



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday, 6<sup>th</sup> May 2020 at 1:07pm.

### **PRESENT**

Cllr Bill Hunt (Chairman)  
Cllr Christine Ambrose Smith  
Cllr David Brown  
Cllr Matt Downey  
Cllr Julia Huffer (Substitute for Cllr Lavinia Edwards)  
Cllr Alec Jones  
Cllr Josh Schumann  
Cllr Lisa Stubbs (Vice Chair)  
Cllr John Trapp  
Cllr Paola Trimarco (Substitute for Cllr Sue Austen)  
Cllr Gareth Wilson

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager/Monitoring Officer  
Barbara Greengrass – Planning Team Leader  
Andrew Phillips – Planning Team Leader  
Molly Hood – Planning Officer  
Catherine Looper – Senior Planning Officer  
Rachael Forbes – Planning Officer  
Janis Murfet – Democratic Services Officer (Committees)

### **IN ATTENDANCE**

Cllr Christine Whelan (Agenda Item 8)

#### **106. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen and Lavinia Edwards.

It was noted that Councillor Trimarco would substitute for Councillor Austen, and Councillor Huffer for Cllr Edwards for the duration of the meeting.

#### **107. DECLARATIONS OF INTEREST**

Councillor Trimarco declared an interest in Agenda Item No. 8 (19/01704/FUL, Site North East of 115 Lancaster Way Business Park, Ely), as she had already commented on the application and was therefore

predetermined. She said that she would take no part in the discussion or vote on the item.

Councillor Jones declared a personal interest in Agenda Item No. 9 (20/00007/OUM, Land North East of 100 Beck Road, Isleham), as his parents lived in Beck Road,

Councillor Schumann declared an interest in Agenda Item No. 8, being a member of the Cambridgeshire & Peterborough Combined Authority Transport Committee. At a recent meeting of that Committee he had not spoken on the merits of the application, but he had spoken and voted in favour of the funding package. He subsequently sought advice from the District Council's Monitoring Officer as to whether this would preclude him from participating in the determination of today's application. Her response was that as he had voted on the funding at the Combined Authority meeting, and not the merits of that application, she was of the view that he did not have a Disclosable Pecuniary Interest or be predetermined. He could therefore participate in the item.

Councillor Huffer wished it to be noted that as she had registered to speak as a Ward Member on Agenda Item No's 9 (20/00007/OUM, Land North East of 100 Beck Road, Isleham) and 10 (20/00142/OUT, Floral Farm, Fordham Road, Isleham), she would take no part in the discussion or vote on either application.

#### **108. MINUTES**

It was resolved:

That the Minutes of the meeting held on 20<sup>th</sup> April 2020 be confirmed as a correct record and signed by the Chairman.

#### **109. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- As this was a 'virtual' meeting, a recorded vote would be taken for the decision on each application;
- Officers and Members were requested to restrict themselves to asking questions and giving answers at the appropriate time, as the time for debate on each application would follow in due course;
- Jo Braybrooke, Planning Assistant, had joined the Department, and on behalf of the Committee, the Chairman welcomed her to the Authority;
- On 21<sup>st</sup> April 2020 the Council published its Five Year Land Supply Report which sets out the process for calculating the five year land supply based on the requirements of the revised National Planning

Policy Framework (NPPF). The report concludes that the Council can demonstrate 6.61 year's worth of supply. Consequently, the tilted balance provisions of the NPPF do not apply and policies relating to the supply of housing must be considered to have full weight;

- It had been noted that, following last month's Planning Committee, Cllr David Brown was incorrectly quoted in the Newmarket Journal of 23 April 2020 as having made some comments regarding the Soham Lodge application, which were made by another Councillor.

The Chairman would be grateful if the press could take more care in future to ensure the accuracy of their articles before print. The text of the meeting could be checked using the You Tube live stream of the meeting on the Council's website, which was still available after the meeting.

The Chairman believed that it would be appropriate for the Newmarket Journal to apologise to Councillor Brown;

- There would be a change to the order of speakers for Agenda Item 8. Councillor Whelan would speak first as a Ward Member, followed by Councillor Bailey as the County Council Member. The agreed order was: Parish, Ward, County, and then Member of Parliament;
- Members were reminded to use the 'blue hand' indicator if they wished to speak. The Chairman also said that while call in was part of the democratic process, it was expensive and used up resources. He asked Members to be careful and considerate when calling in an application to Committee;
- It was intended to take a comfort break at approximately 3.00pm.

**110. 18/01793/FUM – LAND OPPOSITE MEADOW VIEW, SOHAM ROAD, STUNTNEY**

Angela Briggs, Planning Team Leader, presented a report (reference U212, previously circulated) which sought full permission for the demolition of existing buildings and the erection/conversion of buildings to provide 1,943 square metres of Class A1 (retail), Class A3 (café/restaurant), Class D2 (leisure/well-being), Sui Generis (micro brewery) uses (together with ancillary storage, office and administration space in association with these uses) along with access, parking, children's play area, landscaping, service yards and associated infrastructure, on land at Harlock's Farm, Soham Road, Stuntney.

The Planning Team Leader said she would refer to the application site as 'Harlock's Farm throughout her presentation. Members were also asked to note a correction to a typographical error in Condition 28, which should read '*The maximum unit size of the retail floor space shall be 185sq m gross internal ...*'

The site was located 1 kilometre to the south east of Stuntney and 3.5 kilometres south east of Ely city centre, along the Soham Road (A142). It was outside the development boundary of Stuntney, in the open countryside and was occupied by Harlock's Farm and currently in agricultural use; access was currently via the A142.

There were a pair of semi-detached properties opposite the site and Barcham Trees Ltd was located further south along the A142, along with other semi-detached properties, all being within the ownership of the applicant.

The development site was separated by two adjoining fields from The Old Hall, which was also within the Estate's ownership. The Old Hall was not a listed building, but was a grand feature within the wider landscape and had outstanding views towards Ely cathedral.

The nearest bus stop was equivalent to a five minute walk away. The site was linked on the opposite side of the road to the village by a continuous footway along the northbound side of the A142. A new pedestrian island would be included as part of the junction improvements to allow safe crossing along the A142.

It was noted that the application was being considered by the Planning Committee because it would involve over 1,000 square metres of new development.

A number of illustrations were displayed at the meeting, including site location maps, an aerial photograph, the layout of the proposal, elevations, photographs of the buildings to be demolished, and an artist's impression of the proposal..

The main considerations in the determination of this application were:

- Principle of development;
- Design and layout;
- Impact on visual amenity;
- Impact on landscape character of the area;
- Impact on residential amenity;
- Impact on highway safety;
- Flood risk & drainage;
- Impact on archaeology; and
- Impact on ecology.

With regard to the principle of development, the site was outside the settlement framework where policies normally restricted development to certain types of development. This application, as a mixed-use scheme, did

not fall comfortably within one specific policy and therefore Policies EMP3, EMP4, EMP7 and COM1 of the Local Plan were all relevant. The proposal would be unique and the first of its type and scale within the District. It would comply with the employment and tourism policies and the Council's Tourism Officer supported the proposal and advised that the proposal would add to the District's tourism economy. Policy COM1 related to the impact on the vitality and viability on the local centres of Ely, Soham and Littleport. A Retail Impact Assessment was submitted in accordance with the Policy. The Council instructed an Independent Retail Consultant (WYG) to assess the Retail Impact. They concluded that the proposal would not have an adverse impact on the local centres and conditions were recommended to ensure that this was safeguarded. Therefore the principle of development was considered to be acceptable.

In terms of landscape character, the existing Oak tree would be retained as this was considered to be an important and dominant feature in the landscape. The tree was also protected by a Preservation Order. The proposal would include a new pond feature and this would be enhanced by trees and shrubs around it. There would also be enhanced tree planting along the new access and within the car parking area and some enhanced hedge and tree planting along the frontage including across the existing access. A new children's play area would also be landscaped to help to assimilate it within its surroundings and to help mitigate against any impact on residential amenity to Harlock's Farm House. Conditions for soft and hard landscaping details were recommended.

Speaking next of highway safety, the Planning Team leader said the new access would be created further north and would serve both the existing farm and the proposed development. In addition, junction improvements would also be incorporated which would include a pedestrian refuge on the A142, and dropped kerbs either end to allow pedestrians to cross safely. The new access would also allow for better visibility in both directions. Members were reminded that this access was approved under a separate application in 2017 which also included the closure of the existing access and was to serve the farm stead only.

The Ecological Assessment had been assessed by the Cambridgeshire Wildlife Trust and they advised that they were satisfied with the conclusions that the proposal was unlikely to have an impact on protected species and the existing habitats on site were of limited interest. Site clearance should be undertaken outside of the bird nesting season and any lighting scheme designed to minimise light spill. Net biodiversity could be achieved with the provision of bird and bat boxes, the inclusion of native plants within landscaping and the creation of a new semi-natural grassland, which would be secured by condition.

In connection with other matters, the Planning Team Leader said the application site was located in Flood Zone 1, the Wildlife trust had raised no objections, and the proposal would provide 75 car and 40 cycle parking spaces.

She concluded her presentation by saying that the application had demonstrated that the harm to the vitality and viability of the local centres would not be significant and conditions were recommended to ensure that the local centres would be protected from adverse harm. It was therefore considered that the proposed development was acceptable and was recommended for approval.

