MAJOR CASE

Reference No: 18/01793/FUM

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

Site Address: Land Opposite Meadow View Soham Road Stuntney Cambridgeshire

Applicant: Mr Alastair Morbey

Case Officer: Angela Briggs, Planning Team Leader

Parish: Ely

Ward: Ely East

Ward Councillor/s: Matthew Downey

Lis Every

Date Received: 19 December 2018

Expiry Date: 11th May 2020

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the following recommended conditions. The conditions can be read in full on the attached as appendix 1:

1. Approved Plans
2. Time Limit -FUL/FUM/LBC
3. Archaeology
4. Materials - samples
5. Surface water drainage
6. Foul water drainage
7. Construction Environmental Management Plan
8. External lighting details
9. play equipment details
10. Tree protection measures
11. Soft landscaping scheme
12. Hard landscaping scheme
13. Boundary treatment
14 No amplified music
15 Existing access closure
16 New access
17 Visibility splays
18 Opening and delivery hours
19 Construction times and deliveries
20 External plant and machinery
21 Fire Protection (Hydrants)
22 Biodiversity enhancements
23 Reporting of unexpected contamination
24 Sustainable development - Full
25 Gross Floor space limit
26 Retail floorspace limit and restrict use
27 Non-retail floorspace limits
28 Maximum unit size retail
29 Minimum unit sizes
30 Sale of convenience goods
31 No Multiples
32 Duplicate traders from local centres
33 Biodiversity compliance

2.0 SUMMARY OF APPLICATION

2.1 The application seeks full planning permission for the demolition of existing buildings and the erection/conversion of buildings to provide 1,943sqm of Class A1 (retail), Class A3 (Cafe/ Restaurant), Class D2 (Leisure/ well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) along with access, parking, children’s play area, landscaping, service yards and associated infrastructure, on land at Harlock’s Farm, Soham Road, Stuntney.

2.2 The application is supported by the following documents:

- Plans and Drawing package;
- Design and Access Statement;
- Planning Statement;
- Landscape Masterplan;
- Landscape and Visual Impact Assessment;
- Arboricultural Impact Assessment;
- Retail Impact Assessment;
- Heritage Assessment;
- Archaeological Desk Based Assessment;
- Transport Statement;
- Utilities Note;
- Flood Risk Assessment;
- Ecological Assessment;
- Phase 1 Contamination Assessment;
- Energy Statement;
2.3 The proposal includes creating a new access from the A142 to serve the proposal and the existing farm business. This access was approved under planning permission ref: 17/00832/FUL. The access was approved to serve the existing farm business and was only assessed in this capacity. The existing access is proposed to be permanently closed for all vehicles as part of this application.

2.4 In summary the proposed development would comprise:

- Retention and conversion of the existing farm office (approved under Ref: 13/00234/FUL);
- Demolition of two farm buildings;
- Erection of four new buildings comprising kiosk and retail units;
- Access from the west via the approved new access from the A142 (as described above in paragraph 2.4);
- New parking area with space for 75no. cars and 40no. cycles;
- Hardstanding, service yards and bin stores;
- New balancing pond/water feature to the south west;
- Landscaping, children’s play area and associated infrastructure.

2.5 In terms of the proposed site layout, the eastern half of the proposed development broadly comprises a parking area and the children’s play area to the south east, and retail units to the north east with service yards behind. The western half comprises retained green space for events and overspill parking, and the new balancing pond to the south west.

2.6 The application is being considered by the Planning Committee because it would involve over 1000sq.m of new development.

2.7 The Retail Impact Assessment has been assessed by WYG Group, an independent retail consultant, on behalf of the Council. There have been several amendments to the retail impact assessment and the proposed uses, during the course of this application, and we have been working pro-actively with both the applicants and the agent in order to achieve a positive outcome, which is now being presented before Members.

2.8 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link [http://pa.eastcambs.gov.uk/online-applications/](http://pa.eastcambs.gov.uk/online-applications/). Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

3.0 **PLANNING HISTORY**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Date</th>
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<tbody>
<tr>
<td>13/00234/FUL</td>
<td>Demolition of derelict storage building and replacement with new farm office building.</td>
<td>Approved June 2013</td>
</tr>
<tr>
<td>16/01526/FUL</td>
<td>Creation of new farm access with service roads and closure of existing farm</td>
<td>Refused March 2017</td>
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**4.0 THE SITE AND ITS ENVIRONMENT**

**4.1** The site is located 1km to the South East of Stuntney and 3.5km South East of Ely city centre, along the Soham Road (A142). The site is situated outside of the development boundary of Stuntney, in the open countryside. The site is occupied by Harlock’s Farm and is currently in agricultural use. The 4.13ha site comprises the southwestern part of Harlock’s Farm. It is located to the North West of Harlock’s Farmhouse (2-storey) which is set back from Soham Road and has its own access. Access to the site is currently via the A142 and runs along the eastern boundary to the farmyard. The A142 links Ely to the North West with Soham and Newmarket to the South East.

**4.2** The site currently comprises:

- Part of a larger arable field to the West;
- A tree belt and ditch running through the centre of the site;
- An area of mown amenity grassland to the south-east; and
- Four agricultural barns of varying sizes and construction materials to the north east set around a concrete yard. There is also a small control cabin further beyond for large vehicles to check in when visiting the farm.

**4.3** Further beyond the site, there are a pair of semi-detached properties opposite the site, which is within the ownership of the applicant and are occupied. Barcham Trees Ltd are located further south along the A142, along with other semi-detached cottages, also within the ownership of the applicant.

**4.4** The development site is separated by two adjoining fields from The Old Hall, a restored Jacobean manor house (also within the Estate’s ownership) which operates as an events and wedding venue with high level accommodation and outstanding views towards Ely Cathedral. The Old Hall is not a listed building but is a grand feature within the wider landscape.

**4.5** The site is 600m to the south east of Stuntney and the nearest bus stop, equivalent to a five minute walk. The site is linked on the opposite side of the road to the site 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 across the A142.

**4.6** The site lies within Flood Zone 1.

**5.0 RESPONSES FROM CONSULTEEES**

**5.1** Responses were received from the following consultees and these are summarised below. The full responses are available on the Council’s web site.
5.2 Ward Councillors - No Comments Received

5.3 Cambridgeshire Fire And Rescue Service – No objection subject to condition relating to fire hydrants.

5.4 Cambridgeshire Archaeology – No objection subject to a condition requiring a programme of archaeological work in accordance with a written scheme of investigation (WSI). This would be a pre-commencement condition.

5.5 Local Highways Authority & CCC Transport Assessment Team –

After a review of the amended drawings I have no further objections subject to the following informatives and conditions being attached to any permissions the planning authority is minded to grant.

Additional Comments

CCC Transport Assessment team have confirmed that the ghost right turn facility as proposed is adequate in length to accommodate the estimated vehicle numbers to this site.

