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**F/YR22/1170/F**

**Applicant: Mrs C Wing**

**Agent: Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**Scout And Guide Hut, Wales Bank, Elm, Wisbech Cambridgeshire PE14 0AY**

**Erect a dwelling (2-storey 3-bed), detached garage and polytunnel involving the demolition of existing scout hut and relocation of existing access**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations contrary to Officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The application site lies outside the built framework of Elm accessed off a single-track road, Wales Bank. No 1 and 2 Redmoor Cottages are adjacent to the site.
- 1.2. The proposal seeks to demolish the existing Scout Hut building and erect a 2-storey, 3-bed dwelling on the site of the Scout hut, with a detached double garage to the northeast corner of the site and a polytunnel to the southwest, involving relocation of the existing access.
- 1.3. The development site falls within an 'elsewhere' location. As identified under Policy LP3 development in such areas should be restricted to that which is essential for specified rural purposes. Furthermore, owing to the elsewhere location, it is necessary to apply the criteria outlined in Policy LP12. The application includes no justification regarding functional need for the dwelling being essential to the purposes outlined in LP3. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014. In addition, the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Paragraph 79 of the NPPF would not be relevant and would not outweigh Policy LP12 in this instance.
- 1.4. This application seeks permission for the erection of a new dwelling, outside of a specified settlement, within Flood Zone 2. The application is accompanied by a Flood Risk Assessment and a separate Sequential and Exception test document, however the submitted Sequential Test is deficient as it concentrates the area of search to developments within Elm only. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF in respect of flood risk.
- 1.5. The proposed relocated access is considered sub-standard, however the impact of the development is considered to be less than severe, owing to a reduction in trip generation compared to the previous use as a Scout Hut. As such, it was considered there was insufficient justification to substantiate an objection to the scheme in respect of highway safety.
- 1.6. Notwithstanding, the below assessment establishes that the proposal fails to accord with the relevant policies of the Fenland Local Plan 2014 and the corresponding paragraphs of the NPPF in respect of the principle of development and flood risk. As such, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1. This 0.2ha site lies outside the built framework of Elm accessed off a single-track road, on a blind bend. There are number of dilapidated buildings on the site including: a former meeting room for the Scouts; a Nissan hut (dated around WWII); and a storage container. There is a grassed area to the rear of the site which is maintained and in the ownership of the applicant. Also on site is a greenhouse, some garden paraphernalia and a static caravan.
- 2.2. The site is not isolated, No 1 and 2 Redmoor Cottages are adjacent to the site. The site is within Flood Zone 2.

### 3 PROPOSAL

- 3.1. The proposal seeks to demolish the existing Scout Hut building and erect a 2-storey, 3-bed dwelling on the site of the Scout hut, with a detached double garage to the northeast corner of the site to the front of the proposed dwelling and a polytunnel to the southwest of the site involving relocation of the existing access. The existing Nissen hut adjacent to the northern boundary of the site is to be retained.
- 3.2. The proposed dwelling will encompass a footprint of approximately 20m wide by 6.5m deep, with a pitched roof reaching 8m to the ridge and 4m to the eaves, with a central porch with a flat roof reaching approximately 2.9m.
- 3.3. The garage will encompass a footprint of approximately 6.4m wide by 6.7m deep, with a pitched roof reaching 6.1m to the ridge and 2.8m to the eaves.
- 3.4. The dwelling and garage will be constructed of black corrugated metal sheeting with a standing seam roof in black including PV solar panels.
- 3.5. Full plans and associated documents for this application can be found at: [F/YR22/1170/F | Erect a dwelling \(2-storey 3-bed\), detached garage and polytunnel involving the demolition of existing scout hut and relocation of existing access | Scout And Guide Hut Wales Bank Elm Wisbech Cambridgeshire PE14 0AY \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/1170/F)

### 4 SITE PLANNING HISTORY

F/YR19/0505/F	Erection of a 2-storey, 3-bed dwelling involving demolition of former scout hut and replacement of existing Quonset hut with new Quonset hut to form a 1-bed self contained annexe and garage and erection of 1.8m high gates to access	Refused 05.08.2019
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### 5 CONSULTATIONS

#### 5.1. Environment & Health Services (FDC)

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposals as it is unlikely to have a detrimental effect on local air quality or the noise climate.*

*Due to the removal of existing structures, I would however recommend that the following condition is imposed in the event that planning permission is granted;*

**UNSUSPECTED CONTAMINATION CONDITION:** *If during development, contamination not previously identified, is found to be present at the site then no*

*further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.*

**5.2. Environment & Health Services (FDC)**

*The Environmental Health Team note and accept the latest submitted information, and have 'No Objection' to the details specific to this re-consultation.*

*Previous comments and recommended conditions provided by this service on 31.10.2022 are therefore still considered relevant at this stage.*

**5.3. Elm Parish Council**

*Elm Parish objects to proposals submitted under planning application ref. F/YR22/1170/F due to concerns relating to highway safety.*

*Wales Bank is used as a 'cut through' for motorists travelling in and out of Elm village; many vehicles are travelling at speeds which are totally inappropriate and this has been reported to the local police team.*

*The road surface is in a very poor condition (including a large dip); not helped by the fact that heavy goods vehicles use the route.*

*Taking this into account, Members believe that the proposed site access does not provide the visibility required to pull out safely onto Wales Bank and would result in creating hazard for motorists, cyclists and pedestrians using the route.*

**5.4. Cambridgeshire County Council Highways Authority**

*I do not object to the proposed development.*

*The proposed access does not achieve the visibility required for a de-restricted road (215m) nor has any speed survey information been presented to justify a reduction.*

*However, a single dwelling with some ancillary structures will represent a reduction in trip generation compared to the scout hut. On this basis, I am unable to substantiate an objection.*

*Please append the following Conditions and Informatives to any permission granted:*

*Conditions*

*Highway Drainage: The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.*

*Gates: Prior to the first occupation of the development hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.*

*Non Standard Condition: Before the dwelling hereby permitted is occupied, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.*

**5.5. Wildlife Officer**

*The application scheme is acceptable but only if conditions are imposed.*

*Recommended condition(s)*

*Pre-Commencement Conditions(s) -*

*- The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Preliminary Ecological Appraisal (Philip Parker Associates Ltd, October 2022) which details the methods for maintaining the conservation status of various protected species, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*

*Compliance Condition(s) -*

*- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

*- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*

#### **5.6. Local Residents/Interested Parties**

The LPA received 13 letters of support from 12 address points; 7 of the received representations were in a pro-forma format, others were specific letters or via public access, one letter received stated no specific reasons for support, but that the author had “*no problem with the planning.*” Other representations received stated the following as reasons for support:

- Development will enhance the road and have no impact on the local community; (via pro-forma)
- It will enhance the locality;
- Would not be detrimental to any neighbouring residents or businesses due to its location;
- Would bring a derelict site back into positive use which would benefit the area and improve the visual appearance of the area as the buildings are in significant disrepair;
- Would be in keeping with the area;
- It would be a nicer outlook from a neighbouring perspective;

An additional comment was received about internal paintings within the existing Nissen hut. As this is due to remain as part of this application, these comments were not considered relevant to this application.

One objection was received stating that the Scout Hut is part of the history of Elm which is being rapidly eroded.

