

**TITLE: 25/00437/LBC**

Committee: Planning Committee

Date: 02 July 2025

Author: Planning Officer

Report No: AA33

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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 site is located within the defined development envelope and Conservation area of Ely. The building is grade II listed and is a former day care centre. The application seeks retrospective consent for the internal works made to the Listed building to form a secure office for the Local MP. The purpose of this application is to understand if there is harm caused to the fabric of the listed building as a result of the work made. The internal works include the retrofit of a secure

office area to the front of the building that would measure 10m in length and has a width of 3.4m.

- 2.2 Due to the retrospective works to a Listed building which requires consent, this application has been submitted to regularise the unauthorised changes. However, the retrospective nature of the application is not a matter which can be considered as part of the determination of the application. The Council has not taken enforcement action, regarding the alterations 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 **25/00436/FUL**  
Change of use to secure office retrospective  
**To be determined by Committee**

**93/00537/FUL**  
Refurbishment & Extension (25.9m<sup>2</sup>) 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. 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 located within the Centre of Ely and 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.

### **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**

Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states:

'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.

The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration; If alteration is justified on other grounds then reversible alteration is preferable to non-reversible.

Doors and windows are frequently key to the significance of a building. Replacement is therefore generally advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail and material. Secondary glazing is usually more appropriate and more likely to be feasible than double glazing where the window itself is of significance.'

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 - 14 May 2025**

- Not clear how waste will be managed as part of the proposal, the officer has requested that the commercial waste duty of care document notes be provided to the applicant.
- There are no opening hours listed on the application form. If there are existing opening hours attached to the existing use, these should be considered due to the proximity to residential dwellings.

### **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)

ENV 12 Listed Buildings

6.2 Supplementary Planning Documents

Design Guide  
Natural Environment SPD

6.3 National Planning Policy Framework (December 2024)

15 Conserving and enhancing the natural environment  
16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

6.5 *Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990*

## **7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 Planning Comments

7.2 The main consideration of this application is the impact on the Grade II Listed Building. This application is to determine how this proposal would affect the fabric of a Listed Building.

### 7.3 Historic Environment

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.

7.4 Paragraph 200 of the NPPF sets out that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. It states that 'as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'

7.5 Paragraph 208 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.6 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.7 The internal change includes alterations to the front windows to include secondary glazing and the introduction of internal secure office space to the front portion of the building.

7.8 The Conservation Officer was consulted on this application and concluded that the secondary glazing applied to the windows on the front elevation is discreet and reversible and confirming to normal conservation practice.

7.9 The Conservation Officer sets out that modern alterations made in the 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.

7.10 The Conservation Officer concludes that whilst works to listed buildings 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 and is therefore considered to comply with policy ENV 12 of the East Cambridgeshire Local Plan (as amended 2023), the NPPF and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **7.11 Other Material Matters**

7.12 Consultation responses have been received for this application from Highways, Environmental Health and neighbours, which cannot be considered under this application as the only material planning consideration is the effect this proposal would have upon the fabric of the Listed Building. However, these considerations have been addressed under the change of use application 25/00436/FUL and do not form part of the Listed Building Consent.

