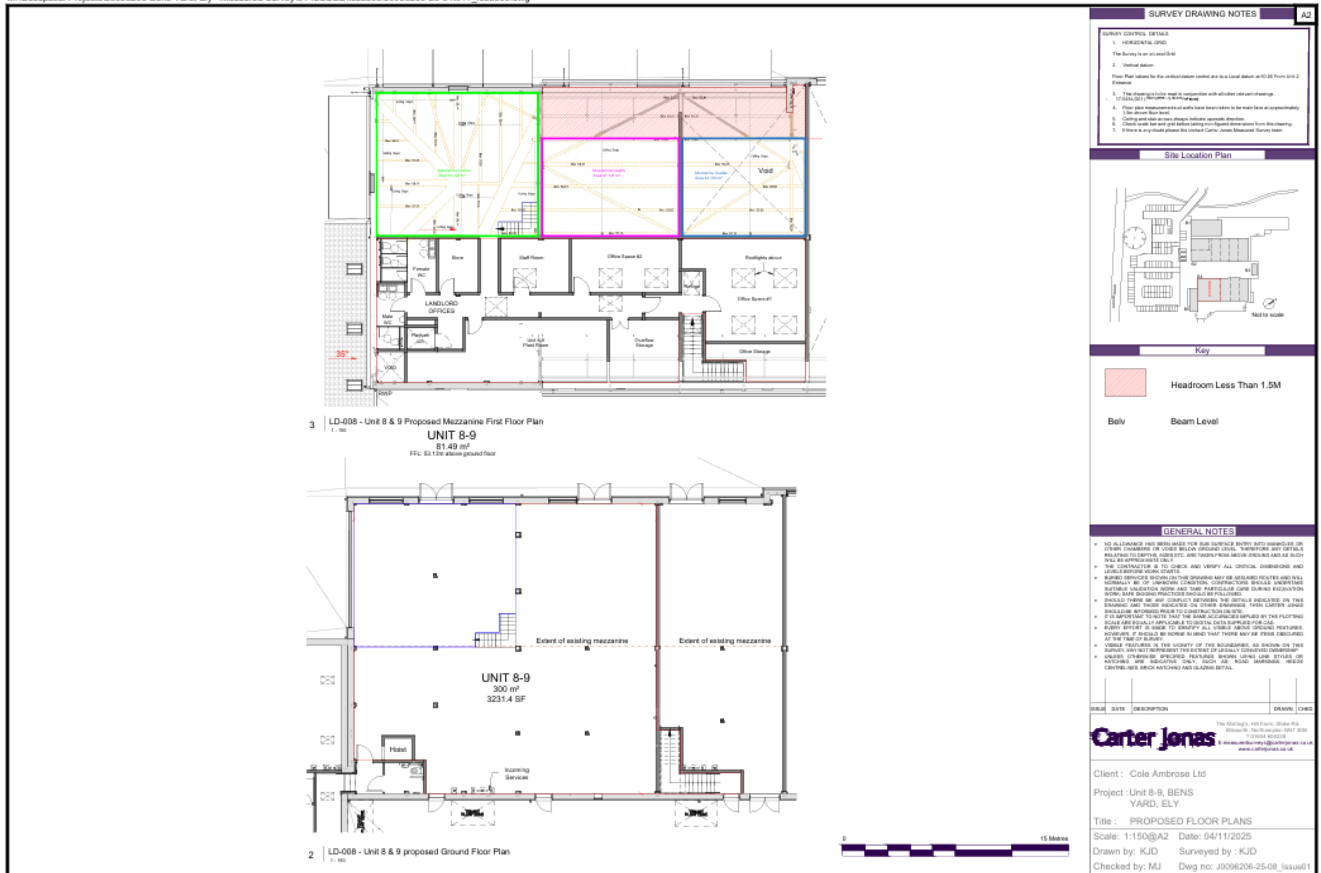
### Plan 7 – Unit 6



### Plan 8 – Unit 7



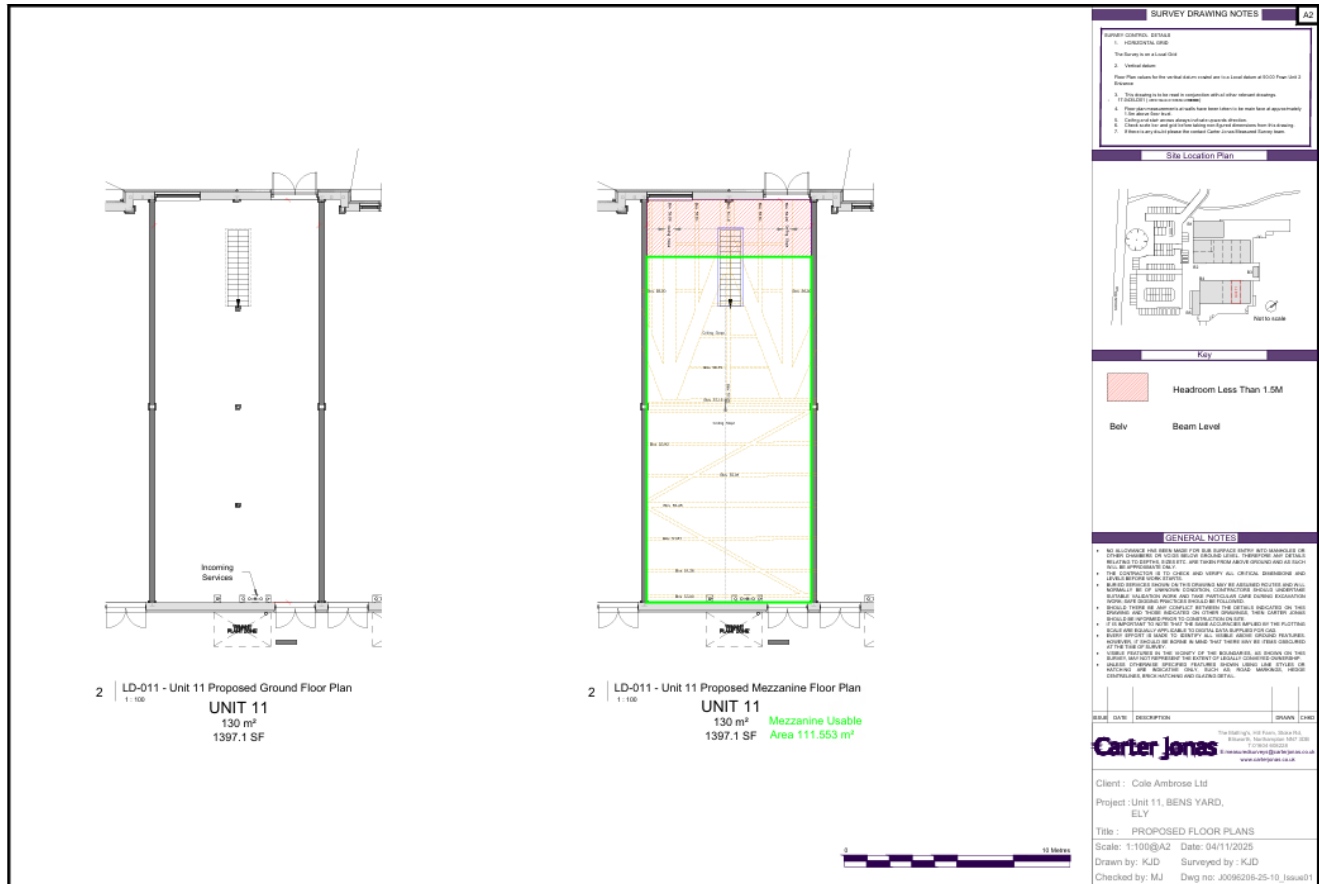
Plan 9 – Unit 8-9



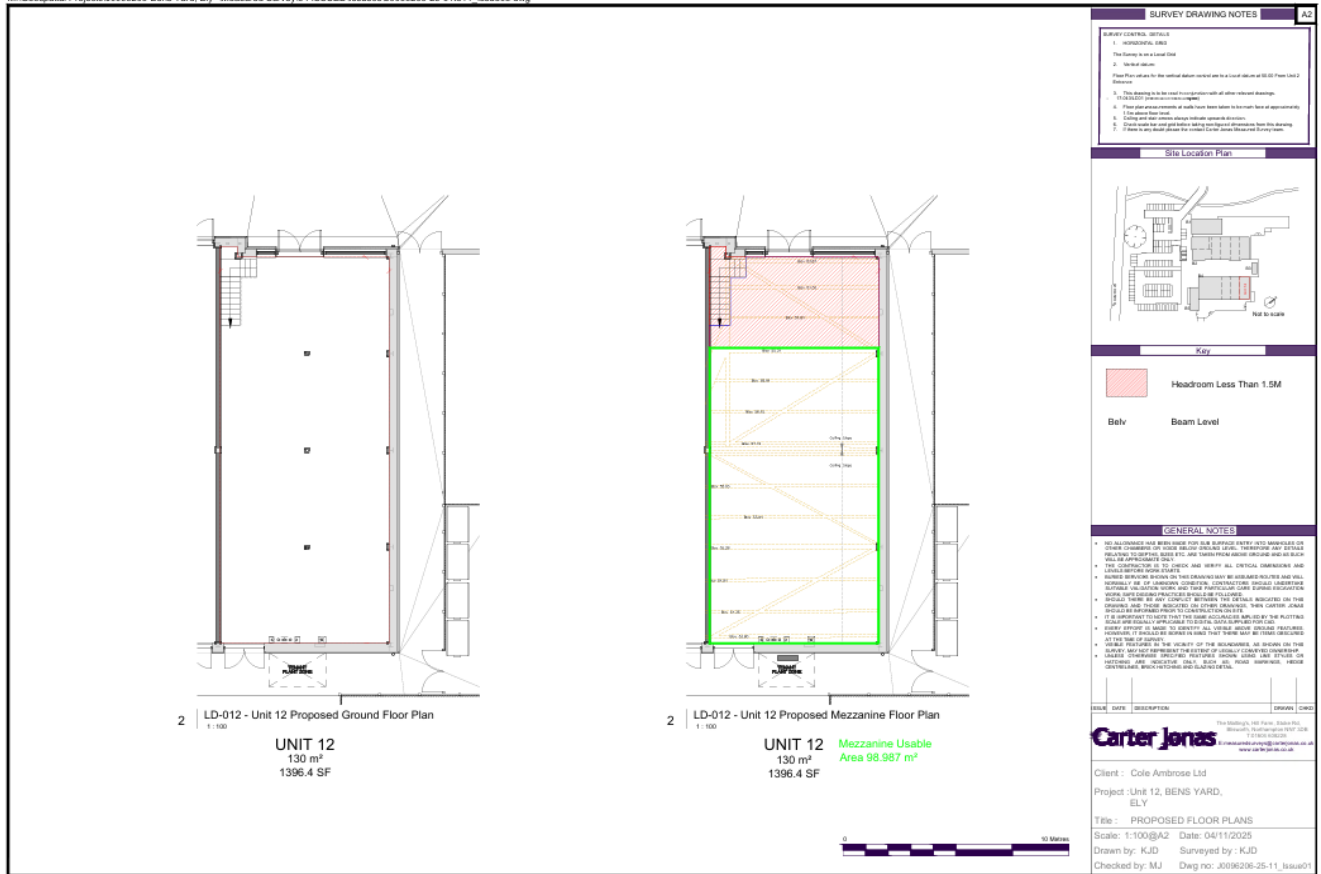
Plan 10 – Unit 10



Plan 11 – Unit 11



Plan 12 – Unit 12



## Appendix 1 – Conditions

### Ben's Yard Draft Conditions

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

Plan Reference	Version No	Date Received
17043/P-011		12th December 2025
00926206-25-50	02	12th December 2025
J0096206-25-02	01	12th December 2025
J0096206-25-03	01	12th December 2025
J0096206-25-04	01	12th December 2025
J0096206-25-05	01	12th December 2025
J0096206-25-06	01	12th December 2025
J0096206-25-07	01	12th December 2025
J0096206-25-08	01	12th December 2025
J0096206-25-09	01	12th December 2025

J0096206-25-10	01	12th December 2025
J0096206-25-11	01	12th December 2025
P22_123_003_V2		12th December 2025

1. Reason: To define the scope and extent of this permission.
2. Within 6 months of the date of this permission 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.
- 2 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
