F/YR22/0078/F

Applicant: Mr A Popat

Agent :Mr Liam Lunn-TowlerPeter Humphrey Associates Ltd

92 Elm Road, Wisbech, Cambridgeshire,

Formation of 1 additional bedsit (1-bed) including alterations to existing bedsit/flats and installation of 5 no roof lights

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 The scheme proposes an additional unit of residential accommodation through the subdivision of the existing premises which benefit from a certificate of lawfulness for 5 residential units.
- 1.2 The scheme has been amended to address matters of refuse collection and to obviate some of the concerns of the case officer regarding the 'amount' of accommodation, being reduced from 2 additional units to 1. However, it is considered that the further subdivision of the existing premises to form an additional unit of residential accommodation has a negative impact on the existing residential accommodation and that this will have significant adverse consequences for the likely residential amenity of future occupiers.
- 1.3 Furthermore, the proposal will result in four of the six units delivering accommodation under the minimum Gross Internal Areas prescribed in the Technical Housing Standards (THS), published 27th March 2015.
- 1.4 This clearly illustrates that the accommodation is unacceptable to deliver high levels of residential amenity as required by Policies LP2 and LP16 of the Fenland Local Plan and provides sufficient evidence base to resist the scheme as submitted.

2 SITE DESCRIPTION

- 2.1 No 92 Elm Road is a terraced dwelling situated to the western side of Elm Road which provides an approach into the main town centre and runs parallel with Churchill Road. The character of the area is predominately residential and the dwelling sits within a terrace of 5 properties, all with small garden areas to the front.
- 2.2 To the west of the site is a premises in use as a Day Nursery, this is accessed via a separate driveway which runs to the south of the existing terrace of dwellings.
- 3 PROPOSAL

- 3.1 Following the issue of a certificate of lawfulness for 3 flats and 2 bedsits in December 2021 this submission comes forward to propose an additional 1 bedsit making a total of 6 residential units within this 4-storey dwelling.
- 3.2 Originally the submission proposed a further 2 no. bedsit units, this increase being facilitated through alterations to Flats 4 & 5 situated on the 1st and 2nd floors of the property. Following negative feedback from the case officer the agent has revised the scheme and reduced the number of additional units to 1. However, it should be noted that no encouragement has been offered to this revision and the case officer has consistently maintained that anything over and above that permitted through the certificate of lawfulness would represent substandard accommodation in terms of residential amenity.
- 3.3 The certificate of lawfulness permitted the accommodation listed in columns 1 to 3, this accommodation being established through the passage of time with the applicant being able to demonstrate that the use had subsisted for 4-years in the case of the flats and 10-years in the case of the bedsits (noting that the latter units were not 'sufficiently self-contained' to qualify as single dwelling houses as such the 10-year rule applied). Column 4 indicates how it is now proposed to sub-divide the existing accommodation to deliver the additional residential unit.

				Proposed gross		
Flat No.	Location within building	Type of accommodation [and extent of alteration proposed]	ccommodation internal area and extent of (GIA) and			
			provided	accommodation provided		
1	Basement	1-bed self-contained flat with separate kitchen, living room and bathroom. [remains as per existing]	50 square metres	50 square metres		
2	Ground floor (front)	Bedsit with sink and cooker in room and access to shared bathroom [en-suite and cooking facility introduced]	18.5 square metres	18.5 square metres		
3	Ground floor (rear)	Bedsit with sink and shower and access to shared bathroom [en-suite and cooking facility introduced]	20 square metres	20 square metres		
4	First floor	1-bed self-contained flat with shower in bedroom with separate kitchen and living room plus access to shared facilities.	50 square metres	Flat 4: 28 square metres (with storage area (2 square metres) accessed from landing) To provide: 1 bedroom flat with		

				separate kitchen/living room and ensuite shower room
				Flat 6: 19 square metres (with storage area (4 square metres) accessed from landing) To provide: bedsit with ensuite shower room
5	Second floor	1-bed self-contained flat with separate en-suite (sink and WC only) with separate kitchen, store and living room plus access to shared facilities. [becomes 1 bedroom flat with en-suite and open plan kitchen/living room)	50 square metres	50 square metres

Full plans and associated documents for this application can be found at: <u>F/YR22/0078/F</u> | Formation of 1 additional bedsit (1-bed) including alterations to <u>existing bedsit/flats and installation of 5 no roof lights | 92 Elm Road Wisbech</u> <u>Cambridgeshire (fenland.gov.uk)</u>

4 SITE PLANNING HISTORY

F/YR21/1219/CERTLU	Certificate of lawfulness (Existing): Conversion of 1no dwelling to 3no flats and 2no bedsits (shared facilities)	Certificate Issued 17.12.2021
F/YR21/0225/F	Formation of 2 additional bedsit/flats (1-bed) including alterations to existing bedsit/flats and installation of 5 no roof lights	Application Withdrawn 26.04.2021
F/YR17/0628/F	Insertion of 2 x roof lights to front (east) roof slope of existing building	Granted 06.09.2017
F/YR17/0508/CERTP	Certificate of Lawful Use (Proposed): Installation of 2no velux rooflights to front (east) elevation	Application Withdrawn 21.06.2017

5 CONSULTATIONS

5.1 **Town Council**: Initially objected, on the basis that the proposal would constitute overdevelopment of the site. On receipt of the re-consultation advising of the

proposed refuse collection arrangements to the site responded to maintain that objection.

