

**MAIN CASE**

Proposal: Change of use of ground floor to A1/ A3 mixed use (retrospective)

Location: 11A High Street Ely Cambridgeshire CB7 4LJ

Applicant: Nero Holdings Ltd

Agent: Brian Madge Ltd

Reference No: 11/00543/FUL & 11/00429/LBC

Case Officer: Lucie Turnell

Parish: Ely

Ward: Ely East

Ward Councillor/s: Councillor Will Burton  
Councillor Richard Hobbs

Date Received: 13 June 2011

Expiry Date: 8 August 2011

**[L71]**

---

**1.0 EXECUTIVE SUMMARY**

1.1 Planning permission and listed building consent is being sought retrospectively for the change of use of 11a High Street, Ely from an A1 retail use to a mixed A1/A3 use. The work has been completed and Caffè Nero opened in May this year.

1.2 The site is within Ely Conservation Area and the rear section is a grade 2 listed building.

1.3 The site lies within Ely's Primary Shopping Area, as defined in the Core Strategy. In this case the proposal is assessed against the following criteria of policy S2: -

- The percentage of A1 retail floorspace does not fall below 60% of the net floorspace; &
- The proposal does not involve the loss of a shop unit measuring 200sqm or larger.

1.4 Whilst there has been concern that the change of use of this unit would result in the loss of A1 within the Primary Shopping Frontage, the existing A1 provision and the size of the unit are such that it is not contrary to policy and is therefore recommended for approval.

**1.5 A site visit has been arranged for 12.45 prior to the meeting.**

## 2.0 **THE APPLICATION**

2.1 The applications seek planning permission for a change to the ground floor of unit 11a High Street to a mixed A1/A3 use and listed building consent for internal and external works including the installation of a new fascia and projecting sign.

2.2 The unit was previously trading as 'Ocean Cargo', an A1 retail use from which there is no permitted change. Caffe Nero opened in May 2011 prior to the submission of these applications; both consents are therefore being sought retrospectively.

## 3.0 **THE APPLICANT'S CASE**

3.1 The applicant has submitted the following documents in support of the application: -

- Letter dated 11<sup>th</sup> June 2011 that accompanies the planning application. <http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00051228.pdf>.
- A Design, Access and Heritage Statement that accompanies the LBC <http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00050644.pdf>
- Disability Policy Statement that accompanies the LBC <http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00049455.pdf>

3.2 In summary the following points have been made: -

- The proposal is for a mixed A1/A3 use to accommodate the off sales and consumption on the premises.
- This store is expected to operate a split of 25% A1 and 75% A3
- A mixed A1/A3 use is appropriate to a Primary Shopping Area by providing a continuous flow of customers
- The mixed use adds to the vitality and attractiveness of the centre
- Recognise the importance of providing an inclusive environment and fully endorse the aims and provisions of the Disability Discrimination Act 1995
- No structural work is being undertaken

## 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The unit lies on the north side of High Street at the corner with Chequer Lane. This is within the defined Ely Primary Shopping Frontage. It extends to approx 260sqm with 136sqm of net sales area on the ground floor.

4.2 The site is within Ely Conservation Area and the rear section is a grade 2 listed building.

## 5.0 **PLANNING HISTORY**

5.1 None relevant.

## 6.0 **REPLIES TO CONSULTATIONS**

6.1 Access Group – Information re: lower level counter is noted

- 6.2 Ely City Council – No concerns. It was noted that counter heights were too high for wheelchair users.
- 6.3 Environmental Health – Times of use limited to those requested. Delivery times limited to 07:00 - 20:00 Mon – Fri, 08:00 - 20:00 Saturdays and none on Sundays and Bank Holidays

## 7.0 **THE PLANNING POLICY CONTEXT**

### 7.1 **East Cambridgeshire Core Strategy 2009**

- CS1 Spatial Strategy
- CS5 Retail and town centre uses
- S1 Location of retail and town centre uses
- S2 Retail uses in town centres
- EN2 Design
- EN5 Historic conservation