At the invitation of the Chairman, Mr Alastair Morbey, applicant, addressed the Committee and made the following points:

- They were a 5 generation family-owned farming company growing cereals, sugar beet, celery and root vegetables. The farm was 2,550 acres in size and employed 9 people;
- The family also owned and ran The Old Hall, a wedding business which had been running for about 10 years;
- The farming industry was coming under massive pressure and they had to act now by changing their business model or risk the business itself and its employees;
- They needed to diversify, to create new opportunities to provide a new, different service for the growing local economy and tourism, a destination for all age groups to enjoy and creating more employment opportunities throughout the process;
- The buildings they intended to demolish and convert had become surplus to requirement as farming methods had changed. They had specialist contractors coming in to harvest crops and this had created space that could be reused for another purpose;
- The vision for the scheme was to create a fantastic new shopping and leisure experience in East Cambridgeshire, which it was hoped would attract a range of exciting and creative artisan and independent businesses;
- The buildings were designed to a very high standard, which they felt would complement some of the traditional styles typically found in Ely and Soham;
- The family was investing in the project for the long term, having already put in a huge amount of time, thought and finance over the last few years. They were delighted to have reached this stage with the Case Officer recommending approval of the scheme;
- This would be the first of its kind in the District and similar to Burwash Manor Farm Barns in Barton, South Cambridgeshire;
- It was hoped to provide a café and restaurant which they would run themselves, a day spa and hairdresser which would serve the wedding business at The Old Hall, a range of small independent shops, a

'maker- space' for one or two artisan sole traders who could make their products on site, and a micro-brewery;

- They had been talking to their commercial advisors over the course of the project and were confident that the range of uses was achievable;
- He wished to emphasise that they were not expecting to take occupiers or trade away from the local shopping centres. They were aiming for a different market;
- They were happy to agree to the recommended conditions;
- They would like to hold some seasonal events on the site, such as Easter and Christmas Fayres, outdoor cinema and Hallowe'en. Land had been set aside for this, together with overflow car parking when required;
- They had been accepted into a Government higher tier countryside stewardship scheme of the farm. This would conserve wildlife and biodiversity, maintain and enhance the landscape, provide flooding management and promote public access and understanding of the countryside;
- The environment scheme had been designed to open around 200 acres adjacent to the proposed development, offering a park-like space for people to enjoy;
- It was hoped to commence the building of the project in the New Year and start trading in the summer, but this would depend on how quickly things returned to normal after the outbreak of the Coronavirus;
- He was grateful to Angela Briggs and her team for their assistance and advice and he was pleased with how she had appraised the merits of the scheme in her report;
- There had been no objections at all to the proposal, and the responses to a public exhibition in Stuntney were overwhelmingly positive and supportive.

Mr Morbey concluded by saying that he had with him Richard Seamark (agent), Blathnaid Duffy (retail consultant) and Nick Ralls (architect) to cover any questions.

Councillor Trapp was pleased to hear that Mr Morbey was looking for individual artisans, and he asked about the kind of events to be held. Mr Morbey replied that they would be family orientated events, but nothing overnight.

Councillor Jones noted that the day spa and hairdressers would be supporting the wedding business at The Old Hall and he asked Mr Morbey if there was a direct link to Harlock's Farm. Mr Morbey said they were two separate sites, but had no direct link. There was a path down to the farm on

the opposite side of the road and a crossing would be designed into the scheme.

Councillor Jones continued, expressing concern regarding the retail trade, and how the development would impact on the High Street. Mr Morbey invited Ms Duffy to respond and she said that a very detailed impact assessment had been carried out using different scenarios. A proportion of visitors would be coming in from outside the District, and having looked at existing businesses, the impact would be very limited. However, she was not saying that there would be no impact. Councillor Jones then asked if the wedding business at Lancaster Way would be expected to compete and Ms Duffy replied that existing businesses could not move into the development for 5 years.

The Planning Team Leader reiterated that recommended Conditions 25 – 32 covered everything and restricted the retail use. Councillor Brown was of the opinion that Planning Committees should not take into account anything to do with competitiveness. The Planning Manager added that retail had been looked at very thoroughly and everything was covered.

Referring to Councillor Brown's remark, Councillor Jones said he believed the development could potentially impact on local businesses. He questioned how the scheme would comply with sustainability when people would be travelling to the site by car and reminded the Committee that the Council had recently passed a motion regarding sustainability.

The Planning Team Leader said she understood his concerns. The development would be in the countryside but more use of motor vehicles was to be expected. Using The Hive leisure centre as an example, she said it was outside the development framework and people travelled by car to get there. This site was also looking to give people the chance to walk and cycle where they could but there would be a high number of cars because of the location.

Councillor Trapp wished to know if there were cycle paths and pedestrian access from Ely; the Planning Team Leader replied that there was a dedicated path on the opposite side of the road and people could cycle/walk and cross the road.

The Chairman commented that he was shocked to see a complete list of those in favour of the scheme.

Councillor Schumann observed that permission for the proposed access had originally been approved. He was very familiar with the A142 and could not see how the development could be easily accessed by cycle or on foot. There was no cycle route and very limited access except by car. It was surprising that there had been no comment from Highways, given that there had been a fatality on the road just over 12 months ago. The road was very busy, with unexpected turnings and this scheme was talking about putting more cars on the road; he could see no benefit in having a pedestrian crossing.



Turning next to the Retail Impact Assessment, Councillor Schumann reminded Members that the Council and the Government had pledged to support High Streets, and he believed that this proposal was contrary to that, as it failed the Sequential Test. Soham and Ely relied on events to survive and it was important to support all High Street industries otherwise they would be killed off.

With regard to paragraph 7 of the WYG report, Councillor Schumann did not consider it to be a glowing endorsement and he reiterated that Government Circular 2006 stated that conditions should not be used to make an application more acceptable. As such, he could not support the application.

Councillor Ambrose Smith spoke in support of the scheme, saying that the Council was trying to encourage tourism within the District. She and her husband travelled around the country and visited such facilities. She believed this would be wonderful as a destination and would provide work for artisans. It should also be remembered that a similar permission was given to Barcham Trees about a year ago, and so the Committee should be consistent in its decision making.

Councillor Huffer said she was not surprised that County Highways had not picked up on the issues. While she agreed with Councillor Schumann's comments, she also agreed with Councillor Ambrose Smith in that this could be a destination that could lead onto other places. It could become an attraction, rather like La Hogue, and act as a supplement to the shops in Newmarket.

Councillor Trapp declared his support for the scheme, agreeing with Councillor Huffer. The La Hogue development in Suffolk had become very successful and he thought the proposal would support the local economy. He also believed the traffic island would slow down the traffic.

Councillor Jones said he had no objection to the micro-brewery, but he believed the retail units would take trade away from the local centres. It would be important to maintain High Street development in Ely and without knowing the retail detail of the scheme, he felt it would be too detrimental.

Councillor Stubbs said she had listened with interest and was very impressed with the Case Officer's presentation and the amount of work that had gone into the application. Destination outlets were very good and she thought this would be a good first step, although she was cautious regarding highways. She was minded to support the recommendation for approval.

Councillor Trimarco also declared her support for approval of the scheme. While she agreed with Councillor Schumann's comments regarding cyclists and pedestrians, she thought that overall, the application had been very carefully thought through. If the development came to fruition, cycle paths could be improved.

It was proposed by the Chairman and seconded by the Vice Chairman that the Officer's recommendation for approval be supported.

The result of the recorded vote was as follows:

For (9 votes): Councillors C Ambrose Smith, Brown, Downey, Huffer, Hunt, Stubbs, Trapp, Trimarco and Wilson;

Against (2 votes): Councillors Jones and Schumann.

It was resolved:

That planning application reference 18/01793/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report, and the updated amendment to Condition 28.

**111. 19/00897/FUL – THE THREE PICKERELS, 19 BRIDGE ROAD, MEPAL**

Molly Hood, Planning Officer, presented a report (reference U213, previously circulated) which sought permission for the temporary erection of a single storey marquee between the months of April to October. The application also sought permission for an outside bar and store which were situated within a converted shipping container.

The marquee and outside bar were proposed to be used for functions as part of The Three Pickerels and the shipping container would form a permanent structure on the site. The structure had already been in use throughout 2019 and was present at the time of the Officer site visit.

The application site was a detached building with the permitted use as a hotel, known as The Three Pickerels. It was set back from the highway and accessed from a further road off Bridge Road. Parking for the site was to the front of the building and adjacent to the north-west was the New Bedford River, which formed part of the SSSI and Ramsar site of the Ouse Washes. As a result the site was located within Flood Zone 3. Although the site was outside of the defined development envelope there were a number of residential properties in close proximity.

The application was presented to Planning Committee on 8<sup>th</sup> January 2020 and deferred for four months to allow the applicant time to overcome the five reasons for refusal, in particular those relating to flood risk and the insufficient information regarding the site's location within the Ouse Washes SSSI. Following the deferral, the applicant had submitted a Flood Risk Assessment and a Shadow Habitats Regulation Assessment.

A number of illustrations were displayed at the meeting, including a map, site constraints, the proposal, photographs giving views of the marquee from the public footpath, photographs of the shipping container, and elevations.

The main considerations in the determination of this application were:

- Principle of development;

- Residential amenity;
- Visual impact;
- Heritage assets;
- Residential amenity;
- Highway matters; and
- Flood risk.

In terms of the principle of development, the proposal was located outside the development boundary and it was considered to have failed to meet the criteria as set out in Policy EMP2 of the Local Plan 2015. The site was connected to the main village of Mepal via a footpath.

Speaking next of residential amenity, the Planning Officer said that the site was surrounded by five residential properties and concerns had been raised over the noise disturbance caused by events held in the marquee and on the site. Environmental Health had also received complaints and advised that they were not in support of the application.

It was noted that the marquee ran parallel to Footpath No. 7 and appeared very prominent against the traditional materials of the surrounding buildings. The structure was out of keeping with the existing built form and would result in a dominant feature to the rear of the venue. While the area could be used for events, structures were not permitted.

The Local Highways Authority (LHA) had objected to the application on the grounds that there was insufficient parking provision at the front of the site and the turning area was inadequate. It was felt that this would lead to on-street parking, which would be detrimental to highway safety.

With regard to flood risk, Members noted that a new Flood Risk Assessment had been submitted and it highlighted that the elevated levels of the site were above the estimated water levels in the event of a flood. The Environment Agency had removed their objection and made recommendations which could be conditioned if the application was approved. It was therefore considered that the proposal overcame the previous reason for refusal on flooding and was now compliant with policy.

The Planning Officer reminded the Committee that the site was situated within the SSSI site of the Ouse Washes. Natural England had raised no objection to the proposal, advising that the noise levels over the distances involved, taking into account background noise levels associated with the nearby A142, were unlikely to have any significant impact on Special Protection Area (SPA) birds. The Local Planning Authority had conducted a Screening Opinion and it was now considered that sufficient information had been submitted to demonstrate that the development would not have any adverse effect on the integrity of the Ouse Washes SPA.

