
F/YR23/0415/F & F/YR23/0413/A

Applicant: Mr Stephen Necker

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

22 - 23 Old Market, Wisbech, Cambridgeshire, PE13 1NB

F/YR23/0415/F - Alterations to existing building involving conversion of part of building to create 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed), 1 x first floor flat (1-bed), refurbishment of existing club including new frontage and formation of 1m link footway.

F/YR23/0413/A - Display 1 x non-illuminated fascia sign

Officer recommendation: GRANT

Reason for Committee: Number of representations against officer recommendation

1 EXECUTIVE SUMMARY

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| <p>1.1 F/YR23/0415/F seeks full planning permission and advertising consent for alterations to the existing building known as Mendi's. This would involve the conversion of the rear section of the building to create 4 x 2-storey terraced dwellings (1 x 1-bed, 3 x 2-bed) and 1 x first floor flat (1-bed) and the formation of 1m link footway along Exchange Square. The flat would be positioned above the night club fire exit and the bin/cycle storage area. The proposal includes a scheme for the refurbishment of the existing night club including a new frontage and the display of 1 x non-illuminated fascia sign.</p> <p>1.2 The property gained permission in 1973 for a change of use to a nightclub, restaurant, and offices. There is also evidence that the removal of condition 4, requiring parking, was approved and the addition of a flat for employees was also approved.</p> <p>1.3 Wisbech is identified in Policy LP3 of the Fenland Local Plan 2014 as a market town where it states the majority of residential and business growth should occur.</p> <p>1.4 New advertising is proposed under F/YR23/0413/A as part of the alterations to the front of the premises towards 'Old Market'. The sign would be approximately 7.5m in length and 0.9m in height. It would be located in a similar location to existing signage and of a similar overall size. The proposed 1x illuminated sign would be in replacement of the existing advertisements and be in keeping with the revamped frontage to the building and other signage in the vicinity. The proposed advertisement would not interfere with the public highway. Therefore, the proposed advertising is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.</p> <p>1.5 The Conservation Officer has no objection to either of the applications. The proposal is now to repair and repaint existing render and replace windows with steel windows in a similar style and layout to those existing. The</p> |
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original steel windows are not in good condition and have succumbed to considerable rust in places. The ground floor is proposed to have steel windows similar to those on the first floor. The Conservation Officer considers that the proposed alterations to the ground floor front windows are an improvement over the double bow window design that currently exists. Therefore, the proposed alterations and materials to the front of the building are considered in keeping with the character of the existing non designated heritage asset and therefore would not be considered to harm the character of the Conservation Area or the street scene. Therefore, the proposed alterations and change of use is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.

- 1.6 The application site has had planning permission since 1973 to be a nightclub, restaurant and bar with amendments made to remove requirement for parking and the addition of residential accommodation both approved. Within the original permission, the position of the dancefloor was not restricted to be located to the rear of the premises. This is reinforced within the premises licence. There are existing and proposed residential dwellings adjacent to the existing nightclub. The proposed window alterations to the front of the building are considered to give some improvement to the building's acoustic performance. The positioning of the internal stair block is considered to add a buffer alongside the neighbours (19 Old Market). The stair lobby design will help to add an improved buffer to the neighbours along with the proposed bar areas and the new internal freestanding walls internally to north and south walls of the nightclub. The proposed townhouses and flat are buffered from the club by the toilet block on the ground floor and the store area at first floor area. The Environmental Health Team have considered the proposal and when considering the existing use of the property and the proposed mitigation measures have no objection subject to conditions and an informative. Therefore, the proposal is considered on balance acceptable under policy LP2 and LP16 (e) of the Fenland Local Plan 2014.
- 1.7 To the rear of the property the proposed dwellings face onto Exchange Square. Exchange Square is a no through road with only pedestrian access through to North Brink. The proposed dwellings are proposed to exit out onto a 1m wide link footway. The proposed link footway is considered by Highways to provide a safe landing area for future residents entering and exiting their property. The nightclub is existing on site with planning permission given and the requirement for parking removed. The site is within walking distance of shops, education, employment, health facilities and public transport. Furthermore, there is a free public car park in close proximity of the site at Church Terrace approximately 290 metres away which would cater for future occupants if necessary. Limited car parking is also available on the Old Market and on North Brink. In view of the above officers consider that approving the proposal without parking would help to promote sustainable living. It would also lessen the emphasis on private car use, which would help to reduce carbon emissions. Therefore, the proposal is considered acceptable under policy LP15 of the Fenland Local Plan 2014.
- 1.8 As such, the recommendation is to grant planning permission for both applications.

2 SITE DESCRIPTION

- 2.1 The site is located within the market town of Wisbech and within the Wisbech conservation area. There are many Grade II Listed buildings within close proximity to the host property. The host property is a 2-storey, terraced building set up as a restaurant, nightclub and bar with allocated function rooms accessed from the Old Market to the east and from Exchange Square to the west.
- 2.2 The site is location within Flood Zone 3 (High Risk) and within the Flood Warning Area.

3 PROPOSAL

- 3.1 The application seeks full planning permission and advertising consent for alterations to the existing building known as Mendi's. This would involve the conversion of the rear section of the building to create 4 x 2-storey terraced dwellings (1 x 1-bed, 3 x 2-bed) and 1 x first floor flat (1-bed) and the formation of 1m link footway along Exchange Square. The flat would be positioned above the night club fire exit and the bin/cycle storage area. The proposal includes a scheme for the refurbishment of the existing night club including a new frontage and the display of 1 x non-illuminated fascia sign.

Full plans and associated documents for this application can be found at:
F/YR23/0415/F –

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

F/YR23/0413/A –

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4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
WB/73/176/F	Change of use from shop to restaurant, club and offices	Granted	16/12/73

5 CONSULTATIONS

F/YR23/0415/F - Environment Agency 08/06/23

Thank you for your consultation dated 22 May 2023 for the above application. We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have provided additional information below.

Flood Risk

The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ref: ECL0996/PETER HUMPHREY ASSOCIATES Dated March 2023) and the following mitigation measures it details:

• 2 storey dwellings with a minimum finished floor levels set no lower than 0.3m above the carriageway level of Exchange Square with 0.3m of flood resilient construction above finished floor level.
are fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

F/YR23/0415/F - Environment Agency (Re-consult) 09/08/23

Thank you for your re-consultation dated 04 August 2023 for the above application. We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have provided additional information below.

Flood Risk

The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ref: ECL0996a/PETER HUMPHREY ASSOCIATES Dated August 2023) and the following mitigation measures it details:

o 2 storey dwellings or first floor flats.

o Finished floor levels of the dwellings to be a minimum of 0.3m above the carriageway level of Exchange Square with 0.3m of flood resilient construction above finished floor level.

are fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

F/YR23/0415/F - Environment & Health Services (FDC) 29/06/23

Whilst Environmental Health have no objection to this application it has the potential to cause loss of amenity to the proposed new residential accommodation in close proximity to the proposed 1st floor night club and from any plant and equipment associated with the build including extract ventilation and cooling systems. In view of this I recommend the following conditions be applied to protect the amenity of residents from amplified music, particularly low bass tones, the ongoing use of the building as a nightclub, and from any plant and equipment installed as part of the development.

Night Club

1. Prior to the first operational use of the development hereby approved a noise assessment in the form of a commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) shall be undertaken for the proposed night club. The assessment shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the premises opening for business. The development shall then be carried out in accordance with the approved particulars and retained as such for the lifetime of the development.

2. Prior to the first operational use of the development hereby approved A Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;

- i. *Organisational responsibility for noise control*
- ii. *Hours of operation and music production*
- iii. *Imposed planning conditions controlling noise/disturbance*
- iv. *Physical and managerial noise controls processes and procedures*
- v. *Music noise level controls including music noise limiter settings and any external noise limits, monitoring locations.*
- vi. *Details of how compliance with control limits is achieved and procedure to address non-compliance*
- vii. *Details of review of NMP*
- viii. *Details of community liaison and complaints logging and investigation*

Noise from plant and equipment

1. *No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.*

REASON

To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16 (e)

Informative

Regardless of whether any conditions are applied to control the amenity of nearby users from noise it is important to point out that the Council retains the right to utilise the statutory nuisance provisions under the Environmental Protection act 1990, and the licensing provisions under the Licensing Act 2003, should complaints about noise associated with this development be received by the Council.

