



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 15 January 2025

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Martin Goodearl (Vice Chair)
Cllr Keith Horgan (substitute for Cllr David Brown)
Cllr Bill Hunt (Chair)
Cllr James Lay
Cllr Alan Sharp
Cllr John Trapp
Cllr Ross Trent
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Maggie Camp – Director Legal Services
Rachel Forbes – Planning Officer
Catherine Looper – Major Projects Planning Officer
David Morren – Strategic Planning and DM I Manager
Cameron Overton – Trainee Democratic Services Officer

In attendance:

Duncan Jenkins (Applicant, Agenda Item 5 / Minute 60)
Jonathan Stiff (Agent, Agenda Item 5 / Minute 60)
Paul Shepard (Agent, Agenda Item 5 / Minute 60)
Ed Sutton (Agent, Agenda Item 5 / Minute 60)
Thomas Boucher (Resident, Agenda Item 5 / Minute 60)
Cllr Richard Morgan (Parish Councillor, Agenda Item 5 / Minute 60)
Cllr Alison Whelan (Ward Councillor, Agenda Item 5 / Minute 60)

4 other members of the public

ECDC Comms

56. Apologies and substitutions

Apologies for absence were received from Cllr David Brown.

Cllr Keith Horgan was attending as substitute.

Due to Cllr David Brown's absence, Cllr Martin Goodearl Vice Chaired the meeting.

57. Declarations of interest

Cllrs Christine Whelan and John Trapp declared they were members of the organisation CAMRA, but that both were approaching the meeting with an open mind.

58. Minutes

The Committee received the Minutes of the meeting held on 4th December 2024.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 4th December 2024 be confirmed as a correct record and be signed by the Chair.

59. Chair's announcements

The Chair wished everyone a happy new year.

The Chair announced that Cameron Overton was leaving at the end of January 2025. The Chair thanked him for his efforts throughout his time at East Cambridgeshire District Council and wished him well in his future endeavours.

60. 24/00510/VARM – Land North of Cam Drive, Ely, Cambridgeshire

Catherine Looper, Major Projects Planning Officer, presented a report (Z119, previously circulated) recommending refusal of an application seeking to vary Conditions 3, 4, 51, 65, 66 and 67 of previously approved 13/00785/ESO for residential led development of up to 1,200 homes with associated employment and community uses, supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.

The Major Projects Planning Officer noted that a number of responses from residents had been received following the deadline for report publication. These were circulated to Members in the form of an Update Sheet.

It was further noted that late submissions of responses had been received on the day of the Committee meeting. Circulated to Members as a second update sheet.

The response from Cambridgeshire County Council regarding the micro-library had been received late and not included in the list of consultees responses but had been summarised in paragraph 7.3 of the report.

The considerations for this proposal were:

- Removal of Public House/Restaurant.
- Smaller work hub within the Community Building.
- Increase of retail units from 4 to 5, with same floor space as previous.
- Amendment to use classes for retail element to include sui generis for wine/drinking establishment.
- Removal of micro library from development specification.
- Removal of purpose built live/work units.
- Increase in building height parameters for south-eastern corner of mixed-use development by 0.5 storeys.
- Regularise use classes listed due to changes in use class legislation.
- Estimated jobs created reduced from 250 to 178.
- Changes to wording of conditions 3, 4, 51, 65, 66, 67 to reflect the above.

The key consideration for Committee was the removal of the Public House/Restaurant to be replaced by retirement homes, use class C3. Paragraph 7.4.2 of the Local Plan sought to prevent the loss of services and facilities, unless there were exceptional reasons to justify it. Paragraph 7.4.3 of the Local Plan stated that for community facilities to change use, applicants needed to demonstrate that the facility was neither viable, nor likely to become viable for that use, or an alternative community use; it was necessary that the applicant had supplied sufficient evidence of the premises having been marketed locally, and nationally, for 12 months for the current, or alternative, local commercial community use and that there was no interest in the use of the community facility. It was also necessary that the applicant provided sufficient evidence that all efforts to preserve the facility, including diversification options had been made.