The application submission has a Road Safety Audit (RSA) completed by a third party which is not accepted or recognised by the highways authority as any RSA must be completed by the highways authority as we are responsible for the highway and the safety of the public. However the proposed new junction arrangement underwent a Stage 1 Road Safety Audited/Review completed by CCC during previously approved application 17/000832/FUL. Therefore we do not require a new one for this application as the layout has not be altered to a significant degree that would warrant a new Stage 1 Audit. However a Stage 2 Road Safety Audit will be required prior to its construction, as per CCC Standard, which will need to be completed by CCC at the applicant’s expense.

Recommended conditions:

HW7A – Prior to first use the vehicle access points with the A142 and Harlocks Farm will be reinstated as highway verge as per approved drawing numbers 1690-02 Rev E and 1690-01 Rev C and be to CCC specifications
HW11A – The new junction and road layout must be constructed as per approved drawing number 1690-03 Rev B and be constructed to CCC specifications
HW18A – Visibility splays must be as per approved drawing 1690-03 Rev B and held in perpetuity
HW22A – No private surface water shall be permitted to be discharged on to public highway

5.6 CCC Growth & Development - No Comments Received

5.7 Lead Local Flood Authority – No objection subject to a condition relating to surface water drainage.
5.8 **ECDC Trees Officer** – No objection subject to conditions relating to tree protection, soft and hard landscaping details and soft landscaping maintenance plan. Also a condition relating to the hedge along the frontage of the site to ensure this is enhanced and continues to provide ecological benefits.

5.9 **Conservation Officer** - No objections.

5.10 **Environmental Health**

Due to the proposed number of units and the proximity of existing residential properties I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

- **07:30 – 18:00** each day Monday – Friday
- **07:30 – 13:00** on Saturdays and
- None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc.) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

From looking at the plans I could not identify any external lighting in the car park or indeed anywhere on site but there is mention of it on page 39 of the Design and Access Statement. It states here that details of lighting will be provided at a later date and so for this reason I would advise a condition which stipulates no external lighting to be installed without prior approval from the LPA.

There is a wide range of listed potential occupiers of the retail units on site. As these elements are not confirmed at present I would request a condition for there to be no external plant installed without prior approval from the LPA. This is in order to assess potential impact on residential amenity of nearby residents.

The hours of opening listed in Section 19 of the Application Form are 07:00-19:00 Monday to Saturday and 08:00 to 17:00 on Sundays and Bank Holidays. Taking in consideration the location I have no issues to raise with this but I would request that there be a condition stipulating that deliveries take place during opening hours.

You have advised me that the green space to the left of the front of the proposed site is to be used as a ‘seasonal event space’ as well as café seating. I have no issues with this (in principle) but I would wish to discourage the use of amplified music in this location as it is the closest part of the site to existing residential dwellings on the opposite side of the road. We can look to achieve this by either requesting from the applicant a noise management plan whilst also looking to limit the amount of events to be held in a calendar year or if there is no intention to use amplified music on this part of the site we could look to adding a condition which prevents it.
5.11 **Economic Development (Tourism)** – No objection. The proposal has the potential to attract new audiences which will add to the tourism offer for Ely and the surrounding area. I therefore support this application.

5.12 **Waste Strategy (ECDC)** - No Comments Received.

5.13 **Anglian Water Services Ltd** - No Comments Received

5.14 **Environment Agency** – No comments received.

5.15 **National Grid (Cadent)** – No objection.

5.16 **Cambs Wildlife Trust** – No objection subject to conditions relating to site clearance outside of the bird nesting season, any lighting scheme designated to minimise light spill (as in paragraph 7.2 in the Ecological Assessment). Additional check for Water Voles in the ditch prior to commencement of development and mitigation measures if any are found. Bird and bat boxes to be provided, inclusion of native plants within the landscaping and creation of new semi-natural grassland.

5.17 **City of Ely Council** – No objection subject to the nature of the units being restricted for artisan traders only.

5.18 **Design Out Crime Officers** – No objection.

5.19 **The Ely Group Of Internal Drainage Board** – No objection.

5.20 **East Cambridgeshire Access Group** – No objection. We welcome this development and the opportunity for employment available for all, so it gives jobs for those with disabilities.

5.21 **Retail Impact Consultant (WYG Group)** – 16 May 2019 – original proposal

This appraisal has been prepared by WYG in response to an instruction by ECDC to carry out an independent review of the retail planning policy aspects in respect of an application seeking full planning permission on land at Harlock’s Farm, Stuntney for:

“Demolition of existing buildings and the erection/conversion of buildings to provide 1,943sq m of A1, A3, A4, D1 and D2 uses, along with access, parking, children’s play area, landscaping, service yards and associated infrastructure”.

The proposal is variously described as ‘a combination of artisan and speciality shops, cafes and restaurant uses’, although the precise mix will not be known until the scheme is marketed and there is no reported link between the proposal and the host farm in terms of justification for its location in the countryside, outside any settlement or centre.

In accordance with our instructions from ECDC, the proposal has been considered in the context of the development plan for the area and other material planning policy considerations including the NPPF and NPPG and in the light of the
application submission, specifically the November 2018 RS and April Letter from LSH.

The site subject to this application lies in an out of town location and is not in accordance with an up to date development plan. Therefore, in line with local and national planning policy, to focus of our advice to LBC is on:

• the compliance of the proposed development with the sequential approach to site selection, including whether there are any more centrally located suitable or available sites or premises to accommodate the proposed development; and
• the impact of the proposal on nearby retail centres, taking into account the impact of the proposal on planned investment and the vitality and viability of these centres.

The Sequential Approach to Site Selection

Having carefully appraised relevant potential sequential sites, in consultation with planning officers at the Council, we have found that none are suitable or available for accommodating the proposed development even on a flexible basis, save for that part of Paradise Area, Ely which is noted to be available in the short term.

Further evidence is required to demonstrate that the proposed development might not reasonably be accommodated on this site taking that part of the site proposed for the retail units and car park only as the starting site size.

Retail Impact

We have carefully considered the proposal against the impact tests set out in the NPPF. Looking at the two elements of the impact test, in respect of test 1 we are content that there is no investment sufficiently advanced to be considered under this criterion. Turning to test 2, impact on vitality and viability of existing centres, we have several reservations about the LSH assessment that, taken together, means that impact on existing centres has been underestimated by LSH.

In the absence of further evidence and/or an updated assessment to address these reservations, in our view, there is sufficient doubt about the conclusions drawn by LSH to suggest that the underestimated impact on the vitality and viability could reach significant adverse levels on Soham Town Centre and that there is a risk that operators (retail and non-retail) could locate at Harlock’s Farm at the expense of opportunities in existing centres with detrimental effects on their health.