F/YR23/0415/F – Environment and Health Services (Re-consult 10/09/23)

Whilst Environmental Health have no objection to this application it has the potential to cause loss of amenity to the proposed new residential accommodation in close proximity to the proposed 1st floor night club and from any plant and equipment associated with the build including extract ventilation and cooling systems. In view of this I recommend the following conditions be applied to protect the amenity of residents from amplified music, particularly low bass tones, the ongoing use of the building as a nightclub, and from any plant and equipment installed as part of the development.

Night Club

1. *A scheme for protecting the proposed noise-sensitive development including 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed), 1 x first floor flat (1-bed) from noise arising from the use of the night club shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme should be completed before the noise-sensitive development is occupied and shall thereafter be retained as approved.*
2. *Prior to the first operational use of the development hereby approved A Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;*

- i. Organisational responsibility for noise control*
- ii. Hours of operation and music production*
- iii. Imposed planning conditions controlling noise/disturbance*
- iv. Physical and managerial noise controls processes and procedures*
- v. Music noise level controls including music noise limiter settings and any external noise limits, monitoring locations.*
- vi. Details of how compliance with control limits is achieved and procedure to address non-compliance*
- vii. Details of review of NMP*
- viii. Details of community liaison and complaints logging and investigation*

Noise from plant and equipment

2. *No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.*

REASON To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16 (e).

Regardless of whether any conditions are applied to control the amenity of nearby users from noise it is important to point out that the Council retains the right to utilise the statutory nuisance provisions under the Environmental Protection act 1990, and the licensing provisions under the Licensing Act 2003, should complaints about noise associated with this development be received by the Council.

F/YR23/0413/A – Environment and Health Services (30/06/23 & 29/08/23)
Environmental Health have no objection to this application.

F/YR23/0415/F - Cambridgeshire County Council Highways Authority
12/06/23

In order to make an informed decision in respect of the submitted application, further information is required:

The applicant will need to clarify how the proposed nightclub will be serviced for deliveries and other ancillary needs e.g., cleaning.

I note that no car parking has been provided for the six proposed dwellings, but in context of the town centre location, I do not foresee this resulting in material highway safety concerns.

However, the frontages to the dwellings are directly onto highway carriageway with no visibility of any oncoming vehicles and no opportunity to wait off the highway while opening / closing the dwellings' front door. Accesses need to be recessed back to allow for a pedestrian landing area suitable for wheelchair / pram / bicycle use and pedestrian visibility splays to the nearside carriageway edge. The pedestrian visibility splays are to measure no less than 2m x 2m and are necessary to provide pedestrians with the opportunity to view any oncoming vehicles prior to entering the carriageway.

Furthermore, the frontages of the northernmost two dwellings clash with marked on-street parking bays. Should these bays be in use, they will obstruct access to the dwellings. To make these two dwellings acceptable, the on-street parking must be removed which will require a Traffic Regulation Order (TRO). TROs are governed by

legislation which sits outside of the planning system, so for any certainty regarding the implementation, I recommend that the application not be determined until a TRO has been applied for and approved. Alternatively, the applicant may wish to amend their proposal to avoid the clash.

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

**F/YR23/0415/F - Cambridgeshire County Council Highways Authority
22/08/23**

In response to my previous comments, entrances to the proposed residential properties have been recessed but the necessary 2m x 2m pedestrian visibility splays, measured to the carriageway edge, have not been included. The current design means that a pedestrian has no visibility to a passing vehicle until they have already entered their path of travel and drivers similarly lack any forewarning of emerging pedestrians. While traffic volumes through Exchange Square are likely to remain low with vehicles travelling at slow speeds, the arrangement nonetheless introduces a hazard, one which could be avoided with the introduction of splayed entranceways.

My previous comment relating to obstruction of residential accesses by on-street parking bays remains valid but in the latest iteration, it impacts only one of the five proposed dwellings. In absence of an approved Traffic Regulation Order to alter the on-street parking arrangements along Exchange Square, the access to the first plot in the line will, on occasion, be obstructed. In such cases, residents may be temporarily blocked into their property, particularly if said resident has a mobility impairment and requires the use of a walking aid.

I would like to request that the applicant clarify how the site will be serviced (deliveries, cleaners etc.) and if these arrangements will vary from the previous nightclub.

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, likely of refusal.

**F/YR23/0415/F – Cambridgeshire County Council Highways Authority
10/11/23**

Upon review of the latest submission, I do not object to the application.

The proposed footway along Exchange Square is sufficient to address my previous concerns as it provides a safe landing area for future residents entering and exiting their property. Such infrastructure will require some ancillary accommodation works in relation to the existing highway drainage and to regularise road markings, both of which can be accommodated as part of the S278 process post-planning. The applicant should also give consideration to the impact of the footway on building threshold levels.

Please append the following conditions and informatives to any permission granted:

Conditions

Off-Site Highway Works (amended): No development shall take place until details of works to Exchange Square, in accordance with the principle shown on the drawing 6690/06, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

Informatives

Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

**F/YR23/0413/A - Cambridgeshire County Council Highways Authority
10/11/23**

I have no objection to this application as the proposed fascia sign will have no material highway impact.

F/YR23/0415/F - Designing Out Crime Officers 22/05/23

Thank you for the opportunity to comment on this planning application. I have viewed the Design and Access statement (DAS) and associated documents in relation to crime, disorder, and the fear of crime and I have searched the Constabulary crime and incident systems covering this location and ward for the two years, and I would consider the proposed location to be of Low risk to the vulnerability to crime.

Crimes and Incidents of note:

<i>All Crime</i>	<i>Peckover Ward Total Crime = 623</i>	<i>Incidents of Note</i>	<i>Peckover Ward Total Incidents = 1615</i>
<i>Theft from Vehicle</i>	<i>1</i>	<i>Rowdy/Nuisance</i>	<i>16</i>
<i>Violence</i>	<i>9</i>	<i>Begging</i>	<i>2</i>
<i>Other Theft</i>	<i>3</i>		
<i>Criminal Damage</i>	<i>6</i>		
<i>Burglary Business</i>	<i>2</i>		
<i>Public Order</i>	<i>4</i>		
<i>Theft from Person</i>	<i>1</i>		

I note within the DAS Crime prevention has been considered, and within the proposals CCTV will be installed to the front of the nightclub and over the rear bin store.

I do have the following comments.

Nightclub:

Door standards and certification

•Commercial Entrance Doors - all door sets allowing direct access, e.g., front, and rear entrance door sets, plant rooms and fire doors will be certificated to one of the following standards:

- STS 202 Issue 3 (2011) Burglary Rating 2 or (Commercial door sets)*
- LPS 2081 Issue 1 (2015) Security Rating B+*

NB: The benefits of third-party certification are recognised within ADQ, Appendix A, Note 3.

• **CCTV** - this is not a universal solution to security problems, but it can help deter vandalism or burglary and assist with the identification of culprits once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. If external CCTV is to be installed then this should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications, be well signed and be registered with the Information Commissioners Office. Cameras should ideally cover main entrances into the buildings, service yards, car park and cycle storage. (NSI and SSAIB accreditation is also applicable for CCTV) including signage.

- **BS 7958** CCTV Management and Operation Code of Practice
- **BS 8495** Export of Digital Images
- **BS 8418** Remote Monitoring Stations
- **BS 62676 British Standard** for the minimum requirements for CCTV Surveillance in security applications.
- Signage

Residential Town Houses:

• **Doors/ Windows, and roof lights** – all ground floor and easily accessible windows, shall be certificated to one of the following standards:

- PAS 24 - 2022 or
- STS 204 Issue 4:2012 or
- LPS 1175 Issue 7.2 (2014) Security Rating 1 or
- STS 202 Issue 3 (2011) Burglary Rating 1 or
- LPS 2081 Issue 1 (2015) Security Rating A

NB: Easily accessible is defined within Approved Document Q Appendix A. The plan also shows roof lights over the rear bedrooms for the residential dwellings, these should be security enhanced, as this area of Wisbech has experienced issues with persons climbing on roofs and free running.