It was explained that the applicant had submitted a justification report alongside the application submission and had provided the results of their public engagement questionnaire:

- The justification report set out that 9 offers were received for the Local Centre at Cam Drive, but gave no details of what those offers were, or why they were not progressed.
- The report set out that only 1 offer was received for the whole Local Centre site, but did not provide justification for why only an offer for the whole site had been considered.
- The application did not provide any marketing information or reports on the results of marketing activity; the public engagement questionnaire,

provided, consisted of a public engagement flyer, a blank questionnaire form and a Microsoft Word document, with the responses input.

- It was noted that the questionnaire made no reference to the previously approved Public House/Restaurant, nor whether its replacement would have been supported or objected to by the local community.
- While it was acknowledged that a proposed nursery provided an alternative community facility, the applicant failed to show that this change would provide demonstrable greater benefits, as required by Policy COM3.
- Proposed retirement living was already provided for, within the Lynn Road development.

It was considered that the previously approved Public House/Restaurant provided a social meeting place for a wide range of the local community, while a nursery and retirement living space was not deemed an unacceptable use for the area, they would cater to only one sector of the community respectively and ought not to compromise a balanced provision of community facilities.

In summary, there were changes proposed which did not impact on the North Ely site. However, for the lack of evidence provided, amongst other reasons listed above, Members were recommended to refuse this application.

The Chair invited Duncan Jenkins, accompanied by representatives from the Co-op, LSP and Cheffins.

“Good afternoon, Chair and Members.

“My name is Duncan Jenkins, I am Projects Director at Endurance Estates, a Chartered Term Planner, with over 25 years’ experience and have been working on Orchard Green, Ely North for about 13 years.

“We have delivered around 350 homes, with 4 house building partners, the Isle of Ely Primary School, the Orchards Care Home and some £4.5 million of Section 106 contributions.

“The applications before you today provide a revised framework for the Cam Drive Local Centre, as a comprehensively designed heart for Ely North. They would enable the provision of a Co-op convenience store, four additional retail units, a café/wine bar, the new community centre in a format as agreed with the City Council, a children’s day nursery, later living accommodation of around 49 apartments, and comprehensive enhancements to the public realm.

“The community consultation undertaken by LSP, our specialist development partner, prior to the application being submitted, showed that 83% of people attending supported the proposals. During the formal consultation process, only 1 resident objected to the scheme, this may be updated now and apologies if so. Several residents have expressed strong support, on the basis that they are now living in North Ely, on the promise of the shop and

community facilities and would like to see the Local Centre delivered without delay, as would we.

“All of the proposed uses were judged to be acceptable by the Council under the original outline planning permission but are now delivered in a different configuration to that foreseen 12 years ago. The Committee Report confirms that nursery, residential and retirement living space would not be an unacceptable use.

“The Committee will note that officers are recommending refusal of the package because of the loss of the pub as a community facility. There are a number of important points to make:

- The pub does not currently exist, nor has it ever been an application for a pub, it was simply a potential land use within the outline planning application. Therefore, referencing the Committee Report to Policy COM3 referring to a loss of community facilities is irrelevant. No site has ever been specifically allocated for a pub.
- Fundamentally, there is no market for a public house following COVID and the industry is faced with closures, rather than new openings, as illustrated by the Cherry Tree in Haddenham, which was before Committee for a change of use last year.
- The proximity to the Isle of Ely pub, which received permission after Ely North, has soaked up any demand which might have once existed when the scheme was envisaged. The replacement café/wine bar offers a suitable alternative.
- The location of the later living accommodation provides better residential amenity for existing residents than a pub.

“The Section 106 agreement provided for a contribution of £500,000 towards the delivery of the Community Centre. The current cost of this facility is £1,200,000. It is only through a comprehensive package that the local centre can be viably delivered on site. That is what we worked hard to secure in a manner that reflects community aspiration. There is a risk that if this revised application does not get approved, the Local Centre will not be deliverable, and plots will remain vacant at the heart of North Ely.

