

TITLE: 25/00436/FUL

Committee: Planning Committee

Date: 02 July 2025

Author: Planning Officer

Report No: AA32

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Site Address: The Old Dispensary, 13 St Marys Street, Ely, Cambridgeshire, CB7 4ER

Proposal: Change of use to secure office retrospective

Applicant: The Old Dispensary Ely Ltd

Parish: Ely

Ward: Ely West

Ward Councillor/s: Christine Colbert
Ross Trent
Christine Whelan

Date Received: 8 May 2025

Expiry Date: 3 July 2025

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE the application subject to the conditions set out in Appendix 1.
- 1.2 The application is being heard by the committee because it triggers the Council's Constitution in respect of the applicant's position within the council.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks to change the use from a community use under Class F2 to Office use under Class E(g)(i), and the office would be used as a secure MP's office. There is a subsequent retrospective application for Listed Building consent where works have already taken place to set up the office space under application 25/00437/LBC.

- 2.2 Due to the retrospective works to a Listed building which requires consent, this application has been submitted to regularise the unauthorised changes and the new use of the building. The Council has not taken enforcement action, regarding the alterations to the Listed Building which have occurred on the site, due to the current application being considered. The absence of enforcement action to date is not a matter which can be considered as part of the determination of the application.
- 2.3 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 [Simple Search](#).

3.0 PLANNING HISTORY

3.1 25/00437/LBC

Change of use to secure office retrospective
Pending Consideration at Planning Committee

93/00537/FUL

Refurbishment & Extension (25.9m²) of Day Centre for the Elderly
Approved
20 August 1993

93/00538/LBC

Refurbishment & Extension of Day Centre for the Elderly (Part Demolition)
Approved
20 August 1993

13/00471/LBC

Historic Plaque to be erected
Approved
29 August 2013

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is a Grade II Listed building known as the dispensary, which is constructed of stone and brick with a slate roof and traditional windows. The last known use of the building was as a community facility that is located within the defined development envelope and Conservation area of Ely. The building is situated just outside of the defined Town Centre boundary of Ely and located within the secondary retail frontage. It is well connected by public transport and a number of free public car parks. The dispensary is formed of two parts, the most historic double-height front section that can be seen from St Mary's road and a modern extension at the rear, which is single-storey and supports facilities such as a small kitchen and w/c. The site is situated within flood zone 1.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees Conservation Officer, Parish Council, Local Highways and Environmental Health and these are summarised below. The full responses are available on the Council's web site.

Parish - 28 May 2025

The Council has no concerns with regards to these applications.

Conservation Officer - 16 May 2025

- The dispensary was built as a double-height open hall with a lower adjunct (which has a modern service extension) and notwithstanding the insertion of suspended ceilings in the C20, this spatial character has largely survived. Any internal compartmentation is in tension with this character but it is accepted that the proposed use presents unique security requirements which cannot be satisfied in any other Dcintcon way. Nevertheless the subdivision is less invasive than many other potential uses (eg residential) and has been designed to be fully reversible.
- The secondary glazing applied to the stone transom & mullion window in the front elevation is discreet and reversible and conforms to normal conservation practice in these circumstances. Whilst the implementation of works to listed buildings without authority cannot be endorsed, on balance the impacts of the scheme are considered acceptable in conservation terms.

Recommendation: no objection

Local Highways Authority - 30 May 2025

- No objection, would not materially impact the functioning of the public highway

Environmental Health – 19 June 2025

- The Environmental Health officer would have no concerns to raise provided that the opening hours are conditioned as per those stated in the applicant's additional information.
- However, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

Consultee For Other Wards In Parish - No Comments Received

Ward Councillors - No Comments Received

- 5.2 A site notice was displayed near the site on 15 May 2025 and a press advert was published in the Cambridge Evening News on 22 May 2025.
- 5.3 Neighbours – Three neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding the location of waste bins due to the narrow lane at the rear of the building
- Chantry Lane should be kept clear of obstructions at all times

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 12	Listed Buildings
ENV 11	Conservation Areas
COM 1	Location of retail and town centre uses
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
 Climate Change SPD
 Natural Environment SPD
 Ely Conservation Area

