East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on Wednesday 7 May 2025

Present:
Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown (Vice Chair)
Cllr Christine Colbert (substitute)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan (substitute)
Cllr Bill Hunt (Chair)
Cllr Ross Trent
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:
Patrick Adams – Senior Democratic Services Officer
Maggie Camp – Director Legal
Selina Raj Divakar – Planning Team Leader
Holly Durrant – Major Projects Planning Officer
Harmeet Minhas – Senior Planner
David Morren – Strategic Planning and Development Management Manager
Dan Smith – Planning Team Leader

In attendance:
Justin Bainton – Agent
Angus Bridges – Agent
Chris Frost – Agent
Phillip Kratz – Objector
Nick Lee – Applicant
John Powell – Objector
Amy Richardson – Agent

Two other members of the public

ECDC Comms

82. Apologies and substitutions

Apologies for absence were received from Cllr James Lay, Cllr Alan Sharp and Cllr John Trapp. Cllr Keith Horgan attended as a substitute for Cllr Sharp. Cllr Christine Colbert attended as a substitute for Cllr Trapp.

83. Declarations of interest

Cllr Ross Trent declared a personal, non-prejudicial interest in agenda item 6, 24/1108/FUL, which he had called-in to the Committee. He confirmed that he came to the meeting with an open mind.

Cllr Christine Whelan declared a personal, non-prejudicial interest in agenda item 5, 24/00925/RMM, as a newly elected County Councillor, who had not been part of any discussions on this matter and had no predetermined views.

84. Minutes

The Minutes of the meetings held on 2 April 2025 were agreed as a correct record.

85. Chair's announcements

The Chair had no announcements.

86. 24/00925/RMM – Millstone Park, Newmarket Road, Burwell

Dan Smith, Planning Team Leader, presented a report (Z170, previously circulated) recommending approval for the development of 18 plots within a self-build zone on Millstone Park, Newmarket Road, Burwell. He explained that there were some minor discrepancies in the application drawings that needed to be addressed. He asked the committee for delegated approval to correct these.

Justin Bainton, agent for the applicant, explained that he saw no reason to make a statement and he was happy to answer any questions, if required.

Members were invited to ask questions to the officer.

Cllr Chika Akinwale asked for clarification on whether the play area would have fully inclusive facilities for children and young people with disabilities. The Planning Team Leader explained that the proposed play area was wheelchair accessible, although the play equipment included natural features, such as timber logs and boulders. He noted that a more formal play area for the wider development was located nearby and was accessible to those with disabilities, with more inclusive equipment.

Cllr Christine Colbert asked if the main roads on this site would be brought up to adoptable standards by the developers. The Planning Team Leader replied that the developer was responsible for providing the site's infrastructure. There

was a planning condition which ensured that access roads were provided to the plots before they were sold.

Cllr Christine Ambrose Smith asked about visitor parking spaces. The Planning Team Leader clarified there were five visitor spaces provided across the site and two spaces per dwelling, which met policy requirements. Cllr Ambrose Smith then asked whether the level of parking for the housing was sufficient. The Planning Team Leader confirmed that while details of parking for each house would come forward at a later date, officers were content that an adequate, policy-compliant level of off-street parking could be provided.

Cllr Martin Goodearl asked about the timescales for selling the self-build plots and what would happen with any unsold plots. The Planning Team Leader explained the legal agreement required the plots to be marketed for 12 months. In the first 4 months they would be restricted to people with a local connection to Burwell. If plots remained unsold after that process, the requirement for them to be for self-build would lapse.

The Committee moved on to debate.

Cllr David Brown supported the recommendation in the report. He stated that it had been about 15 years since people in Burwell were first encouraged to register interest in these self-build plots and he was pleased to see the application finally come forward. He stated there had been no concerns raised about it in the village.

Cllr Martin Goodall supported the planning application and he suggested that controversial designs for individual plots should still be determined by the Committee. The Planning Team Leader explained that he would have to look at the resolution made by the Committee when the outline application was considered to determine whether any future self-build applications would have to come back to this Committee. The Chair reported that it was common practice for the Chair and Vice Chair of the Committee to advise officers on whether an application needed to be considered by the whole Committee.

The Planning Team Leader confirmed that any major changes to the application would have to be agreed by a future meeting of the Committee, but he did not believe that this would be necessary.