“Fundamentally, the proposals are not about what is being lost, they are about community facilities that can be gained and as such, we believe the Officer’s comments on planning balance, are fundamentally flawed. I would, therefore, urge Members to vote against Officer recommendations to grasp the opportunity to enable delivery of a much needed, market facing, Local Centre and approve the applications before you.

“Finally, as I said earlier, I do have colleagues here to answer any questions you may have.

“There were also just a couple of comments made by the Officer there that I would like to correct, if I may. In terms of the Lynn Road Local Centre, I think the officer referred to a similar facility as ‘retirement living up at Lynn Road’. That’s not what’s being proposed at Lynn Road, there it’s extra care, which is

different from retirement living being proposed as part of this change. Overall, talking about trying to show that there's more benefit of this scheme, the benefit is delivering a heart to Ely North, in a comprehensive manner. I think that fundamentally outweighs any purported loss of the other facility.

"Thank you, Chair."

The Chair invited Mr Jenkins' colleagues to introduce themselves: Jonathan Stiff, Cheffins; Paul Shepard, Co-op; Ed Sutton, LSP.

The Chair invited questions to the applicants.

Cllr Christine Ambrose Smith queried whether sufficient marketing of the pub had been undertaken and whether evidence was presented. Mr Jenkins reiterated that while a marketing scheme had been undertaken, there was no market. Mr Stiff explained the steps carried out as part of the marketing scheme; Mr Sutton stated that when it was taken to market, there was no interest in taking on the pub by national chains.

The Chair informed the applicants that new evidence could not be submitted at this late stage, when the representative from Cheffins presented a marketing booklet to the Committee.

When questioned by Cllr John Trapp, it was explained that attempts to sell the site as a whole, rather than splitting it was to raise enough funds to enable the Community Facility to be built, as well as maintaining an overall aesthetic across the site.

Cllr Alan Sharp asked whether people bought houses on the site, having been promised and marketed all the benefits of the community facilities. It was noted that the community facility was key, but that buyers were provided details of what could be seen and that things change in planning.

Mr Jenkins confirmed to Cllr Keith Horgan that the marketing information had not been provided to the planning officers, but that the information had been relayed to them.

Cllr John Trapp sought clarification over the price demanded for the whole site. It was explained that there was no set price; they were looking for offers.

It was confirmed to Cllr Chika Akinwale that a play area was included in the proposed changes.

In discussion with Cllr Bill Hunt, it was stated that the size of the Co-op would be that of a convenience store with 3000 items in, and the nursery would cater for 80-100 children.

Cllr Alan Sharp queried the traffic implications of a nursery in operation, Mr Stiff noted that there would be little implication due to the operating hours

generally being 07:00 and 19:00 with staggered start and finish times for children depending on childcare necessity of parents.

It was stated that the change of use to retirement living was not for profit, but rather a balance of community offerings, when questioned by Cllr John Trapp.

Cllr Keith Horgan queried whether the applicant was aware of the planning officer seeking evidence of responses and whether they supplied copies of the correspondence. Mr Jenkins confirmed that he knew, but that he did not have the email chain at hand to confirm whether it was provided.

Following Cllr Gareth Wilson questioning why the Co-Op had not already been completed, Mr Jenkins agreed that it would have been more ideal to have gone ahead with building the other community facilities, but that due to case law precedent, if one part of the overall application was requested to change, they must wait for approval before they could move ahead with other aspects of the development.

The Chair invited Thomas Boucher to address the committee.

"I wish to set out why I think proposals offer a more appropriate replacement facility and this would likely better serve our community.

"In 2021, the developers set out these amended proposals at their public consultation and much of the community went down to see the proposed plans.

"Originally, the proposed pub was a whopper: 7,500 square feet, almost three tennis courts in size, with an additional large car park. What type of tenant will take this on? A national chain? Well, if you could find one with wage increases, increasing National Insurance and a generally bad time for the pub trade, with thousands closing across the country, whoever occupied the place, I very much doubt, is going to be a local pub in the true sense of the word.