3. Development shall be carried out in strict accordance with the Amplified Noise Mitigation Plan dated March 2026 by Carter Jonas.
3. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
4. Outdoor Events shall be restricted to the following,:
  - 1 x Easter seasonal event (or programme of related events) for 4 weeks between March and April
  - 1 x Summer seasonal event (or programme of related events) over summer school holidays (e.g. The Beach) for 8 weeks between July and August
  - 1 x Autumn seasonal event (or programme of related events) for 1 week between October and November
  - 1 x Christmas seasonal event (or programme of related events e.g. Christmas Fair, Magical Christmas Experience, Santa Show etc), for 4 weeks throughout December
  - 1 x miscellaneous event for 1 day per week
  - 1 x Ben's Yard Park Run for 1 day per week, or a second miscellaneous event for 1 day per week in the event the park run event ceases
  - Using the Ben's Yard overflow car-park for Park and Ride events (up to 30 days)

4. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
5. The visibility splays approved in application 18/01793/FUM shown on plan 1690-03 Rev B dated 12<sup>th</sup> May 2016 shall be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
5. Reason: In the interests of highway safety, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
6. The hours of operation shall be as follows:
  - E(a) Shops: 6am – 10pm daily
  - E(b) Café/restaurant: 6am to 10pm, daily
  - E(c)(ii) Professional services: 6am to 10pm
  - E(c)(iii) Personal Services: Monday to Saturday: 6am – 10pm
  - E(d) Spa, wellbeing, fitness studio, gym, and children’s indoor play: 6am – 10pm, daily
  - E(e) vet’s practice, private GP/dental, complementary health, physio: 6am – 10pm, daily (standard hours), 24-hour emergency hours provision
  - E(g)(i) Offices: 6am- 10pm, daily
  - F1(b) Display of works of art: 6am – 10pm, daily
  - Agricultural: unrestricted
  - Microbrewery: Public Hours 6am -10pm otherwise unrestricted
  - Dog groomers: 6am – 10pm, daily
  - Seasonal events: 6am – 10pm (daily, for duration of scheduled events)

The security gate shall be set to close at 10.30pm and open at 05.30am, ensuring an additional 30 minutes for staff to open/set up and close/leave the site before/after general hours closing.