The Planning Officer concluded her presentation by saying that there were still outstanding issues which had not been overcome since the application was taken to Committee in January 2020, and the application was therefore recommended for refusal.

At the invitation of the Chairman, Ms Emily Dunnett addressed the Committee in support of the application and made the following points:

- The pub was shut in March following the Government guidance on Coronavirus and it was still unknown when they would be able to reopen for business;
- She was pleased to see that, following submission of the flood risk report and ecology survey, both of these objections had been removed;
- To date they were only aware of one neighbour complaint and following discussions with Environmental Health, they had implemented all the measures advised. Since then they had not received any further complaints;
- The village Facebook page had put together a map showing support for the application and it got 98 households within days. This was only following Cllr Dupré's post regarding the application being brought to Committee and they felt it showed the importance of the pub in the village;
- They were restricted in what they could physically change regarding parking at the pub. However, they could, and had, held events in their garden in the past and this application was just seeking the ability to hold those same events, but in a marquee;
- Bridge Road was very wide either side of the bridge. Events at the pub and other external events (such as the cycling club) already used this road to park on with no issues, especially as it was a no through road with only a handful of houses other than The Three Pickerels;
- They had already used a parking management system for events and found that it worked;
- Everyone they had spoken to had commented on how nice the marquee and container bar looked since the gardens had been revamped, and how nice it was to see the area being put to good use;
- They would be happy to clad the containers, if required;
- Substantial amounts of money had been spent in getting the relevant reports, which now more than ever, was vital money that the business needed to survive. All they were trying to do with the events was give the pub an additional source of income to help secure its future.

Councillor Huffer asked Ms Dunnett what advice she had received from Environmental Health. Ms Dunnett replied that they had bought a noise

monitor and were keeping a log and they had also provided neighbours with a mobile number to call with complaints. They had changed the location of the disco in the marquee and there were signs asking customers to leave the premises quietly.

Councillor Ambrose Smith enquired whether refusal of the application would seriously affect the viability of the business and whether the pub would still stay open. Ms Dunnett said the pub would remain open but a refusal would drastically effect the business. It would be a positive for them to be able to carry on using the marquee for events.

In response to questions from Councillors Trapp and Jones, Ms Dunnett said they had held about 9 events between April and October last year, and the one complaint was noise related.

Councillor Stubbs asked how water would pass through the marquee in the event of flooding. Ms Dunnett explained that the marquee was not block sided and had bungees; the water would therefore pass through holes.

Councillor Stubbs next asked if the application that had already been approved would go ahead, and if it did, what was planned. Ms Dunnett said they wanted to increase the bed and breakfast rooms in the pub and to build a conservatory to be run in conjunction with the marquee. When asked by Councillor Stubbs about having a more substantial structure, Ms Dunnett said the marquee would be taken down each year.

Councillor Trapp wished to know how long Ms Dunnett had had The Three Pickerels and how many times it had flooded. She replied that it was eight years and there had been no flooding during that time.

Councillor Stubbs wondered whether the Environment Agency would have objected to the application if it had been for a permanent structure, but the Case Officer was unable to say.

Councillor Huffer reminded Members that they had been talking about local businesses in the last agenda item. The District should be doing anything it could to help these businesses to thrive and exist, especially with the prospect of social distancing continuing for maybe another 18 months. One complaint was 'tiny' and she declared that she would support approval of the application.

Councillor Downey reflected on the reasons for refusal and made the following observations:

- It would not be in keeping with the traditional built form - it was a marquee;
- Parking – there was already a beer garden at the rear, and the marquee was not obviously having an effect because the same number of people could be turning up whether or not it was there. The Pickerels seemed to be a responsible pub;

- When the application was last discussed, Councillor Schumann had made the point that people moved into the area knowing that pubs had the potential to be noisy. There was a system in place to deal with noise;
- The Environment Agency and Natural England had now both withdrawn their objections. He believed the objections regarding harm to residential amenity were entirely subjective, especially when 98 households were in support of the pub.

Councillor Downey duly proposed that the Officer's recommendation for refusal be rejected and the application be granted approval.

The motion was seconded by Councillor Wilson, who agreed with Councillor Huffer's comment that it was important to support local businesses.

Other Members expressed their support for granting permission. Councillor Ambrose Smith felt that if Members kept saying 'no', businesses would close; this scheme would provide space for activities and people.

Councillor Brown said the cladding of the container should be conditioned and a scheme of tree planting could address any visual intrusion.

Councillor Trapp said that the support from the village should be noted.

Councillor Jones asked if there was a limitation on the number of events that could be held, and the Planning Officer advised that this could be conditioned. The Planning Manager added that conditions could be imposed in consultation with the Chairman and Vice Chairman.

Councillor Schumann said he believed the Case Officer had got the recommendation 'spot on' regarding the policies, but for him this was a heart rather than a head decision, and he would support approval of the scheme.

In response to a question from Councillor Stubbs, the Planning Officer said any noise and disturbance from the marquee would be investigated by Environmental Health. They would look to monitor the situation, possibly asking the complainant to keep a log and then decide how to deal with the complaint. Councillor Stubbs responded, saying that she was not happy going against the recommendation, as businesses had a responsibility to try and make the best of things, but she respected the views that had been put forward.

Councillor Huffer interjected to say that Temporary Event Notices (TENs) limited events to 10 per year and this matter would be better dealt with by the Licensing Department. The Planning Manager advised that a condition could be imposed for all sorts of events, limiting numbers and times. In other similar cases the Local Planning Authority had approved a time limited consent which then had to be re-applied for say, every 5 years. This was also to ensure that visually the marquee was still considered to be acceptable. It would be reviewed every five years and the marquee would be inspected.

There were standard conditions used at venues in the District, and the Planning Department worked very closely with Environmental Health.

Returning to the motion for approval of the application, the result of the recorded vote was as follows:

For (11 votes): Councillors C Ambrose Smith, Brown, Downey, Huffer, Hunt, Jones, Schumann, Stubbs, Trapp, Trimarco and Wilson.

It was resolved unanimously:

That planning application 19/00897/FUL be APPROVED for the following reasons:

- It would not cause significant or demonstrable harm to the residential amenity of the area;
- It would not cause visual damage to the character of Mepal;
- It would not cause an undesirable increase in the number of vehicles parking in the area.

It was further resolved:

That delegated authority be given to the Planning Manager, in consultation with the Chairman and Vice Chairman of the Committee, to impose suitable conditions.

**112. 19/01429/FUM – G's SECOND WILLOW NURSERY, TEN MILE BANK, LITTLEPORT**

Catherine Looper, Senior Planning Officer, presented a report (reference U214, previously circulated) which sought consent for an extension to the existing nursery development at the site. The built form would comprise a greenhouse style building to match the existing buildings on site. The proposed greenhouse area would cover 2,497m<sup>2</sup>.

The site was located approximately 2 kilometres from the main settlement boundary of Littleport, in an area that was predominantly agricultural in nature. The existing built form was set back a significant distance from the public highway of Ten Mile Bank and the land sloped away from the public highway. The site was within Flood Zone 3 and in close proximity to the River great Ouse.

It was noted that the application had been brought before Planning Committee due to the requirements of the Council's Constitution relating to the creation of major employment uses over 1,000<sup>2</sup>.

A number of illustrations were displayed at the meeting, including a map, aerial views, the proposal and various photographs of the site.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual amenity; and
- Flood risk.

The proposal sought an extension to an existing business in the countryside for the purposes of horticulture. Policy GROWTH2 of the Local Plan 2015 set out that the majority of development would be focussed in the market towns of Ely, Soham and Littleport and that outside of the defined development envelopes, development would be strictly controlled. The principle of development was therefore considered acceptable providing all other material planning considerations were satisfied.

In terms of residential amenity, the site was located a significant distance from the nearest neighbouring dwellings and therefore the proposed extension was not considered to create any impacts in terms of overshadowing, overbearing, noise or light pollution. The nature of any lighting could be controlled by condition, and due to the agricultural nature of the building, this would not create any overlooking or loss of privacy.

The proposed extension would provide a significant amount of floor space for the nursery, but would have a maximum height of 6.3 metres. It would match the existing nursery and therefore would not seem out of place within the landscape. Due to the transparent nature of the building materials and the distance set back from the public highway, the proposal would not be highly dominant or create any significant impact on the character of the area. The site had benefitted from landscaping in the past and the trees and hedgerows would help to partially reduce the visibility of the scheme.

It was noted that there had been no objection from the LHA. The proposal would not result in any net increase of vehicle movements to and from the site and the junction with the public highway would not be altered by the proposal. The applicant expected the level of emissions to fall as there would be less reliance on external sites. The application was therefore considered to be acceptable and complied with Policies COM7 and COM8 of the Local Plan 2015.

The site was located within Flood Zone 3 and the applicant had therefore submitted a Flood Risk Assessment which made a number of flood risk mitigation recommendations. A Surface Water Strategy had also been submitted with the application and three methods of surface water disposal had been identified. It was proposed that any additional surface water be discharged into the reservoir for the purposes of irrigation. The Lead Local Flood Authority (LLFA) had reviewed the proposals and confirmed that disposal into the existing reservoir was acceptable. The Internal Drainage Board had also reviewed the proposals and had raised no objections.



The Senior Planning Officer concluded her presentation by saying that on balance, the application was considered to comply with planning policy and did not create any significantly harmful impacts in terms of residential or visual amenity, highway safety or flood risk and drainage. The application was therefore recommended for approval.

Councillor Stubbs asked the Senior Planning Officer if she had any details regarding the reduction in emissions, but was advised that she had no specifics. By extending the greenhouse, the existing business would be able to continue to function at its current level and the level of transport emissions would be reduced from outsourcing. Councillor Brown said he believed this was a reference to having plants grown in Yorkshire and then being transported down to Littleport and with this proposal they could then grow them here, reducing the need to travel..

Councillor Schumann reminded Members that this application had come to Committee only because of the square meterage involved. He did not see the need to make heavy work of it and proposed that the Officer's recommendation for approval be supported.

The motion for approval was seconded by Councillor Wilson.

The result of the recorded vote was as follows:

For (11votes): Councillors C Ambrose Smith, Brown, Downey, Huffer, Hunt, Jones, Schumann, Stubbs, Trapp, Trimarco and Wilson.