On re-consultation (06.09.2022) Object, on the basis that the proposal would constitute overdevelopment of the site

(18.10.2022) In respect of the scheme reducing the number of units to 6 in total recommend *'that the application be supported'*

5.2 **Environment & Health Services (FDC)**: 'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination'.

In respect of the re-consultation relating to refuse collection arrangements note that:

'The Environmental Health team note the submitted additional information that has prompted the re-consultation and having studied these documents, they do not affect the recommendation of 'no objections' made previously by this service'.

5.3 **Private Sector Housing – FDC**: The Private Sector Housing Team have no objections to this proposal.

Following re-consultation in respect of scheme revisions comment as follows: (12/09/2022) 'I can confirm that following our concerns with the original proposed layout, Andy Brown & I met with the owner and his agent to discuss suitable alternatives. Having further received confirmation of his intentions re fire doors and amenity provisions, we are satisfied that his revised plans would reduce the risk of harm to occupants and therefore we do not have any further comments.'

5.4 **Head of Environmental Services (Refuse Team)**: Originally noted that there was no reference to waste collection arrangements and that it was understood that only one set of bins (general waste & recycling) were in place at this location, these are stored down the steps outside the basement flat, there appears to be space for more bins to be stored in this area however it would not be recommended that residents are required to transport these up the stairs to allow collection from the kerbside.

I assume that as individual flats/bedsits they would each be paying council tax so appropriate numbers of bins could be arranged by the owner (i.e. not an HMO arrangement), however I have concerns how these could be stored and presented for collection.

Discussions were ongoing outside the formal consultation arrangements and the outcome of these discussions is captured in the relevant section of the report below.

5.5 Local Residents/Interested Parties: Two letters of objection have been received from a neighbouring occupier (No. 94) which may be summarised as follows:

- Consider this would over-populate the house and raise the fire risk if no additional fire exit is installed. The landings appear to have been reduced and there is only one staircase to exit from all levels.
- Adding further rooms at the highest point of the house which include cooking facilities not only increases risks to the tenants but also to the neighbouring houses.
- Having additional occupancy would increase the noise for us on every level of our home which has been an issue in the past when tenancy numbers were up.
- Increased demand for parking, with on-street parking being extremely limited, may cause issues for pedestrian safety
- No obvious maintenance has been carried out since August 2016
- Consider that there are enough bed sit properties in the area and this house would benefit from housing couples and families to meet the need and shortage of homes
- Devaluation
- Existing level of occupation is enough

One letter of **support** has been received from a resident of one of the existing flats which form part of the host property; this may be summarised as follows:

'The proposed plans show an improvement to the layout of the building and will provide much needed extra housing without increasing the footprint of the building. Therefore, I support the application'.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 10 – Presumption in favour of sustainable development Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise; Para 55 – conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

Chapter 5 – Delivering a sufficient supply of homes

Para 124 – Good design is a key aspect of sustainable development;

Para 127 – Planning policies and decision should ensure developments are sympathetic to local character and history;

Para 130 – Planning Policies and decisions (f) 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2019

- C1 Understand and relate well to the site, its local and wider context
- 11 Respond to existing local character and identity
- I2 Well designed, high quality and attractive
- 13 Create character and identity
- U1 A mix of home tenures, types and sizes
- H1 Healthy, comfortable, and safe internal and external environment
- H3 Attention to detail: Storage, waste, servicing and utilities

7.4 Fenland Local Plan 2014

- LP1 A Presumption in Favour of Sustainable Development
- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP5 Meeting Housing Need
- LP16 Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP22: Parking Provision
- LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character and visual amenity
- Residential amenity
- Highways
- Flood risk
- Refuse collection

9 BACKGROUND

9.1 A Certificate of Lawfulness for the use of the premises as 3 flats and 2 bedsits with shared facilities was issued in late 2021. The certificate of lawfulness submission followed on from an earlier withdrawn proposal which sought to deliver an additional two flats and facilitate the installation of 5 no rooflights. The earlier application was withdrawn by the applicant who had been advised that given there was no planning history to support the existing use of the premises the expansion of the accommodation as proposed could not be considered as submitted.

9.2 It was suggested that they resubmit a full planning application to regularise the existing use and the proposed additional flats, along with the physical works to install the roof lights, however they sought first to regularise the use by way of the certificate of lawfulness to create a situation where they would apply solely for the additional 2 no. flats and the additional rooflights. With the proposed additional accommodation being subsequently reduced during the consideration of the application following negative feedback regarding the scheme.