Cllr David Brown proposed and Cllr Chika Akinwale seconded the recommendation in the report. A vote was taken and

> It was unanimously resolved:
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> To delegate powers to the Strategic Planning and Development Management Manager **to approve** planning application 24/00925/RMM, subject to the conditions set out in Appendix 1, once the necessary amendments to plans to correct minor discrepancies between them have been made.

87. 24/001108/FUL – Maple Farm, West Fen Road, Ely

Selina Raj Divakar, Planning Team Leader, presented a report (Z171, previously circulated) recommending refusal for the development of an agricultural dwelling on land north east at Maple Farm, West Fen Road, Ely.

Mr Angus Bridges, agent, made the following statement:
"The application is made in relation to an agricultural enterprise at Maple Farm for a single agricultural dwelling. The applicants own 104 acres, and rent a further 364 acres, which are used for grazing and hay making. The applicants have approximately 177 cows, 6 bulls and around 150 calves on site. Meaning that there could be over 350 animals on site at any one time. The applicants produce approximately 2,500 large hay bales per annum and a further 2,500 large straw bales are also transported onto site. The labour on site is provided by Mr Nick Lee and his father Mr John Lee, with part-time support given in peak periods. The basis of this application is the retirement of Mr John Lee. He is 76 years of age and suffers from health problems. A business of this size requires two on site employees over a twenty-four-hour period, which was established when the second dwelling was approved in 2005. With Mr John Lee retiring, further on-site employment is required for Mr Nick Lee to fully succeed in the business. Succession is fully supported by the MPPG, which should be viewed in equal weight to that of the MPPF, which was established by the case of Keen v Secretary of State that it would be unreasonable for someone to vacate or share a home that they have been living in for many years.

"During the course of the application the planning authority sought advice from an agricultural consultant. This report took many weeks and we were not afforded the benefit of responding to it. Prior to this meeting I sent a copy of our response to all of you for your consideration, as we believed that it was vital to the outcome of this application. Within that report the agricultural consultant conformed that the business required 2.7 standard worker days. The report raised the query over whether Mr John Lee would be retiring. It is our opinion that it would be reasonable to assume that a man of 76 years of age would be retiring. Mr and Mrs Nick Lee are already major shareholders of the business, so there should be no doubt that he will be succeeding to the business in full. The business has been going for the past 40 years, which shows the sustainability of the business. The business continues to be invested into, since the stock taking report that was undertaken earlier in April, 36 heifers have been purchased.

"It is crucial that there are two people on site during calving, which is a two-person job. They can also provide emergency cover for each other. This is a 24-hour operation, especially during calving period, which is spread over six months of the year.

"During the process of the application, at the start and at the end, searches were undertaken for nearby properties should they become available and it returned no searches. We ask that the Committee allow this application to ensure that a local agricultural enterprise is able to continue as it has done for

the last 40 years and remain viable. I thank you for your time and would be happy to answer any questions."

The Chair invited Committee members to ask questions of the agent.

Cllr Chika Akinwale asked what information the applicants had been requested to provide to officers on the four conditions that had not been met. Angus Bridges replied that the Council had not given them the opportunity to comment on the consultant's report.

Cllr Christine Ambrose Smith asked whether having accommodation on site would be an inducement for a prospective farm worker. Angus Bridges agreed that it would be and added that it was often essential for a farm manager to have such accommodation.

Cllr Ross Trent asked whether it was common practice for dairy farmers to work well in their seventies. Angus Bridges replied that this was uncommon, as it was hard, physical work.

In reply to Cllr Keith Horgan's question, the agent confirmed that he not been involved with the previous applications, which had been refused, but due to his own research he was aware of them. He had been surprised by the Council's queries regarding the sustainability and finances of the business, as it had not been raised previously. He reported that planning permission for a property with three bedrooms was being requested as the business required a manager, who would require a family sized dwelling. He explained that the retirement of Mr John Lee was dependent on securing extra employment, which in turn required on site accommodation.

In reply to Cllr Christine Whelan's question, the agent explained that it was essential to have two men on site, as the farm was a 24-hour operation, especially during calving season. The bulls also required two people to move them. For health and safety reasons two people needed to be on site in case one of them was injured.

In reply to Cllr Christine Colbert's question, Mr Nick Lee explained that the land owned was not all on the same site, with two separate blocks of land within a few miles of the site of the application. The rented land was further away. The livestock was housed on the main site and moved to the other land for grazing.

In reply to Cllr Lavinia Edwards, Mr Nick Lee explained that he had three sons aged 9, 6 and 1 and he hoped that they would continue the family business.