6.3 National Planning Policy Framework (December 2024)

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

7.1 Principle of Development

7.2 Policy GROWTH 2 of the ECDC Local Plan 2015 (as amended 2023) permits development within the policy-defined development envelope – within which the application site lies – provided there is no significant adverse effect on the character

and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

- 7.3 Policy GROWTH 5 of the ECDC Local Plan 2015 (as amended 2023) also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 7.4 The proposed site is located at just outside the defined Ely Town Centre boundary and located within the secondary retail frontage. Accordingly, the consideration of the principle of development would be assessed under policies COM 1 and COM 3 of the Local Plan (2015).
- 7.5 Policy COM 3 sets out that would lead to the loss of a non-commercial community facility (existing sites or sites last used for this purpose) will only be permitted if:
- *It can be demonstrated there is a lack of community need for the facility, and that the building or site is not needed for any alternative community use – and in the case of open space, that the site does not make an important contribution in amenity, visual or nature conservation terms; or*
 - *Development would involve the provision of an equivalent or better replacement community facility (either on-site or in an appropriately accessible alternative location); or*
 - *Development would involve the provision of an alternative community facility which brings demonstrable greater benefits to the settlement or neighbourhood - except in the case of open space, sports and recreational facilities which should be retained where possible in accordance with paragraph 74 of the National Planning Policy Framework.*
- 7.6 Policy COM 1 states that Outside the town centres of Ely, Soham and Littleport, proposals retail and 'town centre uses' may be permitted under the following circumstances:
- *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 developments of 280m² net floorspace or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on any 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 East Cambridgeshire Local Plan Adopted April 2015 (as amended 2023) Part One: Spatial strategy and policies 92 transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.*

- 7.7 The proposal seeks to change the use of the property from a non-commercial community use to a Class E, Office use that would provide a secure MP's office space that, if secure rules allow, could also be rented out when the office is not in use to the community.
- 7.8 To demonstrate compliance with policy COM 3, the applicant has provided a statement to support the application, which concludes that during the time of their ownership, that they have not been approached by the community to retain any space of any previous community need at this building, they have also demonstrated a significant number of nearby community facilities that could be used alternatively should it be necessary. The priority use would be for a secured parliamentary office for the MP; however, outside of the business hours, provided that rules allow, they intend to still allow the community to use the office space for meetings.
- 7.9 Due to the nature of the proposal, it would be considered that whilst the community use would be lost as a result of this proposal, it would have a greater benefit to the settlement area by way of having the local MP within a building that is central to the community they serve as well as the potential added benefit of allowing the offices to be used by the community after office hours.
- 7.10 The proposal seeks an office use which falls under Class E(g)(i), and the application has been assessed and considered compliant with policy COM 3 on this basis. To prevent a potential change of use of the building within class E without the prior consideration of the Local Planning Authority, it is considered reasonable to restrict the use to Class E (g)(i).
- 7.11 Whilst the location of the proposed building sits outside but adjacent to the envelope of Ely Town centre, the unit has a street frontage that falls within the secondary shopping frontage. Whilst the current use as a community facility falls outside the scope of a town centre use, the proposed use would fall within a town centre use and therefore the second clause of policy COM 1 will be addressed as part of this proposal.
- 7.12 It is considered that a sequential approach would not be required due to the location of the site directly adjacent to the town centre boundary. Being within the secondary shopping frontage, the proposed non-retail use is a highly suitable, as offices do not require passing trade to operate. Furthermore, no significant external changes are required to facilitate the change of use. The position of the building is in a highly connected area with sustainable transport links and st Marys Street public car park directly opposite the site. It is considered a well-connected facility suitable for an MP's office. The proposal would also consider whether the use is consistent with the hierarchy of policy GROWTH 2. The residential amenity will be assessed in depth further within this report; however, the use would not be considered to be above the scope of the previous community use and opening times would be restricted via condition to ensure that the residential amenity would be protected in accordance with policy COM 1 and ENV 2 of the Local Plan.
- 7.13 It is therefore considered that the proposal would comply with both policy COM 1 and COM 3 of the Local Plan, and the proposed use as an MP's office would have

significant benefits to the wider settlement of Ely and the local community that would outweigh the harm posed by the of a loss of community facility.

