
F/YR22/1361/PIP

Applicant: Mr Andrew Clark

**Agent : Mr Matt Sparrow
Peter Humphrey Associates Ltd**

Land East Of 156, High Road, Newton-In-The-Isle,

Residential development of up to 6 x dwellings (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to Officer recommendation.

1. EXECUTIVE SUMMARY

1.1. The proposal is an application for Permission in Principle to develop the site for up to 6 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.

1.3. The application site comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are mature trees that line the southern boundary of the site.

1.4. Policy LP3 clearly indicates that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 134m between the existing dwellings no. 156 and no. 118 at this side of High Road and would not represent development of a limited nature. Additionally, no. 118 High Road and the group of buildings to the north are isolated and are not considered to be a part of the built form of the village of Newton.

- 1.5. The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6. The site is located within Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding. The application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests. As such, the proposal fails to accord with the necessary requirements of Policies LP12 Part A (j) and LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF.
- 1.7. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2. SITE DESCRIPTION

- 2.1. The site currently comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are mature trees that line the southern boundary of the site.
- 2.2. There is existing residential development, forming the main settlement of Newton, adjacent to the west of the site, to the east there are further residential dwellings, however these are of a more sporadic and isolated nature than those to the west. The site forms the frontage of a larger field, there are no structures on the site.
- 2.3. The site is located within Flood Zones 2 and 3.

3. PROPOSAL

- 3.1. The 'Planning in Principle' (PiP) application is for residential development of up to 6 dwellings at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:
 - (1) location,
 - (2) use, and
 - (3) amount of development proposed
- 3.2. Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.
- 3.3. The applicant is only required to submit minimum information to accompany the application. However, an indicative site plan detailing how the development could be laid out – whilst a site plan has been submitted showing 6 detached dwellings each with a garage and three access points, each serving two dwellings, this is indicative only and the application is solely for the erection of up to 6 dwellings in principle within the red lined site.

- 3.4. Full plans and associated documents for this application can be found at: [F/YR22/1361/PIP | Residential development of up to 6 x dwellings \(application for Permission in Principle\) | Land East Of 156 High Road Newton-In-The-Isle \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/1361/PIP)

4. SITE PLANNING HISTORY

- 4.1. No relevant planning history.

5. CONSULTATIONS

5.1. Newton-In-The-Isle Parish Council

The Parish Council's Planning Committee considered this application at their recent meeting. Members expressed strong support for the proposed development.

The proposal represents infill development that will complete the High Road frontage and provide the missing link in the footway around the village. Pedestrians currently have to walk along a 60mph stretch of road to complete the circular walk and to access the village bus or school bus. The site is clearly located within the village curtilage and development of the site would allow the Parish Council to extend the lower village speed limit to the junction of Rectory Road, thereby negating any potential concerns about traffic speeds at this location.

The flood map of this part of the village is not fit for purpose; a fact acknowledged by the Environment Agency, as it bears no relationship to the topography of the land.

In the wider context, this proposal aligns with the Parish Council's aims to allow an appropriate level of growth to ensure the long-term sustainability of our village, as outlined in paragraph 6.7 of the Draft Local Plan. This site is one of a number of similar locations identified by the Parish Council to facilitate the level of necessary growth highlighted in the Draft Plan.

5.2. Environment Agency

We have reviewed the documents as submitted and we have no objection in principle to this application. Please find further information on flooding in the Flood Risk section below.

Flood Risk

As the site lies in Flood zones 2 and 3, we would expect a full FRA to be submitted with floor plans and elevations. The NPPF requires that proposals are accompanied by a Flood Risk Assessment which contains evidence that appropriate mitigation measures/flood resilience techniques have been incorporated into the development. At the technical details stage we would expect the Finished Floor Levels and Mitigation measures to be in line with the Wisbech SFRA:

Wisbech Finished Floor Levels

The Wisbech Level 2 SFRA Site Specific Flood Risk Assessment Toolkit (June 2012) section 1.3.11 states "Finished floor levels for all types of development (not just dwellings) must be set above maximum flood depth ... If single storey dwellings are proposed this is essential. Where this is not possible (potentially in combination with some raising of finished floor levels) then a range of measures

including safe refuge and a means of escape must be considered. This could be achieved by, but is not restricted to:

- *Adding a first floor*
- *The addition of a mezzanine floor;*
- *Altering a bungalow to become a chalet bungalow; or*
- *Providing room within an easily accessible loft space with velux windows added”*

Wisbech Safe Refuge

The Wisbech Level 2 SFRA Site Specific Flood Risk Assessment Toolkit (June 2012) section 1.3.12 states “The safe refuge should be provided above the predicted flood levels. Proposals which fail to provide safe refuge and egress, particularly in single storey buildings, will not normally be acceptable”.