It was resolved unanimously:

That planning application reference 19/01429/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

*There followed a short comfort break between 3.11pm and 3.20pm.*

*Councillor Trimarco left the meeting.*

**113. 19/01704/FUL – SITE NORTH EAST OF 115 LANCASTER WAY BUSINESS PARK, ELY, CB6 3NX**

Andrew Phillips, Planning Team Leader, presented a report (reference U215 previously circulated) which sought to widen the vehicular driveway entrance into Lancaster Way to allow for approximately doubling the length of the two lanes exiting the Business Park.

This was in order to reduce the length of queuing vehicles seeking to exit Lancaster Way onto the A142. The remainder of the potential works to the Lancaster Way roundabout would be a Cambridgeshire County Council

matter, as they fully related to highway improvements within the public highway, and did not form part of this application.

The site was the private access road into the Lancaster Way/Enterprise Zone that connected onto the A142/Witchford Road/Main Street roundabout.

It was noted that the application had been called in to Planning Committee by Councillor Christine Whelan following the comments of Witchford and Ely Councils, as well as the potential impacts on sustainability.

A number of illustrations were displayed at the meeting, including a magnified image of the proposal, an aerial view, photographs of the street scene looking towards the business site, and the area of carriageway to be widened.

The main consideration in the determination of the application was:

- Highways.

The Committee report covered the detailed history and arguments of sustainability

The Planning Team Leader said there had been no objections from the Local Highways Authority (LHA) regarding the widening of this private driveway.

It was considered that it was unlikely to have any impact on people travelling by sustainable measures. Members were reminded that anything outside of the red line shown on the slide was on the public highway and a matter for the County Council.

The Planning Team leader concluded his presentation by saying that the proposal was considered to be acceptable as it would have no detrimental impact upon the safety of highway users or noticeable impact on people seeking to travel by sustainable means. The proposal would also help promote and accommodate the growth of the Enterprise Zone for the foreseeable future.

With the permission of the Chairman, the Democratic Services Officer read out a prepared statement of objection on behalf of Mr Ian Boylett:

*'I object to the application and support the objections of Witchford Parish Council, City of Ely Council, Ely Cycle Campaign and the many other organisations and personal objectors for the following reasons:*

*The application forms part of proposals, by Cambridge County Council, to make alterations to the roundabout that will increase vehicular speeds.*

*The proposals should be considered in tandem with the CCC proposals that have yet to be consulted on.*

*The proposals make no provision to improve the safety of pedestrians and cyclists when having to traverse the roundabout.*

*The proposals fail to comply with CCC and ECDC policies set to reduce reliance on motorised vehicles, reduce pollution and promote sustainable transport.*

*I have personal experience that the current design is unsafe during attempting to cycle to Ely with my great-granddaughter (age 10 and a competent cyclist). She became frightened and refused to traverse the roundabout due to the speed of traffic at the roundabout. We therefore return home and made our journey by car. The proposal will increase the risks for pedestrians and cyclist traversing the roundabout.'*

With the permission of the Chairman, the Democratic Services Officer read out a second prepared statement of objection on behalf of Mr Rod Hart:

*'I object to the proposal, the remodelling of the Lancaster Way access, on the grounds that this will decrease the safety and security of pedestrians and cyclists accessing the Business Park; it runs counter to the ECDC Declaration of Climate Emergency, and this runs counter to the UK Government's Paris Agreement 2015.'*

At the invitation of the Chairman, Councillor Christine Whelan, a Ward Member for Ely West, addressed the Committee and made the following comments:

- Although this application was only for changes to the entrance to the Business Park, it was part of wider plans for changes at Lancaster Way and the BP roundabout;
- The County Council had promised consultation but this had not yet happened and approving this application would pre-empt that consultation;
- There had been strong objections from various sources, including two Parish Councils and consideration needed to be given to the impact on safety aspects and road changes, especially on pedestrians and cyclists;
- Councillor Anna Bailey, at a recent meeting of the Combined Authority Board, admitted that the changes would make things worse for pedestrians, cyclists and horse riders but this was only in the short term because there would be further improvements to the junction with the A10 along with the dualling of the A10;
- This assumed that the Government would approve the grant, but there was no guarantee this would happen or what the revised route would look like;

- ECDC declared a climate emergency in 2019 and committed to a strategy to reduce emissions;
- This application does the complete opposite because it encourages more vehicle use, including HGV's and discourages other forms of transport.

Councillor Whelan then responded to comments and questions from the Committee.

Councillor Jones asked if at any point she had had discussions about what could be done to improve the scheme before it came to Planning Committee. Councillor Whelan replied that she had not. The objections were raised by Witchford Parish Council and the City of Ely Council due to safety concerns, and there had been suggestions of bridges, but this would have had to be discussed along with costings.

Councillor Brown said he hoped Councillor Whelan appreciated that the Committee could only look at what was before them today. She replied that she was aware of this, but they had to look at the whole picture; this application would pre-empt the County Council's application and decision.

In response to a question from Councillor Schumann she confirmed that she supported refusal of the application.

The Chairman reiterated that the Committee could only assess what was before them today because anything else was not within their jurisdiction. He asked Councillor Whelan to explain her concerns and she replied that it was the safety of cyclists coming from Witchford; the extra 8" could make a difference to the speed of vehicles and would discourage people, on safety grounds, from using that part of the road. Her aim was to try and encourage more cycling and walking.

The Chairman noted that Highways had said the proposal would not have a negative impact on the existing crossing facilities and when he asked Councillor Whelan if she disagreed with this, she said that she did because she had seen the impact of such changes on other roads elsewhere and other road users had stated they were not happy with the speeds of vehicles and the safety of this road.

At the invitation of the Chairman, Councillor Anna Bailey, the County Member for Ely South, addressed the Committee and made the following points:

- This was part of a wider important scheme and the improvements were critical because of the considerable growth that was taking place in North Ely;
- The upgrades to the Lancaster Way and BP roundabouts would help to improve traffic flow and this project had been ongoing for years;

- Grovemere had a S106 Obligation to improve the BP roundabout before the expansion of the Enterprise Zone could be allowed. It had already brought forward the transport obligation with a bus service from Ely Railway Station to the Business Park;
- The wider scheme was being co-funded by the District Council and the Combined Authority;
- The cost benefit ratio was over 80, and anyone who understood such things would appreciate how important this was;
- She could not stress enough the importance of the scheme to the District because the BP roundabout was one of the busiest in the District and it was imperative to the success of the Enterprise Zone. It would deliver 2,500 jobs;
- The route was on a purple traffic flow, so was beyond capacity at peak times and the two roundabouts scheme, although a minor interim measure, would help mitigate the volume of traffic arising from the increase in jobs growth;
- She was very cognisant of the risk to pedestrians, cyclists and horse riders and passing this application would in no way diminish that;
- The funding allocated by central Government for the improvements and the dualling of the A10 would be a game changer;
- This was about balance and it had to be proportionate. Without the improvements, the Enterprise Zone would have to close down to new businesses;
- Improvements would come, but not from this little scheme;
- A paper was taken to the Combined Authority Board last week and they supported it unanimously. In doing so they were supporting the people of East Cambridgeshire;
- Some of the comments made and concerns raised related to wider issues. She concurred with paragraph 7.23 of the Officer's report which stated that it would be unreasonable to refuse this critical scheme on highway safety concerns;
- She gave her absolute commitment that she would continue to fight tooth and nail for other road users.

Councillor Bailey then replied to comments and questions from the Committee.

Councillor Wilson asked when the details of the two roundabouts would be available as the routes into Witchford were not shown. He suggested that if

determination of this application was to be deferred for a month or two, it might give a better view of the whole scheme.

Councillor Bailey replied that the rest of the scheme was still subject to public consultation and it was incorrect that this application would predetermine the County Council's one. The information would be released at the appropriate time. The issue was regarding road safety and the camber of the road. This was just a modest scheme and would not deliver a crossing. There was a commitment to improve the junctions and sort out the roundabouts, but she reiterated that it would be subject to public consultation. She had worked on this scheme for over three years and there was a need to move on and not cause any more delays. The aim was to try and improve the flow of traffic between the A10 and the A142.

Councillor Trapp said that Members had been asked to look at the application on its own merits but the whole of the debate had been all about what other improvements were going to happen. He believed the proposal would be to the detriment of pedestrians and sustainable traffic; it was not sustainable. Councillor Bailey responded, saying it was a matter of judgement and balancing local jobs at a local level against cyclists and pedestrians. She was not prepared to shut down the Enterprise Zone and the high quality jobs it would bring for this widening of both sides of the road.

At the invitation of the Chairman, the Planning Team Leader clarified a number of points. Referring to the bottom photograph of the street scene, the view was as one entered the roundabout and already had two lanes going back into the site. The proposal was to widen the road on the other side of the entrance to allow it to go further back. The application was determined by the red line and what was within it.

The Chairman told the Planning Team Leader that there was some confusion regarding the metre widening threatening pedestrians, and he asked for his comments on this point. The Planning Team Leader replied that the widening would be 8" where pedestrians crossed from Witchford to Ely.

Councillor Wilson wished to know if the Planning Team Leader was aware of, and had been consulted on the effects of the proposal on the entrances. The latter replied that he had been working with the Enterprise Zone and this application had come forward on its own merits. The S106 Obligation was tied to the Enterprise Zone and provided money for highway improvements and bus service contributions. The Planning Manager interjected to say that the S106 had been agreed a long time ago, and Members could not discuss or amend it; they were just considering the application before them today.

Councillor Stubbs said she had found the whole debate very interesting and had listened to the concerns put forward. She thanked the Planning Team Leader for his presentation, saying that she found it to be very clear and focussed on what the Committee should be focussing on. She did not believe there would be any additional danger to pedestrians and duly proposed that the Officer's recommendation for approval be supported.

Councillor Ambrose Smith felt that cyclists and pedestrians should be considered, but the harm would be mitigated by traffic moving faster, which would result in less emissions.

Councillor Jones said he knew this roundabout and it could be very difficult getting out. While there was a long term plan, he did not think the widening of the road would make much difference to leaving the site; it would be problematic and would take a large investment to sort it out.

