

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane,
Ely on Wednesday, 8th June 2011 at 2.00pm

PRESENT

Councillor Philip Read (Chairman)
Councillor David Ambrose Smith
Councillor Sue Austen
Councillor Derrick Beckett
Councillor Will Burton
Councillor Lavinia Edwards
Councillor Elaine Griffin-Singh
Councillor Bill Hunt
Councillor Tom Kerby
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson (substitute for Councillor
Jeremy Friend-Smith)

OFFICERS

Sarah Burns – Senior Legal Assistant
Alan Dover – Principal Development Control Officer
Giles Hughes – Head of Planning &
Sustainable Development
Janis Murfet – Democratic Services Officer
Lucie Turnell – Team Leader Development Control

IN ATTENDANCE

Councillor Michael Allan
Approximately 10 members of the public

3. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Joshua Schumann
and Jeremy Friend-Smith.

It was noted that Councillor Gareth Wilson would substitute for
Councillor Friend-Smith for this meeting.

4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5. **MINUTES**

It was resolved:

That the minutes of the meetings held on 27th April and 24th May 2011 be confirmed as a correct record and signed by the Chairman.

6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed everyone to the meeting and extended a particular welcome to all the new Members of the Planning Committee. He hoped that they would enjoy the meetings because Planning was, he said, one of the few Committees where Members could feel that they were actually achieving something. He reiterated that nobody should be afraid to ask questions, and if anyone had any queries between meetings, he and the officers would be happy to help them.

The Chairman concluded by urging Members to be careful in their dealings with the public. They should take care not to commit themselves one way or the other, but rather they should keep an open mind, hear all the evidence and speak to officers before reaching any conclusions.

7. **11/00207/FUL – LAND ADJACENT TO TRINITY HALL FARM, COLLINS HILL, FORDHAM**

The Principal Development Control Officer, Alan Dover, presented a report (L15, previously circulated) on behalf of the Case Officer, which gave details of the application, the applicant's case, the site and its environment, the planning history and relevant planning factors and policies.

Mr Dover summarised the main points of the report and reminded Members that the key issues for consideration were location, sustainability, policy supporting retail provision, and farm diversification.

It was noted that although the hat hire business had been in operation since 1994, it did not appear to have any relevant planning history. As consent had not previously been sought for the business, the proposed relocation to an alternative address provided the Local Planning Authority with an opportunity to properly assess the suitability of the business in this rural location.

Mr Dover reiterated that despite the business having operated from its current location for many years, this did not place an obligation on the Planning Authority to grant planning permission. Also, the application could not be used as a surrogate Certificate of Lawfulness because a Certificate was very specific.

The application site was located in countryside where development was strictly controlled and the proposed hat hire business was not considered to constitute a farm diversification scheme as outlined in Policy EC5 of the Core Strategy. There was no correspondence to show that the application would be supported, and Mr Dover said that the business might be better located in a town centre where it could be linked to other trips, thereby supporting other businesses. He informed the Committee that there was a surplus of vacant A1 premises in the District, with a suitably sized retail unit available in Soham. He concluded by suggesting that if Members were minded to support the application, they might wish to consider granting short term permission.

At the invitation of the Chairman, Mrs Taylor spoke in support of the application and made the following comments:

- At the outset of the hat hire business, farming was going downhill and Trinity Hall College and its agents encouraged tenants to diversify on their farms.
- The business moved into the barn in 2000. Mr Taylor was a Parish Councillor at that time and had been advised that planning permission was not necessary. The Taylors therefore did not believe that they had been acting inappropriately.
- Relocation to a retail unit elsewhere would cause huge financial problems because trade was seasonal, with the winter being very quiet. Being tenants, the money from hat hire was needed to put back into the farm.
- The stable block would be a perfect location because clients would not have to carry expensive outfits and/or large hat boxes very far from their cars. Also an appointments service offered more privacy rather than having people walk in off the street.

Mrs Taylor then responded to comments and questions from the Committee:

- In response to a question from the Chairman, Mrs Taylor confirmed that she did not pay business rates for the hat hire business.
- Councillors Beckett and Rouse enquired about customer numbers. Mrs Taylor stated that this depended on the time of year. During the racing/wedding season, she was very busy with maybe 60-70

hats being hired per week, whereas during the winter she sometimes had weeks where there were no customers at all.

- Councillor Stevens remarked that if the hats had an element of local craft about them, then perhaps this might help strengthen her case. Mrs Taylor replied that the millinery was very special and she only bought British. She tried to support the smaller milliners and some of them *were* local.
- Councillor Hunt asked whether anyone had ever told Mrs Taylor that she could operate her business, or had made her aware that she needed planning permission. Mrs Taylor said that in 1999 she had been told it was okay, but she did not have any written evidence of this. Everything had been handled by the University of Cambridge Estate Office.
- In response to a question from Councillor Wilson, Mrs Taylor explained how her business worked, including the value of the hats and their hire costs, and how they were eventually disposed of. She confirmed that there were no employees, only herself and her daughter, and when asked about other competition, she said that her business was the biggest and well known in the country. The franchise was run and sold as farm diversification, and there was no real competition in the area.

At the invitation of the Chairman, Councillor Michael Allan, Ward Member for Fordham Villages spoke in support of the application and made the following comments:

- The Taylors were very honest people and wanted to do things in the right way.
- Councillor Allan could not understand why planning permission was required when they were just moving from one building to another, and the business was conducted on an appointments basis.
- The Taylors were tenants and could not afford any extra costs.