FRA Sources of information

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email LNenquiries@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at https://www.gov.uk/guidance/flood-risk-and_coastal-change#site-specific-flood-risk-assessment-all

Without an adequate Flood Risk Assessment, we would likely object to this planning application at the technical details stage.

5.3. North Level District IDB

The Board has no objections in principle to the site being developed.

There is a watercourse adjacent to High Road, parts, or all, of which will need to be culverted to allow access to the development. Prior written consent to alter this watercourse would have to be obtained from the Board.

The Board may have other comments to make when an outline/full application is made in due course, depending on what the application shows.

5.4. CCC Archaeology

The proposed development lies in an area of archaeological interest. It is located to the south of the main village core of Newton in the Isle, a village centred on the c. 12th century St. James Church (National Heritage List for England 1125956). To the east of the proposed development is the Rectory, Priory House (NHLE 1331977) and associated park (Cambridgeshire Historic Environment Record MCB14301). Newton in the Isle is positioned on an area of raised land between Tydd St Giles Fen to the west and the Nene in the east. These areas of higher ground can be foci for activity throughout the Prehistoric and Roman periods and as here also in the Medieval. To the east is the course of the ‘Roman Sea bank’ thought possibly to have a roman foundation but mainly constructed in the medieval period (CHER MCB16155). Also to the east c.100meters from the development area are indications of a medieval Saltern (CHER 03969).

We are content that no works are required prior to determination of an application and consequently we wish to raise no objections for this application to secure Planning In Principle, however we would request to be consulted on any future planning application for development within the redline area indicated, with the expectation that a condition on development, if required, could be secured at Technical Details stage.

5.5. CCC Highways

The applicant has included inter-vehicular visibility splays to the submission, but the visibility splay to the west is measured incorrectly as it should extend to the nearside carriageway edge.

The visibility to the east is substantially below the stopping sight distance commensurate with 60mph speeds (215m). While it is probable that vehicles are travelling underneath the signed speed limit around the sharp bend in High Road east of the site, no observed evidence has been provided to support this. There is a material highway safety risk associated with the restricted forward visibility around the bend obstructing visibility of a vehicle turning into / out of any new access.

The existing footway needs to extend to the new dwellings; however, this could be conditioned.

While the proposed development would extent an existing development frontage, by virtue of the change in speed limit and proximity to a sharp bend lacking suitable visibility, I am unable to confirm that highway safety will be maintained. Therefore, based on the information submitted, I object to the application.

5.6 Local Residents/Interested Parties

1 letter neither objecting to or supporting the application from a neighbouring property at High Road has been received, it is summarised as follows:

- The village needs housing, and the people need housing
- Not in favour of the style of dwellings proposed, a style more in keeping with the surrounding area would be more appropriate, such as single storey dwellings, which would alleviate the possibility of overlooking
- The proposed would not be adequately screened from neighbours

Objectors

1 letter of objection has been received from 1 address within Newton (x1) which raised the following summarised concerns:

- The B1165 is a 60mph speed limit on High Road between 156 and the corner/junction with Rectory Road
- Possibly the most dangerous part of the village for walkers
- The site has been known to be flooded by rain/surface water that has impacted the water course which has led to neighbouring properties also becoming flooded
- Lack of drainage

Supporters

5 letters of support have been received from 5 addresses within Newton (x4) and Downham (x1) which made the following summarised comments:

- Consider this application to be an asset to the village and community
- Supports infill development
- Would help create a safe walking path for all village residents, helping create a circular walk around this end of the village
- Outline plan is in keeping with the character of the neighbouring properties and it would provide much needed homes in this area
- The addition of a footpath linking Rectory Road to the High Road would allow convenient pedestrian access to village amenities and open up alternative routes for walkers and joggers
- There are no issues regarding changes to the character of the area of the village concerned, and no issues regarding impinging on other properties views of that open land opposite
- The population of Newton cannot remain static, as it is in dire need of new facilities, and cannot hope to obtain these without some degree of housing development
- There is currently no agreed policy for housing in the village

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)

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

Context
Identity
Built Form

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
LP4: Housing
LP12: Rural development
LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15: Facilitating a More Sustainable Transport Network in Fenland
LP16: Delivering and Protecting High Quality Environments Across the District
LP19: The Natural Environment

7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP18: Development in the Countryside
LP19: Strategic Infrastructure
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management
LP33: Development of Land Affected by Contamination

7.6. Supplementary Planning Documents/Guidance

Delivering & Protecting High Quality Environments in Fenland SPD (2014)
Cambridgeshire Flood & Water SPD (2016)

8. KEY ISSUES

- **Location**
- **Use**
- **Amount of development proposed**
- **Matters raised during consultation**

9. Background

9.1. Whilst not material to the determination of the application it should be set out for transparency that Cllr Sam Clark has informed Officers that the applicant is a relative.