Councillor Wilson did not see that the proposal would make much difference to cyclists coming from Witchford. The whole scheme would be problematic and he would prefer it to be deferred until Members had the whole detail. He thought it inevitable that the application would be approved and said he would probably abstain from the vote.

Councillor Trapp commented that despite the prospect of there being 2,500 extra jobs, the application was sending out a big message that they were not looking at pedestrians and cyclists so much as looking at cars.

In seconding the motion for approval, Councillor Schumann said the scheme would bring much needed improvements. It supported growth and this was absolutely necessary; he urged Members to look at the benefits.

Councillor Brown urged the Committee to look at what it was doing because if the application was not determined today, it could go to Appeal and the Authority could incur unnecessary costs.

The Committee returned to the motion for approval, and the result of the recorded votes was as follows:

For (7 votes): Councillors C Ambrose Smith, Brown, Huffer, Hunt, Jones, Schumann, and Stubbs;

Abstentions (3 votes): Councillors Downey, Trapp and Wilson.

It was resolved:

That planning application reference 19/01704/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

*At this point, Councillor Trimarco re-joined the meeting.*

**114. 20/00007/OUM – LAND NORTH EAST OF 100 BECK ROAD, ISLEHAM**

Andrew Phillips, Planning Team Leader, presented a report (reference U216, previously circulated) which sought outline consent for up to 70 dwellings, with details of access to be agreed. Details of appearance, landscape, layout and scale were reserved. Based on the illustrative Masterplan, the net density of the development was 21 dwellings per hectare and 11 dwellings per acre.

It was noted that the proposal was originally submitted for up to 80 dwellings and was reduced following discussions with the Case Officer in order to overcome concerns regarding visual impact.

The site was located outside of the village framework, though it was adjacent to it along the northern boundary of the site. To the north were the cul de sacs of Festival Road and Kennedy Road, with bungalows defining the character of these roads. To the south of the site was the recently constructed 'The Ark' church.

The site itself was part of an open agricultural field between Beck Road and Sheldricks Road. Whilst there were some boundary hedgerows around the field, the more significant planting was to the west on a substantially smaller adjacent field.

It was noted that due to the size of the application, it had been brought to Committee in keeping with the Council's Constitution.

A number of illustrations were displayed at the meeting, including a map, aerial view of the site, photographs of the street scene taken from different viewpoints, the proposed access, and an indicative site layout.

The main considerations in the determination of the application were:

- Principle of development;
- Highways;
- Visual impact; and
- Education and other services.

The Planning Team Leader reminded Members that as of 21<sup>st</sup> April 2020, the Local Planning Authority (LPA) was able to demonstrate that it had an adequate five year supply of land for housing, with the Council currently having a supply of 6.61 years. The site was outside of the village framework, not allocated for development and the proposal was not supported in principle by Policy GROWTH2. On this basis, the application should therefore be refused.

It was noted that both the LHA and the Transport Team had raised no objections to the development, subject to conditions. However, as determined at the April 2020 meeting of the Planning Committee, the cumulative level of growth in Isleham was considered too high, it would lead to an unsustainable amount of residential development which would outstrip the modest increase in employment and services provision for the village, and unsustainable means of transport.

Turning next to residential and visual amenity, the Planning Team Leader stated that with a proposed low density, there was no reason why a suitable layout could not preserve the residential amenity of existing and



future residents, subject to conditions. The number of dwellings had been reduced in order to keep a soft edge to the development, as well as views across open landscape.

With regard to education and other services, the Committee was reminded that Isleham's primary school, including early years, was unable to expand and the County Council was seeking a new site within Isleham to provide a new school.

It was considered that this proposal would lead to a neutral impact on education services long term, subject to contributions being sought through a S106 Agreement, which the developer had agreed to pay.

It was the view of Members at the April 2020 Planning Committee meeting that the school site should come first, and in addition, the other services and infrastructure in the village could not cope with this level of growth. On this basis, the application should be refused.

The Planning Team Leader concluded his presentation by saying that there were no other reasons for refusal as all other material considerations could be mitigated by either conditions and/or a S106 Agreement. However, the application was recommended for refusal for the reasons given in paragraphs 1.1 and 1.2 of his report.

At the invitation of the Chairman, Ms Hannah Albans, agent, addressed the Committee and made the following remarks:

- The scheme was an outline application for residential development with all matters reserved except access for up to 70 dwellings. Numbers were reduced for 80 to 70 dwellings at the request of the Case Officer;
- The site was well integrated with the existing village. It was linked by an existing footway along Beck Road and was relatively close to the centre of the village;
- Through a pre-application they were advised that the principle of development was acceptable as, at the time, the Council could not demonstrate a 5-year land supply and, specifically, the Council would support a scheme of 70-75 units subject to retaining views to the Ark. They were also advised to submit an application as soon as possible to allow determination before the release of the updated five-year land supply report;
- They also entered into a pre-app with the County Council as education authority who advised that they had originally identified a new primary school site in Soham, but they had now started planning for a new school in Isleham itself. On this basis they requested our development should make financial contributions towards education – which we agreed to;

- The application was compliant with the Council's policies on density and affordable housing. Whilst indicative, the Masterplan gave thought to the mix of dwellings and their location and there were large areas of public open space located to retain views to The Ark as well as the wider landscape. A large landscape buffer was proposed along the eastern boundary;
- There had been no technical objections to the application and they made sure all matters were resolved in time for it to be determined in April. They had been advised that there would be a favourable recommendation, yet it was recommended for refusal on the basis that the Council could now demonstrate a 5 year land supply. Because the site was outside the development envelope, it was contrary to Policy GROWTH2;
- That the Council may or may not have a 5 year supply only goes to whether the 'tilted balance' should be engaged. It does not immediately place full weight on a policy that is now over 5 years old;
- The proposal accorded with policies that identify Isleham (and other similar settlements) to take limited levels of development. This proposal was of a scale that had previously been found acceptable both in Isleham and similar villages;
- The only identified breach of Policy GROWTH2 was that the site fell outside of the settlement boundary. The housing target in the 2015 Local Plan was less than both the SHMA and the standard method, which the NPPF stressed indicated minimum annual local housing need;
- COVID-19 would have a significant impact on the deliverable supply and Members were urged to consider this when considering this application;
- The second reason for refusal related to the potential cumulative impact on local services and the reliance on the use of cars;
- Services in Isleham were comparatively good with a post office; various shops, pubs, a mobile library, and a primary school. The CIL charged on the site would go to help support the mobile library service and education facilities;
- There was concern that this site would add another 70 dwellings to a village which risked being swamped by development. Only 45 dwellings were allocated in the 2015 plan, but none had been built as of 1 April 2019. The Council's own monitoring showed only 27 completions between 2013 and 2019. Except for the scheme by Bloor Homes, only 43 net additional dwellings appeared in the Council's latest Land Supply position not covered by 2015 allocations. All these were non-major developments, many being windfall sites of less than 5 dwellings;

- In terms of travel, use of private cars was not exclusive to Isleham. The issue was raising awareness of sustainable initiatives and encouraging residents to use them. They will do this with a Travel Welcome Pack containing helpful information and advice;
- Where travel was necessary, this site was well located. It was on the edge of the existing built form and had good pedestrian and cycle links into the village;
- Given the constructive encouragement they had received since the pre-app, that they had amended the submitted scheme as and when requested, and that it met the Council's policy requirements with no technical objections; they hoped that the Council would look at this application favourably and grant planning permission.

At the invitation of the Chairman, Councillor Richard Radcliffe addressed the Committee on behalf of Isleham Parish Council and made the following points:

- The report clearly set out why the Parish Council objected to this speculative proposal for development;
- This proposal was not locally led. These were homes in the wrong place, which if approved, would have an unacceptable impact on the community;
- The Officer's report set out clearly the issues that the village faced with the developments already approved;
- He did not intend repeating in detail the issues facing Isleham that he gave at the last Planning Committee meeting. However, having listened to the previous speaker, he reminded Members that services in Isleham were running at or above capacity with woeful public transport. This had been exacerbated further with 10 additional homes being granted outline approval on 20<sup>th</sup> April 2020;
- The site was outside the development area and at a key entrance to the village. A major part of the landscape and character would be lost to gain a suburban entrance to one the District's most historic villages. Isleham had developed in an uncoordinated way over the centuries, the large scale development here would destroy its identity. They did not have the varied far reaching views available here elsewhere in the village which would be lost forever and it would be severely detrimental to views of the Ark church. They accepted that these views may not be outstanding but they constituted a major part of the character of the village;
- The Parish Council therefore strongly supported the Officer recommendation for refusal of the application.

Councillor Trimarco, having noted the Parish Council's comment within the report that houses were not selling in Isleham, asked Councillor Radcliffe

if he could expand on this. Councillor Radcliffe replied that there had been a number of new developments in the village and it seemed to take an extraordinary length of time for them to be fully occupied; there were some that were not currently occupied.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham and Isleham, addressed the Committee and made the following remarks:

- Here was another application for the beleaguered village of Isleham;
- The infrastructure simply could not take any more development;
- The lack of comment from Highways and Education did not surprise her and she sometimes wondered if they were living in the real world;
- The development could be made safe for residents but the additional traffic would cause immeasurable harm, not only to Isleham, but also to Fordham and Chippenham;
- This was not a suburb of a large town. It was a small village on the fringe of the Fens and needed to be treated accordingly. What was acceptable on the edge of a large town was completely and utterly unacceptable in the countryside;
- To assume that anyone wanting to have access to primary education would also have access to a car was ludicrous. If the only primary education available was in Soham, the use of a car would be vital. Most couples only had access to one car and that would be used for going to work, so the parent responsible for getting the child to school would have to rely on public transport, which in Isleham was non-existent;
- She completely agreed with the Officer and asked the Committee to refuse the application. She would not vote.

The Chairman asked the Planning Team Leader if green open space was included in the balance, and was advised that as it was net density, it was not; the gross density would have included public open space.