"The proposal for a 1,200sqft café in the day and wine bar in the evening, is the perfect size in my opinion. Aren't the best community bars and cafés more intimate affairs? The proposal is much more reasonable in its footprint than the original planned pub. 1,200sqft is around the area occupied by my 4-bedroom house, so not huge but not small. Furthermore, this site is ideal to give a local person the chance to set up the café and bar. Café in the day for families and a bar in the evening, very similar to how they do it on the continent. Additionally, the new facility will encourage people to walk and cycle.

"The flats for retirees are also a welcomed addition; the average age of the population is increasing and has done in the last 10 years, since the original proposal. It is nice for Ely families to have an alternative to a care home. These alternatives free up, usually large, homes for families in Ely.

“Times have changed, more people are cycling and walking. People are eating healthy, and crucially, the North Ely Leisure Park has been built, with a smorgasbord of options, from Portuguese chicken to Italian and there’s even good old pub grub. Yes, the Isle of Ely, just a few minutes’ walk away.

“Finally, we have the new cricket club, which will have a kitchen, bar and, my understanding is, they will look to run this to raise money for the cricket club. Cricket club houses like this have become successful community hub centres in their own right, just look at the Grumpy Goat in the village of Bardwell in Suffolk – a roaring success!

“The new proposals include everything the spirit of the original proposals set out, but it does so in a more modern way, with the addition of both a nursery and retiree flats.

“If this planning is not granted today, I fear the community of North Ely will be left without these facilities for another 10 years. That will be the biggest loss of all. Children will have grown up on the new development having never known what it was like to walk to the local shop; they will have never had a birthday party in the community centre; they will never have had the chance to bump into a neighbour in the café and make a friend.

“I urge you to accept these proposals and get spades in the ground!”

When questioned by Cllr John Trapp, Mr Boucher expressed his feeling that the wine bar would be inclusive, as it would serve as a café in the day and a wine bar in the evening, thus offering services to people of all inclinations.

The Chair invited Cllr Richard Morgan of the City of Ely Council to address the committee.

“I’m Richard Morgan and I’m a City of Ely Councillor representing the 4,355 electors in the North Ward.

“We’ve heard comments, both for and against the application submitted by Endurance Estates. We have on file the response from the 37 consultees, nearly all make no comment.

“The Planning Officer has stated, in her opinion ‘insufficient evidence and justification has been received regarding the loss of community facilities within the development’. We have nearly three sides of A4 detailing why the officer asks for Councillors to refuse this application.

“In paragraph 7.5, mention is made of a justification report that ‘9 offers were received for the local centre at Cam Drive, but gave no details about what those offers were, or why they were not progressed’. The paragraph continues in the same vein; I would remind Councillors this report is dated today, Wednesday 15th January 2025. However, the officer was aware of all of this in Autumn of 2021, that only one offer was made for the whole from LSP developments, working in partnership with Central England Co-op. The offer

for the whole was based on using lot two for 41 retirement apartments and using lot three as a nursery.

“The particulars were sent to numerous pub companies, and their agents, but none were interested in purchasing any sites at that time for new public houses and ‘even if this situation was to change, then the proximity of the new public house at the nearby leisure village would deter them from investing in a site at Orchards Green’. That was sent in an email dated 22nd February 2022.

“We need to wake up to the reality that a pub on this site is a non-starter.

“The mix of uses may have changed, but the proposed scheme will deliver the Council’s main aims of a food store and a community facility on the development. In fact, the Co-op will be larger than originally consented and the loss of the pub will be overcome by using one of the ancillary units as a café/wine bar.

“As a ward Councillor, I have spent the last few years listening to residents’ concerns from both sides of Cam Drive, from Stour Green to Damson Avenue. Without missing a beat, all want the community centre and Co-op. Many residents have been in occupation since 2019 and feel let down because they were promised all these things on purchase, but still undelivered.