• **Lighting** - For the safety of people and their property our recommendation is that home security lights both front and rear should be dusk to dawn bulkhead LED lights. There should also be a bulk-head LED Dusk to Dawn light over the bin store door.

Shared facilities:

• **Bin Store** - enclosed bin store doors should be enhanced security door-sets LPS 1175 SR2 fitted with self-closers and a thumb turn for egress to ensure that people

cannot be locked in and to prevent rough sleepers gaining access. The DAS mentions that there will be keypad access for the residents and refuse collection staff, the interconnecting bin store door from the nightclub to the residential bin store, should have a separate code or fob access control for staff only, this door must also be a security enhanced door-set fitted with self-closer.

I would be happy to meet with the applicant to discuss "Secured by Design" and measures to reduce crime and anti-social behaviour including building security, I believe this development could achieve "Secured by Design" homes 2023 accreditation with discussion.

F/YR23/0415/F - Designing Out Crime Officers (Re-consult) 22/08/23

Thank you for the opportunity to comment on this revised planning application. Having read the documents, I note the changes made in relation to installing rear windows to the town houses and 1 bedroom flat, taking the concerns raised into consideration in relation to the first-floor windows my recommendation would be installing security enhanced frosted windows to reduce the visibility over the business premises and rear car park, or the original design Velux roof windows. I refer to my previous comments dated 22nd May 2023 these still stand.

F/YR23/0415/F - Mr Dan Horn (FDC) 22/05/23

As this falls under the threshold for affordable housing, we have no comment to make.

F/YR23/0415/F - The Wisbech Society 12/06/23

With reference to the above Planning Application, the Wisbech Society OBJECTS to the application for the following reasons.

1. HERITAGE

The proposed changes to the frontage of the building are considered an attempt to create a 'modern nightclub style' of building, without any consideration given to how it will impact the setting of the historic built environment that is The Old Market. The Old Market, as its name suggests was the site of the original weekly market held since the 12th Century.

The Heritage Statement offered by the applicant is a simple list of the nearby Listed Buildings, and makes no attempt to assess the impact of the application on these properties and the nearby architecture of the North Brink, named by the antiquarian, Nikolaus Pevsner, as "one of the finest brick built Georgian streets in England." The National Planning Policy Framework (NPPF), Section 194. states that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting." Likewise, Section 195 of the NPPF states that, "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

In addition, the planned replacement of the existing frontage and the removal of the Crittal style narrow steel window frames, will have a detrimental effect on this early/mid 20th C. building, which in itself should be recognised as a non-

designated heritage asset that has evolved into the historic environment. Section 203. . NPPF, states that, "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

2. OVERDEVELOPMENT

The development of 6 housing units to the rear of the building can be considered to be an overdevelopment of the site. Most of the units have no access to natural light at the rear of each unit and the designated cycle storage behind the front entry doors cannot be considered a serious proposal (if anything they are a potential danger and may prevent safe egress from the property).

There will undoubtedly be an issue with car parking, as the limited availability is used by customers of small businesses in Exchange Square. Has consideration been given to the additional risks to Highway Safety caused by additional manoeuvring of vehicles in this confined square.

Has any consideration been made to the additional burden of waste water/sewerage on the existing systems?

3. NOISE/IMPACTS ON EXISTING RESIDENTS

Although the site was a former restaurant/nightclub, has any consideration been given to the impacts of noise on existing residents by moving the nightclub to the first floor, which is adjacent to existing sleeping quarters?

The addition of another nightclub (to add to the nearby Legends in Chapel Road) adds a lot of additional activity around the relatively small spaces of Exchange Square and Old Market, which would negatively impact on current residential properties for noise and nuisance. In 2020 there were Licensing and Planning issues with VIP Lounge (Legends previous name), which do not appear on the Planning or Licensing details (?).

F/YR23/0415/F - The Wisbech Society (Re-consult)

No response received.

F/YR23/0415/F & F/YR23/0413/A - Conservation Officer (FDC) 25/05/23

*Due regard is given to the impact of this proposal on the architectural and historic interests and setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal requires amendment and some additional information.** The following comments are made:*

It is positive to see a proposal to bring this building back into use and invest investment in it is timely.

Front elevation:

The property is a commercial building constructed in the early-mid C20. Whilst it has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20.

Although the building needs attention, its clear architectural character and quality adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed positive non-designated heritage asset, albeit in need of work.

The ground floor has previously been altered with the insertion of the somewhat incongruous bow windows flanking the central entrance door.

The first-floor benefits from its original large format slim metal framed window that is a key component to its architectural character.

The proposal for the front elevation is to remove the original large metal framed glazing to the first floor and replace it with inset grey brickwork and smaller windows. The design is overly modern and does not attempt to be sensitive to the very high historic significance of it its surroundings.

The design concept utilised is considered to be completely at odds with the symmetry afforded by the simple modernist form. The offset fenestration is considered to be deleterious to the historic character of the building as starkly at odds with the symmetry of the adjacent listed buildings.

There are many examples recent C21 buildings in Wisbech and I struggle to think of one that has been a beneficial addition to the historic environment. It would be short sighted to lose this example rather than concentrating on the simple changes it needs to the existing poorly designed ground floor insertion.

Unfortunately, the heritage statement does little to try and justify the proposed designs.

I would strongly recommend that the principal elevation is revised to replace the slim framed metal window with glazing with a similar style. There are a number of companies offering traditional slim metal framed windows inspired by that era in both steel and aluminium.

The galleried landing at first floor does not present a conflict in maintaining such a feature and would work as a positive, light and airy circulation space for the premises.

One only has to look at the positive refurbishments that have been achieved at a similar style and age of building on Chapel Street, which has respected the core historic character of the building to the benefit of the conservation area.



The positive and original cast iron rainwater hoppers and downpipes should be painted and retained as part of the works.

Off white render is deemed appropriate and will retain much the same appearance as it currently exists.

Again, at ground floor the entrance doorset would ideally be central to maintain the symmetry that this type of architecture requires.

Rear Elevation:

The works proposed to the rear elevation are somewhat less controversial in that the existing rear elevation is of poor character that detracts from the character and appearance of the conservation area. Introducing fenestration to this elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape.

The use of grey slate to the rear roofslopes is supported.

Conclusion:

The proposals are considered to be entirely incongruous with the streetscene and have a serious detrimental impact on the setting of the adjacent listed building and the wider Wisbech Conservation Area. It is deemed to be at odds with national and local planning policy with regards to both the setting of the conservation area and adjacent listed buildings and should be substantially revised or refused.

F/YR23/0415/F & F/YR23/0413/A – Conservation Officer (Re-consult) 04/09/23

Due regard is given to the impact of this proposal on the architectural and historic interests and setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The following comments are made:

It is positive to see a proposal to bring this building back into use and invest investment in it is timely.

Front elevation:

The property is a commercial building constructed in the early-mid C20. Whilst it has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist

character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20.

Although the building needs attention, its clear architectural character and quality adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed positive non-designated heritage asset, albeit in need of work.

The ground floor has previously been altered with the insertion of the somewhat incongruous bow windows flanking the central entrance door.

The first-floor benefits from its original large format slim metal framed window that is a key component to its architectural character.

The initial proposal was to remove the original large metal framed glazing to the first floor front elevation and replace it with inset grey brickwork and smaller windows. The design was overly modern and did not attempt to be sensitive to the very high historic significance of it its surroundings. As such, my previous comments raised an objection to that effect.

The proposed front elevation has been revised in light of the concerns. The existing render is to be repaired and repainted. The original steel windows are not in good condition and have succumbed to considerable rust in places. The revised proposals are for replacement steel windows in a similar manner by retaining the large first floor opening. There is high importance in conditioning the window details to be forthcoming prior to their manufacture to ensure they are correct. The only element I would raise is the addition of the central column. This style of building generally had unbroken glazing across the frontage which benefitted the simplicity of such early-mid C20 modernist architecture. I understand that there is a wall proposed to run into the glazing panel, but there are options available to inset the walling behind the glazing, thus retaining the characteristic expanse of a single bay of glazing.