Cllr Gareth Wilson asked why an employee could not live in Ely, which was not far from the farm. The agent explained that a survey had not resulted in any suitable accommodation within a mile and half of the site and the employee needed to be close enough to respond to any animals in distress. Mr Nick Lee added that traffic in Ely at certain times of the day made it an unsuitable location.

The Chair invited Committee members to ask questions to the officer.

In reply to Cllr Chika Akinwale, the Planning Team Leader explained that there was insufficient evidence that the applicant was meeting the criteria in the policy regarding succession or financial viability. Cllr Akinwale asked if the application could be deferred, pending receipt of this information. David Morren, Strategic Planning and Development Management Manager explained that this information should already have been provided and the Council's negotiation protocol stated that in these situation applications were taken to the Committee with the existing information.

In reply to Cllr Christine Whelan, the Planning Team Leader accepted that two people were required on site but evidence was necessary to show that Mr John Lee was going to retire to support the application for a third dwelling. It was noted that Mr John Lee was considered to be a full-time worker.

In reply to Cllr Gareth Wilson, the Planning Team Leader stated that the consultant had not found sufficient evidence that the business was profitable, hence the conclusion that criteria regarding viability had not been met.

The Committee moved on to debate.

Cllr Keith Horgan stated that according to his research a suitable property was available within a mile of the site and another more affordable property further away. He suggested that the information regarding viability and succession should have been included in the application and he indicated support for the officer's recommendation to refuse the application.

Cllr Chika Akinwale asked if the applicant felt that sufficient evidence had been provided to meet the criteria required for approval. The agent stated that the application included information about Mr John Lee's forthcoming retirement, which seemed reasonable at the age of 76. He added that the business was clearly viable as it had been going for forty years and turnover figures had been included in the application. The Planning Team Leader replied that the agricultural consultant had considered this information insufficient to meet the criteria. Cllr Akinwale recognised the confusion and she suggested that the application should be deferred to allow the applicant to provide more information to meet the criteria.

Cllr David Brown stated that the main reasons for refusing this application had been laid out by the Planning Inspector in December 2021 and regretfully the applicant had not sufficiently addressed these reasons in the current application He therefore proposed that Member should support the officer's recommendation. Cllr Martin Goodearl agreed, as not enough evidence had been provided by the applicant to approve the application and he seconded the proposal.

Cllr Christine Whelan proposed going against the officer recommendation and approving the application. She argued the business appeared viable and an on-

site presence was needed for safety. Cllr Lavinia Edwards seconded this proposal.

Cllr Christine Colbert proposed that the application should be deferred to allow more information to be provided by the application and be assessed. She expressed concerns regarding health and safety on site. Cllr Chika Akinwale seconded this proposal. Cllr Gareth Wilson also supported this, as extra information was required to approve the application.

A vote was taken on the proposal put forward by Cllr David Brown to support the officer recommendation for refusal, citing the lack of information provided to meet policy requirements and which had been seconded by Cllr Martin Goodearl. The vote was two votes in favour, eight votes against and one abstention

> It was resolved to **reject** the proposal to agree the officer recommendation.

It was agreed that if the application was approved, delegated powers should be given to the Strategic Planning and Development Management Manager to set appropriate conditions and agree a Section 106 Agreement, in line with agricultural properties.

Cllr Christine Whelan proposed and Cllr Lavinia Edwards seconded that the application be agreed, contrary to the officer's recommendation, on the understanding that delegated approval be given to officers to impose suitable conditions, as discussed. A vote was taken and with six votes in favour, four votes against and one abstention

It was resolved:

(i) To approve planning application 24/01108/FUL, contrary to the officer's recommendation.

(ii) That delegated powers be given to the Strategic Planning and Development Management Manager to set appropriate conditions and Section 106 Agreement, in line with agricultural properties.

88. 24/01135/OUM – Cambridge Road, Stretham

Holly Durrant, Major Projects Planning Officer, presented a report (Z172, previously circulated) recommending refusal for an outline planning application for up to 126 homes.