7.14 Residential Amenity

7.15 Policy ENV2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.16 The proposal seeks to make no external changes to the building. The proposed change of use from Community use to office for the use of the MP would see the opening times from 8:00 am to 7:00 pm. Outside of those office hours, there will be some meetings that would include a community use element, that would run longer until 10:30 pm up to 10 times a month. The statement from the applicant also confirms that there would be occasional Sunday and bank holiday use, but this would be to a maximum of 24 days per year. The current use as a community facility has no restricted hours of use and can therefore be used at any time without restriction. The Environmental Health Officer was consulted and concluded that the opening times as set out within the additional information is conditioned; they would have no concerns regarding residential amenity. A condition to restrict the hours of use shall be applied to any permission to ensure that no harm comes to the neighbouring amenity through overbearing and noise in accordance with policy ENV 2 of the Local Plan.

7.17 It is also noted from the neighbour consultations that there is considerable concern over storing waste on a private road known as Chantry Lane. The applicant has submitted a statement that confirms that all waste produced would be stored within the building, and therefore, no external waste storage would be placed to the rear of the building. A condition would be attached to any permission to ensure that the waste is stored internally and would not impede the public highway, and therefore no harm would come to the public after or harm the residential amenity of nearby occupiers.

7.18 Visual Amenity

7.19 Policy ENV2 requires all development proposals to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.

7.20 Policy ENV1 of the Local Plan 2015 (as amended 2023) requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible.

7.21 The proposal seeks to make no external changes to the Old Dispensary. The internal works to accommodate the proposed use, including internal walls and secondary glazing to the front window, would not be considered to cause harm to the character and appearance of the host building or the wider streetscene, in accordance with Policy ENV 2 of the Local Plan.

7.22 Historic Environment

- 7.23 Policy ENV 11 of the Local Plan sets out that development proposals within or affecting a Conservation Area should:
- Be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
 - Seek to retain attractive traditional materials and features such as original doors, windows.
- 7.24 Policy ENV 12 states that proposals to extend, alter or change the use of a Listed Building will only be permitted where they would:
- Preserve or enhance the significance of the building and not involve substantial or total loss of historic fabric.
 - Be compatible with the character, architectural integrity and setting of the Listed Building; and
 - Facilitate the long-term preservation of the building.
- 7.25 Due to the listed nature of the building and its position within Ely's Conservation area, the Conservation Officer was consulted, who concluded that the modern alterations made in C20 to insert suspended ceilings has retained the spatial character of the building and the further introduction of the compartmentalisation for secure offices that requires a unique security level would also not significantly alter the character of the Listed building and would be less invasive to the building than other potential uses and furthermore it has been designed to be fully reversible.
- 7.26 The officer went on to conclude that whilst works to the listed building without authority cannot be endorsed, the proposal, on balance, is considered acceptable, and it would have a neutral impact upon the significance of the listed building. The change of use would not be considered to alter the integrity of the Listed building by way of no external changes to the building and the internal works are reversible and would not cause harm to the heritage asset in accordance with policy ENV 12 of the Local Plan.
- 7.27 Highways**
- 7.28 Policy COM 7 sets out that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks
- 7.29 Policy COM 8 sets out that development proposals should provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Council's parking standards (including parking for people with impaired mobility).
- 7.30 The application proposes no parking or cycle provision as part of this proposal. It is considered that the existing community use, where large numbers of people could attend this site without the use of onsite parking, was considered acceptable under application 93/00537/FUL. The proposal would be considered to be a less intense use, and the site is sustainably connected through public transport as well as

public footpath and a free council car park located directly opposite the site. It would be considered that this proposal would be unlikely to cause harm to the public highway in accordance with COM 7 of the Local Plan.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

7.31 Planning Balance

7.32 The proposal for a change of use would provide a new secure office for the local MP for East Cambridgeshire, whilst still allowing the offices to be used by the community for meetings. The application has demonstrated that the benefits of the change of use would outweigh the loss of a community facility, and it is considered that no harm would come to the significance of a listed building as a result of this proposal. It is therefore, considered that the proposal should be recommended for approval.