The use of conditions has been considered to see if a suite of conditions could be formulated to ensure that the proposed ‘combination of artisan and speciality shops, cafes and restaurant uses’ could be sufficiently controlled to ensure impacts levels remain at levels below significant adverse and provide the justification for location of the proposal at the site in open countryside/functional link to the host farm. The conditions suggested by LSH are not sufficient to control the eventual operation of the scheme in our view.

Notwithstanding the reservations raised in this report which means that impacts on existing centres have been underestimated by LSH and the potential for this to reach significant adverse impact levels even if it traded as the high-end artisan
visitor destination proposed, we have suggested some additional conditions to limit the convenience goods offer to a farm shop/locally sourced produce only and the comparison goods offer to artisan meaning every unit has to include an element of on-site craftsmanship. And further conditions to limit the type of uses within the 'leisure' use classes are also suggested.

Conclusions

In the absence of additional evidence/assessment, there is sufficient doubt to suggest that impacts on existing centres might reach significant adverse levels and so the proposal should be refused.

5.22 Comments Following response from the agent – 8th July 2019

With the additional information provided by LSH in the RAA we are content that the sequential approach to site selection has been passed. However, reservations remain in terms of the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centres of Soham and Littleport. We believe that LSH have presented an ambitious, dispersed trade draw pattern which relies on significant amount (40%) being drawn from beyond the catchment and overestimated the amounts from (remote) out-of-centre locations at odds with the normal ‘like competes with like’ (and distance arguments). These factors mean that impacts on centres within the catchment have the real potential to have been underestimated by LSH.

Nevertheless, even if the RAA impact levels are accepted, when combined with committed schemes, the cumulative impact levels are high, as even LSH accept. These high impacts have the potential to give rise to significant adverse effects on Soham and Littleport Town Centres in our view.

Coupled with this conclusion, LSH has rejected the suggested conditions which seek to ensure a scheme trades in line with the promoted concept and assists with justifying the grant of planning permission for this amount of retail floor space in the open countryside. The alternative conditions LSH have suggested will not be effective in our view given the specifics of this case and will need to be time limited in order to meet the necessary tests for conditions.

In the light of the above, our conclusion set out in the May 2019 WYG Appraisal remains unchanged i.e. there is sufficient doubt to suggest that impacts on existing centres is likely to reach significant adverse levels and so the proposal should be refused.

Additional comments – 9 March 2020

The suggested conditions seek to ensure that the proposed development trades in line with the concept presented in the application and in line with how the scheme has been assessed by LSH (applicant’s retail consultant). As the same time, they seek to meet the six tests set out in the NPPF.

Please see Appendix 2 for the full response.
5.23 **Council’s Scientific Officer** – No objection. Phase 1 Geo-Environmental Desk Study Report, dated 22nd November 2018 is acceptable. Recommend standard condition 4 (unexpected contamination) is attached to any grant of permission.

5.24 Neighbours – 5 neighbouring properties were notified, no responses were received. A site notice was posted on 22nd January 2019 and notification was published in the Cambridge Evening News.

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

| GROWTH 1 | Levels of housing, employment and retail growth |
| GROWTH 2 | Locational strategy |
| GROWTH 4 | Delivery of growth |
| GROWTH 5 | Presumption in favour of sustainable development |
| EMP 3  | New employment development in the countryside |
| EMP 4  | Re-use and replacement of existing buildings in the countryside |
| EMP 7  | Tourist facilities and visitor attractions |
| ENV 1  | Landscape and settlement character |
| ENV 2  | Design |
| ENV 3  | Shop fronts and advertisements |
| ENV 4  | Energy efficiency and renewable energy in construction |
| ENV 7  | Biodiversity and geology |
| ENV 8  | Flood Risk |
| ENV 9  | Pollution |
| ENV 14 | Sites of archaeological interest |
| COM 1  | Location of retail and town centre uses |
| COM 7  | Transport impact |
| COM 8  | Parking provision |

6.2 Supplementary Planning Documents

- Shop Fronts Design Guide
- Design Guide
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Flood and Water

6.3 National Planning Policy Framework 2019

- Achieving sustainable development
- Decision-making
- Building a strong competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge if climate change, flooding and coastal change
6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are:

- Principle of Development;
- Design and Layout;
- Impact on the visual amenity of the area;
- Impact on the landscape character of the area;
- Impact on highway safety and parking provision;
- Impact on residential amenity;
- Flooding and Drainage;
- Impact on Archaeology;
- Impact on Ecology;
- Planning Balance.

7.1 Principle of Development

7.2 The site is located outside the established development frameworks for Ely and Stuntney and forms part of the wider holding currently operated by Harlock’s Farm. Policy Growth 2 of the Local Plan, 2015, seeks to focus development in the market towns of Ely, Soham and Littleport but acknowledges that development can be permitted in the countryside where it meets one of the defined exceptions. These include small-scale employment development and tourism related development. This proposal would be the first of its type within the District and would operate in a unique way to other mixed use sites in the area.

7.3 Due to the nature of the proposal, the development does not fall comfortably within one specific policy in the Local Plan, therefore the proposal would need to be assessed against a number of different policies and cross-overs of certain criteria between policies. The relevant policies are EMP3, EMP4, EMP7, and COM1.

7.4 Policy EMP3 of the Local Plan, 2015, supports new development for small-scale businesses (B1, B2 and B8 uses) in the countryside where:

- There is a lack of suitable buildings and sites within the settlement.
- There is a lack of suitable buildings to re-use or replace in the countryside close to the settlement (in accordance with Policy EMP 4).
- The proposal would not have an adverse impact on the character and appearance of the area, the amenity of neighbouring occupiers, or result in a significant increase in traffic; and
- The site can be easily accessed by foot or cycle from the settlement.

7.5 The proposal would include a micro-brewery which would fall under a sui-generis use within the mixed use scheme and would comprise a small element of the overall proposal. However, as this development proposes a unique mix of business and
leisure uses, it is important to consider the above policy in relation to the other Local Plan policies which are also relevant in the determination of this application.

7.6 Policy EMP4 of the Local Plan, 2015 supports the re-use and replacement of existing buildings in the countryside where:

- It can be demonstrated that the building is of permanent and substantial construction;
- The form, bulk and design of the building is of visual merit, architectural merit or historic significance, and it in general keeping with its surroundings;
- The proposal would not have an adverse impact on the character and appearance of the building or the locality;
- The proposal would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated; and
- Other Local Plan policies relating to specific uses are met.

The replacement of existing buildings in the countryside (for the same uses) will only be permitted where it would result in a more acceptable and sustainable development than would be achieved through conversion. In addition, bullets 1 and 5 above should also be satisfied.

7.7 The proposal includes the re-use of the existing single storey office building which would be converted into a unit outlet and WCs. This building is relatively new and was granted planning permission under Ref: 13/00234/FUL. The other existing barn structures on the site would be demolished and replaced with new buildings. Whilst the policy is more favourable towards conversion of existing buildings in the countryside, rather than demolition, the buildings would not be suitable for conversion due to practical and sustainability reasons. The existing structures are also of a scale which would not adapt well into individual units, and would therefore not result in a comprehensive or sustainable development, that is fit for purpose.