The Major Projects Planning Officer explained that a letter had been received by councillors from Mr Chris Frost, agent for the applicant, which included arguments already received and uploaded onto the planning portal on 6 March this year. These material considerations had been included in the report in the agenda. It was the responsibility of the members of the Committee to determine

how much weight should be given to the matters raised in the report. Alison Farmer Associates had carried out a report on behalf of the Council on the visual landscape and character impacts of the proposed scheme. The letter from Mr Frost had expressed concern regarding the Council's use of the word "critique" when instructing Alison Farmer Associates the Council's request for support at any subsequent appeal, as part of this instruction should this be necessary. The Major Projects Planning Officer stated that Alison Farmer of Alison Farmer Associates was experienced in the field of landscape architecture and was prepared to defend her assessment at an appeal if this were necessary. The word "critique" did not mean criticism but meant a detailed assessment of the matter in question. Appeals were possible for any application, regardless of the officer recommendation and so were often factored in when instructing external consultants on behalf of the Council.

Members had also received a method statement from Just Build Homes, a website platform that connects supporters of new homes with the planning process. It was noted that Wyn Evans was the founding director of Shared Voice the Team that created the platform Just Build Homes. The statement was provided in response to a query from Just Build Homes regarding paragraph 5.3 of the committee report which questioned the legitimacy of some of the responses received via the platform. The Major Projects Planning Officer confirmed that all responses received via Just Build Homes were given due consideration within the committee report, including those about the benefits of affordable housing in the district. Officers considered it important that members were aware of the Just Build Homes method statement before making their decision.

Local resident Mr John Powell gave the following statement:
"Committee members were of the opinion that traffic on Cambridge Road was too fast for non-motorised users when they visited on 4th September last year. Subsequently the Committee recommended that a crossing be made, which the developer agreed to along with a road safety audit. The stage 1 Road Safety Audit for the crossing repeatedly mentions the risk of 'collision with pedestrians' and 'rear ending'. Cambridge Road does not qualify as a 30-mph road under the County's April 2023 Operational Standards because the length of highway under consideration is less than 600 metres. However, Central Government guidance, which was updated in March 2024, superseding the County's Standards, allows a 30-mph limit on this stretch of road. Although the new guidance still limits speed restrictions to 600 metre stretches, it also advises that traffic authorities may lower this to 400 metres or, in exceptional circumstances, to 300 metres. With so many new homes in the proposed development, non-motorised users crossing Cambridge Road will be exceptional. Once the development is built, the length of highway with residential frontage will exceed 300 metres. I propose that here there are exceptional circumstances, with the 83 homes proposed for this particular application."

The Chair invited Members to ask questions to John Powell.

Cllr Chika Akinwale asked if the development went ahead would he recommend any other forms of traffic control. John Powell replied that there should be a Toucan crossing instead of a Puffin crossing. He added that a 30-mph limit would benefit all those who lived on the west of the road and not just those living at this new development. Local residents currently drove their children to Stretham Primary School, as the road was too busy to cross.

In reply to Cllr Gareth Wilson, John Powell stated that he was apprehensive regarding the proposed application due to its location and drainage issues, but he recognised the need for more housing.

Chris Frost, agent, gave the following statement:
"The application before you, seeks approval for 126 Affordable Homes and follows a previous approval for 83 similar homes on broadly the same site. The Reserved Matters application for that scheme will be submitted a little later this year.

"The scheme is brought forward in association with Stonewater Housing Group, a Registered Affordable Housing Provider, who will be developing out the site. Essentially, this proposal is for an additional 43 affordable homes on an already-approved affordable housing site.

"As your officers acknowledge, there is a significant shortage of affordable housing in the borough, resulting from many years of persistent under-delivery. Since 2011 the affordable housing need target has only been met once and over this period there is a shortfall of 1,320 affordable homes.

"At the time of the submission of this application, the Council's Housing Register had 1,005 households on it, representing over 2,400 people in the borough in need of affordable housing. There are far more households on the Housing Register in the villages of Stretham, Little Thetford, Wilburton and Haddenham than the 126 homes proposed under this application, all of whom constitute a local need. There are also over 300 households on the Housing Register who have expressed a preference to live in Stretham. We believe that this demonstrates a clear local need for affordable housing, which is a material consideration in determining this application. Your officer's report sets out the view that, while the 83 affordable homes already approved are welcomed, the additional homes would be better directed towards larger settlements within the district. However, there are no other sites sitting waiting for 43 affordable homes to come forward. Refusing this application would only mean that 43 fewer affordable homes are built.

"The Committee specifically considered the landscape impact of the 83-unit scheme under the previous application and determined that no unacceptable harm would arise from the development. The current proposal is larger than approved scheme but is fundamentally the same in terms of its illustrative layout.