The Chairman next asked if another reason for refusal could be on the grounds of damage to the character of the area. The Planning Team Leader replied that there had been a reduction in the number of dwellings to overcome this issue. However, it was for Members to consider this issue in determining the application

Councillor Jones enquired whether there had been any highway improvements going into the village from the development and the Planning Team Leader said that there was already a footpath which connected to the village. The agent had already mentioned travel plans to encourage sustainable transport and the development was outside of speed restrictions, within a national speed limit.

Councillor Stubbs wondered if the application would have been determined under delegated powers if it had been for 45 houses and had not been called in to Committee. The Planning Team Leader answered that if it had been before the April Committee and the 5 year housing supply position announced, it would have been approved. Members were required to judge an application on its merits at the point of determination.

Councillor Trapp asked if the road would be unadopted. He was reminded that at this stage, only the detail of the access was to be agreed and all other details would be considered at a later stage. The Authority would seek to have the road built to an adoptable standard and to comply with RECAP requirements.

Councillor Brown said he stood by the comments he had made at Committee two weeks ago about what was going on in Isleham. Nothing had changed, and he was happy to propose that the Officer's recommendation for refusal be supported.

In seconding the motion for refusal, Councillor Trapp recalled that at the last meeting there had been much comment made about Isleham's infrastructure not coping; he believed that Isleham had outgrown itself.

Councillor Schumann agreed, adding that at the start of this meeting, the Chairman had announced that the Authority could now demonstrate a 5 year supply of housing land. This application was outside the development boundary and should therefore be refused.

The result of the recorded vote was as follows:

For (9 votes): Councillors C Ambrose Smith, Brown, Downey, Hunt, Schumann, Stubbs, Trapp, Trimarco and Wilson;

Abstentions (1 vote): Councillor Jones.

It was resolved:

That planning application reference 20/00007/OUM be REFUSED for the reasons given in the Officer's report.

**115. 20/00142/OUT – FLORAL FARM, FORDHAM ROAD, ISLEHAM**

Rachael Forbes, Planning Officer, presented a report (U217, previously circulated) which sought the erection of a detached dwelling and garage for the purpose of accommodating a Horticultural Manager. The application was for outline consent with only access and scale being considered.

Members were asked to note two updates:

- The Planning Officer read out the following comments from the Parish Council:

*'As the Parish Council are in support of local businesses we have no objection to this application. The proposed development is outside our village boundary however so we would like the condition attached that the ownership and occupation of this property is directly linked to the farm i.e that it cannot ever be resold to the general public.'*

- A letter of support had been received this week from the Lea Valley Growers Association, and it had been circulated to Members.

The site was located to the south of Isleham and comprised a horticultural unit. Towards the front of the site there was a detached dwelling and mobile home. The proposed dwelling would be located on a parcel of land forward and south of the existing dwelling but it would use the existing access.

It was noted that the application had been called in to Planning Committee by Councillor Julia Huffer as she felt that there was a local support for the application and it would benefit from wider scrutiny.

A number of illustrations were displayed at the meeting, including a location map, aerial views, a layout of the application site and photographs of the locale.

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity; and
- Residential amenity.

With regard to the principle of development, the site was located in the countryside and outside of the development envelope of Isleham, where development was strictly controlled. It was therefore in conflict with Policy HOU5 of the Local Plan which set out a number of criteria relevant to proposals for rural workers. The critical test was that the dwelling had to be essential, not just desirable, for an additional full time worker to live on site at most times of the day and night.

The Planning Officer then highlighted the case for both for, and against an 'essential' need:

For:

- The horticultural business ran two glasshouses which were heated January – May each year;
- The applicant relied on a telephone alarm system to be alerted of any failures in the system;

- The applicant had to return to the site every 3 – 4 hours to refuel the biomass boiler;
- Deliveries took place in the early morning or late evening; and
- Security.

Against:

- There was an existing dwelling on the site;
- It was not essential for an additional person to actually live on site;
- There was already a system in place to alert of any system failures;
- Security issue were not sufficient justification for an additional dwelling; and
- Any essential needs could be adequately met by an occupier of the existing dwelling.

In connection with visual impact, Members were reminded that appearance, landscaping and layout were not being considered at this stage. The Planning Officer reiterated the scale of the proposal and said that the introduction of a dwelling would result in an urbanisation of the undeveloped and low level surroundings, exacerbated by being set forward of the existing building.

The impact to residential amenity could not be fully assessed at this stage, but it was considered that given the size of the site, a dwelling could be achieved in this location without resulting in a significant detrimental impact.

The Local Highways Authority had raised no objection to the proposal as the development benefitted from an existing access to the highway that was suitable for shared use.

In concluding her presentation, the Planning Officer said the provision of an additional dwelling had not been adequately justified in accordance with Policy HOU5 of the Local Plan 2015. The site already benefitted from a dwelling which could accommodate those workers that were required to remain on site as an essential need. The proposal would result in unacceptable visual impacts on the character of the countryside, contrary to Policies ENV1 and ENV2, and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following comments:

- Mr and Mrs Caffarelli Senior, having previously run a horticultural business in the Lea Valley, purchased Floral Farm in 1979;

- Mrs Caffarelli Senior, now in her 70's, still lived in the existing bungalow on site and when able, still helped with daily operations. Her son Marco, the applicant, now ran the business;
- The glasshouses were now almost entirely run by biomass boilers. Although they were energy efficient, they required continual attendance over a 24 hour period, meaning that the applicant had to come to the site from his house in central Isleham during the evening and at all times during the night;
- Further sustainable energy systems were proposed but could not be installed due to the lack of an on-site presence. A further dwelling on site was therefore essential to allow the business to continue to grow whilst using the most technological advanced operating systems;
- Peter Chillingworth, a well-respected Chartered Surveyor, had prepared a report in support of the application and concluded that there was an essential need for two full time workers to permanently live on the holding to manage controlled environment systems, deal with emergencies, out of hours collections and security;
- It was very disappointing that the District Council had not employed a specialist to provide advice when assessing this application;
- Although generally ignoring all of the specialist advice provided, it was pleasing to note that the Officer agreed that an on-site presence was required. However, it was their opinion that this was provided by whoever occupied the existing dwelling;
- The Officer then questioned whether the existing dwelling was available. This had often been raised by local authorities and had been the subject of case law and appeal decision for many years. The case of Keen v SOS & Aylesbury Vale District Council was dismissed by the Inspector on the basis that the farmer (who wanted to retire) already resided in the farm dwelling and the need could be met by the existing farm house. However, the High Court ruled that the Inspector had acted irrationally because he had failed to apply the test of availability and suitability of that dwelling. The case concluded that the accommodation needs of a holding should not mean that the retiring farmer should be forced to move out of his home;
- The precedent was further reinforced in an appeal decision (APP/V2723/A/04/1169731) when the Inspector concluded that it would be unreasonable for the retired farmer to vacate or share the house that had been his home for many years, in order to retire;
- The 2008 High Court case of Cussons & sons v SOS reaffirmed the approach taken in Keen, and additional appeal decisions had followed the approach and it remained good law;



- In September 2019 an appeal decision was issued where the Inspector concluded that on this basis, there was no indication of whether or when the farmhouse was likely to become available. In the absence of any firm evidence to demonstrate that the farm house could accommodate the appellant and his wife as well as his mother or that she would be willing to downsize/share her home, it would be unreasonable to require the appellant's mother to leave and the Inspector was therefore not persuaded that the existing farm house was available;
- Mrs Caffarelli Senior was now in her 70's and still worked on the farm, but she was no longer in a position to get up in the middle of the night to tend to the needs of the farm;
- In applying the test of availability and suitability here, the house was not available. It was her home, she still worked on the farm when able, and she wanted to continue to live here. It had great sentimental value to her and was the place she wanted to live when she did fully retire;
- Was it correct to ask the applicant, his wife and grown up family of four children, all still living at home, to share a dwelling with his mother?

At this point the Chairman advised Mr Fleet that he had exhausted his allocated 5 minutes of speaking time and asked him to make his closing comments.

Mr Fleet concluded by saying that it could not be morally correct to ask someone to vacate their home of 40 years. He quoted the Authority's current Agricultural Occupancy Condition and said this was surely written to allow workers to remain when they retired. The proposed site was well screened and was only visible when one was located immediately in front of it; further planting would be proposed. The site was not isolated from the existing farm and related well to existing built form.

In response to questions from Councillors Brown and Wilson, Mr Fleet confirmed that his client would be willing to accept an agricultural occupancy condition but he was unsure whether the existing dwelling had one.

Councillor Wilson then asked if Mrs Caffarelli Senior would have to move out and Mr Fleet replied that she could stay if she was working in agriculture; the workers who came in the summer months and stayed in the caravans on site were unable to operate the systems; it was only the applicant who could run the system.

Councillor Downey asked Mr Fleet to give his opinion as to where Officers had gone wrong regarding 'essential need', and Mr Fleet said it was disappointing that the Authority had not consulted an expert.

The Chairman enquired about the measurements of the proposal and Mr Fleet said that they were maximum dimensions shown on the slide and could be reduced; his client did not need a 300 square metre bungalow.

Councillor Trapp sought clarification regarding the feeding of the boiler every 3 – 4 hours. Mr Fleet explained that it was a biomass boiler and the applicant came from Isleham to do it because it was quite strenuous and there was nobody else to do it.

Councillor Jones thought there could be longer feeding capabilities and he asked if there was any reason why feeding and storage could not be improved. Mr Fleet said his client was looking at improvements, but the system currently required feeding every 3 – 4 hours.

Councillor Stubbs thought that in this day and age biomass boilers were automated and she was surprised that this one was manual. Mr Fleet replied that with the investment that had already gone into the farm, further investment could not be sustained without an additional worker on site.

Councillor Stubbs continued, noting that a recent application had been withdrawn and asked the reason why. Mr Fleet advised that Officers were going to refuse that application, so it was withdrawn and then resubmitted.

Councillor Wilson made the point that if the farm could not afford to have an auto-feed boiler, how could the applicant afford the proposed bungalow? He thought it would be more efficient to upgrade the boiler rather than build a large bungalow. Mr Fleet replied that he did not know the cost of an auto-feed biomass boiler and at this stage Members were only discussing the scale of the proposed dwelling.