The ground floor has been revised to a more acceptable appearance, with the use of similar steel windows as the first floor. This is an improvement over the double bow window design that currently exists. I would suggest that the newly proposed rendering within the ground floor bay ought to be a contrasting material to the rendered frame, in order to maintain the original single bay design. This could be achieved by maintaining a small setback and possibly using a well chosen tile in place of the proposed new render.

As previously stated, the positive and original cast iron rainwater hoppers and downpipes should be painted and retained as part of the works.

Off white render is deemed appropriate and will retain much the same appearance as it currently exists.

Rear Elevation:

The works proposed to the rear elevation are somewhat less controversial and remain as previously proposed. The existing rear elevation is of poor character that detracts from the character and appearance of the

conservation area. Introducing fenestration to this elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape.

The use of grey slate to the rear roof slopes is supported.

Conclusion:

The proposals are now considered to be much improved and will not have an undue impact on the setting of the adjacent listed buildings and the wider Wisbech Conservation Area. There are two elements that do need resolving before support can be given from a heritage consideration – 1) remove the central window column at first floor and look for an alternative but complimentary material for the infill sections at ground floor that are currently proposed to be matching render. I would suggest a well chosen tile. This infill section should be set back slightly allowing the single bay ‘frame’ of the building to remain a key and prominent feature.

The proposals are deemed to be in accordance with national and local planning policy with regards to both the setting of the conservation area and adjacent listed buildings.

Suggested Conditions

Prior to commencement of this part of the development, full details of the replacement front elevation glazing shall be submitted to and agreed in writing by the LPA.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

The replacement windows shall be recessed to the same depth from the front face of the building as they exist.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

Details of all external materials pertaining to all external elevations and roofslopes shall be submitted to and agreed in writing by the LPA prior to their use.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

Due regard is given to the impact of this proposal on the architectural and historic interests and setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The following comments are made:

It is positive to see a proposal to bring this building back into use and invest investment in it is timely.

Front elevation:

The property is a commercial building constructed in the early-mid C20. Whilst it has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20.

*Although the building needs attention, its clear architectural character and quality adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed positive **non-designated heritage asset**, albeit in need of work.*

The ground floor has previously been altered with the insertion of the somewhat incongruous bow windows flanking the central entrance door.

The first-floor benefits from its original large format slim metal framed window that is a key component to its architectural character.

The initial proposal was to remove the original large metal framed glazing to the first floor front elevation and replace it with inset grey brickwork and smaller windows. The design was overly modern and did not attempt to be sensitive to the very high historic significance of it its surroundings. As such, my previous comments raised an objection to that effect.

The proposed front elevation has been revised in light of the concerns. The existing render is to be repaired and repainted. The original steel windows are not in good condition and have succumbed to considerable rust in places. The revised proposals are for replacement steel windows in a similar manner by retaining the large first floor opening. There is high importance in conditioning the window details to be forthcoming prior to their manufacture to ensure they are correct.

The ground floor has been revised to a more acceptable appearance, with the use of similar steel windows as the first floor. This is an improvement over the double bow window design that currently exists.

As previously stated, the positive and original cast iron rainwater hoppers and downpipes should be painted and retained as part of the works.

Off white render is deemed appropriate and will retain much the same appearance as it currently exists.

Rear Elevation:

The works proposed to the rear elevation are somewhat less controversial and remain as previously proposed. The existing rear elevation is of poor character that detracts from the character and appearance of the conservation area. Introducing fenestration to this elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape.

The use of grey slate to the rear roofslopes is supported.

Conclusion:

The proposals are now considered to be much improved and will not have an undue impact on the setting of the adjacent listed buildings and the wider Wisbech Conservation Area.

The proposals are deemed to be in accordance with national and local planning policy with regards to both the setting of the conservation area and adjacent listed buildings.

Suggested Conditions

Prior to commencement of this part of the development, full details of the replacement front elevation glazing shall be submitted to and agreed in writing by the LPA.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

The replacement windows shall be recessed to the same depth from the front face of the building as they exist.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

Details of all external materials pertaining to all external elevations and roof slopes shall be submitted to and agreed in writing by the LPA prior to their use.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

RECCOMENDATION: No objection subject to appending suggested conditions.

F/YR23/0415/F - Senior Archaeologist (CCC) 14/06/23

The application site redline is occupied by no.22-23 Old Market, an un-listed building within the Wisbech Conservation Area. Many of the buildings in the immediate vicinity of the development redline date to the 18th and 19th century and benefit from statutory designations, eg. nos 27 Old Market (National Heritage

List for England reference 1126593), nos 28-29 Old Market (NHLE 1331648), no.12 Old Market (Barclays Bank - NHLE 1126591) directly opposite and, facing the site to the rear, the rear elevation of the Old Town Hall, formerly the Exchange Hall (NHLE 1126633). Despite being of a style quite distinct from its immediate neighbours, 22-23 Old Market is considered to be a non-designated heritage asset which makes a positive contribution to the overall character of the area.

The principal elevation faces Old Market and is of distinct early 20th century character, with a continuous range of large metal-framed Crittall-style windows occupying the full width of the frontage at first floor level. To the rear of this frontage, the built footprint extends back to present a two-storey gable and an adjoining part one- and part two-storey linear range facing onto Exchange Square. Examination of early Ordnance Survey mapping shows that the entirety of the built footprint within the development redline was occupied and closely resembled its present configuration at the time the 1st edition (1:2500) was produced in 1885, although it is not at present clear to what extent the standing buildings comprise historic built fabric or later replacements.

The submitted proposals entail substantial alteration to the Old Market and Exchange Square elevations, including the loss of the historic fenestration arrangement. Internally, the space will be sub-divided and redeveloped to create the proposed residential units and re-configure the commercial space. The submitted 'heritage statement' downplays the impact of these changes to the building itself, dismissing it as 'out of character, dated, and is not considered to be of architectural interest or merit' and consequently offers little in the way of justification for the proposals. This document is un-fit for purpose in that it fails to adequately assess the impact of the proposals on either the building itself, nearby assets or the Conservation Area.

It is noted that the Conservation Officer has identified fundamental concerns with the design of the proposals in terms of national and local policy. Subject to these being addressed in a revised scheme, we would not object to this development, but consider that the site should be subject to a programme of archaeological historic building recording, secured through the inclusion of a negative condition such as the example condition approved by DLUHC:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological historic building recording that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;*
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c) The timetable for the field investigation as part of the development programme;*

d) *The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.*

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

F/YR23/0415/F - Senior Archaeologist (CCC) (Re-consult) 10/08/23

We have reviewed the submitted amendments and I am writing to confirm that these do not alter the advice previously issued by this department on 14/06/2023 and re-attached here, for your convenience.

F/YR23/0413/A - Senior Archaeologist (CCC) 10/08/23

We have reviewed the amended documentation and can confirm that it does not alter our previous advice for this application. Namely that we have no objections or requirements for this.

