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**MAIN CASE**

Proposal: Works to Listed Building and Change of Use of The Malting Cottage (68 Quayside) from Class C3 to 2 self contained holiday lets, one single bedroom and one double bedroom.

Location: The Maltings Cottage 68 Quayside Ely Cambridgeshire

Applicant: East Cambridgeshire District Council

Agent: DDL

Reference No: 11/00118/FUL & 11/00173/LBC

Case Officer: Sue Finlayson

Parish: Ely  
Ward: Ely East  
Ward Councillor/s: Councillor Brian Ashton  
Councillor Jackie Petts

Date Received: 8 February 2011      Expiry Date: 5 April 2011

**[K329]**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 These applications have been brought before Members due to the considerable public interest in them. The applications propose works to a Grade II listed building, to convert the single dwelling into two units for holiday lets. The building is in the ownership of the District Council and has been vacant for a number of years.
- 1.2 The proposal will create a two bedroom unit and a one bedroom unit, by the infilling of a door on the ground floor and on the first floor levels. The proposed changes to the external elevations are relatively minor, including new external doors to existing openings and the creation of a new door and window opening to the west elevation. The remaining external works consist of repairs and improvements to the fabric; repairs to brickwork, rainwater goods, roof materials, flashings and drainage. Railings are proposed on the existing low wall behind the existing beech hedge on the western boundary and to part of the southern boundary. Internally a new staircase will be added; the fire surrounds removed; doors infilled and structural works to ensure the stability of the building. Two parking spaces are proposed to the rear of The Maltings building.
- 1.3 The works proposed to the Listed Building are acceptable to the Conservation Officer, and will enable the building to be brought up to a sound structural/habitable standard. The change of use is also considered acceptable and appropriate, as the property is

in a key position for attracting tourists and the use should bring forward economic benefits for the Council and the community at large.

1.4 The applications are therefore recommended for **approval** subject to certain planning conditions.

1.5 A site visit has been arranged for 12:30.

## 2.0 **THE APPLICATION**

2.1 The applications for the proposed change of use (E/11/00118/FUL) and for works to the listed building (E/11/00173/LBC) have been combined in this report. They propose works to the Grade II Listed Building, some structural, but mainly cosmetic, to bring the building back into active use. Due to ongoing vacancy, the building is beginning to show signs of damp and degradation. The main changes externally relate to repairs to the building fabric, rainwater goods, roof materials, flashings, improvements to surface water drainage, new external doors to existing openings and a new door and window to the west elevation. Revised plans have been received to show that railings are proposed on a low wall behind the existing beech hedge on the western boundary and to part of the southern boundary. Internally a door on the ground and first floor will be infilled, a new staircase will be added, a fire surround removed and structural support added.

2.2 These alterations will provide a two bedroom unit and a one bedroom unit, which it is proposed should be used for holiday accommodation. The units would have two garden areas, one to the west and one to the east, both directly served by external doors. Two parking spaces are proposed on land to the rear of The Maltings building. No direct access is proposed to Jubilee Gardens.

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

3.1 The applicant's case has been presented in the Design and Access Statement, Design and Access and Heritage Statement, and Structural Report which can be seen on file E/11/00173/LBC, and on the Design and Access statement and photographs submitted for application E/11/00118/FUL. These documents are available on the case files, or on Public Access via the following links:

[http://pa.eastcambs.gov.uk/online-](http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LG8XHBGG55000)

[applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LG8XHBGG55000](http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LG8XHBGG55000)

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

4.1 The site comprises a two-storey Grade II listed building between The Maltings building and Jubilee Gardens. Its gable end fronts the river Great Ouse, and there is a single storey rear extension. There are gardens to the east and west of the building, with a high brick wall and fence around the eastern garden area, and a corrugated iron fence and a beech hedge forming the western boundary. There is currently access to the site from a gate off Quayside to the south, and via a gate from the Maltings car park/servicing area. The Maltings is a public building used for amongst other things as an entertainment venue, restaurant and exhibition hall.