10. ASSESSMENT

10.1. Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount of development and these items are considered in turn below:

Location

10.2. Policy LP3 clearly indicates that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 134m between the existing dwellings no. 156 and no. 118 at this side of High Road and would not represent development of a limited nature. Additionally, no. 118 High Road and the group of

buildings to the north are isolated and are not considered to be a part of the built form of the village of Newton.

10.3. Part A of Policy LP12 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.

10.4. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Newton as a small village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C recognises frontage infill development, however in relation to this application would not be applicable as the proposal is for more than 3 dwellings, development of the site would not respect the existing character and pattern of development and the site is at risk from flooding. LP66 defines residential site allocations in Newton and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

Flood Risk & Drainage

10.5. The site is located in Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.

10.6. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.

10.7. It is noted that the Environment Agency and North Level District IDB have no objection principle to the proposed development. However, the application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests.

10.8. As such, the proposal fails to accord with the necessary requirements of Policy LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Use

10.9. Policy LP12 Part A (i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss. Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside....including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category. A large proportion of agricultural land in Fenland District is best and most versatile land. While there is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.

10.10. Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding users by reason or noise or disturbance or vice versa.

Amount of development proposed

10.11. The application seeks Permission in Principle for up to 6 dwellings on a site of 0.56ha which would equate to a density of approximately 11 dwellings per hectare. This is low density, commensurate with development to the west of the site and could comfortably be accommodated on-site without being considered an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

Matters raised during consultation

10.12. Matters other than location, use and amount of development proposed would be for consideration at the Technical Details Stage, should permission be granted. In terms of consideration of amount, the proposal is acceptable.

10.13. Highways have submitted an objection in relation to the submitted application based on the information supplied. It is considered that if the application was approved, further information to address Highways concerns relating to visibility of a vehicle turning into/out of any new access, correct visibility splays, the extension of the existing footway and the change in speed limit at High Street could be addressed within a subsequent technical detail's application. Within this application to address the concerns of the Highways officer further information and plans would be required whereby any revisions to the proposed site plan and 3 no. accesses onto High Street would also be considered.

10.14. Newton-in-the-Isle Parish council have detailed that the proposed development would 'provide the missing link in the footway around the village. Pedestrians currently have to walk along a 60mph stretch of road to complete the circular walk

and to access the village bus or school bus.’ However, it is noted that the existing footway ends at no. 154 High Road and the proposed development would create a gap between the existing and proposed footway to the front of no. 156 High Road which is potentially dangerous, especially at a point in the highway that is the transitioning point into a 60mph road. Furthermore, the proposed footway at the front of the development would end at no. 118 High Road and would not lead onto Rectory Road, again potentially creating safety issues and only creating a small stretch of footpath as there is none present along Rectory Road.