Directing his next comment to the new Members of the Committee, Councillor Allan reminded them that, at their Planning training, they had been told "*The Council must not fetter its discretion by pre-judging an issue.... It must consider each application on its merits even if it flies in the face of council policy*". He concluded by reading out an email from Darren Hill, Team Leader Business Development, to the Case Officer, in which Mr Hill expressed the opinion that due consideration *should* be given to the length of time that the hat hire company had been operating in its current location, as part of an initial farm diversification project. A copy of the email was then handed to the Chairman.

During the ensuing discussion, Councillor Wilson asked whether it would be possible to designate the business as “sui generis” because it was not a general business and was not really located in the open countryside; he felt that existing policy was rather pedantic. The Chairman reminded Members that they could not “tinker” with the application before them. He felt that if a temporary permission was to be granted for 3 years, this would provide the Taylors with sufficient time to gather evidence about the financial viability of the business; this could then be reviewed and possibly consideration given to a further application.

Councillor Hunt thought the situation to be delicate because, on the one hand, the business had been running for 11 years, and yet on the other it seemed unfair that no business rates had been paid. However, the Council should be encouraging diversity and he believed that Mrs Taylor’s business probably was unique. Councillor Hunt supported the Chairman’s view regarding a temporary permission.

The Head of Planning & Sustainable Development, Giles Hughes, interjected saying that if Members were minded to approve, the permission could be conditioned for hat hire rather than A1 use.

Councillor Rouse expressed his support for the business to continue, adding that he had been very impressed with what Mrs Taylor had said.

Councillor Beckett concurred; farmers were encouraged to make money outside of farming, and this business satisfied the criteria that it should not make more money than the farm. Being seasonal he did not think the business should be required to relocate because the fall in income during the winter could cause it to fail.

Councillor Beckett believed that the application was justified as farm diversification. He proposed and Councillor Wilson seconded that the Committee should reject the officer’s recommendation and instead grant planning permission as a hat hire business only. There was some discussion as to whether the permission should be permanent or temporary with arguments being put forward for each option.

Councillor Beckett reiterated his belief that the evidence before the Committee was for diversification and he amended the wording of his motion to allow for permanent approval of the application, and for the Head of Planning & Sustainable Development to be given delegated authority to deal with the precise wording of the conditions. Councillor Wilson seconded the amended motion and when put to the vote,

It was resolved:

That the officer's recommendation for refusal be rejected because Members feel that the application is justified as farm diversification.

It was further resolved:

That planning application reference 11/00207/FUL be APPROVED, for the permanent relocation of the existing hat hire business, subject to the imposition of appropriate conditions, including one restricting the business use solely to hat hire, with the precise wording of the conditions being delegated to the Head of Planning and Sustainable Development.

(Councillor Rouse left the meeting at 3.00pm).

8. **11/00302/FUL – UNIT 48 LANCASTER WAY BUSINESS PARK, ELY**

The Team Leader Development Control, Lucie Turnell, presented a report (L16, previously circulated), which gave details of the application, the applicant's case, the site and its environment, the planning history and relevant planning factors and policies.

Mrs Turnell drew Members' attention to a paper, tabled on behalf of Councillor Jeremy Friend-Smith in which he raised the following concerns:

- He was worried that noise and vibration might cause problems for sensitive units within the Business Park.
- He thought that the District Council should have a definite policy with regard to wind turbines and thence for wind farms, so that the Authority's thinking would be clear for any future applications. Noise and vibration might well be an issue with further applications, either near to industrial or residential sites.

Mrs Turnell advised the Committee of the reasons for the application, the circumstances and planning history of the site and the relevant planning issues to be taken into consideration. On balance the application was recommended for refusal for the reasons set out in the report.

It was noted that the site of the proposed wind turbine was within approximately 70 metres of Lancaster Lodge. Whilst the information supplied implied that the proposals would adhere to current guidance regarding noise, Environmental Health continued to have concerns that the proximity of the turbine to the property might cause a noise problem.

Visual impact was another issue, and although the visual assessment submitted considered the potential impact on views of Ely Cathedral, there was no evidence relating to the impact of the turbine itself on the landscape and wider views across the countryside. This was particularly important given its height and proposed siting at the edge of the Business Park, making it clearly visible from the A142 and A10 approaches into Ely.

During the course of discussion Members concurred that there had been insufficient information provided by the applicant to enable them to support the proposal. Councillor Wilson agreed with Councillor Friend-Smith's comments that the Council should have a proper policy in place, and he felt that the application should be refused. Councillor Hunt expressed concern regarding the location of the turbine; from the viewpoint of windpower he thought that it was probably in the best place. However, he reminded the Committee of the nearby war memorial saying that it should be treated with great respect. On occasions such as Remembrance Day, it would not be appropriate for the noise from the blades to intrude upon any services being held at the site of the memorial.

Councillor Hunt duly proposed and Councillor Ambrose Smith seconded that the officer's recommendation for refusal be supported with a caveat regarding the war memorial.

Councillor Beckett concluded the discussion by reminding Members that there were also health and safety issues that should be taken into account, namely subsonic harmonic beat, which might adversely affect some of the nearby residents, and also the potential danger of ice being dislodged and propelled from the turbine blades in winter.

Whereupon,

It was resolved:

That planning application 11/00302/FUL be REFUSED for the reasons given in the planning officer's report, including a reference to the adjacent war memorial.

The meeting closed at 3.20pm.