## **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) July 2021**

Para 2: NPPF is a material consideration

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 80: Avoidance of isolated homes in the countryside

Para 110-112: Promoting sustainable transport

Section 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 2021**

Context

Identity

Built Form

Homes and Buildings

Resources

Lifespan

### **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

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding

LP15 – Facilitating the Creation of a More Sustainable Transport Network

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

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP32 – Flood and Water Management

### **7.6. Cambridgeshire Flood and Water SPD**

## **8 KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Highways & Access**
- **Residential amenity**

## **9 BACKGROUND**

- 9.1. The initial application sought the demolition of an existing Nissen hut on the site, however it was noted on site inspection that there were potentially historic wall paintings inside the hut that may require additional archaeological investigation and recording before demolition could be agreed. On notification of this, the applicant decided to retain the Nissen hut on the site and this was removed from the description and plans relating to this application.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. Policy LP3 identifies the site as being in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D sets out the detailed approach to development away from the settlements identified in Policy LP3, on the understanding that such dwellings are being sought for the purposes identified in Policy LP3.
- 10.2. Justification in the form of personal statements by the applicant were submitted in respect of the scheme, however these do not amount to appropriate evidence to justify the development as being demonstrably essential to the aforementioned purposes appropriate to this location. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 and Policy LP12 Part D of the development plan.
- 10.3. However, regard is had to the NPPF whereby Paragraph 79 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside.
- 10.4. In this regard it is noted that whilst the site is detached from the main settlement of Elm, it is amongst a small cluster of dwellings. The existence of these dwellings would result in the site not being 'physically' isolated, however the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Paragraph 79 of the NPPF would not be relevant and would not outweigh Policy LP12 in this instance.
- 10.5. Paragraph 80 of the NPPF has also been considered. Although the proposed development would be in a functionally isolated location, part c) of the paragraph discusses the re-use of redundant or disused buildings in the countryside. In this regard, this paragraph might be relevant. However, as the proposal is to demolish the existing Scout Hut, which is not in a condition worthy of retention, the paragraph does not apply.
- 10.6. Therefore, given the above it is considered that the proposal is contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and does not find support within the NPPF. Thus, the principle of development cannot be supported.

### **Flood Risk**

- 10.7. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. This application seeks permission for the erection of a new dwelling, outside of a specified settlement, within Flood Zone 2.
- 10.8. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 10.9. In accordance with Section 14 of the NPPF, Policy LP14 and the requirements of the Cambridgeshire Flood and Water Supplementary Planning Document, it is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement-by-settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). However, as the development is located outside of a settlement, and there is not considered to be any justification for a dwelling in connection with an existing use, the area of search in this case is district wide.
- 10.10. The application is accompanied by a Flood Risk Assessment and a separate Sequential and Exception test document, however the submitted Sequential Test is deficient as it concentrates the area of search to developments within Elm only.
- 10.11. Noting the adopted and indeed consistent stance of Officers when applying the Sequential Test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the Sequential Test, as this would require the application of the Sequential Test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the Sequential Test still needs to be satisfied, i.e. the proposed flood risk safety measures do not overcome locational issues.
- 10.12. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the 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.

### **Highways & Access**

- 10.13. The LPA has no record of any authorised change of use on the site with regard to the scouting activities. According to evidence submitted in respect of earlier applications for the site, the scouting use apparently ceased in 2012, prior to the adoption of the Local Plan in 2014.
- 10.14. Policy LP15 of the Fenland Local Plan 2014 and paragraphs 110 and 112 of the NPPF 2021 seek to achieve an adequate, safe and suitable access.
- 10.15. When the Officer visited the site, it was discovered that there is no visibility to the east when exiting the site. However, the application seeks to remedy this by relocating the existing access approximately 3.7m to the west to improve visibility to the east. The Highway Authority's comments state that the proposed relocated access does not achieve the visibility required for a 60mph road (215m). As such, the proposed access is considered sub-standard.

10.16. Notwithstanding, paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.17. It is considered that development of a single dwelling on the site could essentially represent a reduction in trip generation compared to the previous use as a Scout Hut. As such, it is considered there is insufficient justification to substantiate an objection to the scheme in respect of highway safety in accordance with paragraph 111 of the NPPF.

### **Residential amenity**

10.18. Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and provides appropriate amenity for future occupiers. The proposed dwelling would be sufficient distance from Nos 1 and 2 Redmoor Cottages not to impact on their amenity.

10.19. The proposed garage will be positioned close the boundary with No.2 Redmoor Cottages, and may offer limited overshadowing impacts. However, it is considered that this will be not significant enough to detrimentally impact neighbouring amenity.

## **11 CONCLUSIONS**

11.1. The above assessment established that the proposal fails to accord with the relevant policies of the Fenland Local Plan 2014, namely, LP3, LP12 Part D, and LP14; Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016); and the corresponding paragraphs of the NPPF. As such, the recommendation is to refuse the application.

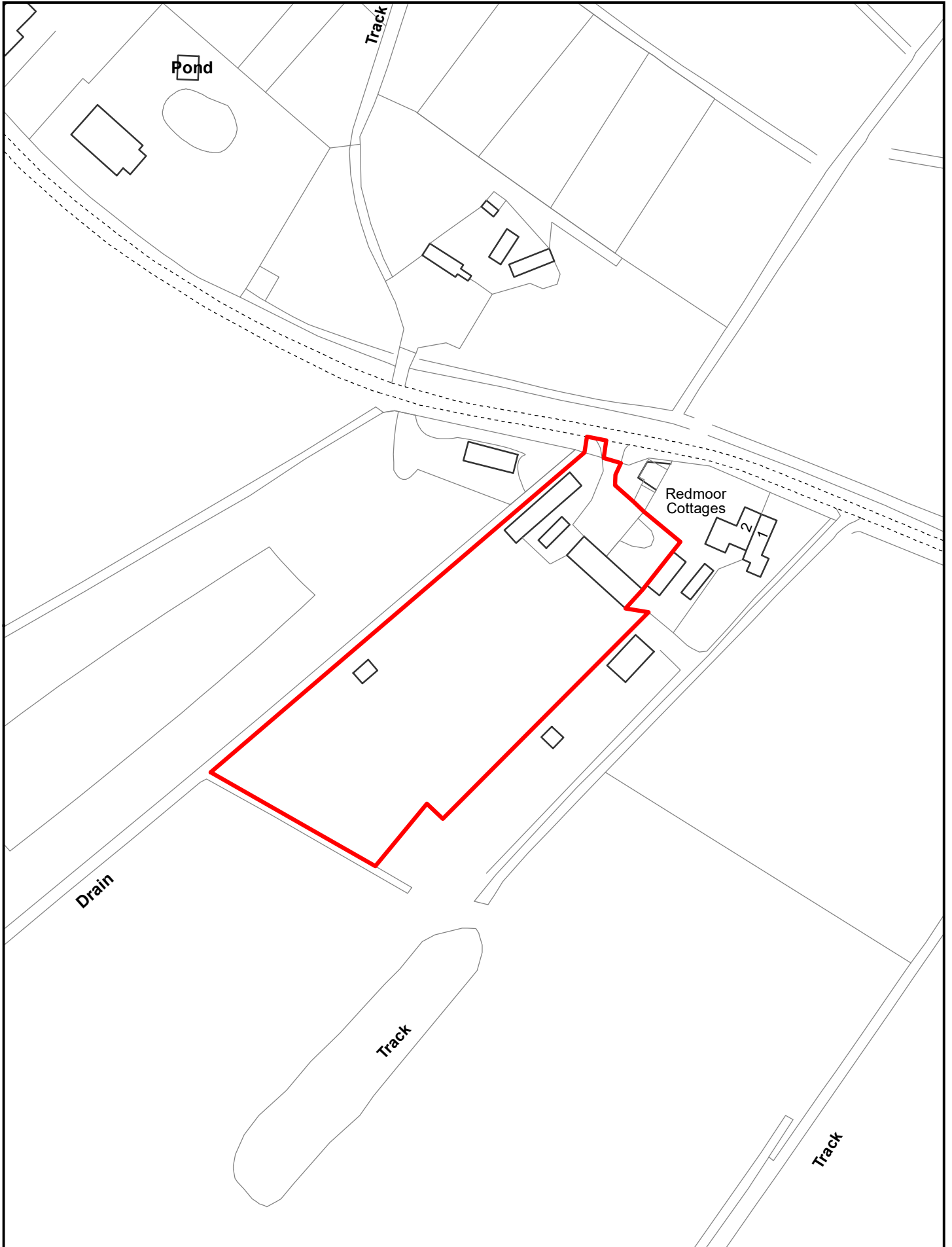
## **12 RECOMMENDATION**

**Refuse;** for the following reasons;

1	<p>Policy LP3 of the Fenland Local Plan (2014) requires development in areas away from market towns and villages to be essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D of the Fenland Local Plan (2014) states proposals for new dwellings in such locations will be supported where the application addresses the functional need for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area. Paragraphs 79 and 80 of the NPPF (2021) seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside.</p> <p>By virtue that the proposal seeks to create a purely residential development in an elsewhere location, with no links to a rural enterprise, there is not a demonstrably essential or functional need for residential accommodation to be provided at the site. The proposal would result in the construction of an additional dwelling in a location with no supporting services and would result in future occupants being</p>
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	reliant on the private car to access those facilities elsewhere. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be supported.
2	Policy LP14 of the Fenland Local Plan 2014 requires development proposals in higher flood risk areas to undergo a Sequential Test to demonstrate through evidence that the proposal cannot be delivered elsewhere in the rural area at a lower risk of flooding. The site lies within Flood Zone 2 . The applicant has submitted an inadequate Sequential Test, which fails to consider the necessary area of search, and therefore has failed to demonstrate that the development could not be delivered in an area of lower flood risk. Thereby, the development does not accord with the requirements of Section 14 of the NPPF; Policy LP14 of the Fenland Local Plan 2014; and the Cambridgeshire Flood and Water SPD and cannot be supported.