10 ASSESSMENT

Principle of Development

- 10.1 The existing property is situated within the market town of Wisbech, which is identified within the settlement hierarchy (as outlined in Policy LP3) as being the one of the primary market towns and as such the main focus for housing and employment growth. Furthermore. Policy LP5 (Part C) promotes the need to deliver housing solutions which meet market expectations and the needs of all sectors of the community. The delivery of small units of residential accommodation within the sustainable location of Wisbech is therefore considered acceptable in principle.
- 10.2 This does not however override the need to ensure that the proposal complies with other relevant policy. In this regard matters of visual amenity, residential amenity (both for existing and proposed residents), highway implications, servicing and flood risk all require evaluation. It must be noted however that such assessment must be restricted to any additional impacts over and above the existing 5 flats/bedsits which are lawful in planning terms.
- 10.3 It is noted that the emerging policy framework would not require any different policy evaluation of this scheme noting the issues which require consideration closely align across the current and emerging plans.

Character and visual amenity

- 10.4 Policy LP16 of the Fenland Local Plan seeks to deliver high quality environments which offer appropriate residential amenity, are acceptable in visual and character terms and make appropriate provision for servicing.
- 10.5 In this regard the main physical change proposed externally by the scheme relates to the insertion of 5 no. rooflights. These are to be located to either side of the existing dormer windows which feature to the front and rear roofscapes with a further rooflight contained within the south-eastern roof scape to illuminate the hall/stairs.
- 10.6 It is noted that planning permission has previously been granted for the insertion of two velux windows either side of the existing dormer to the front aspect of the property, albeit this permission is time expired. In assessing the earlier scheme it was noted that whilst the rooflights would interrupt the symmetry of the existing roofscape across the terrace of properties their impact would not be so significant as to render the scheme unacceptable. This remains the case in respect of this latest proposal with the additional rooflights not having so significant an impact on the existing location as to warrant unfavourable consideration, noting that 2 of the additional rooflights will be situated to the rear and one will be to the south-eastern side and therefore not readily visible.

- 10.7 There is also the additional impact in character terms relating to the provision of refuse bins and this is considered in the relevant section below; however again this assessment must be mindful of the existing use of the premises and that it is only the additional impact of bins to serve the additional residential unit now proposed which may be considered.
- 10.8 Notwithstanding the need to fully evaluate the refuse storage and collection arrangements to serve the property it is considered that in visual and character terms there would be no grounds to withhold consent in respect to Policy LP16 of the FLP.

Residential amenity

- 10.9 Policy LP2 and Policy LP16 seeks to protect and provide appropriate levels of residential amenity for both existing and proposed residential occupiers; this includes those located within the host property and those within the immediate vicinity. Again, it must be noted that such evaluation must be restricted to the impacts of one additional unit as the existing flats/bedsits are deemed lawful through the issue of the certificate in December 2021.
- 10.10 The current accommodation provides 3 units which exceed Gross Internal Areas (GIA) specified in the Technical Housing Standards (THS), published 27th March 2015, i.e. 37 square metres GIA where a shower room is provided as opposed to a bathroom (1 bed 1 person dwelling). The remaining two units permitted by virtue of the certificate of lawfulness represent accommodation which does not meet the THS at 20 and 18.5 square metres respectively.
- 10.11 As a consequence of this development the balance would tip from 3 THS compliant dwellings to only 2 and the non-compliant dwellings would increase from 2 to 4. This clearly evidences a reduction in the 'quality' of accommodation provided.
- 10.12 Whilst each unit of residential accommodation will benefit from natural light and independent facilities the shortfall in 'floorspace' will lead to a poor level of residential amenity for the future residents. Whilst the FLP does not contain any minimum standards regarding floorspace the Technical Housing Standards do offer a basis to conclude that at 18.5, 19, 20 and 28 square metres respectively the flats shown as Nos 2, 3, 4 and 6 all fail to meet these standards. Given that the THS post-date the adoption of the FLP (2014) it is considered entirely reasonable to use these as a 'baseline' figure against which to measure the acceptability of the floor space proposed.
- 10.13 It is acknowledged that 'micro-housing' has a place within the built environment representing as it does an affordable opportunity to live centrally without having to house-share, providing residents with their own front door and the opportunity to live independently of others. However, it is considered that the existing premises, as established by the certificate of lawfulness, already contributes such accommodation and that any additional units would reduce residential amenity to a level which would be at odds with Local Plan Policies LP2 and LP16.

Highways

10.14 This scheme makes no provision for on-site car parking. Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special

circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links.

- 10.15 The 'special circumstances' in this case are deemed to be optimising the floorspace of the premises to provide small scale residential accommodation within a sustainable location within one of the Primary Market Towns of the District.
- 10.16 Notwithstanding the residential amenity concerns highlighted above the delivery of an additional residential unit in this location must be given significant weight and the proposal aligns with the aims of Chapter 11 of the NPPF which promotes the effective use of land, and particularly Para 118 (d) which outlines the need to 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively [..].
- 10.17 It is considered there is appropriate justification for delivering this scheme with a nil parking provision and as such there are no matters to reconcile with regard to car parking provision or accessibility; the scheme is therefore considered compliant with Policies LP15 and LP16 of the FLP (2014).

Flood risk

10.18 The site is located within a flood zone 1 area and as such is sequentially preferable for housing development accordingly there are no matters to reconcile with regard to flood risk and Policy LP14 of the FLP (2014).