11. CONCLUSIONS

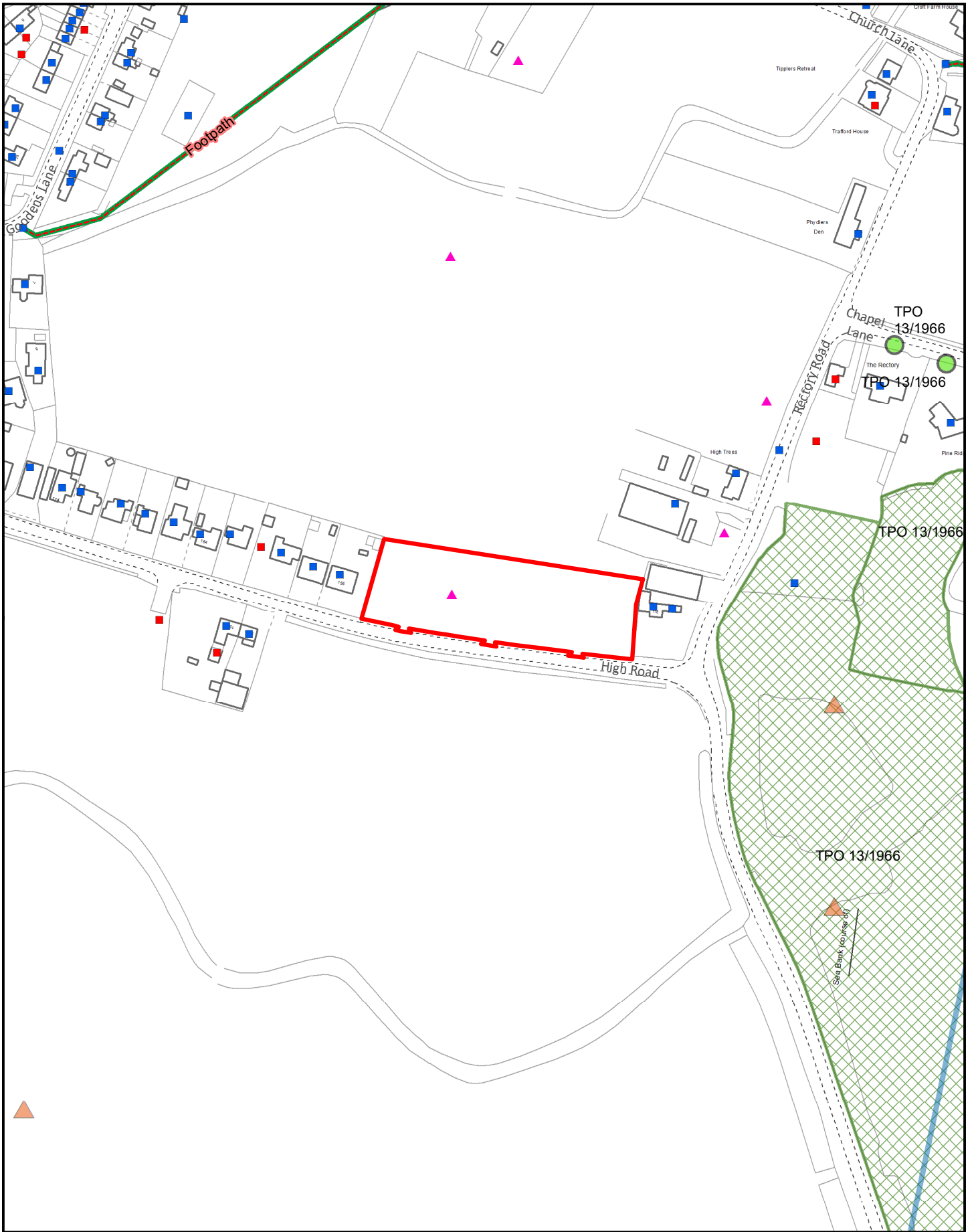
- 11.1. The application seeks permission in principle for the residential development of up to 6 dwellings at the site with matters of location, land use and amount of development proposed.
- 11.2. Policy LP3 clearly indicates that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as “Development of a site between existing buildings”. The Planning Portal Glossary defines this as “The development of a relatively small gap between existing buildings.” It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 134m between the existing dwellings no. 156 and no. 118 at this side of High Road and would not represent development of a limited nature.
- 11.3. The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 11.4. In addition, the site is located within Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding. The application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests. As such, the proposal fails to accord with the necessary requirements of Policies LP12 Part A (j) and LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF.
- 11.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

12. RECOMMENDATION

Refuse Permission in Principle; for the following reasons:

| | |
|----|--|
| 1. | Policy LP3 of the Fenland Local Plan 2014 identifies that Newton is a ‘small village’ where residential development will be considered on its merits and will normally be limited in scale to residential infilling, defined |
|----|--|

| | |
|---|--|
| | <p>as “the development of a relatively small gap between existing buildings.”</p> <p>The proposed development of up to 6 dwellings at the site, which currently provides a large undeveloped gap of approx. 134m between existing dwellings would not represent “the development of a relatively small gap between existing buildings.” As such the proposal is contrary to Policy LP3 of the Fenland Local Plan 2014.</p> |
| 2 | <p>Policy LP12 of the Fenland Local Plan 2014 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) of the Fenland Local Plan2014 requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.</p> <p>The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.</p> |
| 3 | <p>The site is located in Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.</p> <p>The application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests. As such, the proposal fails to accord with the necessary requirements of Policies LP12 Part A (j) and LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF.</p> |