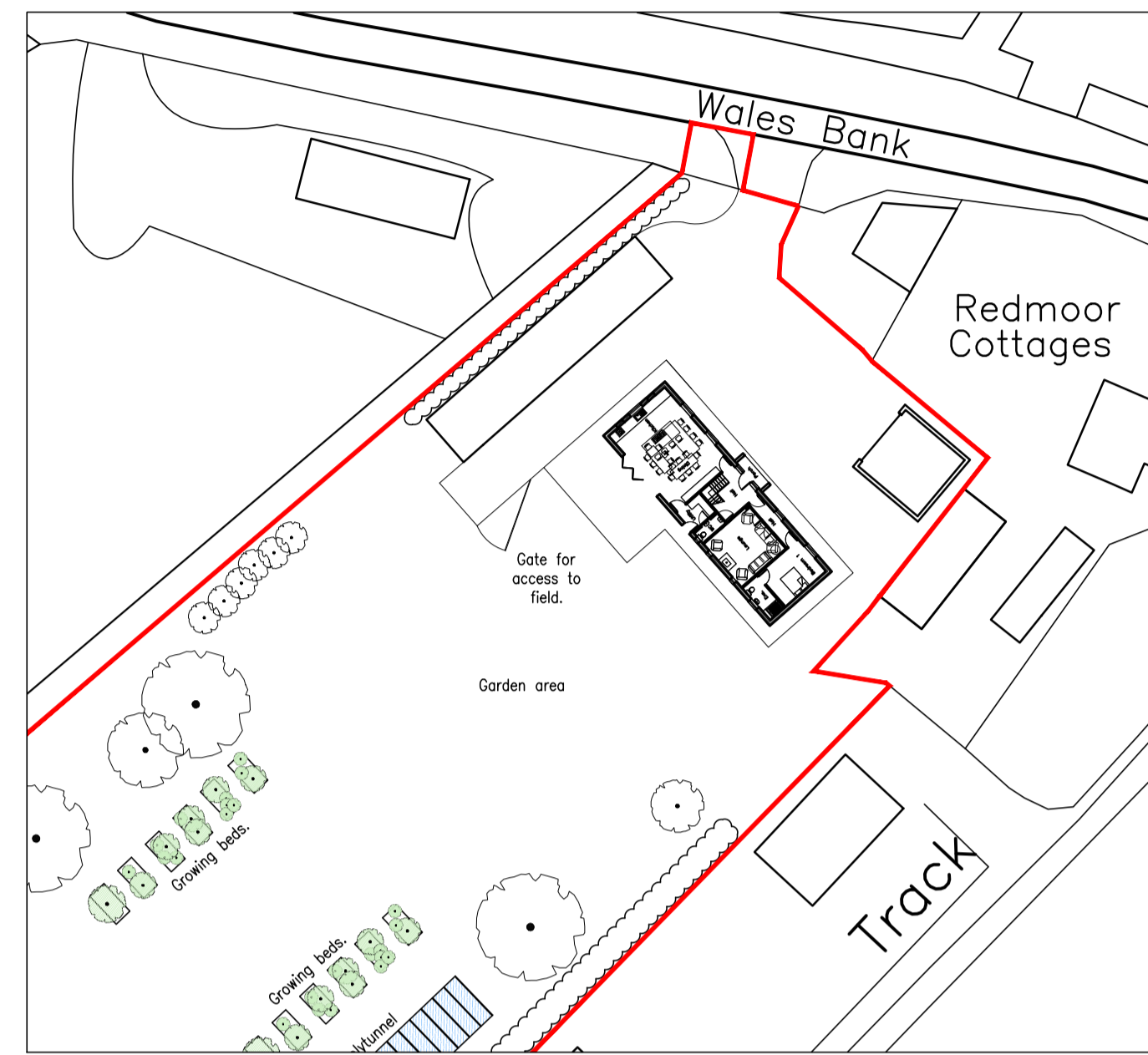
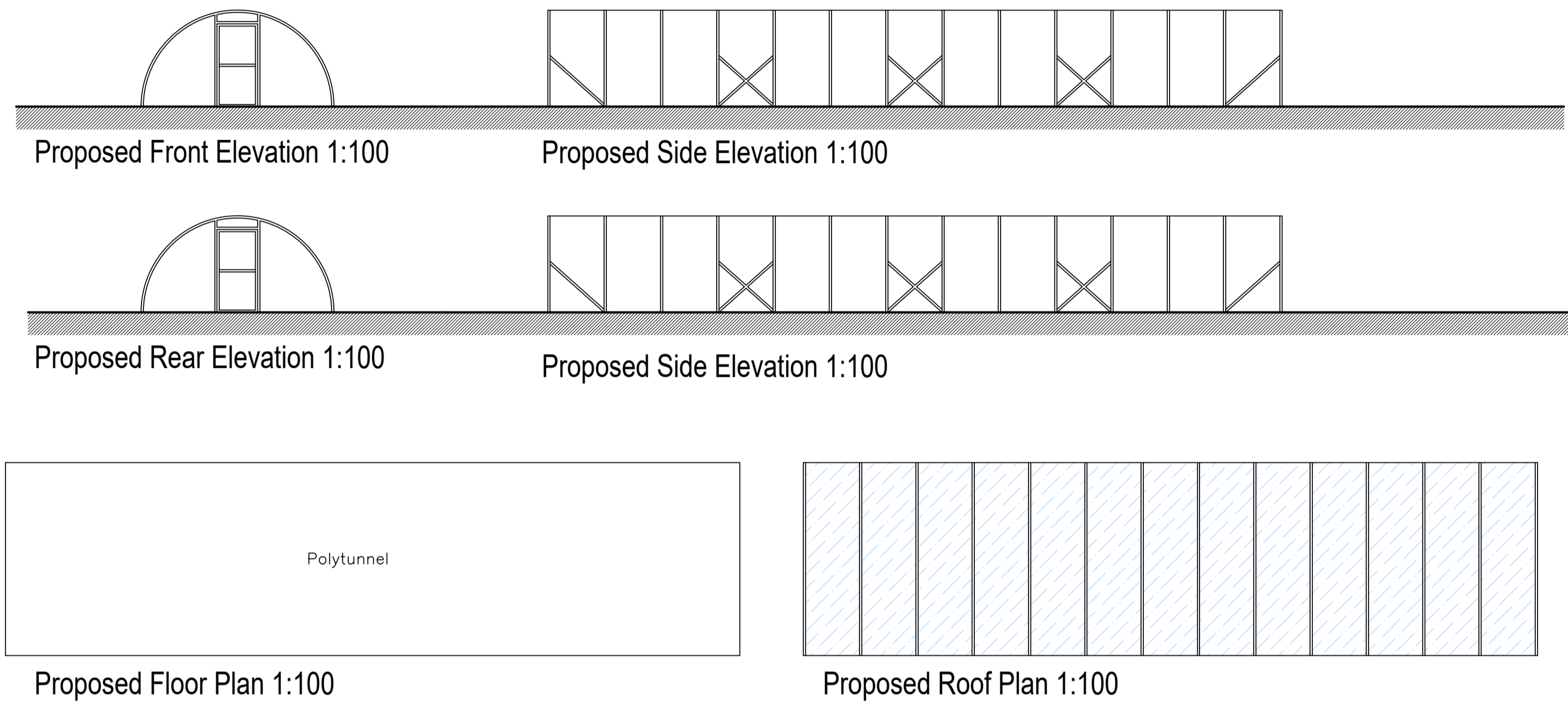
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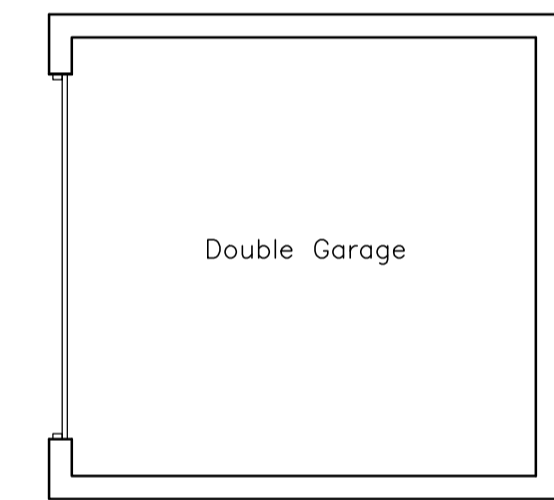
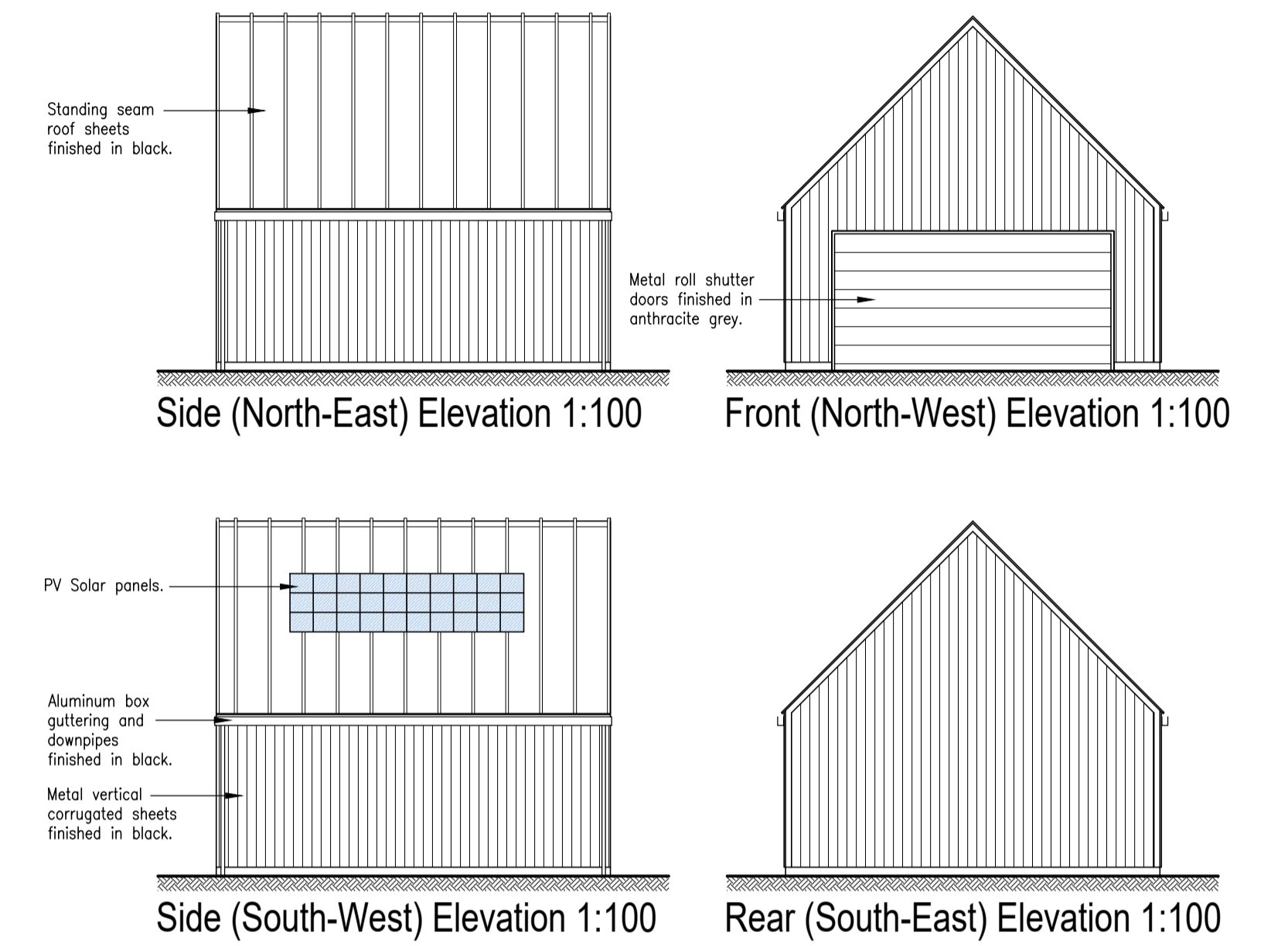
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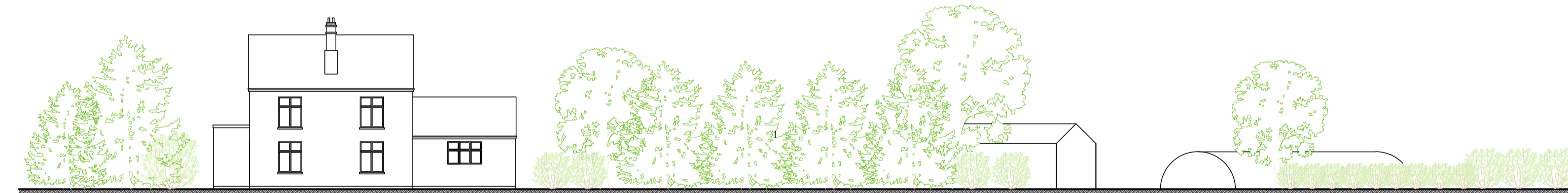