“Now, let there be no misunderstanding, I am not advocating ignoring completely what our Council Officers professionally advise us. It is rather to make it work. Work with us, not over us. To stand by our side, not ride on our back. Local Government can and must provide opportunity, not smother it. Foster productivity, not stifle it.

“Brexit, COVID, the 2022 Mini Budget have all changed the way we live. It is no coincidence that there has been such a proliferation of new cake and coffee shops in Ely, in the past 10 years.

“Mr Chairman, a former colleague of both yours and mine, Mike Rouse used to say how much he was looking forward to buying a pint of milk at the new Co-op. Well, he died three years ago this year. To paraphrase George Gipp in Knute Rockne he might have said this to fellow Councillors: ‘Tell ‘em to go into that Council Chamber with all they’ve got and win one for the Rouser. I don’t know where I’ll be, but I’ll know about it, and I’ll be happy’.

“Please support Endurance Estates application, thank you.”

The Chair invited Members to ask Cllr Richard Morgan questions.

Following questioning from Cllr Keith Horgan, Cllr Richard Morgan confirmed that City of Ely Council views were split and that he was asking this Planning Committee to ignore the reservations expressed by City of Ely Council, as he was representing his constituents.

When queried by Cllr John Trapp, Cllr Richard Morgan expressed his concerns that constituents had been promised a food store in 2014, not delivered at the time of this Committee Meeting.

The Chair invited Cllr Alison Whelan to address the committee.

“Thank you Chair for allowing me to speak today and I would also like to thank the officers for their work on this report, the help they’ve given me and all of the extra work they’ve been given for some of the things I’ve done.

“The plans for North Ely have been around for a long time and for the Local Centre established early in the development process. This follows other developments across the city, which lack community facilities that are so needed. Those plans were developed more than a decade ago and there are times that it is important to review what was originally planned.

“I do not think that changes planned are particularly controversial, but the pub/restaurant is. A family friendly pub would be nice to have, but the location may be questionable. I know it is a 15-minute, gentle walk, to the Leisure Village where such facilities already exist. These are facilities which were not there when the original plans were developed.

“The need for a local shop is clear, which has not been built, despite the massive growth in the area. We have the whole of Stour Green, Williams, Damson and Kings Avenue where we have absolutely nothing. I go past that site frequently and think how easy it would be to pop in for the odd item.

“I also recall lovely family moments at a variety of family friendly pubs in my younger days and it was an important place for me to meet friends. But things change and reminiscing on how things were in the past is not necessarily the way for the future. I asked my daughter and her friends about pubs, and their generation visiting pubs; their generation has a very different view on entertaining. The regular meeting on a Friday night in the pub is just not something that they do any longer. They organise via social media, and they organise the places they want to go out to.

“Members of the Committee, you’ll be aware that I asked residents their views to help me today. I was actually surprised by the number of responses I received, and I do apologise, I was not able to forward all of them to you. I think that I have now received a further six responses, since the ones I sent over to you and I believe all bar one of those was of the same opinion as the ones sent over to you already.

“It is clear that the majority of respondents are saying exactly the same thing. They want to get the shops built there. They do not want a pub on that site. Various reasons were given from being inappropriate in a residential area, to highlighting the challenges faced by nighttime industries. We are seeing far too many pubs ceasing to trade and being converted to residential properties.

“There are those who believe the pub should be built, as that was on the original plans and that it is even more important than the shops and community centre.

“The integrity of the developers has also been highlighted to me, suggesting that they are only interested in profits, rather than what is right for the community. That is not for me to judge, that is for you to judge.

“A number of the responses have liked the idea of a pub/restaurant but have been prepared to see it disappear from the site on the condition that the shops, Community Hall and other community areas are built quickly. The offer of a café/wine bar has undoubtedly influenced those views as we’ve heard from Mr Boucher. The main concerns raised by some of the revised plans has been the nature of the replacement building; some are happy with retirement living accommodations, but others would prefer to see community replacements, from a small car park to an ice rink.