F/YR23/0415/F – Wisbech Town Council 31/05/23

Object, on the basis that

- the residential element of the application would constitute overdevelopment of the site*
- the use of part of this building as a nightclub would result in an unacceptable adverse impact upon the amenity of nearby residents, by virtue of noise generation and a likely increase in the number of incidents of anti-social behaviour in the vicinity of the premises*
- the proposed new frontage to the building (particularly the design and material of the windows) would be out of keeping with the character of the Conservation Area within which this building is situated.*

Wisbech Town Council shares the opinion of the objectors to the application that the crime data which has been provided by the Constabulary is not accurate; councillors believe that more incidents of crime and disorder have taken place than are shown within the data. Therefore, councillors suggest that the CCTV footage which is captured routinely within that area be examined to ensure that an accurate assessment of the level of crime and disorder within that area can be made by the Local Planning Authority

F/YR23/0415/F - Wisbech Town Council (Re-consult) 15/08/23

Object, on the basis that

o despite the total number of residential units proposed being reduced from 6 to 5, the residential element of the application would still constitute overdevelopment of the site

- o *the use of part of this building as a nightclub would result in an unacceptable adverse impact upon the amenity of nearby residents, by virtue of noise generation and a likely increase in the number of incidents of anti-social behaviour in the vicinity of the premises*
- o *the proposed new frontage to the building (particularly the design and material of the windows) would be out of keeping with the character of the Conservation Area within which this building is situated.*

F/YR23/0415/F - Wisbech Town Council (Re-consult) 14/11/23

Object, on the basis that

- *the residential element of the application would constitute overdevelopment of the site*
- *the use of part of this building as a nightclub would result in an unacceptable adverse impact upon the amenity of nearby residents, by virtue of noise generation and a likely increase in the number of incidents of anti-social behaviour in the vicinity of the premises*
- *the proposed new frontage to the building (particularly the design and material of the windows) would be out of keeping with the character of the Conservation Area within which this building is situated.*

F/YR23/0413/A – Wisbech Town Council 13/11/23

Object, on the basis that this proposal is linked to the one covered by planning application F/YR23/0415/F, which Wisbech Town Council opposes.

F/YR23/0415/F - Private Sector Housing – FDC 31/05/23

I have just reviewed the application and have the following concerns:

1. *Absence of windows to both floors at front elevation. This is likely to increase the level of damp & mould due to lack of ventilation and negatively impact on mental health due absence of natural light.*
2. *The absence of external space for each unit This is likely to adversely affect mental health and child development, particularly as they are 2 bed houses.*

F/YR23/0415/F - Private Sector Housing – FDC (Re-consult) 04/08/23

Further to the revised plans for the above application, I wish to comment as follows.

Whilst the proposed windows to the first-floor bedrooms reduce the psychological impact due to the presence of more light to the dwelling, there are still concerns relating to the levels of humidity likely to be created within the ground floor from the kitchen and shower room. There is no indication of any mechanical extraction.

As far as I can see there has been no further proposal to provide external space for the residents of any of the proposed dwellings, therefore my original concerns stand.

I also note that there is no consultation response from Cambs Fire & Rescue Service. Please can you advise if they have received a copy as I assume they will have some concerns relating to the open plan of the houses.

Cambridgeshire Fire 03/10/23

With regards to your email below concerning planning application notification F/YR23/0415/F Cambridgeshire Fire and Rescue Service does NOT require the addition of any further Fire Hydrants as there is sufficient within the immediate area.

Local Residents/Interested Parties

F/YR23/0415/F - F/YR23/0413/A – Objectors

43 representations have been received objecting to the proposals. 22 objections have been received from people living within the application site ward, 7 objections from people living within a neighbouring ward and 14 objections from other locations. The objectors raised concerns as follows:

- The introduction of a nightclub in a residential area
- The introduction of a nightclub a conservation area
- The reopening of the nightclub
- The relocation of the nightclub dance floor to the front of the building
- The crime and anti-social behaviour that objectors considered went hand in hand with the introduction/re-opening of the nightclub.
- The negative impact on local business that objectors considered went hand in hand with the introduction/re-opening of the nightclub.
- The noise that objectors considered went hand in hand with the introduction/re-opening of the nightclub.
- The design of the nightclub frontage in a conservation area.
- Highways safety/congestion/parking
- Overdevelopment
- Overlooking from the new dwellings to business premises/residents at the rear
- Availability of new dwellings to have natural light.
- Availability of new dwellings to have private amenity space.
- Fire safety of new dwellings
- Fire safety and restricted numbers permitted in new/reopening night club.
- Lack of affordable housing
- Neighbour consultations
- Flood Risk and Drainage

F/YR23/0415/F – F/YR23/0413/A - Supporters

34 representations have been received in support of the applications. Supporters spoke about how great it was that the nightclub was reopening, how safe they felt when attending and how important the club was to the economy of Wisbech.

F/YR23/0415/F – F/YR23/0413/A - Representations

1 representation was received neither objecting or supporting the applications.

6 STATUTORY DUTY

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).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require a Local Planning Authority to exercise its powers in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 11: Presumption in favour of sustainable development

Para 130: Well-designed development

Para 190 – Historic environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

C1 – Context – How well does the proposal relate to the site and its wider context
I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character
H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

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

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP8 – Wisbech

LP13 – Supporting and Managing the Impact of a Growing District

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

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:

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy

Policy LP5 – Health and Wellbeing
Policy LP7 – Design
Policy LP8 – Amenity Provision
Policy LP12 – Meeting Housing Needs
Policy LP15 – Employment
Policy LP16 – Town Centres
Policy LP17 – Culture, Leisure, Tourism and Community Facilities
Policy LP20 – Accessibility and Transport
Policy LP22 – Parking Provision
Policy LP23 – Historic Environment
Policy LP32 – Flood and Water Management
Policy LP35 – Regeneration of Wisbech

8 KEY ISSUES

- **Principle of Development**
- **Character and Historic Environment**
- **Residential Amenity**
- **Change of use**
- **Advertising**
- **Highways and Transport**
- **Bins**
- **Flood Risk and Drainage**
- **Other considerations**
 - **Night club**
 - **Position of night club dance floor**
 - **Fire safety**
 - **Neighbour consultations**
 - **Affordable housing**
 - **Archaeology**

9 BACKGROUND

- 9.1 The application has many amendments including the removal of 1 dwelling and the introduction of a new 1m link footway along the front of the proposed dwellings on Exchange square. The window arrangement of the dwellings has been altered to maximise natural light in the dwellings and reduce the possibility of overlooking. The proposed alterations to the front of the building on the 'Old Market' has been altered as per the Conservation Officer comments.

10 ASSESSMENT

Principle of Development

- 10.1 The applications seek full planning permission and advertising consent for alterations to the existing building known as Mendi's. This would involve the conversion of the rear section of the building to create 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed) and 1 x first floor flat (1-bed) and the formation of 1m link footway along Exchange Square. The flat would be positioned above the night club fire exit and the bin/cycle storage area. The proposal includes a scheme for the refurbishment of the existing night club including a new frontage and the display of 1 x non-illuminated fascia sign. The site is located within Wisbech Market Town, Flood Zone 3 and within the Wisbech Conservation Area.
- 10.2 Policy LP3 of the Fenland Local Plan 2014 sets out the settlement Hierarchy. The policy identifies Fenlands overall strategy for sustainable growth, including new

housing, job creation and business growth in order to facilitate the health and wellbeing of Fenlands resident. The policy states that the focus for the majority of growth is in and around the four-market towns. The proposal is to bring back into use and refurbish and established business and create new dwellings.

- 10.3 Policy LP6 of the Fenland Local Plan 2014 states that opportunities for job growth in the district will be maximised. It also states that visitor facilities will be protected and where possible enhanced. The proposal is considered to comply with this policy as staff will be employed by the nightclub that is understood to have closed during Covid.
- 10.4 It is also necessary to consider any character/visual amenity impacts in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014, site constraints which include flood risk (LP14) and matters of residential amenity, to include noise impacts, air quality and contamination (LP2 and LP16). Any highway implications (LP15) must also be evaluated with mitigation being secured as appropriate.
- 10.5 Therefore, the proposal in this location is considered in principle acceptable subject to these policy considerations being considered below.

Character and Historic Environment

- 10.6 Policy LP16 (a) of the Fenland Local Plan states that proposals for alterations to existing buildings will be permitted if it can be demonstrated that the proposal protects and enhances any affected heritage assets and their settings to an extent commensurate with paragraph 190 of the National Planning Policy Framework and in accordance with Policy LP18 of the Fenland Local Plan. Policy LP16 (d) of the Fenland Local Plan 2014 states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.7 The property is a commercial building constructed in the early-mid C20 that has been used as a nightclub, bar and restaurant since the 1970's. Whilst the host building has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20. It's clear architectural character adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed a positive non-designated heritage asset.
- 10.8 The proposed front elevation alterations facing 'Old Market' have been revised in light of Conservation Officer concerns raised in the first consultation. The proposal is now to repair and repaint existing render and replace windows with steel windows in a similar style and layout to those existing. The original steel windows are not in good condition and have succumbed to considerable rust in places. The ground floor is proposed to have steel windows similar to those on the first floor. The Conservation Officer considers that the proposed alterations to the ground floor front windows are an improvement over the double bow window

design that currently exists. Therefore, the proposed alterations and materials to the front of the building are considered in keeping with the character of the existing non designated heritage asset and therefore would not be considered to harm the character of the Conservation Area or the street scene.