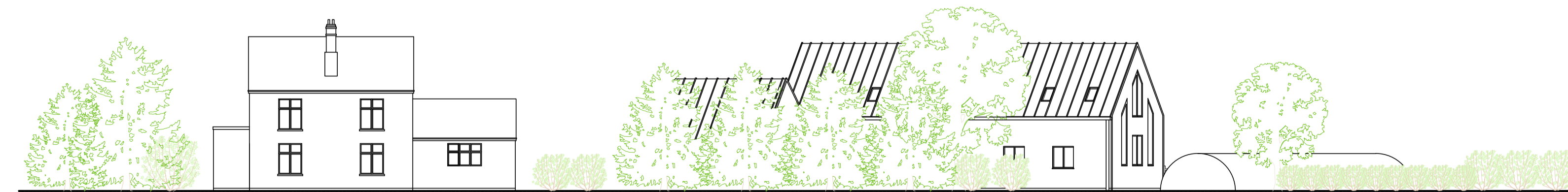
Site Plan 1:500  
(Showing dwelling ground plan in context).



Ground Plan 1:100



Existing street scene 1:200



Proposed street scene 1:200

R - 28.02.2023 - Revised rissen hut proposal.  
A - 13.10.22 - Addition of asset scene.

JOB NO.	PAPER SIZE	DATE
6552/PL03B	A1	FEB 2023

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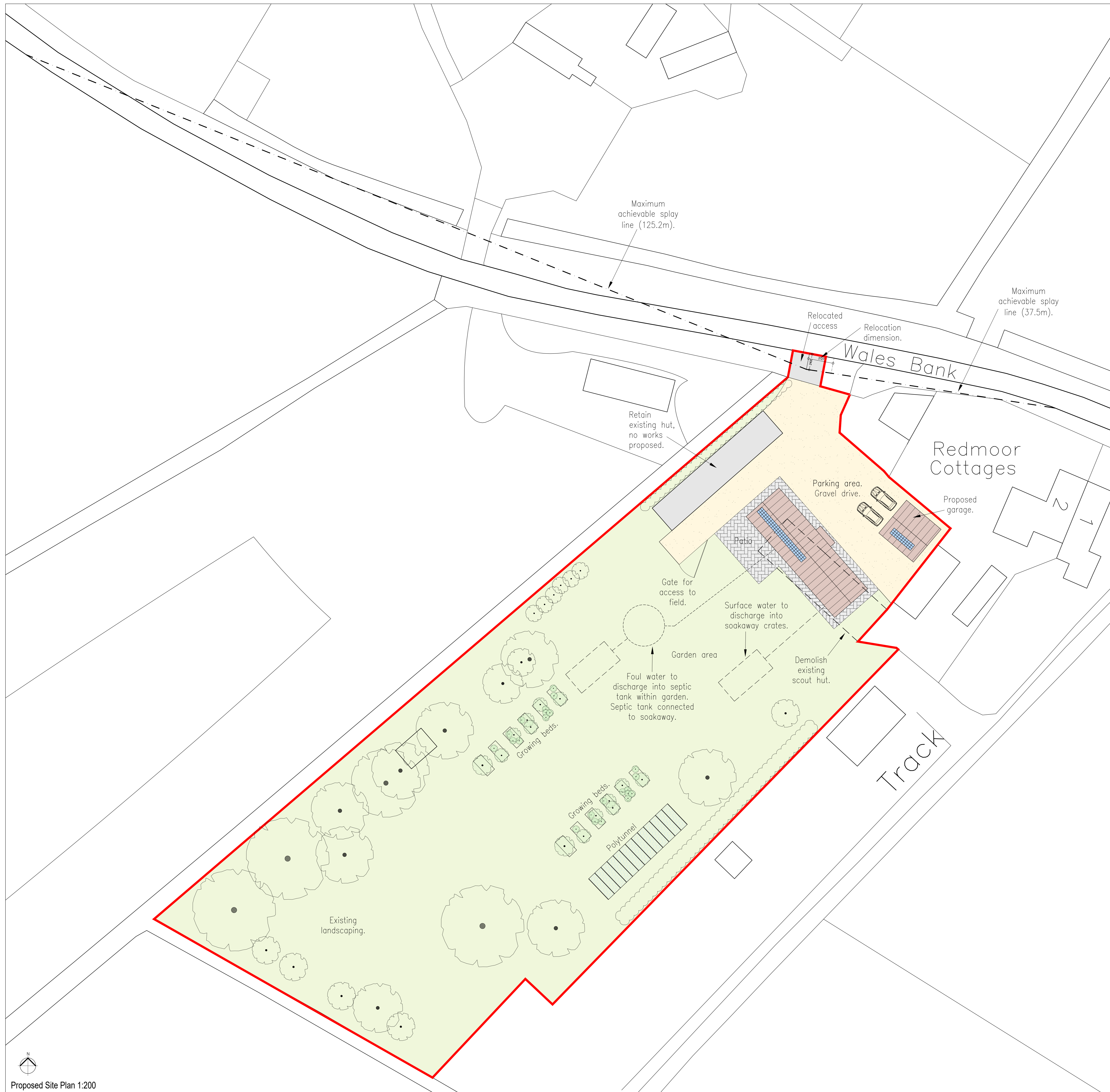
CLIENT  
Mrs C Wing

PROJECT  
NEW DWELLINGHOUSE

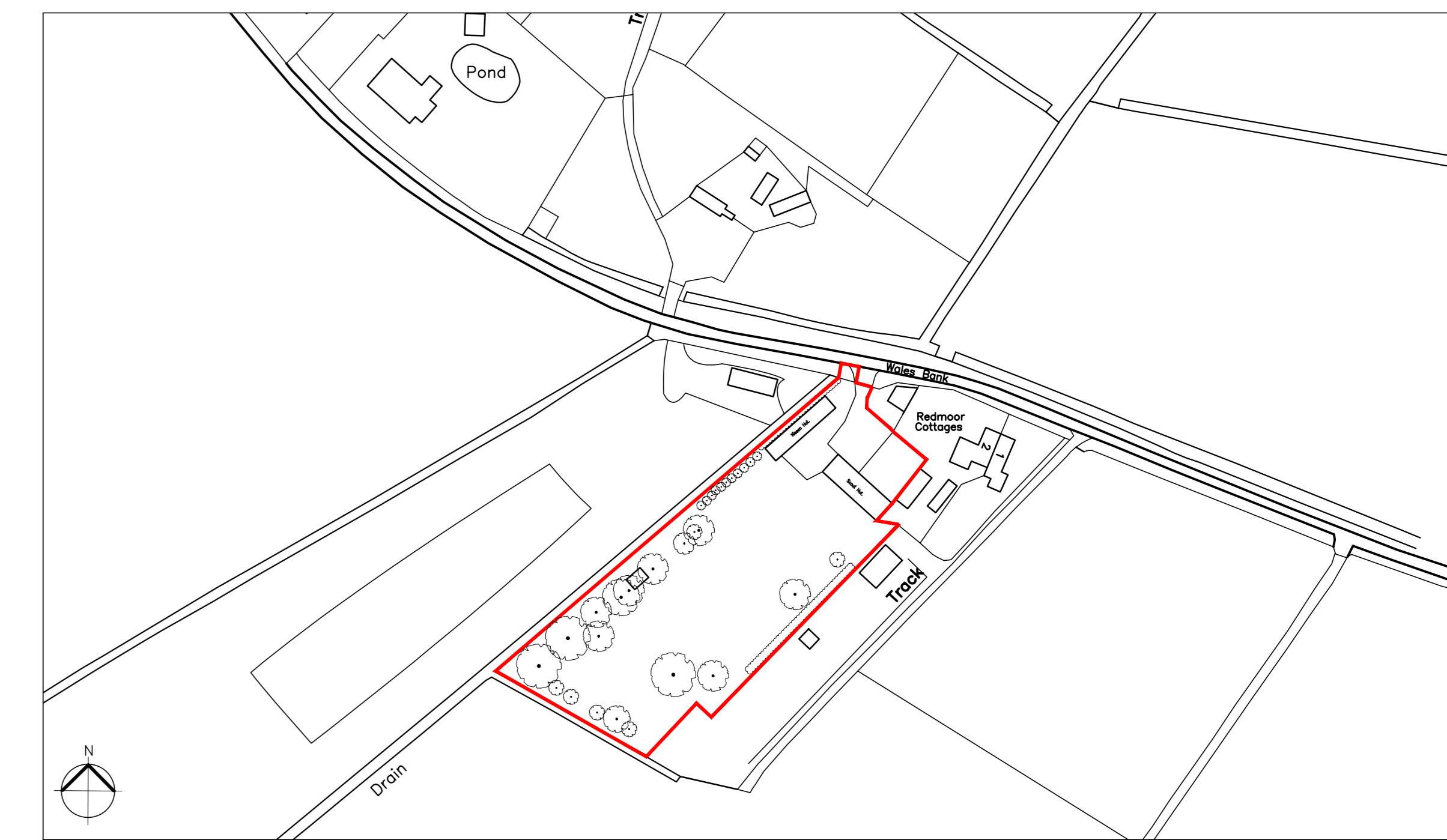
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WALES BANK  
ELM  
CAMBRIDGESHIRE  
PE14 0AY