#### **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.

### **7.13 Planning Balance**

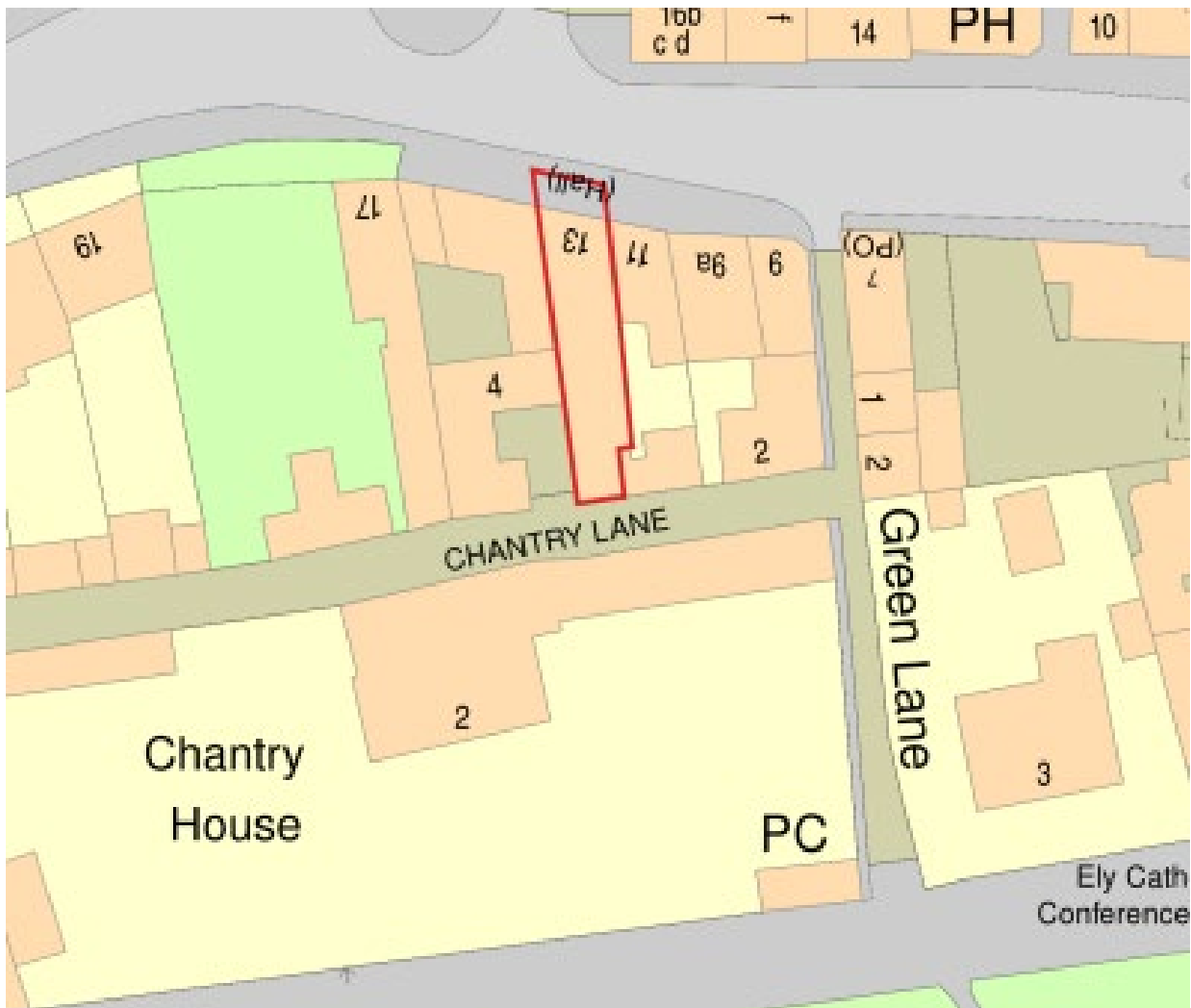
7.14 The retrospective application for the internal works, to a grade II listed building is considered on balance, to be acceptable, and the impact upon the heritage asset would have a neutral impact upon the significance of the listed building and is therefore considered to comply with policies ENV 12 of the East Cambridgeshire Local Plan (as amended 2023), the NPPF and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 8.0 APPENDICES

### Appendix 1 – Recommended conditions

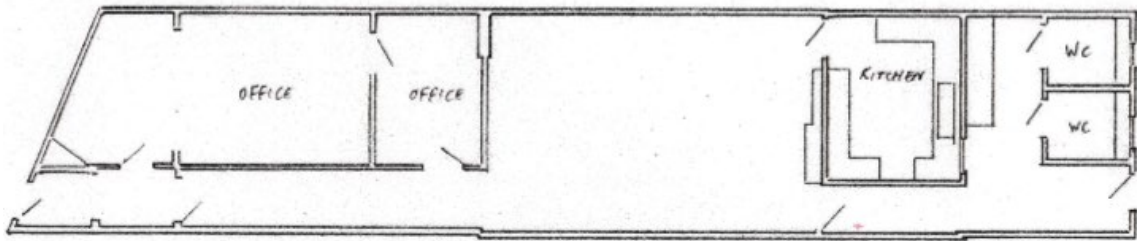
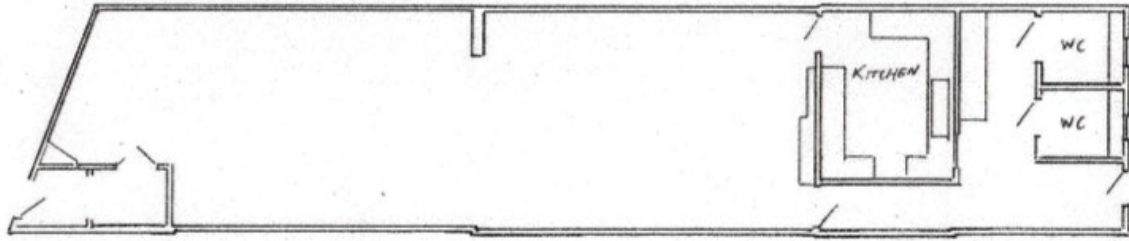
#### PLANS

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**



## **Appendix 1: Recommended Conditions**

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

Plan Reference	Version No	Date Received
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 internal works hereby permitted shall be retained in accordance with the approved plans

2 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023).