The visual appearance of the new buildings will be assessed in more detail further on in this report. However, in terms of their general form, bulk and design, the approach reflects and respects the agricultural character of the site and includes materials which can already be seen on the site (brick and timber) and would assimilate well with their surroundings, within and beyond the site. Further analysis of the materials will also be explained in later paragraphs in this report.

7.8 The proposal would generate more traffic due to the nature of the proposal, and a car park for 75 cars and 40 cycle spaces would be provided. The new access would also serve as an access for the existing farm and it is proposed to permanently close the existing access, to the north of the site, which has severely restricted visibility. The new access would be constructed to County Council standards and would be an improvement on the existing access which currently serves the site. Therefore all traffic, including farm traffic, would be via the new access. Further analysis of these impacts on highway safety and visual amenity will also be explained in greater detail in this report. However, it is considered that the proposal would not have a significant adverse impact on the area in terms of the traffic generated as a result of this proposal.
Policy EMP7 of the Local Plan, 2015 relates to tourist facilities and visitor attractions and supports new or extended facilities or attractions where it can be demonstrated that:

- There is an identified need to create new facilities or to expand or improve existing visitor attractions and facilities to ensure their continued viability;
- The proposal is of an appropriate scale and nature relative to its location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount and nature of traffic generated;
- The character and appearance of the area and natural assets would be maintained and enhanced;
- The proposal maximises opportunities for sustainable travel including walking, cycling and public transport; and
- Opportunities to reuse existing buildings have been explored.

The proposal would be a unique facility and the first of its type in the District, which could also attract tourists. It would therefore not be an expansion of an existing visitor attraction or facility and would be a new facility. The Council’s Tourism Officer considers that the facility has the potential to attract new audiences which will add to the tourism offer for Ely and the surrounding area, and the proposal is therefore supported.

The applicant considers that this proposal would complement the Barcham Trees development, which is situated further South of the site, and has planning permission for a new arboretum and visitor facilities under Ref: 17/01128/FUM. This approval includes a relatively large element of retail (A1) use (2099sqm internal floor space and 4211sqm external floor space), considerably more than the retail floor space proposed as part of this application. It is considered that this facility is not linked to Harlock’s Farm and is completely different in terms of the services offered from the site. Barcham Trees is also a very specific genre compared with this proposal, likely to attract a niche market rather than general visitors/tourists, and therefore it would be difficult to argue that the proposal would complement Barcham Trees as there are significant differences between the two businesses. Nevertheless, there is another visitor attraction in close proximity to the application site, and therefore the principle of another visitor attraction in this location has the potential to be successful. Furthermore, even though the proposal is located outside of the settlements of Ely and Stuntney, it is considered that the site is accessible by sustainable modes of transport such as cycling, walking and by public transport from both settlements. Stuntney is within 600m of the site and is served by a bus service. The bus stop is situated within the village, along Soham Road, 400m from the proposed access. A pedestrian refuse island would be provided on the A142 as part of the proposed development, with good visibility available in both directions in order to ensure that pedestrians walking to the site can cross safely to enter the development. Footpaths would also be provided along the site’s access for those walking or cycling to the site. It is also expected that the proposal would attract visitors from further away, from inside and outside of the District, which would arrive by car. It is considered that the site is accessible by cyclists from Ely, especially now that the new bypass is in use and opens up the opportunity for visitors to cycle to the site, from the North.
7.12 It is therefore considered that the proposed development would not have an adverse impact in terms of the amount of traffic generated and is acceptable.

7.13 The reuse of existing buildings is also supported by this policy, subject to their character and appearance and impact on the surrounding area, which is addressed in more detail in this report.

7.14 Policy COM1 of the Local Plan, 2015, states that outside the town centres of Ely, Soham and Littleport, proposals for retail and ‘town centre uses’ may be permitted where:

- The sequential approach has been followed and there are no suitable sequentially preferable sites available;
- The site is suitable for the proposed use and the building form and design is appropriate in the local context;
- The scale and type of development is directly related to the role and function of the centre or its locality, in accordance with the hierarchy in Policy Growth 2;
- For retail development of 280m² net floor space or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on other centres, as demonstrated in a Retail Impact Assessment;
- The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and
- The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.

7.15 In accordance with Policy COM1, the applicant has submitted a Retail Impact Assessment which has been assessed by the Council's independent retail consultant, WYG Group. Their responses are reflected in paragraph 5.21. Detailed discussions between Officers, the retail consultant, the applicant and the agent have taken place over several months in response to the Council's retail consultant’s comments in order to overcome their concerns relating to the impact of the proposal on the vitality and viability of the Local town centres. As this would be a unique facility, and the first in the District, a careful approach was taken to ensure that the local centres of Ely, Soham and Littleport would not be adversely affected, and remain resilient. It is acknowledged that the retail sector, particularly High Street shopping, is changing and people's shopping behaviours are shifting with the increased presence and convenience of online shopping. The impact of this has not gone unnoticed within our District's Local Centres, particularly Ely's High Street. It is with this in mind that Officers have worked diligently to protect these local centres, given the current retail climate.

7.16 The Council’s retail consultant (WYG) has advised that the proposal passes the sequential test, as required by Policy COM1, and the applicant has demonstrated that there are no other suitable sites available within the current settlements. The proposal should also have a tangible link to the existing farm, in order to justify new mixed use developments in the open countryside, where Local Plan policies, and the NPPF, usually restricts retail and leisure development. The applicants came forward to justify the proposal so that the LPA had a better understanding of why they have submitted the proposal and how the proposal would function. The
applicants are requiring a way to diversify their existing agricultural business and have aspirations to offer a service that would complement their existing wedding/event venue business, which operates from the Old Hall, situated about 400m to the North of the application site, as well as offering a unique artisan shopping and leisure experience for visitors, locally and beyond, that would be different to the services that are already on offer within the local centres/High Streets. Further complementary services include those such as a Day Spa/Beauty Salon (to facilitate potential ‘hen do’/pre-wedding events), and a bridal wear shop. The other uses would involve a deli and café/restaurant which is intended to be run by the applicants themselves, using the produce from their farm, and a micro-brewery which would provide a unique drinking establishment and visitor attraction.

7.17 The proposed scale and type of the development would be directly related to the role and function of Harlock’s Farm by virtue of using produce from the farm for purchase and/or consumption from the units, and as such complies with criterion 3 of the Policy.