Refuse collection

- 10.19 Prompted by the formal consultation response of the Environmental Services Team Officers discussed opportunities for bin storage with the Operations Manager and the agent for the application.
- 10.20 The Operations Manager (OM) was able to confirm that the current arrangements were that the Basement flat had a set of bins which were stored in the front yard area and the remaining 4 flats used bags which were presented kerbside for collection. The OM further confirmed that 'there is sufficient space in the yard for storage and although they need to go out on the footpath for collection it is wide enough and is what the neighbouring properties do (88 Elm Road is also flats with individual bins). With the proposed 2 additional flats a further set of bins would be required to make 10 in total which will give enough capacity. Storing of bins in front gardens is not aesthetically ideal but there is nothing to stop this being done and is the best solution for the existing flats with the additional 2 having little impact'.
- 10.21 Whilst the scheme has now been revised in terms of numbers this is of no consequence to the above advice which remains relevant, as such the requirement to provide appropriate refuse and recycling has been met and would not manifest itself as a reason for refusal. This also acknowledges that visually the impact of one additional set of bins would not be significant when viewed in the context of what would be permissible to serve the level of accommodation allowed for by virtue of the certificate of lawfulness.

Other matters

- 10.22 It is acknowledged that there are no technical objections from consultees regarding the proposed additional unit and that the Private Sector Housing team (PSH) have worked with the applicant and are able to confirm that '*that his revised plans would reduce the risk of harm to occupants*'.
- 10.23 It should be noted that the case officer queried the initial 'no objection' response from PSH as they were concerned regarding the 'amount' of floorspace per unit post conversion. The PSH team responded as follows:

'To clarify the position with the Private Sector Housing team although we formally have no objections to the proposal, this is as the plans indicate no legislative reason why we should object, but it would be right for us to raise concerns. The plans do not show a true representation of how they would be lived in as they do not show items such as wardrobes, fridges, freezers and other items we would all expect to have in this kind of scenario. The representation of the cooker and sink also are extremely small. As a minimum we would normally require 300mm worktop to either side of a hob to prevent accidental burns and a reasonable amount of space to prepare food. Concern should be raised that ample food preparation and food storage space is not available (or represented) to prevent food safety becoming an issue. Given the space is currently so restricted then burns and scolds are also more likely. Due to the limited space it is likely that tenants will use the escape routes to store items. This would require robust management to prevent the escape route from being compromised and the Fire Safety Order from being breached. In reality most people do not live frugal lives with limited amounts of possessions and the plans show a limited amount that represents that reality. The likelihood that these flats as proposed presenting safety issues, where we may have to take action in the future, is high.'

10.24 It is not doubted that refinement of the scheme in terms of the existing accommodation delivered, i.e. the provision of enhanced bathroom facilities and clarification of kitchenette facilities is to be welcomed as this will clearly enhance the residential amenity of the existing occupants. However, the creation of an additional unit within the building envelope is seen as retrograde in terms of residential amenity by virtue of sub-standard 'amount' of floorspace. This is considered to the detriment of the accommodation delivered by virtue of the certificate of lawfulness which it is argued already stretches the capacity of the building to provide small units of residential accommodation.

11 CONCLUSIONS

- 11.1 This is an established mid terrace dwelling situated on the outskirts of the town centre with good accessibility. It already contains by virtue of an established use 5 residential units across its 4 floors.
- 11.2 Two of the current units of accommodation within the authorised 'planning unit' are bedsits and fall below the standards outlined in the Technical Housing Standards (THS), to allow for further subdivision would result in 4 of the units being below the THS.
- 11.3 Whilst the FLP (2014) does not set space standards for residential accommodation the THS do provide an evidence base as to what is considered an appropriate level of floorspace for a single occupancy home. The shortfall demonstrated across the 4 units is such that the scheme proposals are clearly

at odds with FLP (2014) polices LP2 and LP16 in that the proposal to introduce a further residential unit will adversely impact on the established flats at a level which would result in the substandard units being more prevalent within the scheme as opposed to a limited component of the same.

- 11.4 Although the Private Housing team have noted that they have no objections to the scheme and that the revisions shown to the individual units will 'reduce the risk of harm to occupants' an absence of harm does not in itself override the more fundamental policy considerations which seek 'high quality living environments'
- 11.5 Similarly a workable refuse collection scheme does not tip the balance to approve a further unit in a property which already contains 5-units of which two provide floorspace below that promoted in the TSH