"Your officers are relying on a report prepared by Alison Farmer Associates (AFA), who were instructed shortly after the receipt of the application. It is clear

from the brief sent to AFA that officers were seeking a "critique" of the Landscape Visual Impact Assessment, or LVIA, rather than an independent assessment and that, as AFA were also asked for a fee quote to defend a landscape-based reason for refusal at appeal, it is also clear that a negative assessment of the LVIA was being sought. On this basis we do not consider the AFA document to be an independent assessment of the landscape impact of the scheme.

"The site is not unattractive, but it holds no specific landscape designation and is essentially just a field next to the A10. When we consider that 83 homes are already going to be built in this field, the difference that an additional 43 homes will make is negligible.

"Furthermore, it seems remarkable to me that Councillors would be willing to spend £15,000 of public money (the sum quoted by AFA) on a landscape consultant to provide evidence at a public inquiry to defend a reason for refusal in order to prevent more affordable housing being built on an existing affordable housing site. This would be in addition to the Council's other considerable expected costs to defend a refusal at a public inquiry.

"To quickly pick up the previous speaker's point; the Road Safety Audit only identifies potential road safety risks, not concerns about the scheme and concludes that the scheme is acceptable in terms of road safety. We have no objection to a 30mph limit on Cambridge Road, but we are not able to deliver it. The Highways Authority control this and our discussions with them to date indicate that they would not support this as there is no traffic safety requirement for it.

"The officer's report sets out clearly the many benefits of the scheme, including the new pedestrian crossing across Cambridge Road, the high sustainability standards of the new housing and, of course, the very significant need for affordable housing, both in the local area and across the district as a whole. In determining the planning balance on this application, members of the Planning Committee must prioritise the need for affordable housing, remembering that the 2,400 people on the Housing Register are all existing residents of the borough in need of a home.

"We therefore request that members prioritise the benefits of this proposal and vote to grant planning permission for this scheme. If you have any questions about the proposals, I would be happy to answer them."

Members were asked if they had any questions for the agent.

Cllr David Brown asked why the developer had applied for permission for 83 homes five months ago, instead of asking for 126 homes. Mr Frost replied that the Housing Association had a mandate to deliver affordable housing. The site was appropriate for affordable housing and had the capacity for more units. He saw no issue with attempting to maximise the benefit of the site by attempting to build more affordable homes where it was required.

In reply to Cllr Chika Akinwale, Mr Frost replied that he did not agree with the suggestion that increasing the number homes on the site would increase the existing road safety issues. The play areas for the site had not been determined, but a larger development would need a larger play area. He recognised the need to make these accessible.

Cllr Akinwale asked about the involvement of Just Build Homes in the consultation process. Mr Frost replied that the methodology used by Just Build Homes ensured that they promoted appropriate sites for development. They then used social media to contact supporters. Consent was required before messages were sent out on a supporter's behalf. Evidence could be produced to show that such support was genuine.

Cllr Christine Colbert asked if access to the A1123 had been considered to ensure that the new settlement had two access points. Mr Frost stated that there were no plans for this and the Highways Agency would not support a second access point.

Cllr Christine Ambrose Smith stated that the newly elected Mayor of Cambridgeshire and Peterborough supported the dualling of the A10 and she asked how this would impact on the scheme. Mr Frost replied that he was not aware of this and the application already had consent for access to the A10. It was understood that the Highways Agency did not support restricting the access to the A10 as a left turn only road, due to challenges in enforcing it.

In reply to Cllr Keith Horgan, Mr Frost stated that the new application added about three hectares to the development, but no homes would be built any nearer the A10.

Mr Frost assured Cllr Martin Goodearl that the extra parking spaces necessary for the additional 43 homes had been taken into consideration. The increase in traffic numbers were considered by the Highways Agency to be within what they believed to be safe and acceptable. He further added that the local school would have the capacity to cope with the extra children resulting from the additional homes.

Mr Frost explained that the homes would be built to Passivhaus standards and this would reduce noise with the buildings being airtight.

Cllr Gareth Wilson suggested that this was not the ideal location for so many additional affordable homes, which would put a strain on existing infrastructure and add to the traffic. Mr Frost replied that Stretham and the surrounding villages had considerable need for affordable housing.

The meeting was interrupted for approximately ten minutes as the livestream had disconnected. Cllr Christine Ambrose Smith left the meeting at 4:30 pm.

The Chair invited comments from officers.