7.18 The applicant’s aspirations of the development of this site were important to the LPA because the Council’s independent retail consultant questioned how the proposal would offer a unique ‘artisan’ experience within the use classes that are being proposed, different to the ‘High Street’ experience and to secure a connection with Harlock’s Farm itself. If planning permission is granted, there would be conditions attached that would restrict the retail and leisure uses which are as shown in conditions 25 – 32 on Appendix 1 attached to this report. These conditions are considered sufficient to make the development acceptable and to ensure that the local centres of Ely, Littleport and Soham are safeguarded. The proposed development is therefore considered to comply with Policy COM1 of the Local Plan, and is acceptable in principle. Further analysis of the other policy criteria are addressed in later sections of this report.

7.19 Residential Amenity

7.20 Policies ENV2 and COM1 of the East Cambridgeshire Local Plan, 2015, requires all new developments to ensure that there is no significantly detrimental effects on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.21 The site is situated close to 5 dwellings. Harlock’s Farm House is located immediately to the South (applicant’s dwelling). Meadow View and Dairy Ground Cottages are a pair of semi-detached dwellings, located across the A142, to the West of the site. There is also another pair of semi-detached cottages located further South (Hill View Cottage and Ovieto). The site is otherwise surrounded by fields. Due North, towards Ely, is the Old Hall B&B and wedding/events venue.

7.22 The proposed development would result in the site becoming more intensified, due to the use of the site changing from predominantly agricultural, to a mixed use site. The agricultural use would still remain active and the proposed access would serve this function in addition to the proposed development. The existing access to the farm is near the Farmhouse (Harlock’s Farm House). This would be permanently closed as part of the proposal and would result in a reduction in traffic movements close to Harlock’s Farm House, which is considered to be an improvement and
acceptable in terms of minimising noise impact to those neighbours. A condition is recommended to require the closure of the existing access (condition 15). The new access would be located further north of the site so all traffic would be diverted away from the surrounding dwellings, reducing vehicle movements, and therefore it is considered that the impact on residential amenity is acceptable, in this respect.

7.23 The existing farm office, a single storey building, granted under Ref: 13/00234/FUL, would remain and converted into WCs and a separate unit. Four new buildings would be erected on the site, following demolition of two existing agricultural buildings. The design/scale of these new buildings would reflect the agricultural barns that currently occupy the site. The buildings would be situated far enough away not to impact significantly on neighbouring dwellings, in terms of their scale and massing. None of the proposed buildings would be situated closer to Harlock’s Farm House than the current buildings, or to any of the surrounding dwellings. They would be contained within the current compound of barns, albeit on a slightly different footprint. The service yard areas would then wrap around the buildings and would be enclosed by fences. It is considered that the proposed built form would not have a significant impact on residential amenity.

7.24 The proposed children’s play area would be located at the southernmost end of the site, near the car parking area, and behind Harlock’s Farm House. There is some amount of soft landscaping along this boundary and an outbuilding along the rear boundary of the dwelling, which would help to mitigate against any noise and disturbance. The play area is relatively small and it is unlikely that noise from this facility would have a significant impact on the amenity of Harlock’s Farm House. Conditions are recommended to require that the soft landscaping scheme is adequate to help mitigate against noise and disturbance and assimilate it within their surroundings, and requesting details of the play equipment to be submitted.

7.25 The proposed car park would be to the front of the site, opposite the proposed barns, and adjacent to the A142, which is a single carriage way. There would be some car parking spaces close to Harlock’s Farm House, the nearest car parking space would be 30m from the house, and this would be interspersed by a single storey outbuilding along the northern boundary of the site. It is considered that the car parking area would not have a significant impact on residential amenity in terms of noise and disturbance, particularly as the house is closer to the A142, which already carries a lot of traffic.

7.26 Conditions are recommended to restrict construction and delivery hours. The Environmental Health Officer advised that the standard times would be acceptable (07:30 – 18:00 Monday to Friday and 07:30 – 13:00 on Saturdays and none of Sunday or Public and Bank Holidays). In terms of opening hours, the applicants have requested earlier hours than those advised by the Environmental Health Officer (07:00 – 19:00 Mondays to Saturdays and 08:00 – 17:00 on Sundays and Public/Bank Holidays). The applicant is seeking that deliveries tie-in with these times and had suggested opening hours of 06:30 -19:00 Monday to Saturday and 07:00 – 17:00 on Sundays and Public/Bank Holidays. The Environmental Health Officer has agreed to these hours and highlights that planning permission does not confer immunity from action under statutory nuisance, either by the Local Authority or a private individual. Furthermore, delivery traffic would be further North of the site and away from Harlock’s farm House and the cottages nearby. It is considered
that the opening hours are acceptable and would not have a significant impact on residential amenity.

7.27 The proposed development also includes a grassed area to the north where it is intended to hold outdoor events. This area would be close to the village of Stuntney where potential impacts of noise and disturbance could be possible, and due to the openness of the surrounding countryside where noise can travel easily. In order to minimise the impact a condition has been recommended to restrict the use of amplified music, and for an acoustic management plan to be submitted to the LPA for prior approval.

7.28 It is considered that the proposed development would not have a significant impact on residential amenity and complies with Policies ENV2 and COM1 of the East Cambridgeshire Local Plan, 2015.

7.29 **Landscape and Tree Impact and Visual Amenity**

7.30 Policy ENV1 of the East Cambridgeshire Local Plan, 2015, requires development proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve and where possible, enhance:

- The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal;
- The settlement edge, space between settlements, and their wider landscape setting;
- Visually sensitive natural and man-made skylines, hillsides and geological features;
- Key views into and out of settlements; this includes quintessential views of Ely Cathedral and the setting of the City as a historic ‘Isle’ settlement close to the fen edge and the valley of the River Great Ouse.

7.31 Policies COM1, EMP3, EMP4 and EMP7 of the Local Plan all refer to the impact on visual amenity and ensuring that the new proposals respect the character and appearance of the area. It is considered that the proposal would introduce a built form that would be in keeping, and in scale, with the rural character of the area and therefore complying with these policy criteria.

7.32 The proposed development would introduce four new buildings within the site, located within the countryside. The surrounding area is rural in character, with long distance views across open fields. Whilst the site is relatively flat, the approach to the site, from Ely, along the A142, rises gently, particularly the approach to The Old Hall. The land then levels out after this near the site. There is a significant Oak tree which is situated on the West boundary of the site, and is a distinctive feature in the wider landscape. This tree is also protected by a Tree Protection Order. It is prominent and adds to the landscape character of the area. This tree is to be retained and a condition requiring tree protection measures is recommended.
There are also other younger Oak trees along the other side of the A142 which also add to the overall landscape character of the area. There is also a significant tree band along the northern edge of the site which helps to screen the agricultural buildings from public views. The landscape character also includes hedgerows and smaller group of trees which divide the landscape around the site. The Harlock’s Farm estate is currently occupied by a range of agricultural buildings on the site. These buildings are typical concrete and metal frame with a metal roof. The single storey outbuilding nearest the A142, is black timber clad with a pantile roof. The farm office is a brick plinth single storey building, with black timber cladding under a light pantile roof. The surroundings dwellings are brick and render under plain tiles.