DRAWING  
COMBINATION DRAWING

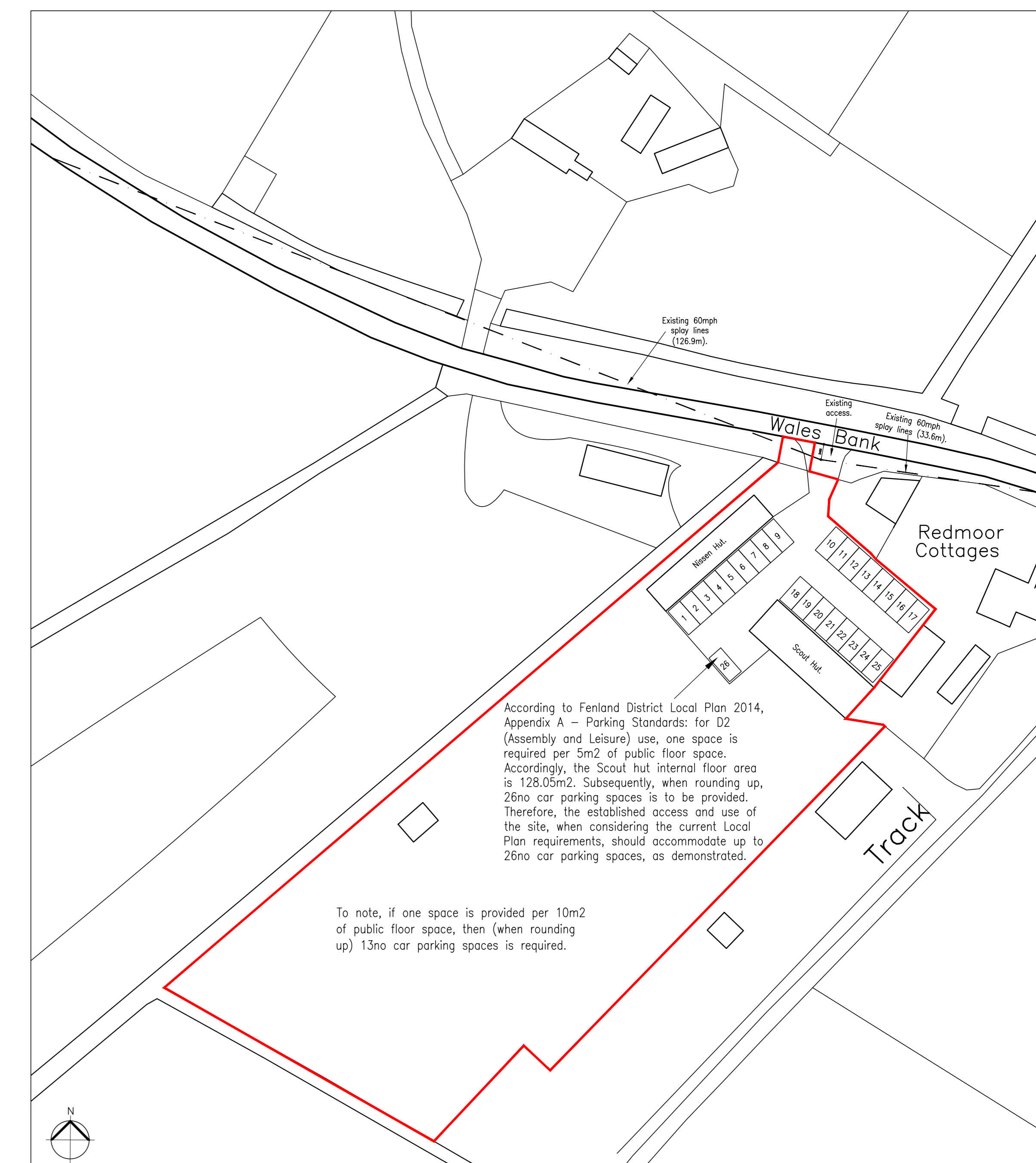
**PETER HUMPHREY ASSOCIATES**  
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.  
TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk



Proposed Site Plan 1:200



Location Plan 1:1250



Existing Site Plan 1:500

According to Fenland District Local Plan 2014, Appendix A – Parking Standards: for D2 (Assembly and Leisure) use, one space is required per 5m<sup>2</sup> of public floor space. Accordingly, the Scout hut internal floor area is 128.05m<sup>2</sup>. Subsequently, when rounding up, 26no car parking spaces is to be provided. Therefore, the established access and use of the site, when considering the current Local Plan requirements, should accommodate up to 26no car parking spaces, as demonstrated.

To note, if one space is provided per 10m<sup>2</sup> of public floor space, then (when rounding up) 13no car parking spaces is required.

Rev	1	15/02/2023	Revised access and proposal
Rev	2	15/02/2023	Minor amendments
Rev	3	15/02/2023	Final amendments
Rev	4	15/02/2023	Final amendments
Rev	5	15/02/2023	Final amendments
Rev	6	15/02/2023	Final amendments
Rev	7	15/02/2023	Final amendments
Rev	8	15/02/2023	Final amendments
Rev	9	15/02/2023	Final amendments
Rev	10	15/02/2023	Final amendments
Rev	11	15/02/2023	Final amendments
Rev	12	15/02/2023	Final amendments
Rev	13	15/02/2023	Final amendments
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Rev	92	15/02/2023	Final amendments
Rev	93	15/02/2023	Final amendments
Rev	94	15/02/2023	Final amendments
Rev	95	15/02/2023	Final amendments
Rev	96	15/02/2023	Final amendments
Rev	97	15/02/2023	Final amendments
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Rev	99	15/02/2023	Final amendments
Rev	100	15/02/2023	Final amendments