“I would ask you to consider very, very carefully and put into place appropriate conditions to make sure this is delivered very, very quickly and I would like you to consider what residents have said. They would like to see the shop. They are not interested in the pub. Thank you”

The Chair invited questions to Cllr Alison Whelan.

Cllr Alison Whelan suggested that, in her view, this was a question of delivery and not whether the pub gets built or not, when asked by Cllr John Trapp.

The Chair invited comments from the officers.

The Strategic Planning Manager made the following comments:

- The application was received 17th May 2024.
- The food store was proposed to be the same size as previously approved.
- As the Planning Authority had previously received development specification, the pub was a ‘would be’, not ‘could be’, delivered aspect

The Major Projects Planning Officer made the following comments:

- The community building specifications had been agreed with the City of Ely Council.
- A justification report had been received, but without any evidence on what the marketing activity was, which had been requested.

Cllr Bill Hunt sought clarification on if the removal of the micro-library would trigger a cash sum to be paid to the County Council. The Major Projects Planning Officer confirmed that it would, and the suggested amount was £30 per dwelling.

Cllr Gareth Wilson queried if it was possible to dictate that the shop be built before any new dwellings on the site, should this application be approved. The Strategic Planning Manager informed him that this was not a possibility.

Cllr Christine Whelan noted that CAMRA had a viability study which was used for pubs and queried what viability studies were used by the Planning Department. It was stated that none had been used, as the marketing information had not been provided.

In discussion with Cllr Keith Horgan, the Major Projects Planning Officer reiterated that marketing information had not been received but had been requested, numerously.

The Chair invited debate.

Members noted their concern that the pub had not been delivered on the premise of wanting it to be visually in keeping with the shop and other developments. Members raised further concerns with regard to the lack of marketing activity evidence provided.

Cllrs James Lay and Chika Akinwale concurred in thought that the pub was not necessary, as the market had shifted and there was a lack of emphasis on use of pubs amongst younger people.

Cllr John Trapp noted his concern that the issue had become: the shop was undeliverable if the pub was required; this sentiment was shared by Cllr Martin Goodearl who felt the Council was being given an unwelcomed ultimatum.

Cllr Christine Whelan discussed the negative knock-on effect on trade for other pubs in the Ely area, which were already facing pressures in an economic landscape which was increasingly difficult for the hospitality industry to navigate.

Cllr Chika Akinwale left the meeting at 16:05

Cllr Martin Goodearl proposed refusal of this application on the grounds set out in the Officer's report. Seconded by Cllr John Trapp.

It was resolved with 2 votes in favour, 10 votes against and 0 abstentions that the Motion to refuse on the grounds set out in the Officers report failed.

Cllr Bill Hunt proposed that Members approved this application on the grounds that due to changes in market circumstances, sufficient justification had been received to mitigate the loss of community facilities in line with Policy COM3 of the Local Plan 2023 (as amended). Permission for the finalisation of conditions delegated to the Strategic Planning Manager; and completion of the Deed of Variation delegated to the Strategic Planning Manager and Director Legal. Seconded by Cllr Christine Ambrose Smith.

It was resolved with 9 votes in favour, 2 votes against and 0 abstentions:

That planning application ref 24/00510/VARM be APPROVED on the grounds that due to changes in market circumstances, sufficient justification had been received to mitigate the loss of community facilities in line with Policy COM3 of the East Cambridgeshire Local Plan 2023 (as amended); in addition, the delegation of finalisation of conditions to the Strategic Planning and DM Manager and delegation of the negotiation and completion of a Deed of Variation to the s106 Agreement to the Strategic Planning and DM Manager and the Director Legal.

61. Planning performance reports – November 2024

David Morren, Strategic Planning and DM I Manager, presented a report (Z120, previously circulated) summarising the performance of the Planning Department in November 2024.

The Strategic Planning Manager informed Members of the new Committee Report styling to be introduced from February 2024; Members were also informed the government had doubled Planning Application fees, to be in effect from 1st April 2025.

It was resolved unanimously:

That the Planning Performance Report for November 2024 be noted.

The meeting concluded at 16:25pm.

Chair.....

Date.....