The Major Projects Planning Officer explained that officers did not consider there was sufficient local need to justify the increase in the number of homes. Local was defined as Stretham and Little Thetford. The report explained that it was not the purpose of a rural exception site to deliver affordable housing to meet the needs of the surrounding villages. It was noted that the proposed scheme was an outline so issues such as play areas would be dealt with under reserved matters. The report had given weight to the comments received via the Just Build Homes website, irrespective of concerns regarding the validity of some of the comments.

In reply to Cllr Keith Horgan, the Major Projects Planning Officer confirmed that the report gave three reasons for refusing the application. Cllr Horgan asked how 126 was worse than 83 homes in terms of character and landscape, when none of these units would be built any closer to the A10. The Major Projects Planning Officer explained that the proposed development could be viewed from a variety of different viewpoints, including the A1123. The proposed increase in the size of the development would encroach quite significantly into low lying areas of the countryside.

In reply to Cllr Keith Horgan, the Major Projects Planning Officer acknowledged that the Section 106 agreement could be addressed at a later stage and if the matter went to appeal this reason for refusal it was unlikely that it would be defended. The matter was not insurmountable, but the application could not be determined positively in the absence of this legal obligation.

In reply to Cllr Keith Horgan, the Major Projects Planning Officer explained that policy HOU4 stated that a demonstrable local need was required for a rural exception site. It was noted that it was not the responsibility of these sites to absorb a district wide need and the approved application for 83 homes met this need. It was understood that the Council had underdelivered on its affordable housing targets since 2011, but that a more accurate understanding of undersupply should be measured against delivery since 2020, as this had been informed against the GL Hearn report prepared in 2021.

It was noted by Cllr David Brown that future developments at Burwell and Soham would help the Council to deliver its future housing targets. In reply to Cllr Brown, the Major Projects Planning Officer confirmed that other larger development sites would contribute to the district's affordable housing provision.

In reply to Cllr Christine Colbert, the Major Projects Planning Officer reported that the Highways Agency expected 85 cars to leave the site and 82 cars to return to and from the 126 homes at peak times. There was appropriate capacity at the early years centre and the primary school on site for 126 homes, as the application for homes at Wilburton had been withdrawn.

In response to Cllr Bill Hunt, the Major Projects Planning Officer confirmed that the combined housing need for Little Thetford and Stretham was slightly below the figure for the 83-units approved in the previous year.

In response to Cllr Chika Akinwale, the Major Projects Officer confirmed that should the application be approved, this would need to be supported by a motion to delegate authority to officers to impose conditions and secure a Section 106 legal obligation in line with the committee report and recommendations of the statutory consultees.

The Committee moved into debate.

Cllr Gareth Wilson agreed with officers that this application for 126 homes was too many for this particular village and its infrastructure. He acknowledged the need for housing, but the agreed development for 83 homes was sufficient to meet local need and the Committee should stay with its original decision. He also acknowledged the visibility of the proposed development from the A1123, and that the site did not really form part of Stretham.

Cllr Keith Horgan asserted that the district needed more affordable housing, historically the Council had not met its targets and the definition of what was local was subjective. He proposed that the application should be approved.

The Chair stated that the 83 homes exceeded the affordable housing needs for Stretham and Little Thetford, so he would be supporting the officer's recommendation.

Cllr Chika Akinwale expressed concern regarding access and traffic safety. She wanted assurance regarding these matters before supporting the application.

Cllr Gareth Wilson proposed and Cllr David Brown seconded the recommendations in the report. A vote was taken and with 7 votes in favour, 1 vote against and 2 abstentions:

It was resolved:

To **refuse** planning application 24/01135/OUM, on the grounds set out in report Z172.

89. 24/01323/FUL – The Heartlands Pools Road, Wilburton

Harmeet Minhas, Senior Planner presented a report (Z173, previously circulated) recommending approval for the retrospective siting of a mobile home and a touring caravan on the Heartlands Pools Road, Wilburton, Ely.

Mr Philip Kratz, objector, made the following statement:

"Firstly, apologies for circulating the e-mail last night. I did succeed in being in two places at once today, I was in a telephone video conference at the same time. I circulated the email just in case I could not get here today. Of course I copied it to your officers, so they could comment if they wanted to.

"Secondly, as a lawyer I am always happy to hear the Planning Committee talk of the need for evidence and although I was popping in and out of the meeting

I heard the members explain the need for evidence and I heard the officers reiterate the need for evidence both in the application for a farmhouse and also in the proposal at Stretham as well, with evidence required for housing need. I say that by way of context.