Councillor Wilson then went on to say that people would normally live on site to tend to animals and if a piece of equipment broke down then it just stayed out of operation until someone came to repair it. Surely the heat reducing in the glasshouses for an hour or so would not make much difference? Mr Fleet corrected him, saying that the crop would be lost.

Councillor Schumann said he was not a farmer and was not involved in agriculture to the same extent as Mr Caffarelli, but he imagined that this could be compared to keeping animals in that the destruction of the crop would be no different for a farmer. He asked Mr Fleet if anything more could have been done to prove Mr Caffarelli's need in horticultural terms. Mr Fleet replied that it was dependent on Mr Chillingworth's experience of over 20 years as a specialist consultant and he was of the opinion that the need had been proven.

At the invitation of the Chairman, Councillor Richard Radcliffe addressed the Committee on behalf of Isleham Parish Council and made the following points:

- The Parish Council had no objection to the proposal as it wished to support the development of village businesses to improve the sustainability of Isleham;
- The development would have a visual impact to the area, but whilst outside the built up area of the village, the site was not open countryside. It was within the boundary of the existing property which

included a series of farm outbuildings and glasshouses and was adjacent to a lorry park;

- Isleham had had numerous new developments approved recently which had been located within the grounds of existing dwellings similar to this proposal. These developments had had significant impact on neighbouring residents, the street scene, the character of our village and even to our conservation area, and had been approved;
- A recent example of this was the planning approval for 2 bungalows at 55 Pound Lane, now subject to a further application to extend into the loft. This was a site in the garden of the existing dwelling, at the edge of our village which allowed far reaching open country views from our green footpaths, soon to be lost forever, at one of the entrances to the village. A very prominent site surrounded on three sides by open countryside.
- This example, in the Parish Council's opinion, was clearly an incursion of development into open countryside, which will significantly change its rural and undeveloped character and appearance unlike the application before you;
- A further example was from your last meeting relating to the application for a dwelling at Herringswell Road Kennett in open countryside, 883 metres from the settlement and on a 60mph road with no footpaths or streetlights. Approval was granted for this dwelling on a site which was clearly open countryside and did not relate to any agricultural business as did the application relating to Floral Farm;
- Whilst each case must be treated individually, Floral Farm was located some 900 metres from the village settlement, a similar distance to the one approved in Kennett. Whilst predominantly rural and agricultural it was difficult to call this area open countryside. The Countryside character of this area at Floral Farm had already been eroded by development around it.
- The Council fully supported the District Council in seeking to ensure that development was appropriate to the needs of our community. We have in our response to the consultation requested that occupation of the property be tied to the operation of the business and with that restriction consider that this development was appropriate to ensuring that one of the few businesses operating in our village remained viable and sustainable.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham and Isleham, addressed the Committee and made the following points:

- The cost of biomass was several times higher than that of fossil fuel plant and even fully automated systems needed attention. If the heating failed in the middle of winter, the crop would be dead;

- The occupant of the house was 75 years old and semi-retired, and it could not be left to her to have to attend to the system. This was an appalling situation and an essential worker would have to be on site to deal with it;
- This was a thriving business, which had been going for over 40 years;
- Nowadays, as a country and a society, we wanted to be able to have vegetables and salad 24/7 for 52 weeks of the year. This family worked endlessly to ensure that we had that supply;
- If the crop was cows rather than cucumbers, we wouldn't be asking this question. If the crop was left unattended, even for one hour, it would be killed;
- An elderly woman should not be asked to leave her home, and why should an essential worker be expected to live in a caravan, away from his home and family?
- It was unacceptable and ridiculous that the Committee was looking at this, when the expert's opinion was that it was absolutely essential to have someone on site;
- What would happen if there was 6 feet of snow and Mr Caffarelli could not get to the farm – his livelihood would be lost. Cucumbers were really sensitive crops and could not be 'left to get on with it';
- These were exceptional circumstances and planning permission should be granted.

Councillor Jones asked the Planning Officer if case law had been given due consideration when she made her recommendation. She replied that the applicant lived 2 minutes away from the farm and Mrs Caffarelli was not being asked to leave her home or a worker to live in a caravan.

Councillor Schumann enquired why the Authority had not consulted an agricultural consultant; he was informed that cucumber growing was set out in Mr Chillingworth's report and there was in-house experience in that the Planning Team Leader, Barbara Greengrass, had an agricultural background. Mrs Greengrass said she had experience of essential need and had reviewed this case. Because the applicant lived only 2 minutes away by car, he could be on hand when needed.

Councillor Brown said he did not wish Officer's to take it the wrong way, but they kept saying that personal circumstances could not be taken into account, so on the flip side, there was no point in them saying that the applicant was only 2 minutes away.

Councillor Downey asked the Planning Team Leader if she had been consulted as having a particular expertise in this area, or as more of an informal help to a colleague; she replied that it was on the basis of her own background and experience.

Councillor Wilson felt that the proposal was a particularly large bungalow at the front of the site. He wondered if it could be moved back and whether this had been discussed with the applicant. He also questioned whether it needed to be so big. The Planning Officer said that alternative locations had not been discussed and although visual impact was an issue, it was almost secondary. The scale of the dwelling was to be agreed as part of the application, and the applicant could therefore put in one up to 22 metres, as specified.

The Chairman asked if the existing dwelling had an occupancy condition when given permission and the Planning Officer said she had tried to find out but was unable to say if there was an agricultural tie.

Councillor Trapp asked about the size of the proposal in comparison to the existing dwelling. Looking again at the relevant slide in the Officer's presentation, he said he believed the proposal would be better as a bungalow.

Councillor Ambrose Smith declared that she was very taken by Councillor Huffer and Mr Fleet's comments and she thought some Members were getting hung up about the size of the proposal. If she had to tend machinery, she would not be wanting to make the trip half a dozen times each day. The family had tried to do the right thing, and it would be more sensible to have someone living on site. Mrs Caffarelli Senior, an elderly lady, would want to retire at some point and she could not be asked to tend to the machinery in the early hours. The Parish Council appeared to support the application, and if there was an agricultural tie on the mother's house as well as the proposed dwelling, she could support the application.

Councillor Schumann agreed that there were a number of compelling points in favour of the scheme. The Parish Council had spoken in favour, and whilst viability could not be considered, the expert advice said that the extra dwelling was required. This was an outline application and the size was only indicative, so the case could come back to Committee if necessary.

He could not see any harm and duly proposed that the Officer's recommendation for refusal be rejected and the application be granted permission.

In seconding the motion for approval, Councillor Brown said he knew about the industry and he had read the consultant's report. Here was an established, profitable business and he believed the need for a second dwelling had been established. This location was why there should be an agricultural tie imposed.

The Chairman asked the Planning Manager if an occupational tie would be imposed if the application was to be approved and she advised there would be a condition to tie it to a rural worker's dwelling. With the agent having said that the scale was only indicative, he next asked if the application could come back before the Committee at the reserved matters stage.

The Planning Manager replied that it could, but Members should be mindful that they were only considering access and scale today, as set out in the application. These were maximum dimensions and the applicant may not necessarily build to that scale, but Members would be approving those dimensions by approving this application. They could not be changed because that was what the applicant had applied for. Depending on what was submitted at the next stage, the application could come back before Members, or in keeping with the Council's Constitution, it could be discussed with the Chairman and Vice Chairman.

A number of opposing views were expressed. Councillor Trapp did not think the proposal would visually affect the location very much as it was part of a much larger substantial holding; he supported approval. Councillor Downey did not believe the reasons for refusal 'stacked up'. He thought that Mr Fleet and Councillor Huffer had made good points and he was sceptical about the claim that the second dwelling would be harmful to the rural character of the area.

Councillor Wilson thought the building needed to be a bungalow and it would need conditions for proper screening as well as an agricultural tie. The Planning Manager reiterated that landscaping was a reserved matter.

Councillor Jones believed that Members could be setting a precedent if they granted approval, and this should be borne in mind if they overturned the Officer's recommendation. Councillor Ambrose Smith responded by saying that if the applicant was granted permission for a smaller house, at some point in the future, he could come back with another application for an extension.

Councillor Stubbs said she was minded to agree with Councillor Jones, and she was concerned that granting permission could cause problems down the line. She therefore supported the recommendation for refusal, as she was not completely convinced why the Committee should overturn the recommendation. She did not feel that an essential need had been demonstrated.

Councillor Schumann asked if the 6 metres height was akin to that of a bungalow and the Planning Manager said it was single storey, possibly with some rooms in the roof. Councillor Schumann continued, adding that the Local Plan should not be undermined because it was an agricultural building. The Planning Manager said the Plan had a specific policy regarding rural workers.

The Chairman agreed with Councillor Stubbs, saying that buildings in the countryside should be absolutely essential. Members would be giving consent to a very large building and he was uncomfortable with it.

There being no further comments, the Committee returned to the motion for approval and the result of the recorded vote was as follows:

For (5 votes): Councillors C Ambrose Smith, Brown, Downey, Schumann and Trapp;

Against (4 votes): Councillors Hunt, Jones, Stubbs and Wilson;

Abstentions (1 vote): Councillor Trimarco.

It was resolved:

That planning application reference 20/00142/OUT be APPROVED for the following reasons:

- There is sufficient evidence to indicate that the proposed dwelling is required and is essential to the business; and
- The impact of the dwelling will not be significant enough to cause harm to the appearance of the area.

It was further resolved:

- That the Planning Manager be given delegated authority to impose suitable conditions, including an occupancy condition; and
- That the reserved matters application be brought back to Planning Committee, subject to consultation with the Chairman and Vice Chairman of the Planning Committee.

**116. 20/00252/FUL – HURST FARM, WEST FEN ROAD, ELY, CB6 2BZ**

Rachael Forbes, Planning Officer, presented a report (reference U218, previously circulated), which sought a new agricultural workers dwelling in connection with Hurst Farm. This application was a re-submission of application reference 19/01616/FUL, which was refused on the same grounds as those recommended for this application.

It was noted that the agent had submitted more information and some photographs relating to the proposal, and this had been circulated to the Committee.

The application was located across the A10 from Ely, outside of the development envelope and it was therefore considered to be in the countryside. The larger site comprised two existing farmhouses, farm buildings and fields, and the proposed dwelling would be accessed via a Public Right of Way.