4.2 The site is in the Ely Conservation Area, on the river walk frontage.

## 5.0 **PLANNING HISTORY**

5.1

11/00173/LBC	Works to listed building to form two holiday lets		
91/00358/LBC	Strengthening of part of existing roof and construction of new roof	Approved	09.09.1991
87/00132/FUL	ALTERATIONS TO PROVIDE TWO FUNCTION ROOMS KITCHEN MANAGERS OFFICE AND FIRST FLOOR FLAT	Approved	17.03.1987

## 6.0 **REPLIES TO CONSULTATIONS**

6.1 Site Notices posted on the gate fronting the River Great Ouse. No neighbours were notified as there are none immediately adjacent. The proposal was advertised in the press. To date 27 letters raising concerns have been received in respect of E/11/00118/FUL (change of use) and 15 in respect of the listed building works – E/11/00173/LBC.

They raise the following concerns:

- Inadequate public debate about proposed use for building
- Building left for public use – this is not such a use – loss of ‘public building’ it should remain available for citizens to use
- Property should remain as part of the Maltings
- No need for further tourist accommodation
- Is the proposal economically viable – other rental properties in close proximity, not particularly successful – will the accounts be open to public scrutiny?
- Who will manage the building – increased ECDC staffing resources/costs?
- Noise and disturbance on Gardens will be detrimental to holiday makers
- Inadequate parking provision
- Inappropriate direct access to Jubilee Gardens (would set a precedent and loss of beech hedge and its biodiversity)
- Unsympathetic changes to listed building – additional doors etc
- Further access from western garden to Quayside not necessary
- The property should be used to house single people on the housing list and managed by Sanctuary Hereward Housing
- Let the property out as a single unit/craft centre/information centre/meeting rooms/museum/coffee-snack bar/shop/studio space/herb garden/
- District Council giving itself planning permission – greater scrutiny should be applied
- No access for the disabled to first floor
- No consultation with Ely Society/Ely Perspective

- 6.2 **Ward Councillor:** Councillor Sheila Friend-Smith has raised concerns that –
- a) The cottage is part of a public building – The Maltings, and it could be reasonably assumed that the cottage would remain part of the Maltings and, after renovation, be accessible to the public
  - b) As the District Council is giving itself permission in this instance greater scrutiny should be applied. Concern that direct access is proposed to Jubilee Gardens, this has been refused to others, and a precedent should not be set
  - c) This proposed access will remove the beech hedge, which is important for shelter and wildlife, and spring bulbs have been planted beneath it
  - d) There is considerable local concern that the proposed use as holiday lets is contrary to the original transfer by the Ely Brewery for community use.
- 6.3 **Ely City Council:** *Re E/11/00118/FUL:* Need to ensure compliant with disabled access regulations. Concerns re cooking fumes and noise from The Maltings building. Displacement of parking for staff at the Maltings could lead to pressure on public car parking spaces.  
*Comments re amended plans and E/11/00173/LBC:* Recommend refusal on basis of loss of beech hedge and encroachment onto Jubilee Gardens. Other properties have been denied access.
- 6.4 **Conservation Officer:** *Re E/11/00118/FUL:* Application affects Grade II listed building in the Ely Conservation Area, therefore care must be taken to preserve or enhance the character and appearance of the building and its wider setting in the Conservation Area. No objections to the change of use, in principle, as the property has been vacant for some years, and this is beginning to show in the building fabric. The building needs to be brought back into use to secure its long-term preservation. Removal of corrugated iron fence improves visual amenity of the building. The creation of a dwarf wall with fencing facing Jubilee gardens will improve the elevation and setting of the listed building, however the wall should not be punctuated, but continuous to secure outdoor space for properties. The revised plans showing the removal of access to Jubilee Gardens is now acceptable. This creates a solid boundary that provides screening and privacy and will be a more appropriate boundary treatment to the listed building. The continuation of the wall and fence to the south, will remove the issue of water penetration at the existing joint of the wall and building.  
*Re E/11/00173/LBC:* The alterations required to facilitate the change of use will have minimal impact on the historic fabric and in my opinion will not have a detrimental impact on the character or appearance of the listed building. There have been many unsympathetic alterations carried out in the past and this application creates an opportunity to improve on several of these enhancing the character and appearance. The dividing of the property into 2 units is effectively a reinstatement and will take the building back to its original form. The structural works have been kept to the minimum required to ensure the stability of the building and secure it's long-term preservation and the internal alterations have been considered sympathetically in order to minimal impact on any historic fabric. Some details do need further input for myself and this can be dealt with by the conditions suggested to ensure works are completed appropriately.