### 7.2 **National Planning Policy**

PPS4 Planning for Sustainable Economic Growth

PPS5 Planning for the Historic Environment

## 8.0 **PLANNING COMMENTS**

- 8.1 The planning application and listed building consent seek retrospective permission for a change of use of the premises from A1 to a mixed A1/A3 use with associated internal and external work. The works have been completed and the unit has been trading as Caffe Nero since May 2011. The following issues need to be addressed in considering this application: -
- The suitability of the use within the Primary Shopping Frontage given the restrictions of Core Strategy Policy S2.
  - The potential affects on the Conservation Area and the Grade 2 listed building.
- 8.2 A Primary Shopping Frontage has been identified where the proportion of retail uses is particularly high, and where the highest prime retail rents are concentrated. In such areas the Council will seek to ensure that the shopping function of the town is protected, which is particularly important in Ely, as the main shopping centre in the district.
- 8.3 There has been considerable debate over the classification of coffee shops within the Use Classes Order. It is generally accepted that such uses are mixed and the split depends on each individual operation. Recent examples within Ely Town Centre include Starbucks and Costa, which have both been given mixed A1/A3 permissions. In this case, the operation is expected to operate a split between A1 and A3 uses of 25% to 75%, therefore predominantly an A3 use.

- 8.4 In the defined Ely Primary Shopping Frontage the loss of A1 retail floorspace will only be permitted where: -
- The percentage of A1 retail floorspace does not fall below 60% of the net floorspace; &
  - The proposal does not involve the loss of a shop unit measuring 200sqm or larger; &
  - The proposal would not result in A2 retail floorspace exceeding 12% of the net floorspace;
  - The proposal does not involve ground floor residential development.
- 8.5 The first two criteria are relevant to this application. First, up to date records show that 87% of Ely's Primary Shopping Frontage is currently in A1 use. This is obviously well above the policy minimum of 60%. Whilst the use is mixed A1/A3 it will be recorded for the purposes of this policy as A3 but would only result in a drop to 85.2%.
- 8.6 Secondly, the total size of the unit is approx 260sqm, with floorspace provided at ground and first floor. The application is for a change of use to the ground floor only, with the first floor continuing to operate as ancillary storage. The first floor has not previously been used as part of the net retail floorspace. The net retail floorspace is therefore only that at ground floor level and as such the unit does not exceed 200sqm, which are those protected by the policy.
- 8.7 Whilst there has been concern that the change of use of this unit would result in the loss of A1 within the Primary Shopping Frontage, the existing A1 provision and the size of the unit are such that it is not contrary to policy and is therefore recommended for approval.
- 8.8 The application affects a Grade II listed building that sits within Ely Conservation Area. Any development must therefore take care to preserve or enhance the character and appearance of the area and not have a detrimental impact.
- 8.9 The applications are retrospective and no plans have been submitted to show the internal layout prior to the works being carried out. However, the Council's Conservation Officer visited the site whilst work was underway which confirmed that there was no loss of the historic fabric.
- 8.10 The works that have been carried out are minimal; the majority of the alterations involve the insertion of stud partition walls to create toilet facilities and to separate off staff areas. These works are essentially reversible in nature and the walls could be removed without damage to the historic fabric.
- 8.11 The new signage scheme is also considered to be acceptable and does not have a negative impact on the character of the building or the conservation area.

## 9.0 **RECOMMENDATION**

The applications for planning permission [ref: 11/00543/FUL] and listed building consent [ref: 11/00429/LBC] are recommended for approval subject to the following conditions: -

No customers shall be on the premises outside the hours of 7:00 –18:00 Monday to Saturday and 09:00-18:00 on Sundays and Public Holidays. Delivery times shall be restricted to 07:00 – 20:00 Monday to Fridays and 08:00 – 20:00 on Saturdays and none on Sundays and Bank Holidays.

REASON: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009

With the exception of the re-heating of pre-prepared sandwiches, pastries, pies and other related bakery items; there shall be no cooking or hot food preparation on the premises.

REASON: The proposal has been assessed on this basis, and the acceptability or otherwise of installing extraction/ventilation/odour abatement equipment has not been considered.

## **APPENDICES**

- None

---

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
The casefile and those referred to above.	Lucie Turnell Room No. 011 The Grange Ely	Lucie Turnell Team Leader Development Control 01353 665555 lucie.turnell@eastcamb.gov.uk