7.33 A Landscape Visual Impact Assessment (LVIA), Arboricultural Report, and a Landscape Masterplan have been submitted as part of the application. The Council’s Tree Officer has made comments in relation to the tree impacts but advises that a Landscape Consultant should review the LVIA as this falls outside of his scope of expertise. The Tree Officer raises no objections to the submitted Arboricultural report, subject to conditions. After reviewing the proposal, the case officer considered that an independent landscape consultant was not necessary for this proposal as there is sufficient information and understanding of the existing environment and proposal which could be dealt with by the Officer, and that the landscape impacts would not be significant as a result of the proposed development.

7.34 The LVIA states in its conclusion:

“The assessment of landscape effects concluded that although there will be some short term adverse effects during the construction phase, the significance of the landscape effects of the Proposed development at completion will be Slight Adverse. The extent of the built form has not increased; the mature Oak tree and hedgerow on Soham Road which provide a mature landscape setting to the Site’s frontage and maintains the rural character of the Site are retained; and the significant increase in the level of established vegetation throughout the development, will provide new semi natural habitats and increase ecological diversity. Although there will be changes to the landscape at the site level, the effects of the proposed development on the wider landscape character Area of the Fens will be limited. In the long term the proposed development will provide a Negligible effect to the landscape resource and landscape character of the Fens.

The assessment of visual effects concluded that although there will be some temporary adverse effects during the construction phase, the significance of the visual effects of the Proposed development at completion are considered to range from Moderate Adverse to Negligible on views and visual amenity. The most significant effects occur for a short distance, in close proximity to the Site, along Soham Road. Once the landscape mitigation proposals have matured, the long-term visual effects will reduce and are considered to range from Slight Adverse Effect to Minor Beneficial on views and visual amenity.

In conclusion, the proposed development has been designed to be well-integrated into the Fen landscape which surrounds the site; the treatment of the Site boundaries, particularly the north western boundary to the new access road from
Soham Road and the retention of the mature Oak tree are key to improving the quality of the transition.”

7.35 The new buildings would be highly visible within the landscape, due to the openness of the surrounding area, particularly from the North, coming from Ely, once you pass The Old Hall. The existing buildings to be demolished range from 5.3m to 7.6m in height. Proposed building 1, as shown on drawing 17043/P-015, would be the most prominent building from the A142, from Ely. This building would be 8m in height, 24m in length and 12.5m in depth. Building 2 would be 7m in height, 46.5m in length and 18.5m in depth. Building 3 would be a small kiosk, situated to the rear of the courtyard, in-between buildings 2 and 4. This is a single storey structure with a hipped roof and a cupola. This building would be 5.4m in height, 9m in length and 4m in depth. Building 4 would be 7.3m in height, 40.5m in length, 18.5m in depth. These buildings would all be single storey, although they would be comparable to two storey in height. Building 5 would be the existing farm office which would not require any external alterations and would be converted under this proposal.

7.36 The existing tree band along the northern end of the site, would help to screen these buildings from public views. The proposed tree planting along the new access would also help to further screen and break up the views across the open countryside. However, it is considered that the height of the buildings would not be significantly higher than the buildings to be demolished and would be a similar height of a typical two storey dwelling, although their massing and bulk would be greater than a domestic property. The buildings would be set back from the road, reducing their visual landscape impact further, and appearing as a cluster of buildings within the existing compound. It is considered that the mass and bulk of the proposed design reflects the historic agricultural buildings of the farm holding, whilst respecting the surrounding residential dwellings, and as such is appropriate for its countryside setting. The design cue of the buildings are taken from its agricultural connection, replicating a farmyard and barn style approach to ensure that they are in keeping. The materials would reflect the existing farm office that would be retained, and the plans indicate that an element of glazing would also be incorporated to maximise light into the buildings and break up the solid forms and inject some modernism against the traditional scale and style of the buildings.

7.37 The submitted Landscape Masterplan outlines the main landscaping features that would be included as part of this proposal. There would be a mix of hard and soft landscaping features, some of the existing features such as the hedgerow along the frontage of the site will be retained, as well as the Oak tree, and the tree group to the northern side of the site. New soft landscaping features would include a proposed pond close to the entrance road with a meadow around it, the children’s play area, new hedgerow along the frontage and across the existing access (deeming it permanently closed), additional trees and low-level planting among the car parking area to soften the edge with the A142, new trees along the new access way and around the Children’s play area. The Masterplan also indicates some play equipment on the play area, details of which is secured by a planning condition. These landscaping enhancement proposals intend to improve the overall site’s landscaping features to help assimilate the development into the wider area. These details would be secured by a planning condition requiring further details.
7.38 It is therefore considered that the proposed development would not have a significant adverse impact on any trees or the wider landscape setting or the visual amenity of the area, and complies with Policies ENV1, COM1, EMP3, EMP4 and EMP7 of the East Cambridgeshire Local Plan, 2015.

7.39 **Highway Safety and Parking Provision**

7.40 Policy COM7 of the East Cambridgeshire Local Plan, 2015 requires all new developments to:

- Provide a safe and convenient access to the highway network;
- Provide a comprehensive network of routes giving priority for walking and cycling;
- Accommodate the efficient delivery of goods, supplies and services;
- Be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality;
- Be accompanied by a Transport Assessment. The coverage and detail of this should reflect the scale of the development and the extent of the transport implications.

7.41 The application is accompanied by a full Transport Assessment. The proposal includes a new access, to the north of the site, and to permanently close the existing access. The new access was subject of a previous application, under Ref: 17/00832/FUL, approved in July 2017. This application was to provide access to the farm only. The details of the proposed access is as approved under the 2017 application and is still extant. At the time of writing a discharge of condition application has been submitted to discharge the conditions of that permission. The Transport Assessment finds:

- The stretch of the A142 adjacent to the Site is a single carriageway road, with a speed limit of 50mph;
- Visibility in both directions from the existing access is considered to be significantly below acceptable levels and thus gives rise to safety concerns. To improve the existing vehicular access to the site and overcome existing safety concerns, permission 17/00832/FUL was granted for the closing off of the existing site access and provision of a new ghost island access junction further to the west, with radii and tapers suitable to take articulated vehicles;
- This approved access will provide access to the proposed development from the west, and provide a new access to the farm holding to the rear;
- The existing Harlock’s Farm access will be closed off prior to the first occupation of the new development.

7.42 In terms of the site’s sustainable connections:

- The closest bus stops to the site are located on Soham Road, Stuntney, with hourly services between Cambridge and Ely. These stops are located approximately 400m from the revised site access onto the A142, equivalent to a five minute walk;
• The closest railway station is Ely, approximately 2.5km from the revised site access;
• There is an existing pedestrian link along the A142 from Stuntney to the site, on the opposite side of the road which would allow staff and customers from within the 2km walking distance to walk to the site. A new pedestrian crossing of the A142 is to be provided as part of the revised site access junction works, linking the footpath to the proposal area.