- 10.9 The works proposed to the rear elevation to form 5 dwellings are considered by the Conservation Officer to be somewhat less controversial. The Conservation Officer states that the existing rear elevation is of poor character that detracts from the character and appearance of the conservation area. They consider that the Introduction of fenestration to the rear elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape. The materials proposed to the rear of the site along Exchange Square are considered in keeping and in some parts an improvement. Therefore, the proposed alterations to the rear of the property along Exchange Square are considered an improvement to the appearance and character of the building within the Conservation Area.
- 10.10 The Conservation Officer has no objection to the revised proposals and states that it is positive to see a proposal to bring this building back into use and invest investment in it is timely as there are areas showing significant wear such as the front elevation windows. Owing to the above the proposal is considered acceptable under policy LP16 (a & d) and policy LP18 of the Fenland Local Plan 2014.

Residential Amenity

- 10.11 Policy LP2 of the Fenland Local Plan 2014 states that development should positively contribute to creating a healthy, safe and equitable living environment. Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.
- 10.12 The application site has had planning permission since 1973 to be a nightclub, restaurant and bar with amendments made to remove requirement for parking and the addition of accommodation approved. Whilst neighbour concerns regarding the positioning of a nightclub in this location are acknowledged the permission cannot be revoked. Within the original permission the position of the dancefloor was not restricted to be located to the rear of the premises, this is reinforced within the premises licence. The proposal is for conversion of an existing building which currently does not have any outdoor amenity space and neither is any proposed. Whilst it is recognised that there is policy requiring external amenity space this cannot be achieved with the existing layout of the building. However, the location of the site in close proximity to town centre amenity areas is considered appropriate in this case and the reuse of a property in the town centre is considered to be a benefit.
- 10.13As there are existing and proposed residential dwellings adjacent to the existing Nightclub amenity issues regarding noise must be mitigated. The proposed window alterations to the front of the building are considered to give some improvement to the building's acoustic performance. The positioning of the internal stair block is considered to add a buffer alongside the neighbours (19 Old Market). A new freestanding internal wall along the side of the club wall where it meets the neighbours (19 Old Market) has also been introduced. The stair lobby design will also help to add an improved buffer to the neighbours over and above the existing layout. The location of the bar areas and the new internal

freestanding wall is considered to create an insulated party wall and would help improve sound buffering between the host property and the adjoining neighbour to the north (No24-26 Old Market). The proposed townhouses and flat are buffered from the club by the toilet block on the ground floor and the store area at first floor area. The Environmental Health Team have considered the proposal and when considering the existing use of the property and the proposed mitigation measures have no objection subject to conditions and an informative.

- 10.14 Owing to comments made by the design out of crime team, FDC private sector housing team and neighbour representations security enhanced frosted glazing is now proposed to the rear of Proposed dwellings. This will add additional security measures to the dwellings and prevent overlooking of residential and commercial properties to the rear of the proposed dwellings. The proposed new windows to the front of the proposed dwellings would be more than 12m away from the dwellings positioned to the west of Exchange Square. Therefore, no significant harm to neighbouring amenity in terms of overlooking is anticipated owing to the proposals.
- 10.15 Owing to the above on balance the proposal is considered acceptable under policies LP2 and LP16 (e) of the Fenland Local Plan 2014 subject to conditions.

Change of use

- 10.16 It is proposed to split the existing building, with the nightclub remaining to the front of the existing property onto 'Old Market' and the rear of the building changing from part of the nightclub to 4x 2-storey dwellings and 1x flat. The site is in a sustainable location and as stated above policy LP3 states within the settlement Hierarchy that Wisbech market town is 1 of 4 markets towns where housing growth should be focused. The proposed partitioning of the existing property is proposed to maintain the viability of the business, Therefore, the change of use of part of the business premises to dwellings is considered to comply with this policy.

Advertising

- 10.17 New advertising is proposed as part of the alterations to the front of the nightclub. The sign would be approximately 7.5m in length and 0.9m in height. It would be located in a similar location to existing signage and of a similar overall size. The proposed 1x illuminated sign would be in replacement of the existing advertisements and be in keeping with the revamped frontage to the building and other signage in the vicinity. The proposed advertisement would not interfere with the public highway. Therefore, the proposed advertising is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.

Highways and Transport

- 10.18 LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed, safe and convenient access for all. It also states that development schemes should provide well designed car and cycle parking appropriate to the amount of development proposed in accordance with Appendix A of the Fenland Local Plan 2014.
- 10.19 Application F/YR23/0413/A is for advertising to the front of the existing property. The advertising is not considered to interfere with the pedestrian footpath or vehicular highway. The Highways department have no objection to the proposal.

- 10.20 To the rear of the property the proposed dwellings face onto Exchange Square. Exchange Square is a no through road with only pedestrian access through to North Brink. Negotiations have been facilitated between the agent and the Highways Team. The proposed dwellings are now proposed to exit out onto a 1m wide link footway. The proposed link footway is considered by Highways to provide a safe landing area for future residents entering and exiting their property. Owing to the addition of the proposed link footway Highways now have no objection to the proposals. Highways have stated that the Link Footway will require some ancillary accommodation works in relation to the existing highway drainage and to regularise road markings, both of which can be accommodated as part of the S278 process post-planning.
- 10.21 It has been indicated that the access to the dwellings would be for pedestrians and cyclists only, and as such no car parking is provided. Given that the site is located within easy access of town centre facilities and public transport, it is considered that on-site parking is not, in this instance, required. Cycle storage for each dwelling is proposed under the proposed flat.
- 10.22 The nightclub is existing on site with planning permission given and the requirement for parking removed. The site is within walking distance of shops, education, employment, health facilities and public transport. Furthermore, there is a free public car park in close proximity of the site at Church Terrace car park approximately 290 metres away which would cater for future occupants if necessary. Limited car parking is also available on the Old Market and on North Brink.
- 10.23 In view of the above officers consider that approving the proposal without parking would help to promote sustainable living. It would also lessen the emphasis on private car use, which would help to reduce carbon emissions.
- 10.24 As referred to above, Appendix A to the Local Plan sets out that in special circumstances nil parking provision for new residential development may be appropriate. In this case the special circumstances are considered to be a combination of: the planning history of the site which has approved development with no car parking; the fact the building is existing and proposed for partial conversion, the location of nearby services; and the close proximity of alternative and suitable car parking.
- 10.25 In accordance with national guidance contained in Manual for Streets 2, Local Authority's should promote cycle use and provide cycle storage where possible; this scheme includes such facilities. This adds some further justification to the proposed car parking arrangements.
- 10.26 The proposal is therefore considered to be in accordance with Policy LP15 of the Local Plan inasmuch as it does provide appropriate car and cycle parking arrangements given the site's locality and will unlikely result in insurmountable matters in respect of highway safety.

Bins

- 10.27 The design and access statement states that there is no outside storage area and a history of bin vandalism along Exchange Square, a lockable internal bin storage area has been incorporated into the design, for storage of bins for the townhouses, flat and the venue. There is space for bins for general and recyclable waste. Residential tenants and the LPA would have the pin code

access to the bin store. As the venue currently has their bins collected from the rear of the venue it is considered appropriate for future bin storage and collection.

Economic Growth

- 10.28 The proposed development will provide economic benefits to Wisbech and the District as a whole through the provision of employment opportunities for a reestablishing business under new ownership. As such the development will support the economic growth of the area and therefore complies with Policy LP6 of the Fenland Local Plan, 2014.