The application had been called in to Committee by Councillor Sue Austen as she felt that it would benefit from a wider debate.

A number of illustrations were displayed at the meeting, including a location map, aerial views showing the wider context and a closer view, the proposal and elevations.

The main considerations in the determination of the application were:

- Principle of development;

- Visual amenity;
- Residential amenity;
- Highway safety and parking.

With regard to the principle of development, the site was located in the countryside and outside of the development envelope of Ely, where development was strictly controlled. It conflicted with Policy HOU5 of the Local Plan which set out a number of criteria relevant to proposals for rural workers. The critical test was that the dwelling had to be essential, not just desirable, for an additional full time worker to live on site at most times of the day and night.

The Planning Officer then highlighted the case for both for, and against an 'essential' need:

For:

- Supervision of the livestock, beef fattening unit and help to run the agricultural business;
- The number of breeding cows had exceeded 150 cows, equating to one calf being born daily November to April;
- At least two people needed to be present if an animal had to be separated from the herd in the field, two people present when handling bulls, and two people to operate the cattle race handling system properly;
- Security and emergency situations.

Against:

- Two existing dwellings on the site;
- It was not essential for an additional person to actually live on site;
- Any essential needs could be adequately met by an occupier of the existing dwellings;
- Recruitment and personal issues were not material planning considerations;
- Close proximity to Ely and employees could be housed in Ely and called to the site as necessary;
- The stated need for a critical presence during winter calving only lasted for five months of the year.

Members were asked to note the photographs submitted by the agent, which showed a number of the farm buildings and the cattle sheds.



With regard to visual impact, the proposed dwelling was considered to be of an appropriate scale and design but it did not relate well to the existing farm complex. The red line boundary was excessive, and if approved, the entire area within it would be granted residential use. It would result in encroachment into the countryside in the form of a large residential garden.

In terms of other matters, the Planning Officer said there would be no adverse impact to residential amenity, the Highways Authority had raised no objections to the proposal, and the Definitive Map Team had no objections to an access being created from the Public Byway.

She concluded her presentation by saying that it was a material consideration that the application had previously been refused, and for the reasons already stated, this application was recommended for refusal.

At the invitation of the Chairman, Mr Sam Franklin, agent, addressed the Committee and made the following remarks:

- The Council had not undertaken their own agricultural appraisal and nothing in the Officer's report challenged the findings of the submitted agricultural report;
- The Lees had built up the business over the last 30 years, and to help future proof it, additional land had been taken on, extensive new cattle handling facilities built and the cattle fattening enterprise had been significantly expanded. This would take the farm forward, but would need a dwelling to house a key worker in a vital role;
- There were no other available dwellings at Hurst Farm. The proposed house would be at the 'front' of the farm to deal with legitimate callers as well as dealing with emergencies and incidents, out of hours deliveries, farm management and animal welfare;
- Detailed and thorough evidence had been submitted in support of the application. It was not some desirable location where a large dwelling could be sold for a profit. It was a small bungalow close to plain and functional farm buildings, and only a farmer would want to live there;
- There had been no objections from neighbours or any of the statutory consultees;
- A condition for agricultural occupancy should be imposed, and would be welcomed by the applicant so as to secure against inappropriate development;
- There was clear support for real agricultural development in the Local Plan and the NPPF;
- It was suggested that living in Ely would be acceptable and it was relatively close, but nevertheless 'out of sight is out of mind'. A worker would leave the premises, cross the busy A10 and not be able to see or hear any farm activity, the way an onsite worker might respond. With

calving cows and potentially ill or injured animals, response time was important. Living in Ely would rely on someone else to report a problem and this was not practicable, even if houses in Ely were affordable for a farm worker.

- The business was changing. Mr Lee Senior was above retirement age and on his doctor's advice was planning to reduce his input to the farm. He was a skilled and reliable worker, who still wanted to contribute, but the essential expansion of the farm and the need to house an on-site worker together with his inevitable reduced input meant that all the business pressure would fall on Nick Lee, if there is no other worker on site. If this prevailed the business would have to scale back ;
- The proposal represented an opportunity to encourage an expanding successful farming enterprise so that a family could protect their business and enhance the environment. We therefore respectfully ask that you approve this application.

Mr Franklin responded to comments and questions from the Committee.

Councillor Ambrose Smith thought the site to be very large for a modest property and Mr Franklin replied that the curtilage was a bit of a mistake. It had not been intended to create a large garden. The red line was unnecessary for the garden, and whilst the line could not be amended because it was a live application, it could be conditioned.

Councillor Wilson enquired where the cows were being grazed and if they were close by. Mr Franklin said some were at the farm and others were further away. They were brought back to the farm for the winter period, the key calving period.

Councillor Brown asked Mr Franklin why the application had been resubmitted rather than taking it to appeal. The latter replied that the applicant would rather work with the Council and felt that if additional information was provided, it might help. It was unfortunate that in the current situation, Members had not been able to have a site visit.

Councillor Huffer wished to know who lived in the other dwellings, and when told that it was Mr Lee's son, she asked if someone was needed to come in and deal with the bovine emergencies because Mr Lee Senior was now taking a back seat. Mr Franklin explained that Mr Lee Senior was past the official retirement age and while he wanted to contribute to the running of the farm, he did not feel he could deal with the night and emergency work. This needed someone who understood cows.

The Chairman thought it unfortunate that the red line was the same as that in the application refused in February 2020 and yet the application was re-submitted. Mr Franklin replied that it was not intended to create such a large residential area and time was of the essence. The Chairman responded saying that there did not appear to have been sufficient due diligence, to which Mr Franklin replied in the affirmative but adding that he was mindful of

the discussion of the last application and it was a reserved matter. The Planning Manager interjected to remind the Committee that this was a full application, and not outline like the previous agenda item.

In response to a question from Councillor Trapp, Mr Franklin explained where the red line would have been in relation to the house. The Planning Manager reiterated that the red line could not be amended as the application was as it was today for Councillors to assess and make a decision.

Councillor Jones asked whether the two existing dwellings were tied and was advised that both were.

Councillor Wilson asked if the applicant could re-apply for a smaller dwelling if this application was to be refused on the grounds that the red line was too big. The Chairman reminded Members that they could only consider what was before them today.

Councillor Jones asked what the land was to be used for, from one field to the other. Mr Franklin replied that it was a grass field, a paddock area for sick or young cows.

In connection with the red line, the Planning Officer informed Members that when the previous application was refused, this was discussed with the agent and it was suggested that the line be reduced, but they did not reduce the red line as part of this application.

Barbara Greengrass, Planning Team Leader was invited to comment and she said that Mr Lee Senior could help during the day because cows did not always calve at night. Mr Lee Junior should be able to cover the nights. If something was to go wrong, they could call the vet rather than take any risks.

Councillor Trimarco asked the Planning Officer to explain how this application differed from the last and whether there were any improvements to the proposal. The Planning Officer replied that there was no difference; the red line was the same and the whole area could have domestic paraphernalia on it, the same as the application that had been refused.

Councillor Wilson queried whether the applicant could ask to put housing on the land if this application was approved. He was informed that it would be refused because it was outside the development framework and the Authority had a 5 year supply of housing land, but for all that. It was residential land.

The Chairman believed the business of the red line to be careless, as the Officer had pointed it out and it was not reduced. The application had been refused in February 2020, and it was located on the north side of Ely, against policy. He therefore proposed that the Officer's recommendation for refusal be supported.

Councillor Stubbs seconded the motion for refusal, adding that the applicants had had time to address the Officer's advice.

Councillor Huffer cautioned for the need to be consistent and asked what harm the proposal would cause. Here was an elderly farmer wanting to take a back seat on his doctor's advice and needing to recruit a young person to cover the work. The price of rents and housing in Ely was unaffordable for a farm worker and she believed that Members should listen to the applicants. 150 cattle was a lot of cows and work, and the applicants' achievements should be recognised; she would therefore vote against the recommendation for refusal.

Councillor Wilson commented that there was not an essential need for a third house.

Councillor Brown considered this application to be very different to the previous agenda item. He quoted from the Officer's comments on the previous application (appendix 2 of the report refers) regarding the proposed dwelling not relating well to the existing built form and resulting in encroachment into the countryside and he noted that there had been no attempt to address the issue of the red line. In terms of consistency, this application was for a third dwelling and he did not believe that a case had been made; he would support refusal.

Councillor Downey disagreed, saying he thought it unfair because each application should be considered on its own merits. He felt a fairly strong case had been made for another dwelling and that Members should not worry about there being further housing on the site, as the Committee could address this. He agreed with Councillor Huffer that the application should be approved.

Councillor Trapp felt there was a need for a third person, but the red line had not changed. The Authority should be supporting agricultural workers, but there had been no mitigation against the original refusal.

Councillor Jones thought that a good point had been made about agricultural wages and living in Ely. The red line was the issue and he felt that the application should be deferred and re-submitted.

Councillor Ambrose Smith was of the opinion that this was a very sloppy, badly drafted application. The application should be refused and the onus was on the applicants to come back with a proper application

Councillor Wilson made the point that one of the applicants being elderly was not a material planning consideration. Here would be a house with a giant garden and he could not approve this scheme when it had such a big red line.

Councillor Schumann said that deferral could not be considered as part of the process, and he thought that there was probably a bit more to the red line than had been discussed. He sympathised with the applicant, but the Agricultural Holdings Act said that someone could not just be turned out of their home. There was a problem with the application and he thought it should be re-submitted with an amended red line boundary.

It was duly proposed by the Chairman, Councillor Hunt, and seconded by the Vice Chairman, Councillor Stubbs, that the Officer's recommendation for refusal be supported.

The result of the recorded vote was as follows:

For (7 vote): Councillors C Ambrose Smith, Brown, Hunt, Jones, Stubbs, Trimarco and Wilson;

Against (3 votes): Councillors Downey, Huffer, and Schumann;

Abstentions (1 vote): Councillor Trapp.

It was resolved:

That planning application reference 20/00252/FUL be REFUSED for the reasons given in the Officer's report.

The Chairman brought the meeting to a close by thanking everyone for their participation and he congratulated Councillor Trimarco, saying she had done very well at her first meeting of the Planning Committee.

The meeting closed at 6.32pm.