- 6.5 **English Heritage:** Comments awaited, and will be reported at the Committee Meeting.
- 6.6 **Environment Agency:** Although building is in Flood Zones 2 and 3 there is no objection as the proposed use results in no increase in flood risk vulnerability. The applicant is advised to undertake a flood plan, including the method of flood warning evacuation to ensure safe future use. Floodline Warning information, contacts for working close to the River, and drainage information provided.
- 6.7 **Ely Society:** This scheme is better than leaving the building to deteriorate further. The building should have been divided horizontally to enable the ground floor unit to be fully accessible to the disabled. It is not clear whether the proposed use complies with the 'community use' aspect of the sale of the building originally.
- 6.8 **East Cambridgeshire Access Group:** Disappointed that proposal does not provide for much needed disabled access holiday lets. Could have supported the application if ground floor was an accessible flat.

## 7.0 **THE PLANNING POLICY CONTEXT**

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

- CS1 Spatial Strategy
- CS2 Housing
- EC9 Tourist accommodation
- EC10 Holiday and seasonal occupancy conditions
- S3 Retaining community facilities and open space
- S7 Parking provision
- EN2 Design
- EN5 Historic conservation

### 7.2 **Regional Spatial Strategy – East of England Plan**

- ENV6 The Historic Environment
- ENV7 Quality in the Built Environment
- E6 Tourism

### 7.3 **National Planning Policy**

- PPS5 Planning for the Historic Environment

## 8.0 **PLANNING COMMENTS**

- 8.1 This proposal is for the conversion, restoration and change of use of a Grade II listed building in the Ely Conservation Area, to 2 holiday lets (1x 2 bedrooms and 1x1 bedroom). The property is known as Malting Cottage, and dates from the early nineteenth century. It was formerly a pair of houses and was listed for its group value together with other properties fronting the river. Restoration works have previously been carried out on the property in 1971 and 1991, but it now requires further work as the building has been vacant for some years. It has been kept secure and weather tight however it is now showing signs of this prolonged vacancy,

particularly from damp in several areas. The building is ancillary to The Maltings, which, it is understood was given to the Council for community use. For a number of years the Cottage was occupied by the Maltings Caretaker. The building is therefore a Council asset which the Council is liable to upkeep.

8.2 The building Main issues for consideration are:

- The principle of the proposed change of use in policy terms
- The impact of the proposals on the Listed Building in the Conservation Area
- Other issues raised in public comments

8.3 **The principle of the proposed change of use in policy terms:**

As the property was last used as a domestic dwelling the change of use application is required as an additional 'dwelling' is being proposed. Holiday lets fall within the same use class as domestic dwellings, i.e. C3, as any dwelling can be rented without the need for planning consent. Therefore in this instance the local planning authority is essentially considering the subdivision of the property, albeit the proposed use for holiday lets is a material consideration.

8.4 Ely is the largest settlement in the District, where Policy CS1 and CS2 propose that development should be concentrated, as it is the most significant service and population centre, and the key focus for growth. Ely is the most sustainable location for tourist accommodation as it is well served by buses and trains and is an ideal base for visiting nearby towns and local facilities. Policy EC9, which addresses tourist accommodation, states that holiday cottage accommodation will be supported where a need can be justified, and where the proposal is within, or well related to, the settlement boundary. In this case the site is within the heart of the main tourist area of the city. In respect of need, the Council's Tourist Accommodation Assessment, produced in October 2005, estimated that market occupancy in the district for rented holiday properties would rise to 118% by 2021 if the number of units was not increased. This was based on occupancy rates of 73% for the 21 units in existence in the district at that time. The Assessment estimated that at least 6 further units would be needed. Planning permission has been granted for 5 individual holiday let units since 2005, but it is not known whether they are all operating at present. It is pertinent to state that the holiday lettings market is demand led and can be unpredictable. It is probably rising at present with fewer people taking holidays abroad, and more people taking a number of short breaks rather than a full 2 week holiday. It is therefore not considered that the proposed change of use would 'flood' the market. Additionally the Team Leader Tourism and Town Centres considers that as there is a lack of character self catering properties demand is likely to be high, especially given the location of the property. It is estimated that occupancy would be 100% during April-October and 50% for the rest of the year.