8.0 APPENDICES

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

Plan Reference	Version No	Date Received
Additional information		13th June 2025
Location Plan		17th April 2025
Plan as Proposed		17th April 2025
Plan as Proposed		17th April 2025

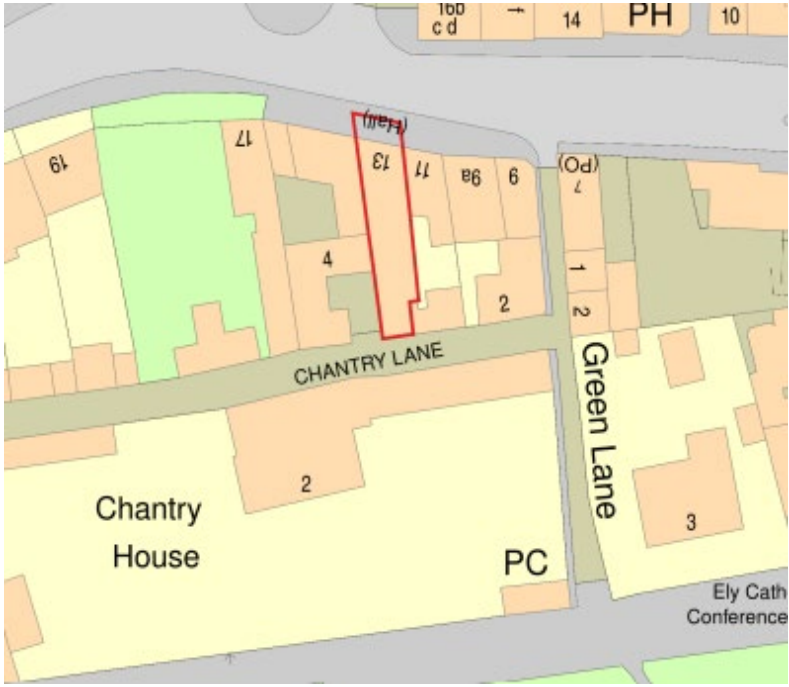
- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The use hereby permitted shall take place only between the hours of 8:00 am to 7:00 pm each day Monday to Sunday, including Bank Holidays and Public Holidays.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 4 The use of the premises for meetings or activities taking place between 1900 and 2230 shall be restricted to pre-arranged bookings only, involving tenants, registered community groups, or other approved users, up to a maximum of 10 times per month. No drop-in use shall occur after 19:00.

The premise shall not be open to any persons after 22:30 on any day.

A log of all late bookings (including the date, time, user group and nature of use) shall be maintained and made available for inspection by the LPA upon request
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 5 The commercial waste shall be stored wholly within the building and shall only be placed out on the evening prior to collection.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 6 The building, shall be used for purposes within Class E(g)(i) Office use; of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other purpose whatsoever without the express written consent of the Local Planning Authority.
- 6 Reason: The application has been assessed as acceptable and complying with policy COM 3 on this basis.

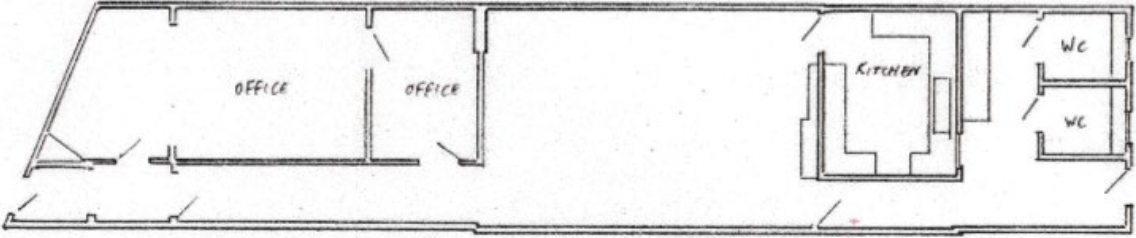
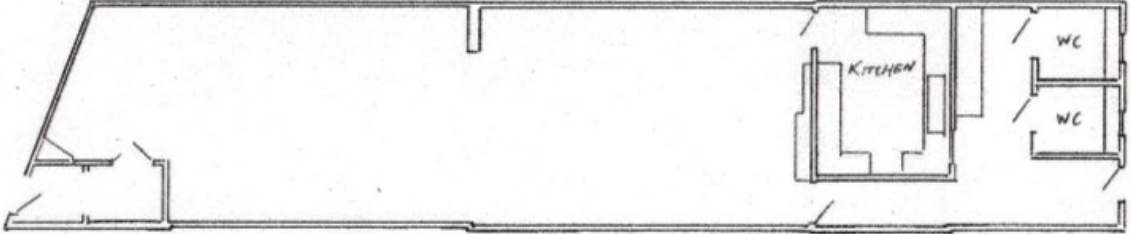
PLANS

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.



**13 ST MARY STREET
FLOOR PLAN**

BEFORE



SCALE 1:100
1M 2M 3M 4M

AFTER WORK IS COMPLETED