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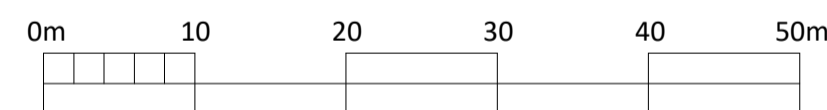
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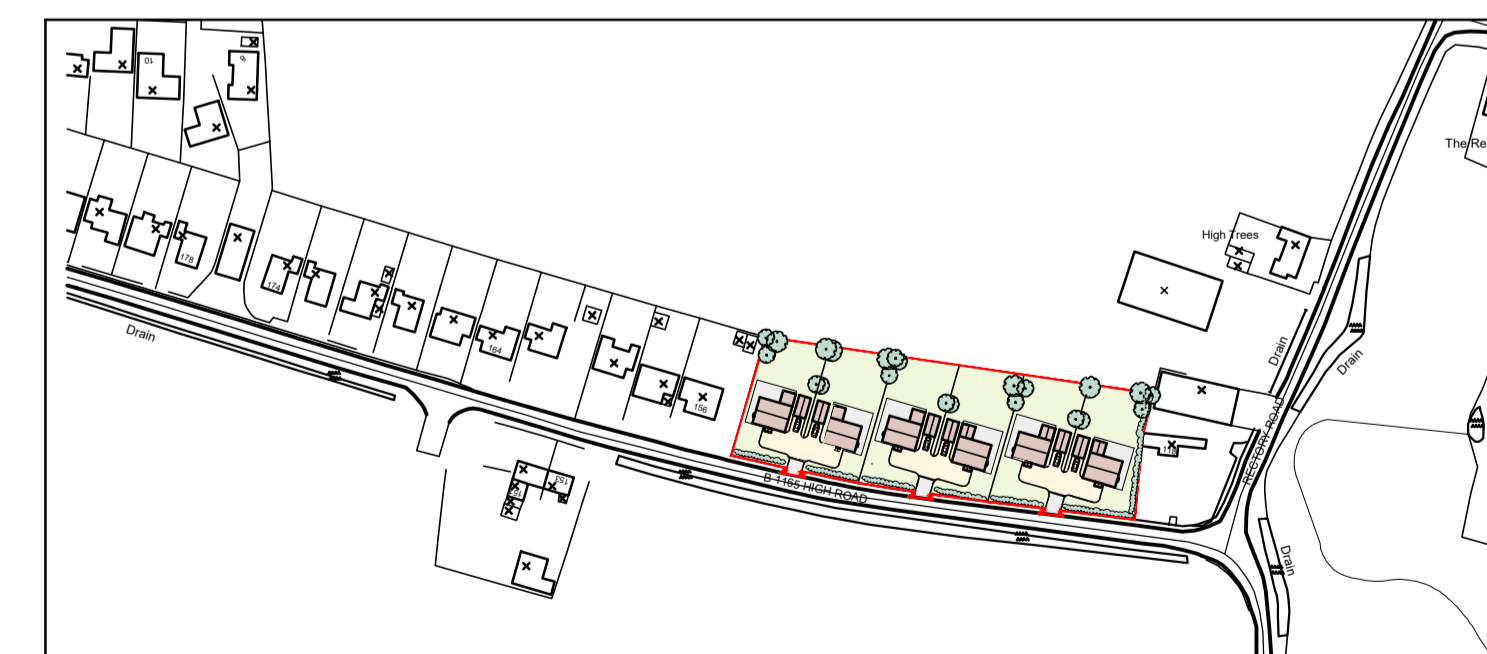
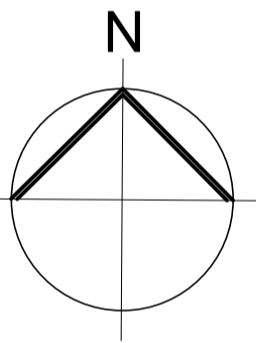
PROPOSED SITE PLAN 1:500



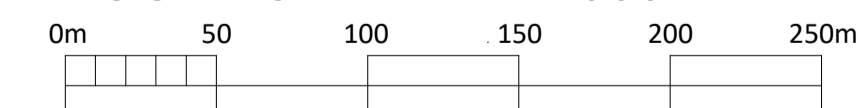
Access to be sealed and to be drained away from the highway in a bound material for a minimum of 5m back.

Maximum Western visibility splay from western most proposed access (2.4mx127m)

Maximum eastern visibility splay from eastern most proposed access (2.4mx72m)



LOCATION PLAN 1:2500



A - REVISIONS



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CLIENT

ANDREW CLARK

PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT

SITE

LAND EAST OF 156 HIGH ROAD
 NEWTON
 WISBECH
 CAMBS
 PE13 5ET

DRAWING

PROPOSED DRAWING

| JOB NO. | PAPER SIZE | DATE |
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| 6689/SK01a | A1 | NOV 2022 |

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