12 RECOMMENDATION

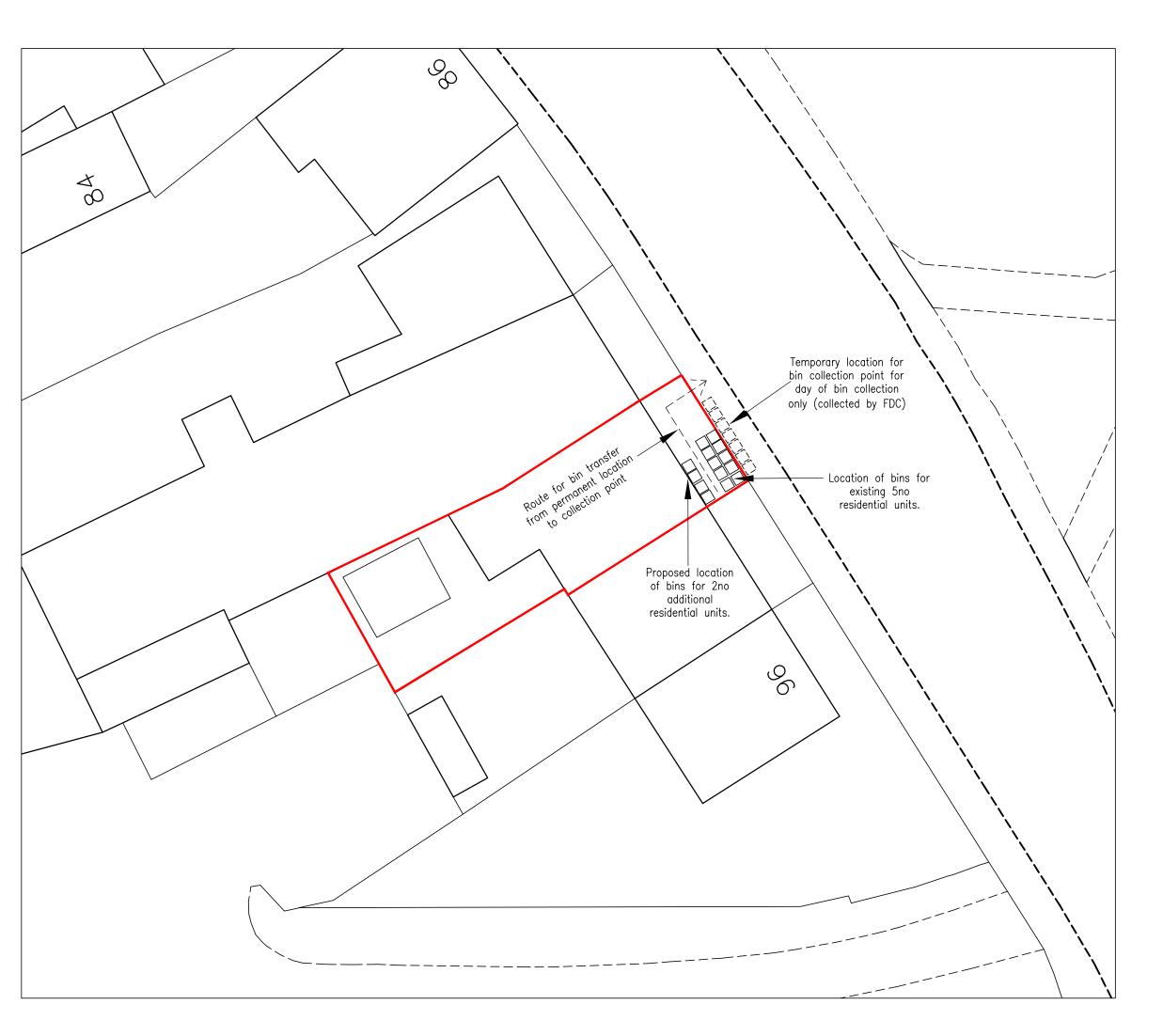
Refuse; for the following reason:

Reason for refusal

1 Policies LP2 and LP16 of the Fenland Local Plan (2014) seek to provide high levels of residential amenity for both existing and future occupiers, with this being reinforced by the National Design Guide and the National Planning Policy Framework. It is considered that the further subdivision of the existing premises to form an additional unit of residential accommodation has a negative impact on the existing residential accommodation and will have significant adverse consequences for the likely residential amenity of future occupiers. Furthermore, the proposal will result in four of the six units delivering accommodation under the minimum Gross Internal Areas prescribed in the Technical Housing Standards (THS), published 27th March 2015. This clearly illustrates that the accommodation is unacceptable to deliver high levels of residential amenity as required by Policies LP2 and LP16 of the Fenland Local Plan and provides sufficient evidence base to resist the scheme as submitted.