8.5 Policy EC10 addresses holiday and seasonal occupancy conditions. This policy was felt to be necessary to ensure that holiday accommodation, once approved, does not revert to permanent residential occupation, and remains to support the rural economy through visitor spend at local shops and attractions, placing much less pressure on local services, such as doctors and schools, as would be the case with permanent residential occupancy. A planning condition is proposed to address this issue. If the use for holiday lets is unsuccessful in future, then a planning application would be required in future for the change of use, or variation of condition, which would be open to public scrutiny.

- 8.6 Two parking spaces are proposed to the rear of The Maltings building. This level of parking is considered appropriate to comply with Policy S7. If further car parking is needed, there is a public car park nearby in Ship Lane. It is therefore considered that the principle of the change of use to holiday lets complies with Core Strategy policies.
- 8.7 **The impact of the proposals on the Listed Building in the Conservation Area:**  
The building has been vacant for a number of years and if a viable use is not found the building could, in the future, be regarded as being at risk in conservation terms. Therefore it is important that a pragmatic approach is taken in order to secure a viable use for the building. The issue of continued vacancy is the primary concern with this building as the property has been kept secure and weather tight. However, in order to ensure the long-term preservation of this heritage asset, it needs to be in active use. This scheme fits this need whilst having minimal impact on historic fabric. The proposal will make the building structurally sound and the proposed alterations will increase the viability of the units, whilst retaining the domestic scale and character of the building. A Heritage Statement, Design and Access Statement and a structural survey support the application. These documents have been carefully considered by the Conservation Officer who was also involved in the scheme prior to the submission of the application. The proposal will create a two bedroom unit and a one bedroom unit, by the infilling of a door on the ground floor and on the first floor. The external alterations as noted previously are minimal and the internal alterations have been designed around the historic fabric in order to have a minimal impact. These changes are accepted by the Conservation Officer as detailed in her comments shown in Para 6.4 above, and several planning conditions are suggested to ensure works are completed to the appropriate standard for a listed building.
- 8.8 Policy EN5 seeks to ensure that development in a conservation area is of a high standard of design that would enhance or preserve the character and appearance of the area, retaining attractive features such as doors, windows and boundary walls. Alterations to, or changes of use of listed buildings will only be acceptable where they preserve the setting of the building or any special architectural feature and support its long term preservation. In this case the external changes are fairly minor, involving cosmetic repair and an additional door and window. The main internal alterations will remove a non-original fire surround, create a staircase, close up doors, and fit out new kitchens and bathrooms. These alterations will not detrimentally affect the fabric or the character of the listed building, and will help to ensure its long-term preservation. It is therefore considered that the proposed alterations and the addition of new boundary treatment will preserve the building and enhance its setting and the character of the surrounding area in compliance with Policy EN5.
- 8.9 **Other issues raised in public comments:**  
In response to the concerns raised by objectors to the proposal that other uses have not been investigated or publicly discussed, ideas were in fact raised, discussed and considered, with Ely City Council and Ely Perspective. Consideration had to be given to potential conflicts of use with The Maltings building itself, and to try to find a viable use which would maximise economic benefit for the Council as asset holders, and consequently for the general public. As background to the present application, the decision to proceed with the conversion of the property for holiday lets was recommended by the Asset Management Sub-Committee, and approved by the Policy and Resources Committee on 3<sup>rd</sup> February 2009. Other uses may be

appropriate, but it must be stressed that the Planning Committee has to consider the application as presented, and decide on its acceptability or otherwise in planning terms.