Flood Risk and Drainage

- 10.29 The site is located within flood zone 3, where planning policy LP14 (B) states that development in such area will only be permitted following the successful completion of a sequential test, an exception test, the demonstration of meeting an identified need and flood risk management and safety measures and a positive approach to reducing flood risk overall.
- 10.30 The proposal is for the change of use of part of the building and alterations to an existing building therefore there is sequentially no preferable location for it to be positioned. As such it is considered to pass the sequential test. The Environment Agency have considered the application and have no objection but strongly recommend a flood risk mitigation measure condition.
- 10.31 Surface and foul water drainage would make use of the existing connections on site that serve the current building.
- 10.32 Therefore, the proposal is considered acceptable under policy LP14 of the Fenland Local Plan 2014.

Other considerations

- 10.33 Night club: The planning application is not for the change of use of the front of the existing Mendi's site to a night club. As shown in the planning history, the host property has had permission to be a night club since the granting of planning application WB/73/176/F in December 1973. Some neighbour responses state that it was a club and not a nightclub however the original planning application file has documents within it that state the application was for a discotheque/nightclub. A Wisbech Standard newspaper article has been found dated 24th May 1974 that states '*Plans for a new club – restaurant in Wisbech – Wisbech is once again to have a nightclub and restaurant*'. Therefore, I can confirm that no matter how the premises has been managed it has planning permission to be a nightclub. The premises is licenced.
- 10.34 Position of night club dance floor: Concern was also raised about the nightclub dance floor being positioned towards the front of the building towards 'Old Market'. A letter from a planning officer at the time of the original nightclub permission (1973) states that 'the permission is not restricted to the ground floor'. Through correspondence with the FDC licencing department it can be confirmed that the plan attached to the licence shows a dancefloor currently to the rear of the premises off 'Exchange square' and on the first floor to the front of the premises off 'Old Market'.
- 10.35 Fire safety: A number of neighbour objections raised concerns over fire safety in relation to the remaining nightclub and the proposed dwellings. This matter was raised with the agent who stated that they have been working with a fire safety

consultant that has no concerns. Cambridgeshire Fire and Rescue were consulted on the application and raised no concerns. Ultimately if any issues regarding fire safety arise at a later date this will be dealt with by Building Regulations.

- 10.36 Neighbour consultations: After a local planning authority has received a planning application, it undertakes a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

A few neighbour representations raised concern over who had been sent neighbour consultation letters. A consultation letter was sent to all adjoining property/landowners/occupiers as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

As the site is adjacent to a number of listed buildings and within the Wisbech Conservation area a site notice was erected on 'Old Market' and a notice was published within the Fenland Citizen.

- 10.37 Affordable housing: The Fenland District Council Local Plan was adopted in May 2014. Policy 'LP5 – Meeting Housing Need' does specify that there should be affordable housing provision on sites which in combination provide 5 or more dwellings. However, since the Local Plan was adopted the National Planning Policy Framework has superseded this requirement and therefore affordable housing is now required for 10 dwellings or more.

- 10.39 Archaeology: The County Council Archaeology Team were consulted as part of the application consultation process. The Archaeology team requested a condition regarding an archaeological Written Scheme of Investigation (WSI) they specified that this was to safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks. The proposal is for the upgrade of part of the building and conversion of part of the building therefore no major demolition or groundworks are proposed. The building is not listed therefore internal works could in other circumstances be undertaken under permitted development rights. Therefore, the condition is not considered reasonable and is not proposed to be attached to the decision.

11 CONCLUSIONS

- 11.1 **F/YR23/0415/F** The application is considered on balance acceptable as it is considered that the proposal will not cause significant adverse harm to the street scene or the character of the Conservation Area, the setting of nearby Grade II Listed Buildings or in respect of residential amenity, highways safety, or flood risk. As such, the proposed development complies with Policies LP1, LP2, LP14, LP15, LP16 and LP18 of the Fenland Local Plan 2014.
- 11.2 **F/YR23/0413/A** The proposed 1x illuminated sign would be in replacement of the existing advertisements and be in keeping with the revamped frontage to the building and other signage in the vicinity. The proposed advertisement would not interfere with the public highway. Therefore, the proposed advertising is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.

12 RECOMMENDATION

- a) F/YR23/0415/F - Grant subject to conditions
- b) F/YR23/0413/A - Grant subject to conditions

Proposed Conditions - F/YR23/0415/F

1	<p>Commencement</p>
2	<p>Noise sensitive development Prior to the first occupation of the approved dwellings a scheme for protecting this noise-sensitive development from noise arising from the use of the night club shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme should be completed before the noise-sensitive development is occupied and shall thereafter be retained as approved.</p> <p>Reason: To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16</p>
3	<p>Noise management plan Prior to the first occupation of the dwellings hereby approved A Noise Management Plan (NMP) for the nightclub shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;</p> <ul style="list-style-type: none"> i. Organisational responsibility for noise control ii. Hours of operation and music production iii. Imposed planning conditions controlling noise/disturbance iv. Physical and managerial noise controls processes and procedures v. Music noise level controls including music noise limiter settings and any external noise limits, monitoring locations. vi. Details of how compliance with control limits is achieved and procedure to address non- compliance vii. Details of review of NMP viii. Details of community liaison and complaints logging and investigation. <p>Reason: To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16</p>
4	<p>Noise from plant and equipment No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16 (e).</p>
5	<p>Off-Site Highway Works No works to convert the rear of the building to 5 approved residential dwellings shall take place until details of works to Exchange Square, in accordance with the principle shown on the drawing 6690/06, have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all of the works</p>

	<p>have been completed in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
6	<p>Nightclub fenestration</p> <p>Prior to the commencement of any works to the front elevation of the nightclub along 'Old Market', full details of the replacement front elevation glazing shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
7	<p>Nightclub fenestration inset.</p> <p>The replacement windows to the front of the nightclub along 'Old Market' shall be recessed to the same depth from the front face of the building as they are existing.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
8	<p>Materials</p> <p>No external works shall take place until detail of external materials pertaining to all external elevations and roof slopes are submitted to and agreed in writing by the LPA prior to their use. . The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
9	<p>PD Windows</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking or re-enacting that Order), no additional windows other than those shown on the plans hereby approved shall be placed in any elevation of the development hereby approved.</p> <p>Reason: To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
10	<p>Obscure glazing</p> <p>Prior to occupation of the approved residential units hereby approved, security enhanced frosted glazing shall be installed to the rear of the approved dwellings (eastern elevation) in accordance with the requirements set out in the Design Out of Crime consultation response.</p>

	<p>These windows will be maintained in perpetuity.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
11	<p>Flood mitigation measures</p> <p>The approved scheme shall be implemented according to the recommendations detailed in the approved Flood Risk Assessment (FRA) ref: ECL0996a/PETER HUMPHREY ASSOCIATES Dated August 2023):</p> <ul style="list-style-type: none"> o The dwellings must be 2 storey dwellings or first floor flats. o Finished floor levels of the dwellings must be a minimum of 0.3m above the carriageway level of Exchange Square with 0.3m of flood resilient construction above finished floor level. <p>Reason: To provide a reasonable freeboard against flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p>
12	Approved Plans