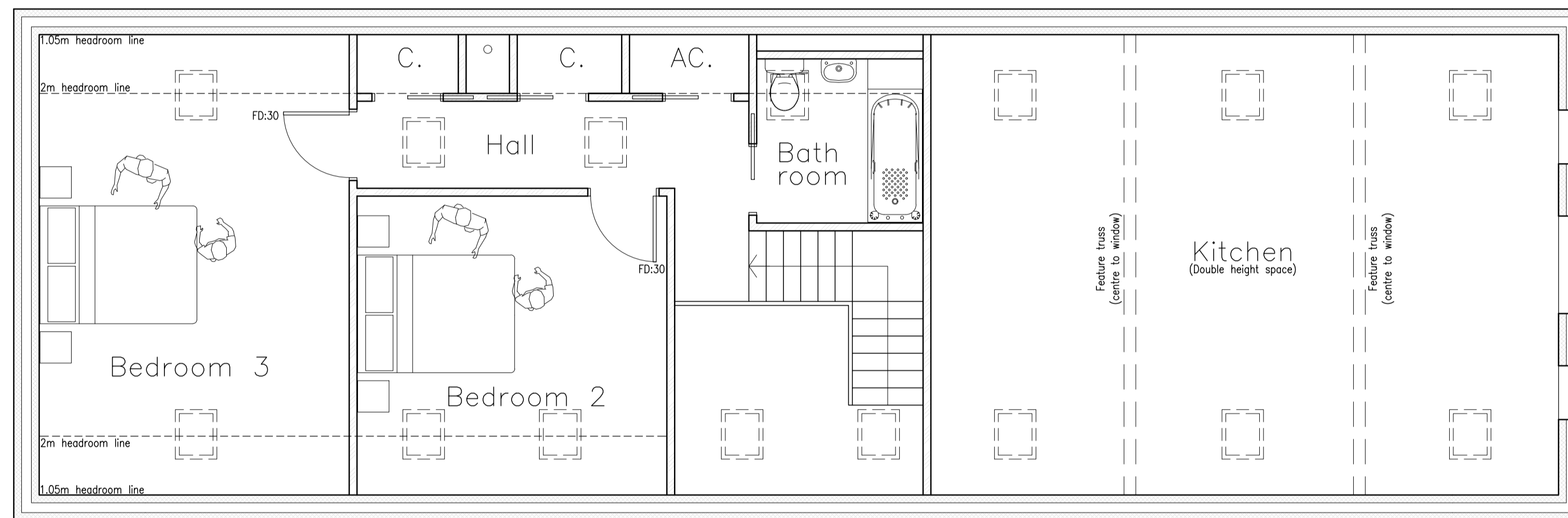
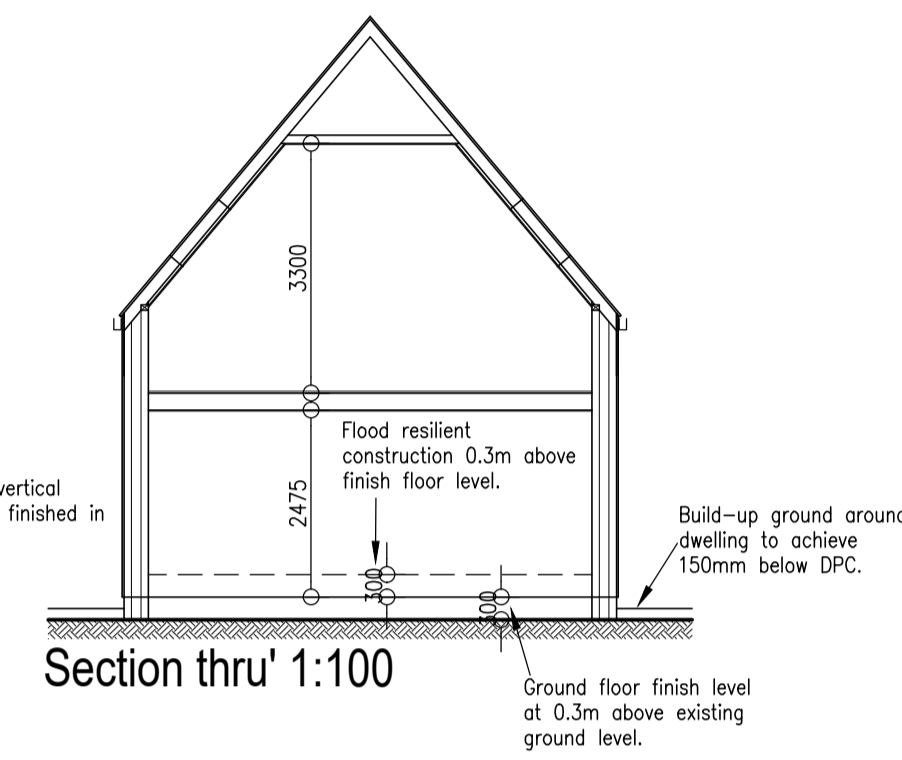
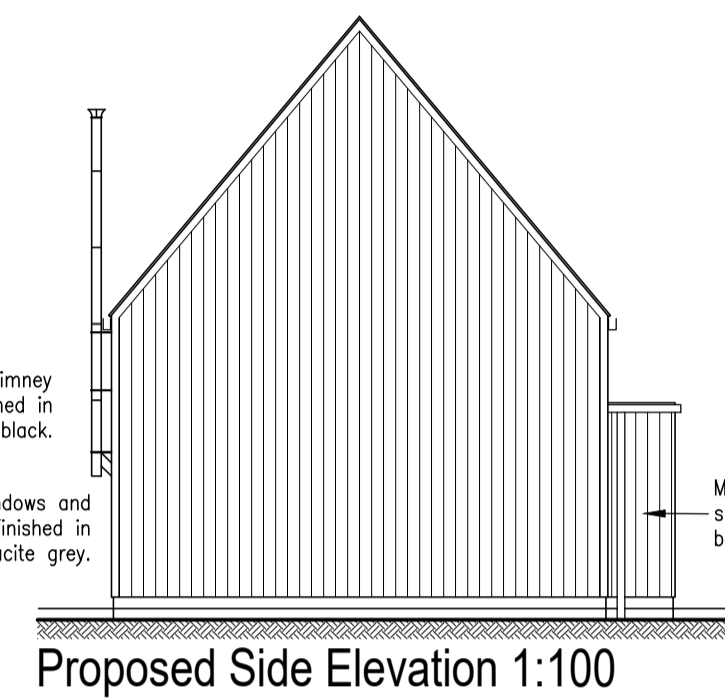