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Proposed site plan 1:200



REVISIONS



PETER HUMPHREY ASSOCIATES

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CLIENT

MR A POPAT

PROJECT

PROPOSED COU

SITE

92 ELM ROAD WISBECH NORFOLK **PE13 2TB**

DRAWING PROPOSED SITE PLAN

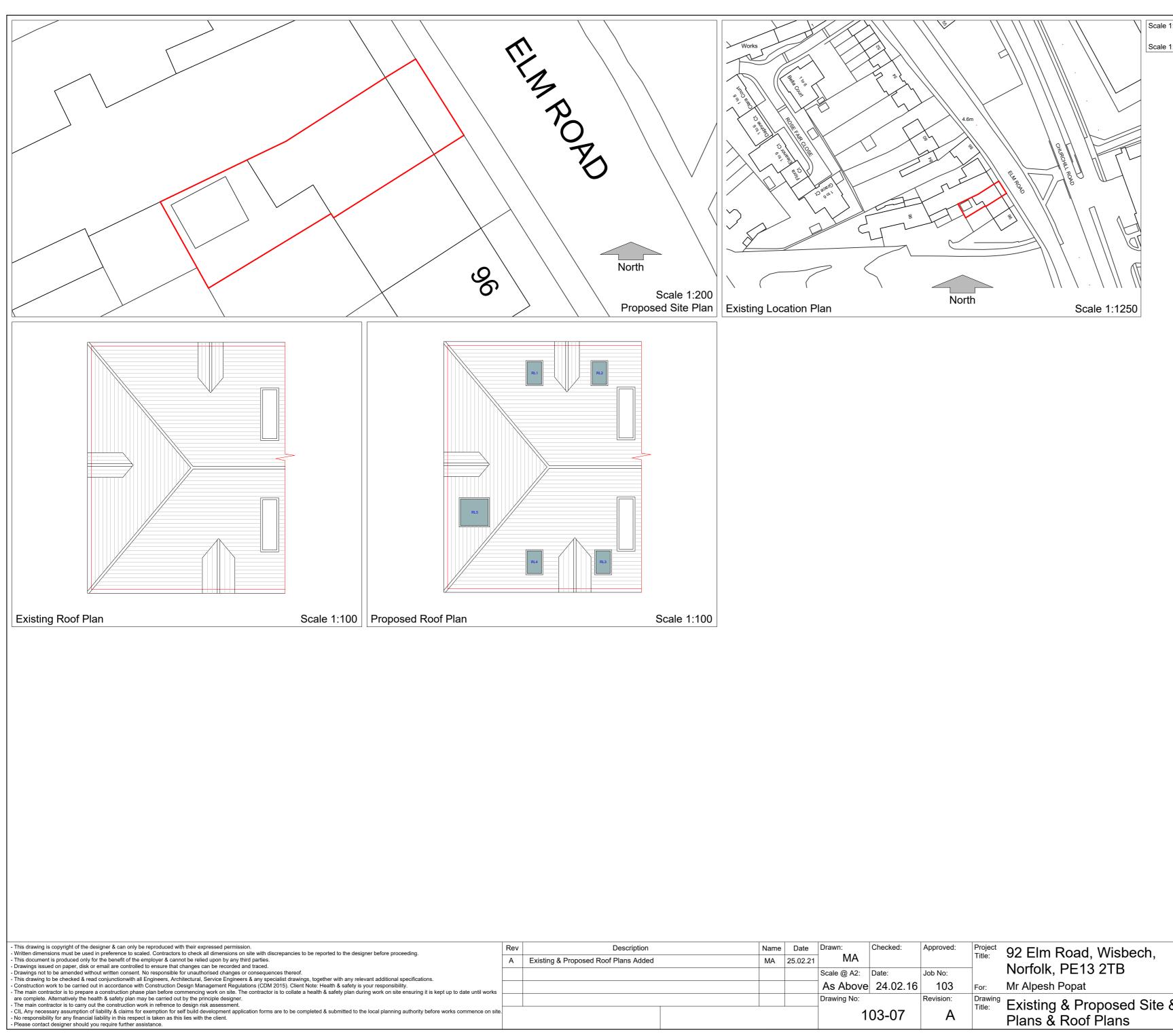