"I act for the owners of the nearest dwelling, "Woodlands", which is a bed and breakfast establishment. It is more elevated than this site. When you stand in the tourist accommodation in "Woodlands" and look out, you do actually see quite a lot of countryside. Unlike the billiard table below, "Woodlands" is elevated and the visitors, and I've seen the comments in the visitors' book, totally appreciate the outlook. That is not to say that it is the view but it is the character and appearance of the locality and despite the fact that Grunty Fen leads on to White Cross Road, nonetheless that vista is a genuine elysian paradise.

"The context of this is enforced by not one but four refused applications on the nearby site and adjacent site which was reiterated at appeal. It is always possible to distinguish appeal decisions, nonetheless the impact on the character and appearance of the countryside was reiterated and although this is only the frontage of the site, nonetheless the words that springs to mind is totally incongruous. There is an incongruity about this site, despite the fact that it is in Grunty Fen.

"In regard to the actual material considerations, I will start off with the principal development. Your officers suggest that there is an unmet need for gypsy accommodation. They do that on the basis of a hunch, because there is absolutely no empirical evidence to back that up at the moment. The GTAA, the needs assessment that the Council uses, was shared with about nine other authorities and I have been involved in applications both for and against gypsy accommodation in Huntingdonshire and Kings Lynn and West Norfolk who share the same empiric base and they are all in the same position, there is a miasma surrounding the numbers and the need, but one thing everyone agrees on is that there is no demonstrable need. So therefore, I have to say that the officer report does not contain any factual evidence of that actual need.

"Currently all of the gypsies and travellers in East Cambridgeshire are on authorised sites and that is due to quite an enlightened view going back 40 years, when we started giving those permissions and encouraging family ownership, but this site is almost entirely in flood zone risk category 3 and I was just getting out my PPG to refer to, and I'm going on to evidence. If you are going to put permanent residential caravans, classed as highly vulnerable, into a flood zone 3 area the sequential test must be carried out and passed and there is no evidence that there has been a sequential test is this case.

"With regards to national planning policy, the proposal should be considered against your Local Plan and the policies ENV1, ENV7, ENV8, CM7 and HOU9. It fails on these criteria.

"For all those reasons, my clients hope that you will refuse this application. This is also reinforced by the ministerial statement, which changed decades of

planning law, which said that you are entitled to take into account the retrospective nature of the application. I am happy to take questions."

There were no questions from members of the Committee for Mr Kratz.

Amy Richardson, agent, made the following statement:
"The planning officer has very clearly set out the policy aspects of the case, but given this is a retrospective application, I thought it might be helpful to the members to just understand the background to this application.

"The applicant and his family are travellers, and in 2017 the applicant applied to go on one of the Council's local traveller sites. However, given there are only sites at Wentworth and Earith now, they were advised that the wait would be at least 12 to 18 months and, in fact, all the time they were on the list, they were never offered a pitch. They know a lot of people who are still on the waiting list and are not able to get a pitch.

"The applicant has subsequently married and now has two small children and they were living over with his father at Rampton on a pitch, but with his expanding family, that pitch became too crowded. Overcrowding is an issue on a lot of these sites at the moment and he could not accommodate his horse stock.

"The applicant had his name down for one of the ten pitches, on the neighbouring site, but that was not granted consent, so he could not relocate from Rampton as planned.

"The applicant is a landscape gardener, with the majority of his work in the Ely and surrounding villages area. He was gifted this site by his father in October last year, and whilst he does work full time as a landscape gardener, he does also use the site for equine purposes, as he owns a stallion, which needs quite a lot of care and attention.

"He did move on to the site without a planning permission in place for the residential use, but it was out of desperation, he needed to ensure he had an appropriate place for his family to live. He was getting nowhere waiting for a Council pitch to become available, and there were no existing traveller sites with permission he could purchase.

"As you have heard from the officer, the site did have planning permission for an equine use. I am not sure if members have seen the built form that went with that planning application but it was for a courtyard of 19 stables, a large equine development, with a considerable amount of auxiliary accommodation, such as kitchens, offices, store rooms and there was a very large parking area, with a horsebox turning facility.