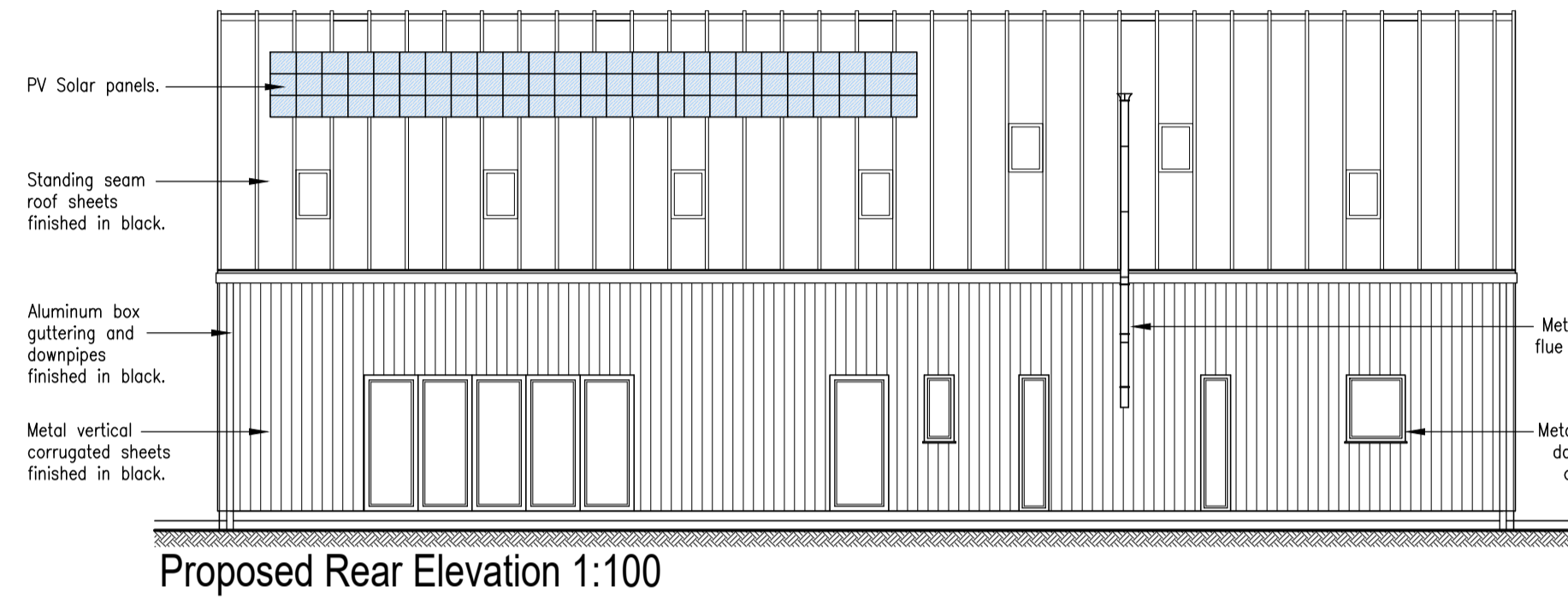
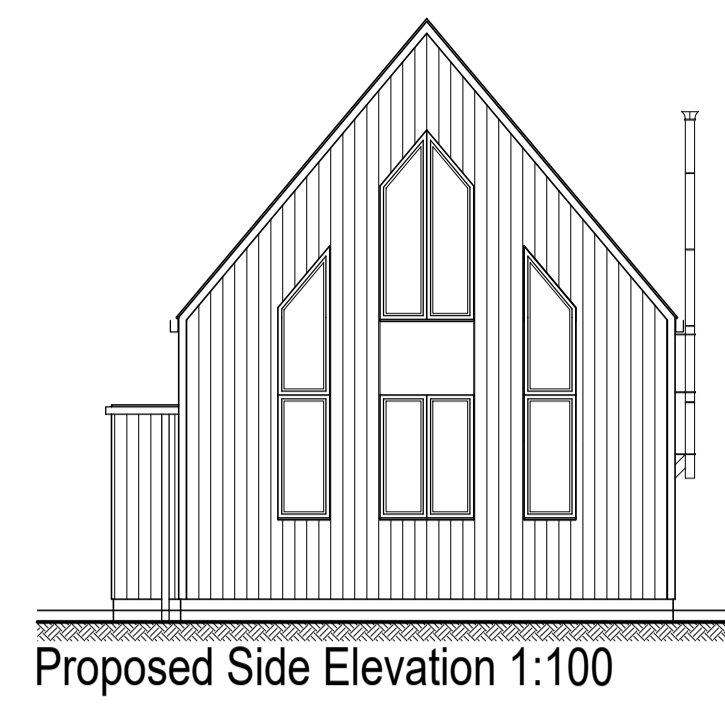
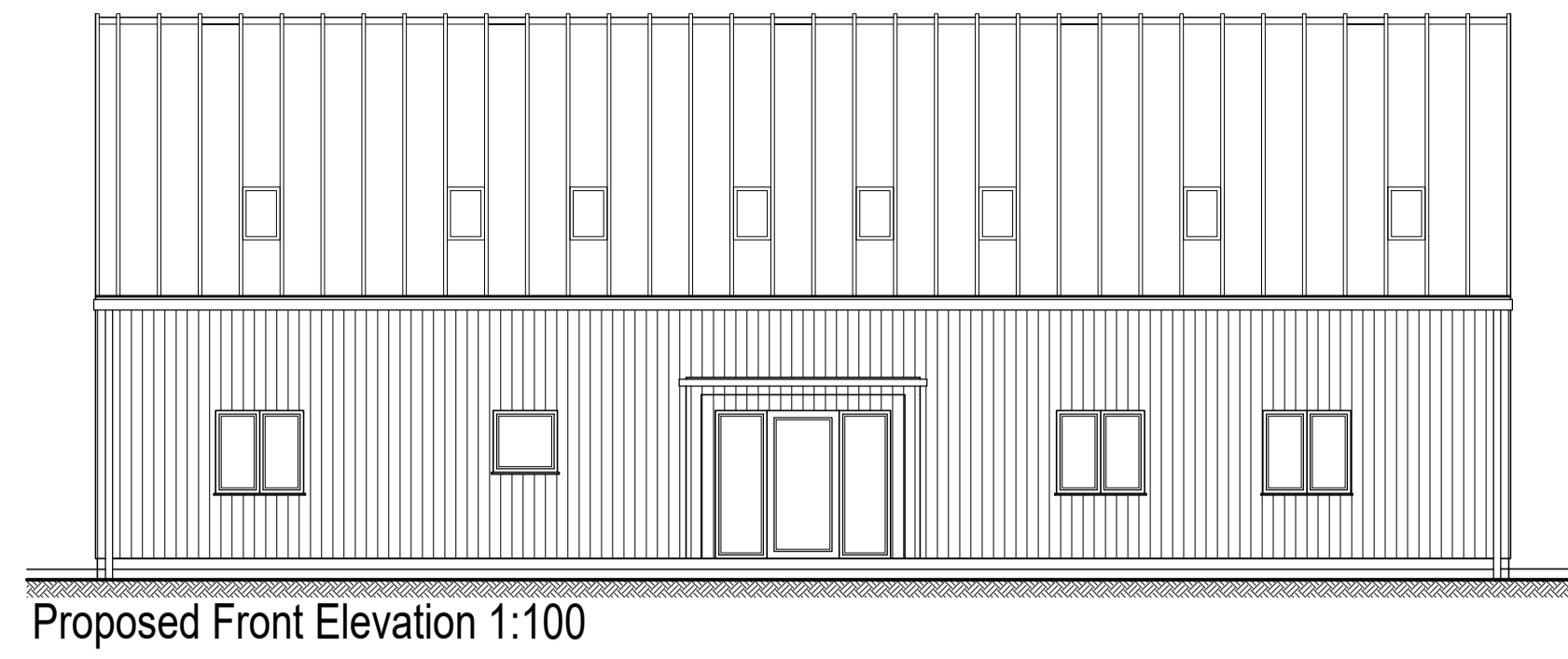
CLIENT  
Mrs C Wing