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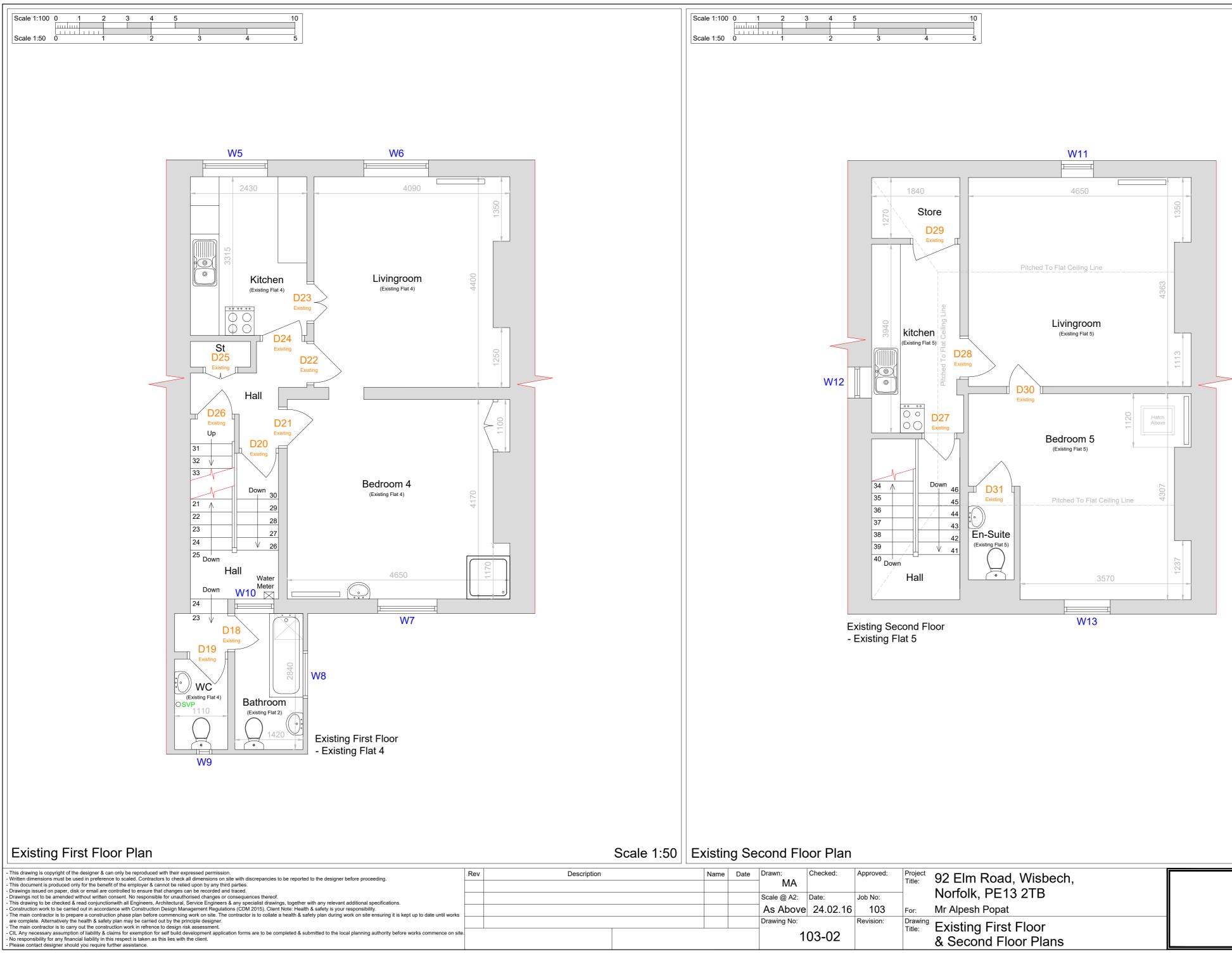
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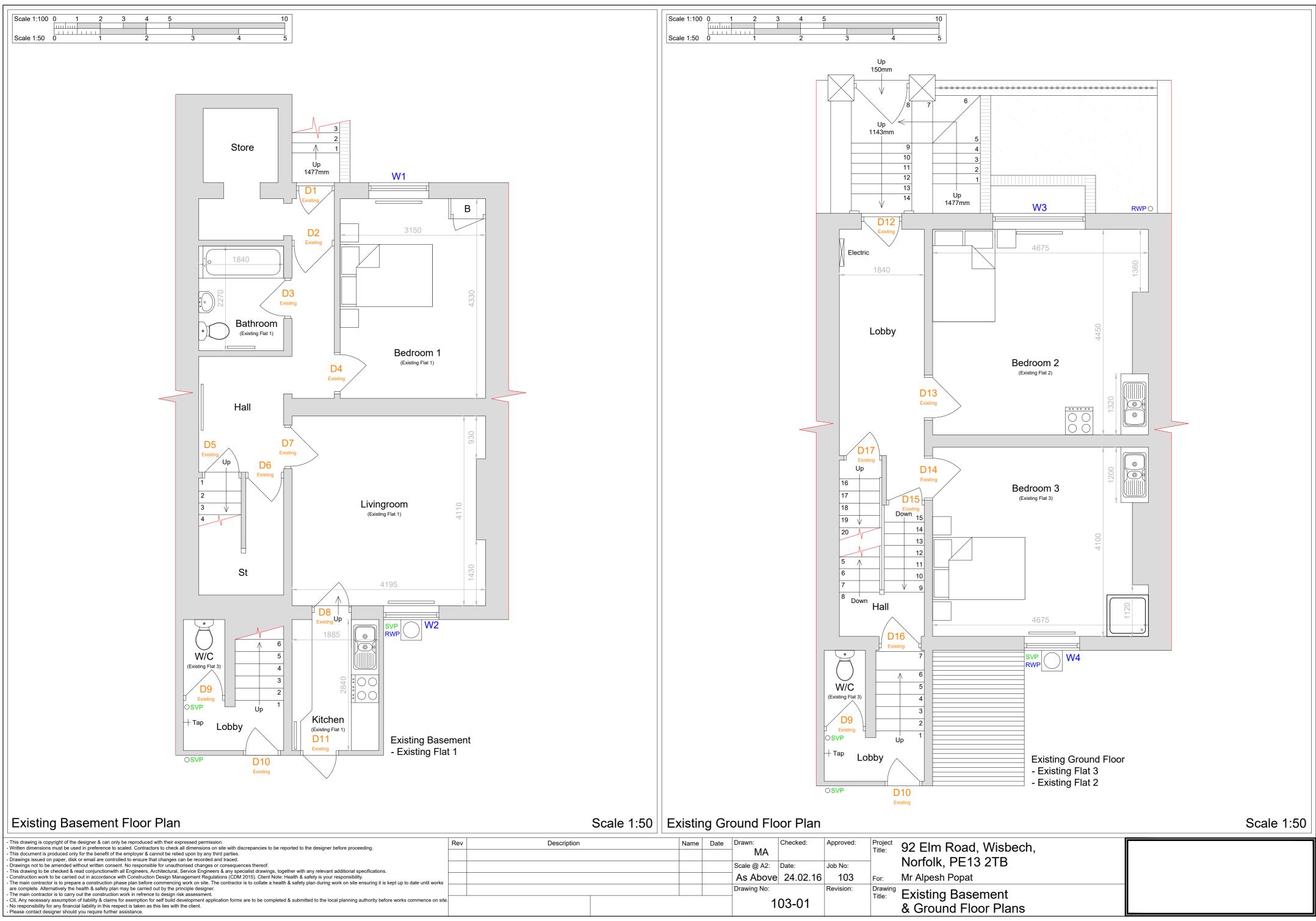
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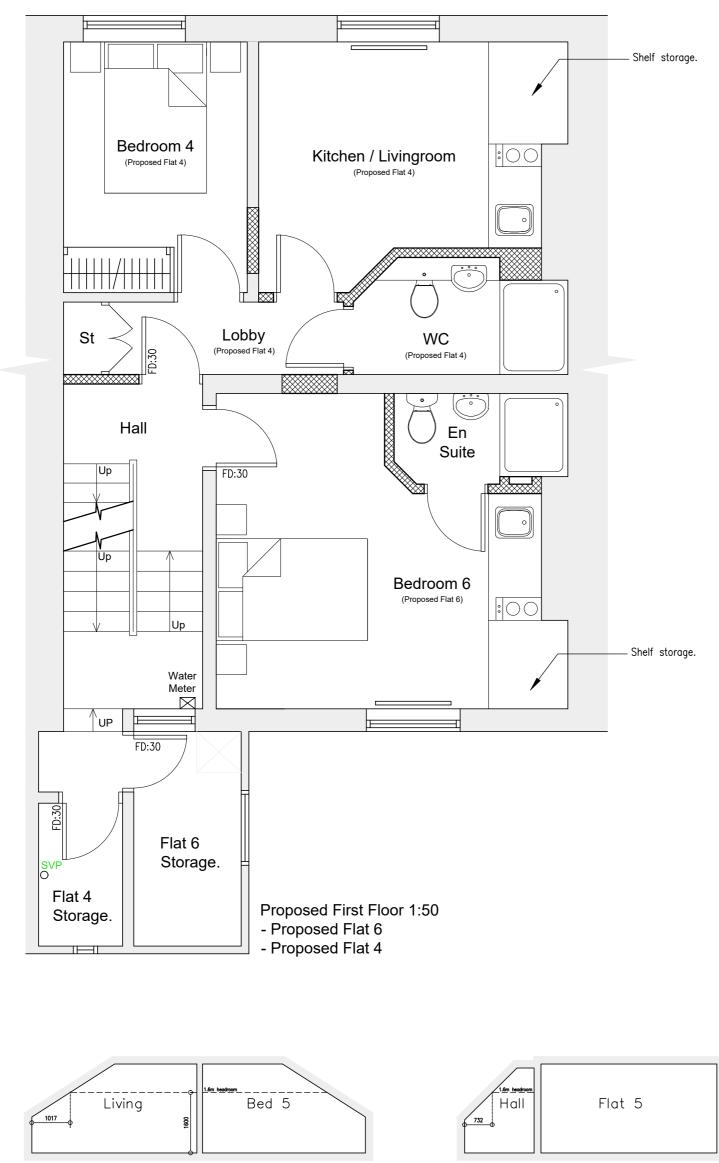
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& Ground Floor Plans