For those businesses needing unrestricted hours / out of hours emergency use, provision shall be made (e.g. access card, manual entry security code) to enable staff/visitors to access when required. This would prevent unrestricted access for members of the public, which is necessary for security and safety reasons.

6. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

7. Within 6 months of the date of this permission, a scheme of ecological improvements to offset habitat loss and provide features for wildlife shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall be installed within a year of the scheme being approved by the Local Planning Authority and thereafter maintained in perpetuity.
7. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
8. 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.
8. 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 (as amended 2023).
9. The total gross internal floorspace including mezzanines shall not exceed 3,179m<sup>2</sup> and notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order, revising, revoking and re-enacting that order) no enlargement by way of extension or other alteration to any building subject of this permission shall be carried out without express planning permission first being obtained. Mezzanine floorspace shall be capable of independent use within the relevant approved use classes and shall not be restricted to ancillary storage or office use only.
9. 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
10. The total gross internal retail floorspace shall extend to no more than 1,166m<sup>2</sup>. The retail floorspace is limited to uses falling within Class E(a) Shops and Class E(c)(iii) Personal Services.

Where a unit is used for the sale of convenience goods, it shall always include the sale of locally-sourced produce (*from within 15 miles of Ben's Yard, and shall always include that 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.

Where a unit is used for the sale of comparison goods, it shall not be used for the sale of mobile phones and mobile phone accessories, domestic electrical white goods, vaping and audio visual goods.

10. 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.

11. The total gross internal floorspace for other uses shall not extend to more than 3,179m<sup>2</sup>. Other uses are limited to uses falling with Classes E(c)(ii) Professional Services, E(e) vet's practice, private GP/dental, complementary health, physio, E(g)(i) F1(b) display of works of art, Sui Generis dog groomers; microbrewery, agricultural and ancillary storage and office space for the permitted uses.

11. 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.

12. The total gross internal leisure use floorspace shall be limited to 2,450m<sup>2</sup>. The leisure use floorspace is limited to uses falling within Class E(b) Café/Restaurant and E(d) Spa, wellbeing, fitness studio, gym and children's indoor play.

The leisure floorspace hereby permitted can only operate where at least a single unit (excluding the kiosk) trading as a café and/or restaurant always include the sale of locally-sourced produce (from within 15 miles of Ben's Yard, and always include 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.

12. 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.

13. The maximum unit size of the retail floorspace shall be 265m<sup>2</sup> gross internal save for a single large unit of 425m<sup>2</sup> gross internal.

13. 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.
14. The minimum unit size for both the retail and non-retail floorspace shall be 45sqm gross internal, save for a single 'kiosk' unit of 30sqm gross internal.
- 14 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.
15. The total gross internal floorspace to be occupied by retail multiples whereby the operator is part of a network of nine or more outlets (as defined by Experian) shall not exceed 874.5m<sup>2</sup> (75%).
- 15 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.
16. The proposed development, hereby permitted, shall be carried out in accordance with the General Precautionary Measures detailed in the Preliminary Ecological Appraisal dated 02 December 2025 by Hushwing.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
17. The junction and road layout as shown on drawing number 1690-03 Rev B, dated 12th May 2016 approved in application 18/01793/FUM shall be implemented as approved and thereafter retained in perpetuity.
- 17 Reason: In the interests of highway safety, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.
18. Plant noise shall be limited to the following:
  - Daytime: 54dB LAr, Tr
  - Nighttime: 43dB Lar, Tr
18. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
19. The external lighting at the site shall continue to operate in accordance with the details and mitigation measures detailed in the Lighting Assessment ref RN/CC/P25-3673/02 by Create dated January 2026.
19. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

20. The surface water drainage scheme shall be constructed in full accordance with the Proposed Balancing Pond Details providing the additional 131.4m<sup>3</sup> as submitted (ref: 3567-02) dated 3rd December 2025.
20. Reason To prevent an increased risk of flooding and protect water quality.
21. Within four months of the date of this decision, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include suitable measures and incentives to promote sustainable travel to the site and a date for its first implementation. The approved Travel Plan shall be implemented in accordance with the approved date and be adhered to for the lifetime of the development.
- 21 Reason: To provide sustainable transport measures for visitors and staff and to ensure that the impact of the proposal on the free and safe flow of traffic on the highway is kept to a minimum in accordance with COM 7 of the East Cambridgeshire Local Plan (as amended 2023).