7.43 In terms of traffic generation, the Transport Assessment finds:

• The proposed use would be expected to generate 409 vehicular movements in a day, along with 12 pedestrian and 10 cyclist movements;
• Vehicular generation at peak times is expected to be low and it is not considered that the proposed development would have any significant impact upon the wider transport network;
• It is anticipated that staff at the development would generally be locally based, 74.5% are expected to arrive at the site by car. It is anticipated that relatively few customer trips would be made by foot, but the site does lie within a 5km cycle distance of both Ely and much of Soham.

7.44 The County Council’s Transport Team have been consulted on the Transport Assessment and have raised no objection in terms of the proposal’s impact on the local and wider highway network. The Local Highways Authority also considered the proposed access details, which are the same as the approved scheme under Ref: 17/00832/FUL, and have raised no objections to it in terms of highway safety. The proposal would benefit from the existing footpath on the other side of the road and the pedestrian island proposed as part of the new access junction improvements, which would provide a safe crossing for pedestrians and cyclists. The site is accessible by bus from the bus stop in Stuntney village and close to Ely train station, and is walkable from Ely. The new access would also provide a safer and efficient route for delivery of goods, supplies and services to the site (including the existing farm holding). The proposed development is therefore considered to comply with the aims and objectives of Policy COM7 of the Local Plan.

7.45 Policy COM8 of the East Cambridgeshire Local Plan, 2015, requires all new development to provide adequate levels of car and cycle parking, and make provision for parking broadly in accordance with the Council’s car parking standards. The proposal would be for a mixed use scheme. The parking provision for this development would comprise 75 car parking spaces (incorporating 3 oversized spaces for vans), including 8 disabled spaces, 6 motorbike spaces and 40 cycle spaces (28 uncovered, 12 covered). An over-spill car parking area would also be provided, which would be an informal arrangement on the grassed area to the south of the site.

7.46 Maximum vehicle and minimum cycle parking standards relate to more traditional retail developments as opposed to farm shop complexes, and therefore parking accumulation has been used to anticipate estimate parking requirements for this development. The parking provision has been calculated based on the parking accumulation at the Gog Magog Farm Shop, a similar retail complex on the outskirts of Cambridge, which has a smaller number of parking spaces (41) than as is
proposed for this scheme due to a smaller floor space. Therefore, taking this as a basis from a similar sized development, the proposed parking provision for cars and cycles, plus the over-spill area, is considered to be acceptable and complies with Policy COM 8 of the East Cambridgeshire Local Plan, 2015.

7.47 It is therefore considered that the proposed development would comply with Policies COM7 and COM8 of the East Cambridgeshire Local Plan, 2015.

7.48 **Ecology**

7.49 Policy ENV7 of the East Cambridgeshire Local Plan, 2015, requires all development proposals to:

- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds;
- Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of the development proposals.

7.50 Paragraph 175 of the NPPF also highlights the importance of new developments protecting, enhancing or recreating habitats and to achieve a measurable net gain in biodiversity.

7.51 The application is accompanied by an Ecological Assessment by Green Environmental Consultants which includes a Phase 1 habitat survey. A large part of the site, to the north, is currently agricultural fields/laid to grass, therefore it is considered that the ecological value of the site is low. The proposal would include a feature pond, located to the west side of the site, which would contribute towards creating a valuable habitat for wildlife. The survey concluded that there were no positive signs of protected species residence in the locality when surveyed. The ditch is poor quality for Water Voles. Great Crested Newts were not present in Spring 2018 and given the lack of ponds in the locality are unlikely to colonise in the near future. No signs of Badger activity were found within the site or on nearby land and there were three buildings on site that form part of the development, all assessed to be of negligible suitability for roosting bats.

7.52 The Ecological Assessment has been assessed by the Cambridgeshire Wildlife Trust. They have advised that they are satisfied with the conclusions that the proposals would have an unlikely impact on protected species, and the existing habitats on site are of limited interest. They agree with the recommendations in section 7.2 of the Ecological Assessment that any potential impacts, site clearance should be undertaken outside of the bird nesting season and any lighting scheme designed to minimise light spill. Also another check for water voles in the ditch should be carried out prior to commencement, and should water voles be found, appropriate mitigation put in place. Net biodiversity can also be achieved by the provision of bird and bat boxes, inclusion of native plants within landscaping, and
the creation of a new semi-natural grassland, which will be secured by a planning condition.

7.53 It is therefore considered that the proposed development complies with Policy ENV7 of the East Cambridgeshire Local Plan, 2015, and paragraph 175 of the NPPF.

7.54 Impact on Archaeology

7.55 Policy ENV14 of the East Cambridgeshire Local Plan, 2015 requires development proposals at or affecting all sites of known or potential archaeological interest to:

- Have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeology remains, heritage assets and their settings.
- Require the submission of an appropriate archaeological evaluation/assessment of significance by a suitably qualified person; and
- Not be permitted where the proposals would cause substantial harm to new or known nationally important sites, including Scheduled Ancient Monuments and their settings.

7.56 The application is accompanied by an Archaeological Desk based study. The County Archaeology Team have been consulted and have advised that the site lies in an area of archaeological potential consisting of Roman and Iron Age archaeology. They raise no objection to the proposed development subject to a condition requiring a Written Scheme of Investigation.

7.57 It is therefore considered that the proposed development complies with Policy ENV14 of the East Cambridgeshire Local Plan, 2015.

7.58 Flood Risk and Drainage

7.59 Policy ENV8 of the East Cambridgeshire Local Plan, 2015 requires all developments and re-developments to contribute to a reduction in an overall flood risk. The sequential test and exception test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1.

7.60 The site is located within Flood Zone 1. The application is accompanied by a Flood Risk Assessment (FRA) as the site is over 1ha (2.47 acres). The Environment Agency has been consulted and has no comments. The LLFA has assessed the FRA and has raised no objection subject to a condition requiring a surface water drainage scheme, based on the FRA, to be submitted, prior to the commencement of development.

7.61 In terms of foul water drainage, no comments have been received regarding this. However a condition is recommended to request foul water drainage details to be submitted and approved by the LPA.

7.62 It is therefore considered that the proposed development complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015.
7.63 **Planning Balance**

7.64 The proposed development would result in a retail and leisure use that would be the first of its type in the District and situated within the open countryside where development is normally restricted. However, Policy COM1 of the Local Plan, supports proposals for retail and ‘town centre uses’ outside the town centres of Ely, Soham and Littleport, provided the proposal meets the criteria of the policy. The proposal would offer and contribute a unique experience to all visitors and tourists visiting the area, whilst complementing the existing retail and leisure facilities within the local centres, and therefore boosting the local economy and tourism. Harlock’s Farm is needing to diversify to enable them to continue to operate their farm business viably and to support local businesses. The proposed development would be linked to Harlock’s Farm by virtue of supplying the retail and café/restaurant units with their produce, sourced from the Farm. The Retail Impact Assessment has been independently assessed by a retail consultant (WYG), who concluded that the sequential test has been passed and that the applicant has demonstrated that the proposal would not harm the vitality and viability of the Local Centres. The proposal description has also been amended to change the uses of the proposal to ensure that these are compatible in the open countryside.