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- Drawings not to be amended without written consent. No responsible for unauthorised changes or consequences thereof. - This drawing to be checked & read conjunction with all Engineers, Architectural, Service Engineers & any specialist drawings, together with any relevant additional specifications.						Scale @ A2	2: Date:		Job No:		Norfolk, PE13 2TB
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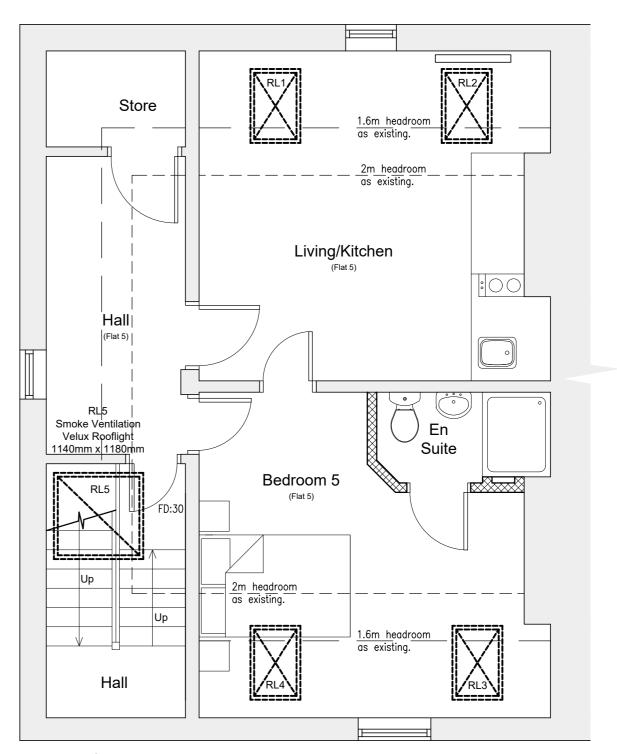


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Notes:



Proposed Second Floor

- Existing Flat 5 with proposed modifications.

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CLIENT MR A POPAT

PROJECT

SITE

DRAWING

FORMATION OF 1NO ADDITIONAL FLAT

92 ELM ROAD WISBECH CAMBRIDGESHIRE PE13 2TB

FIRST & SECOND FLOORS



ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

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