PROJECT  
NEW DWELLINGHOUSE

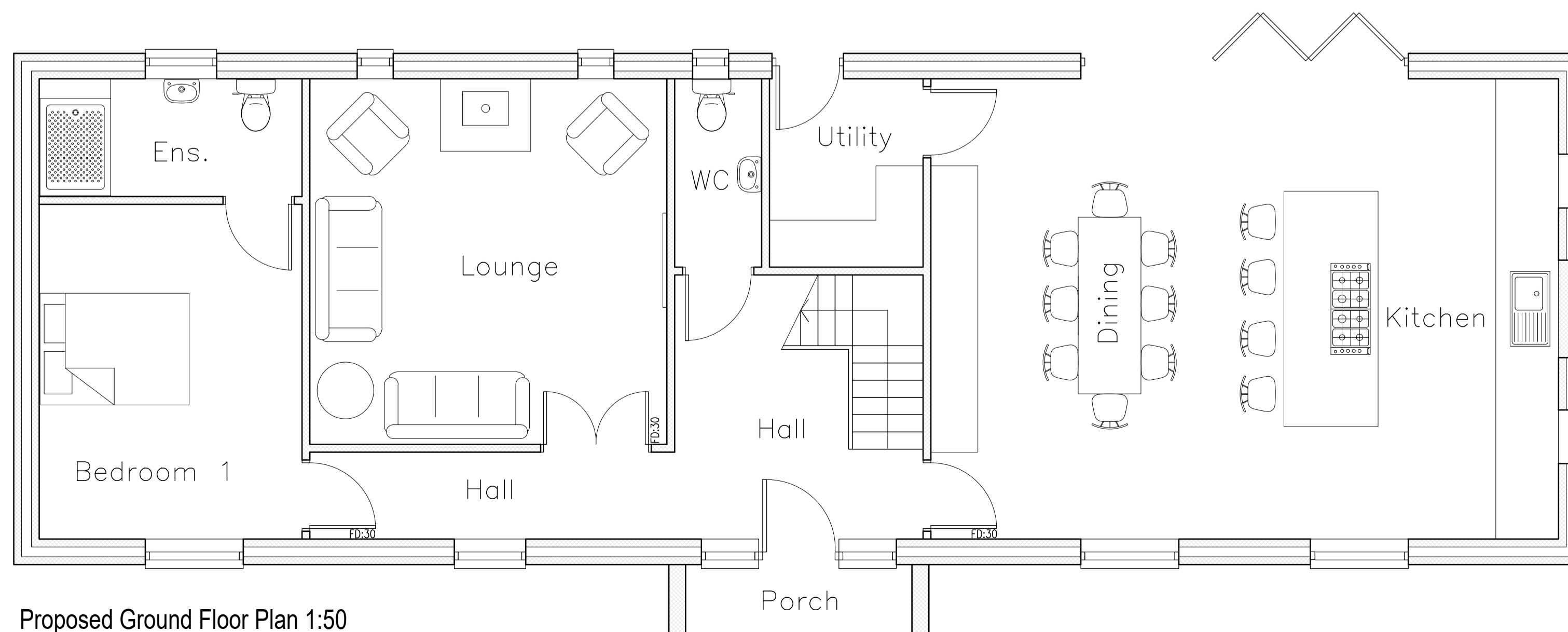
SITE  
SCOUT AND GUIDE HUT  
WALES BANK  
ELM  
CAMBRIDGESHIRE  
PE14 0AY

DRAWING  
EXISTING & PROPOSED SITE PLAN

**PHA**  
PETER HUMPHREY ASSOCIATES  
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS. PE13 1RG.  
TELEPHONE: 01945 469666  
EMAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk



Proposed First Floor Plan 1:50



Proposed Ground Floor Plan 1:50

B - ADD FLOOD RISK REPORT INFORMATION  
 A - REVISED GROUND FLOOR LAYOUT.  
 REVISIONS



**PETER HUMPHREY ASSOCIATES**

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

TELEPHONE: 01945 466966  
 E-MAIL: info@peterhumphrey.co.uk  
 WEB: www.peterhumphrey.co.uk

CLIENT  
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PROJECT  
 NEW DWELLINGHOUSE

SITE  
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 WALES BANK  
 ELM  
 CAMBRIDGESHIRE  
 PE14 0AY

DRAWING  
 DWELLING COMBINATION DRAWING

JOB NO	PAPER SIZE	DATE
6552/PL02B	A1	AUG 2022

Notes:  
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The Construction (Design and Management) Regulations 2015:  
 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as Designer or Principal Designer under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.