7.65 The proposal would introduce new buildings in the countryside, however these are designed to be in-keeping with the rural location and wider landscape setting in accordance with policies ENV1, EMP3, EMP4, and EMP7 of the Local Plan. The substandard existing access would be closed and a new access created (including improvements to the junction) which would improve entrance and egress from the site and therefore improving accessibility and safety for all users, in accordance with Policy COM7 of the Local Plan, and parking provision is adequate in accordance with Policy COM8 of the Local Plan. The proposed development would not result in the significant harm to residential amenity as these would be mitigated through the overall design of the proposal and separation distances to any nearby dwellings, in accordance with Policy ENV2 of the Local Plan. The proposal would also provide the opportunity to enhance the natural environment including habitats (creating a new habitat), landscaping and trees, in accordance with Policies ENV7 of the Local Plan, 2015.

7.66 The application has demonstrated that the harm to the vitality and viability of the local centres would not be significant, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015 and Paragraph 89 of the NPPF, and conditions are recommended to ensure that the local centres will be protected from adverse harm.

7.67 It is therefore considered that the proposed development is acceptable and is recommended for APPROVAL.

8 **COSTS**

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as
appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case members’ attention is particularly drawn to the following points:

- The proposed development would broadly comply with Policies EMP3, EMP4, EMP7 and COM1 of the Local Plan and would not have a detrimental impact on the vitality and viability of the Local Centres of Ely, Littleport or Soham;
- The proposed development would not have a significant impact on the visual amenity or wider landscape setting of the area, in accordance with Policies ENV1 and ENV2 of the Local Plan;
- The proposed development would not have a significant impact on residential amenity, in accordance with Policy ENV2 of the Local Plan;
- The Local Highways Authority does not object on highway safety grounds, and it would provide a safer junction to serve the site, in accordance with Policy COM7 of the Local Plan.
- The proposal would allow enhancement of the natural environment and habitats, in accordance with Policies ENV1, ENV2, and ENV7 of the Local Plan.
- City of Ely’s Tourism Officer supports the proposed development as it would contribute towards and enhance the local tourism/visitor industry, and complement the local services in the locality, in accordance with Policy EMP7 of the Local Plan.

9 APPENDICES

9.1 Appendix 1 – Conditions
Appendix 2 – Council’s Retail Consultant’s response

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<th>Background Documents</th>
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<td>18/01793/FUM</td>
<td>Angela Briggs</td>
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<td></td>
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APPENDIX 1 - 18/01793/FUM Conditions

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

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

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

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

3 No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

a) the statement of significance and research objectives;
b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

5 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by Cannon Consulting Engineers (ref: CCE/W941/FRA-05) dated November 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

6 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the commencement of use.

6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

7 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

8 Prior to the first use of the development, hereby permitted, details of all external lighting, including that to be used in the car park and internal access roads, and their times of use shall be submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.

8 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

9 Prior to the first occupation of any of the units, details of any play equipment or furniture to be installed on the play area, as shown on drawing number 17043/P-009 Rev C (Coloured Site Plan), shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out and completed in accordance with the approved details and prior to the first occupation of any of the units.

9 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

10 The tree protection measures as shown on the Tree Protection Plan within the Arboricultural Impact Assessment, dated 21st November 2018, shall be implemented prior to the commencement of development, site works or clearance (in relation to the development, hereby permitted) in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

11 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
11  Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

12  No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosures within the site, car parking layouts, hard surfacing materials, street furniture, signs within the site. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.

12  Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

13  No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the commencement of use.

13  Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

14  No amplified music shall be played outside any of the buildings, hereby approved, or anywhere else within the site, until an acoustic management plan is submitted to, and approved in writing by the Local Planning Authority. The control measures agreed within the plan shall thereafter be implemented/adopted for every outdoor event. Any outdoor event on the site shall be restricted to 8 no events per calendar year.

14  Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

15  Prior to the first use of the development, hereby permitted, the existing access to Soham Road (A142) shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with drawing number 1690-02 Rev E, dated 12th May 2016.

15  Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

16  The new junction and road layout shall be constructed as shown on drawing number 1690-03 Rev B, dated 12th May 2016, and thereafter retained in perpetuity.

16  Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

17  Prior to the commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 1690-03 Rev B, dated 12th May 2016. The splays shall thereafter be maintained free
from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

18 The use hereby permitted shall take place only between the hours of 07:00 - 19:00 each day Monday to Saturday and 08:00 - 17:00 on Sundays, Bank Holidays and Public Holidays, with the exception of any seasonal events (up to 8no per calendar year), where said event shall only take place between the hours of 07:00 and 22:00 on any day. Deliveries to the site shall take place only between the hours of 06:30 - 19:00 Monday to Saturday and 07:30 - 17:00 on Sundays, Bank Holidays and Public Holidays.

18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

19 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 -13:30 on Saturdays and none on Sundays, Bank Holidays and Public Holidays.

19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

20 Prior to the first occupation of the development, hereby permitted, details of any external plant or machinery shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

21 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

21 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by Paragraph 95 of the NPPF.

22 Prior to the commencement of use a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

23 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority.
Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

23 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

24 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

24 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.

25 The total gross internal floorspace hereby consented shall extend to no more than 1,943sqm gross and notwithstanding the provisions of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revising, revoking and re-enacting that order), no enlargement by way of extension, installation of a mezzanine floor (unless required for ancillary storage and/or office accommodation for any specific unit and for no other purpose) or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

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

26 The total gross internal retail floorspace shall extend to no more than 1,166sq m and the total retail net sales area to no more than 816sqm. The retail floorspace is limited to uses falling within Class A1 (shops) (a), (d), (e) and (g) and for no other purpose falling within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

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

27 The total gross internal non-retail floorspace shall extend to no more than 777sq m. The non-retail floorspace is limited to:
uses falling within Class A3 (restaurant and cafes), as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification,
- a spa/wellbeing and/or fitness studio (Class D2 (assembly and leisure)) and for no other purpose falling within Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, and
- as a micro-brewery ('sui generis').

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

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

28 The maximum unit size of the retail floorspace shall be 180sq m gross internal, save for a single large unit of 287sq m gross internal and excluding the combined retail/workshop space ('maker space') as defined in condition 30 below.

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

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

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

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

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

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

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

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

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

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

33  The proposed development, hereby permitted, shall be completed in accordance with Section 7.2 of the Ecological Assessment by Green Environmental Consultants, dated November 2018.

33  Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.