- 8.10 With regard to the potential curtailment of public access to the building, it should be remembered that the property was used for a number of years as the caretaker's dwelling, and would not have been open to general public access at that time. The building remains essentially in 'public' ownership, and its proposed use does not impact on the use of The Maltings building itself or public access to it. Revised plans were requested to address the concerns raised by direct access to Jubilee Gardens, and it is considered that the proposed boundary treatment now addresses those issues. Access is now afforded to the small garden to the west of the property. This is considered necessary to enable both parties to have private garden space, if they wish, when the property is fully let. Whilst it is regretted that the proposed conversion does not include complete access for the disabled, it should be noted that Building Regulations do not require this provision. The existing layout does not have ground floor toilet facilities, and alterations were aimed at being kept to a minimum to retain the original fabric/character of the property. Whilst ground floor facilities might have been possible, this would have had implications on the rest of the layout.
- 8.11 Summary and Conclusion: This application has aroused considerable public discussion, hence why it is now before Members, who must consider the planning merits of the proposal. The works proposed to the Listed Building are acceptable to the Conservation Officer, and will enable the building to be brought up to a good structural/habitable standard. The change of use is considered to be both acceptable and appropriate, as the property is in a key position for attracting tourists, and the use should bring forward economic benefits for the Council and the community at large. There would be no adverse amenity or privacy issues, and no adverse impact on Jubilee Gardens or the character of the wider area. The proposal will complement The Maltings building, not compete with it. The change of use and alterations are considered to comply with Core Strategy policies in respect of the historic environment and tourist accommodation, and both applications are therefore recommended for approval.

9.0 **RECOMMENDATION Approve**, subject to the following conditions:

**E/11/00118/FUL**

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 The accommodation hereby approved shall be occupied for holiday purposes only, and shall not be occupied as a person's sole or main residence; and no let must exceed 28 days. Additionally the operator of the site shall maintain an up to date register of lettings/occupation, including the home address of the occupiers, and shall make this information available to the Local Planning Authority at all reasonable times.



- 2 REASON: To ensure that the property is occupied in accordance with the approval, which has been granted on the basis of short-term holiday lets, which have less pressure on local services whilst contributing to the local economy, rather than as permanent residential units, in accordance with Policy EC10 of the East Cambridgeshire Core Strategy 2009.
- 3 Prior to commencement of the western boundary treatment, full details of measures to protect the existing beech hedge and planting beneath it shall be submitted to and agreed in writing by the local planning authority. The approved details shall thereafter be fully implemented.
- 3 REASON: In the interests of preserving the biodiversity, general amenity and character of the area, in accordance with Policies EN2 and EN6 of the East Cambridgeshire Core Strategy 2009.
- 4 The proposed boundary treatment to the western and southern boundaries shall be completed as shown on the approved drawings, prior to the first occupation for holiday lets.
- 4 REASON: In the interests of residential amenity and to safeguard the character of the area, in accordance with Policy EN2 of the East Cambridgeshire Core Strategy 2009.

**E/11/00173/LBC**

1. The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
2. Prior to the commencement of works the following details must be submitted for the prior written approval of the local planning authority:
- a) Details of the end disc design for the first floor tie rods;
  - b) New window and door details at scale of 1:20;
  - c) New staircase details at scale of 1:20;
  - d) Details of rainwater goods;
  - e) Details of railing design and materials.

The development shall thereafter be undertaken in full accordance with the agreed details.

2. REASON: To ensure the fabric of the listed building is appropriately protected and restored in accordance with Policy EN5 of the East Cambridgeshire Core Strategy 2009.
3. Prior to commencement of works a photographic recording of the larder area is to be carried out and deposited with the Local Planning Authority.

3. REASON: To provide a historic record of interesting architectural features of the building for future reference in accordance with Policy EN5 of the East Cambridgeshire Core Strategy 2009.
4. Prior to commencement of works the internal floor finish of either limecrete or brick and the need for any DPM is to be agreed in writing with the Conservation Officer. The development shall thereafter be undertaken in full accordance with the agreed details.
4. REASON: To ensure the fabric of the listed building is appropriately protected and restored in accordance with Policy EN5 of the East Cambridgeshire Core Strategy 2009.
5. Following the exposure of any timber elements (floors, joists, etc) any repair or treatment works required must be agreed in writing with the Conservation Officer prior to the commencement of any of the works.
5. REASON: To ensure the fabric of the listed building is appropriately protected and restored in accordance with Policy EN5 of the East Cambridgeshire Core Strategy 2009.

## **APPENDICES**

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
PPS5 Planning for the Historic Environment	Sue Finlayson Room No. 011 The Grange Ely	Sue Finlayson Team Leader, Development Control 01353 665555 sue.finlayson@eastcambs.gov.uk