"The red edged location plan for this application echoes that for the stable site, so no new built form can go beyond that line. There is no depth to this development, it is predominately frontage only, which reflects the comments of the Inspector in recognising that development away from settlements, in this

vicinity, “is sporadic and focused along straight road frontages”. So, the built form here echoes the 2013 planning application.

“The policy in HOU 9 is looking to avoid “Significant adverse impact on the character and appearance of the countryside”. The key word is “significant”. Whilst there will be some impact from this development it would not be any greater impact than the equine site with the parking area which was granted permission in 2013.

“Whilst it’s always unsatisfactory when an application is retrospective, the applicant was at his wits end in terms of wanting to be able to provide a home for his family. He had tried to do things the correct way and put himself on the Council’s waiting list, but plots for the existing pitches were not coming forward.

“The Council has acknowledged that they do not have an up to date 5-year supply of deliverable sites. This has been accepted previously in other recent approvals in the locality and acknowledged by an Inspector on a recent appeal.

“Just a quick mention about flooding, because this has been dealt with on appeal. A detailed Flood Risk Assessment was submitted with the application, which demonstrates the land was unlikely to be at risk of flooding. It was only in Flood Zone 3 due to outdated mapping and there would need to be catastrophic failure of defences and the pumping system for this site to flood. This has been dealt with by the site Inspector and our flood risk assessment.

“The planning officer’s report details the planning policy and confirms why the application is policy compliant. It does also explain that an Inspector’s decision does carry significant weight in the decision-making process. On that basis we would invite you to support the officer’s recommendation that this application would contribute to an unknown level of need in the district, and that any harm that would arise to the setting of the countryside would be outweighed by the proposal on bringing forward a much-needed pitch.”

Members were asked if they had any questions for the agent.

In reply to Cllr Keith Horgan, the applicant explained that he owned all the land on the site up to the hedge.

In reply to Cllr Christine Colbert, the applicant explained that the equine centre, which had planning permission, had not been built due to its cost. Water and electricity were supplied to the site and the caravan had gas and a septic tank.

The Chair asked if members had any questions for the officer.

In reply to Cllr Keith Horgan, the Strategic Planning and Development Management Manager confirmed that it was usual in these applications to restrict occupancy of the site to Travellers.

In reply to Cllr Chika Akinwale, the Senior Planner explained that officers were satisfied that the application met the criteria as laid out in HOU9 and the other relevant Council policies.

In reply to Cllr Martin Goodearl, the Senior Planner expected that the property would receive a regular waste and recycling collection service from the Council.

The Committee moved into debate.

On Cllr David Brown's request, it was agreed that a condition be added to delegate authority to the Strategic Planning and Development Management Manager to ensure that occupancy on the site was restricted to Gypsies and Travellers.

Cllr Chika Akinwale proposed and Cllr Keith Horgan seconded the recommendations in the report with the above added condition and with 8 votes in favour, 2 votes against and 0 abstentions

It was resolved:

(i) To approve planning application 24/01323/FUL.

(ii) That delegated powers be given to the Strategic Planning and Development Management Manager to include a condition restricting occupancy of the site to Gypsies and Travellers.

90. Planning performance report – March 2025

David Morren, Strategic Planning and Development Management Manager, presented a report (Z174, previously circulated) summarising the performance of the Planning Department in March 2025.

It was resolved unanimously:

That the Planning Performance Report for March 2025 be noted.

91. Annual performance in resolving planning enforcement cases

David Morren, Strategic Planning and Development Management Manager, presented a report (Z175, previously circulated) summarising the annual performance of the enforcement team.

It was resolved:

That the Annual Performance in Resolving Planning Enforcement Cases be noted.

92. Exclusion of the Press and Public

Cllr Keith Horgan proposed and Cllr David Brown seconded that the meeting should go into private session. It was resolved unanimously:

That the press and public be excluded during the consideration of the remaining item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1, 2 and 7 of Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

93. Quarterly Performance in Resolving Planning Enforcement Cases – Exempt

The Committee considered a report (Z176 previously circulated) which considered the Quarterly Performance in Resolving Planning Enforcement Cases. David Morren, Strategic Planning and Development Management Manager, explained that quarterly reports on enforcement would now be considered by the Committee every three months.

Members of the Committee asked for updates on a number of cases.

Cllr Keith Horgan requested that future reports include details of the action taken in cases where the enforcement notice had been complied with.

It was resolved that:

The Quarterly Performance in Resolving Planning Enforcement Cases be noted.

The meeting concluded at 6:00 pm.

Chair……

Date……