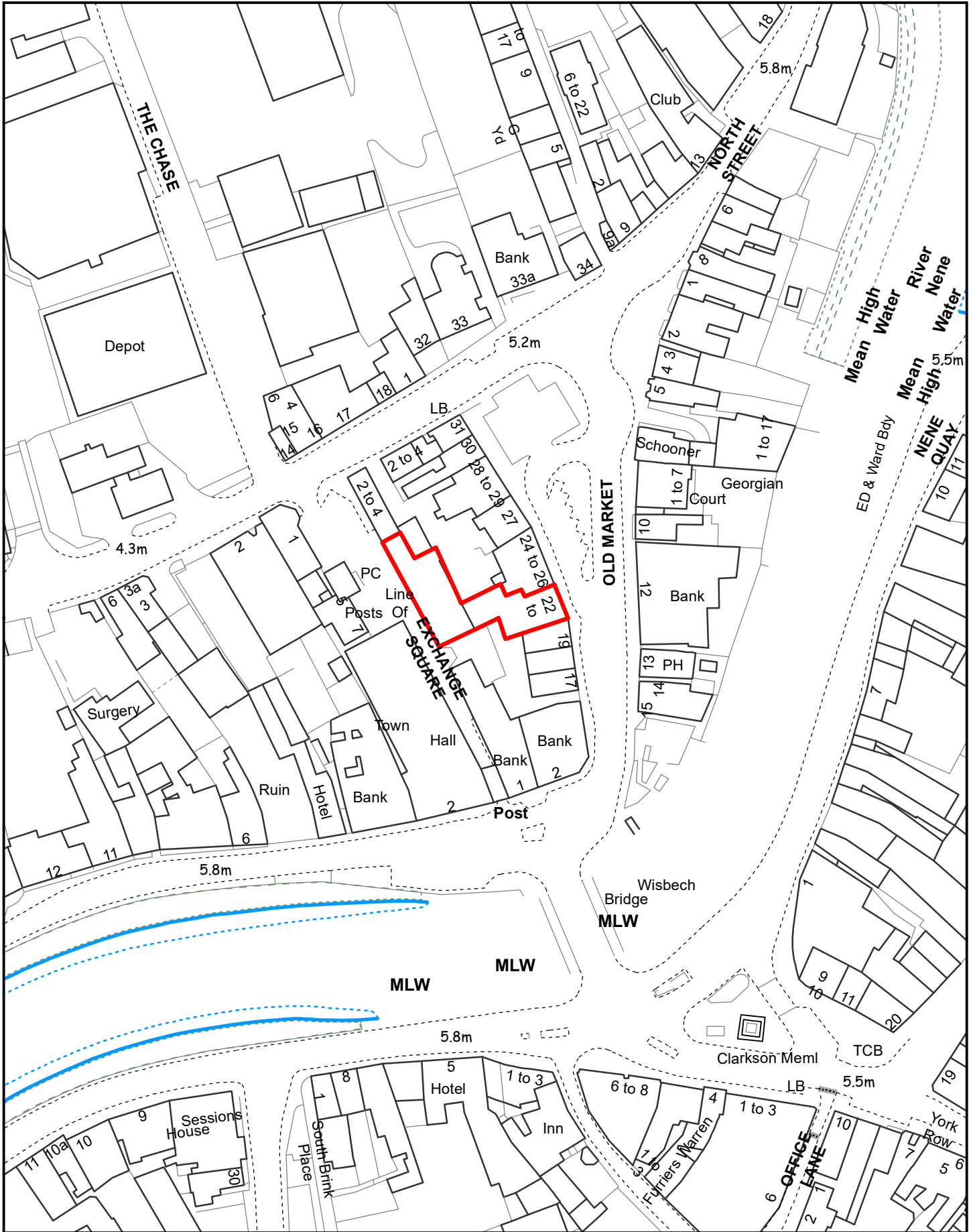
Informatives:

095A	Compliance with SI 2012 No 2274
093B	Bins Informative
094A	CNC
096	In or adjacent to a settlement – monitoring
	The Council retains the right to utilise the statutory nuisance provisions under the Environmental Protection act 1990, and the licensing provisions under the Licensing Act 2003, should complaints about noise associated with this development be received by the Council
	Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
	This works hereby approved require advertisement consent which has been approved under application F/YR23/0413/A. Please note that there are separate conditions attached to the consent for application F/YR23/0413/A.

Proposed Conditions - F/YR23/0413/A

1	Commencement
2	<p>Advertisement Standard Conditions</p> <p>1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p>

	<p>2. No advertisement shall be sited or displayed so as to -</p> <p>a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);</p> <p>b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or</p> <p>c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of speed of any vehicle.</p> <p>3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>Reason: In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, (as amended).</p>
3	<p>Advert</p> <p>The advertisement(s) permitted shall only be displayed for a period of 5 years from the date of this consent. On or before the expiry of this period the advertisement(s) shall be removed unless a further application for renewal is submitted prior to that date.</p> <p>Reason - To ensure compliance with Regulation 15 (2) of the Town and Country Planning (Control of Advertisements) Regulations 2007.</p>
4	Approved plans



Created on: 22/05/2023

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F/YR23/0415/F

Scale = 1:1,250

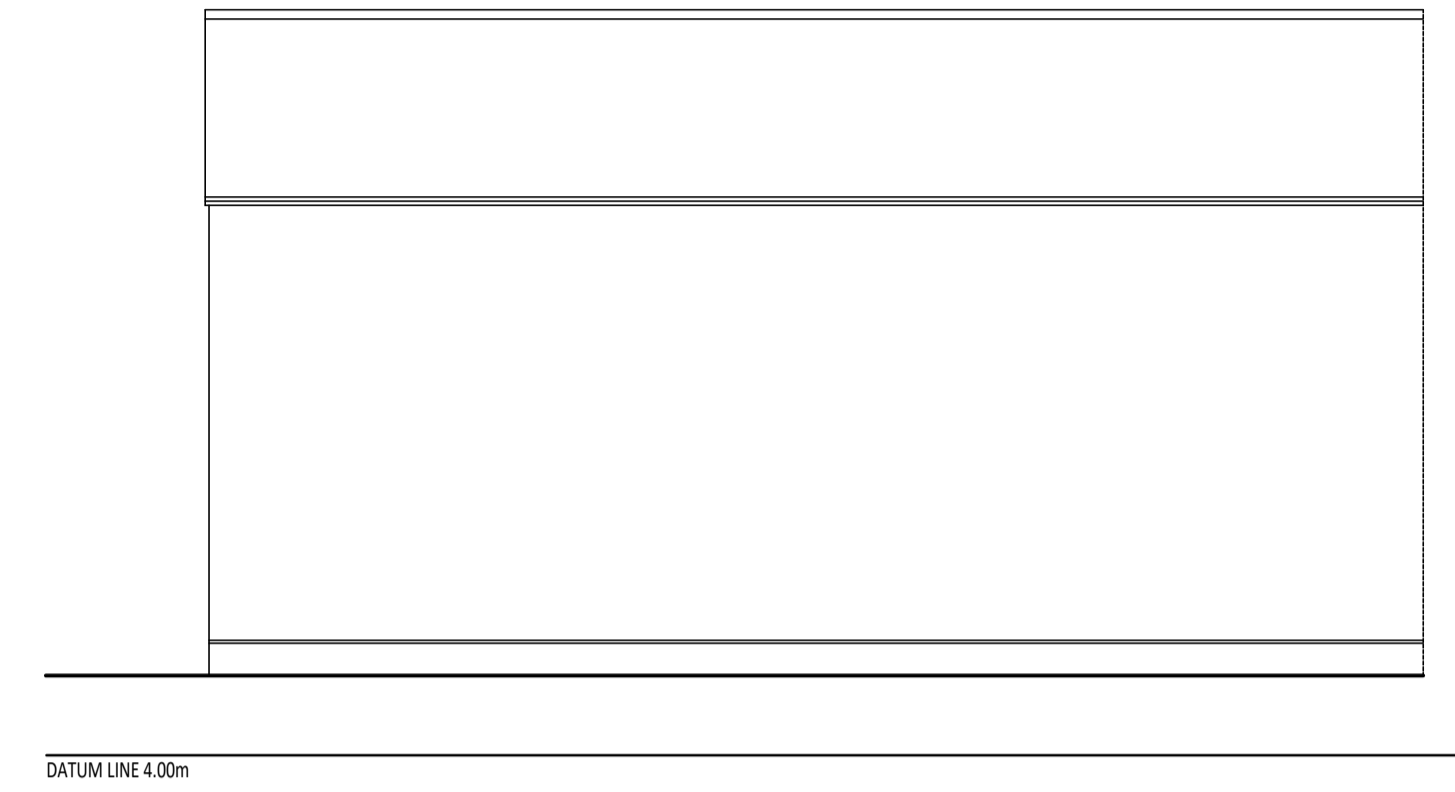




Existing Front Elevation (Old Market) 1:100



Existing Rear Elevation (Exchange Square) 1:100



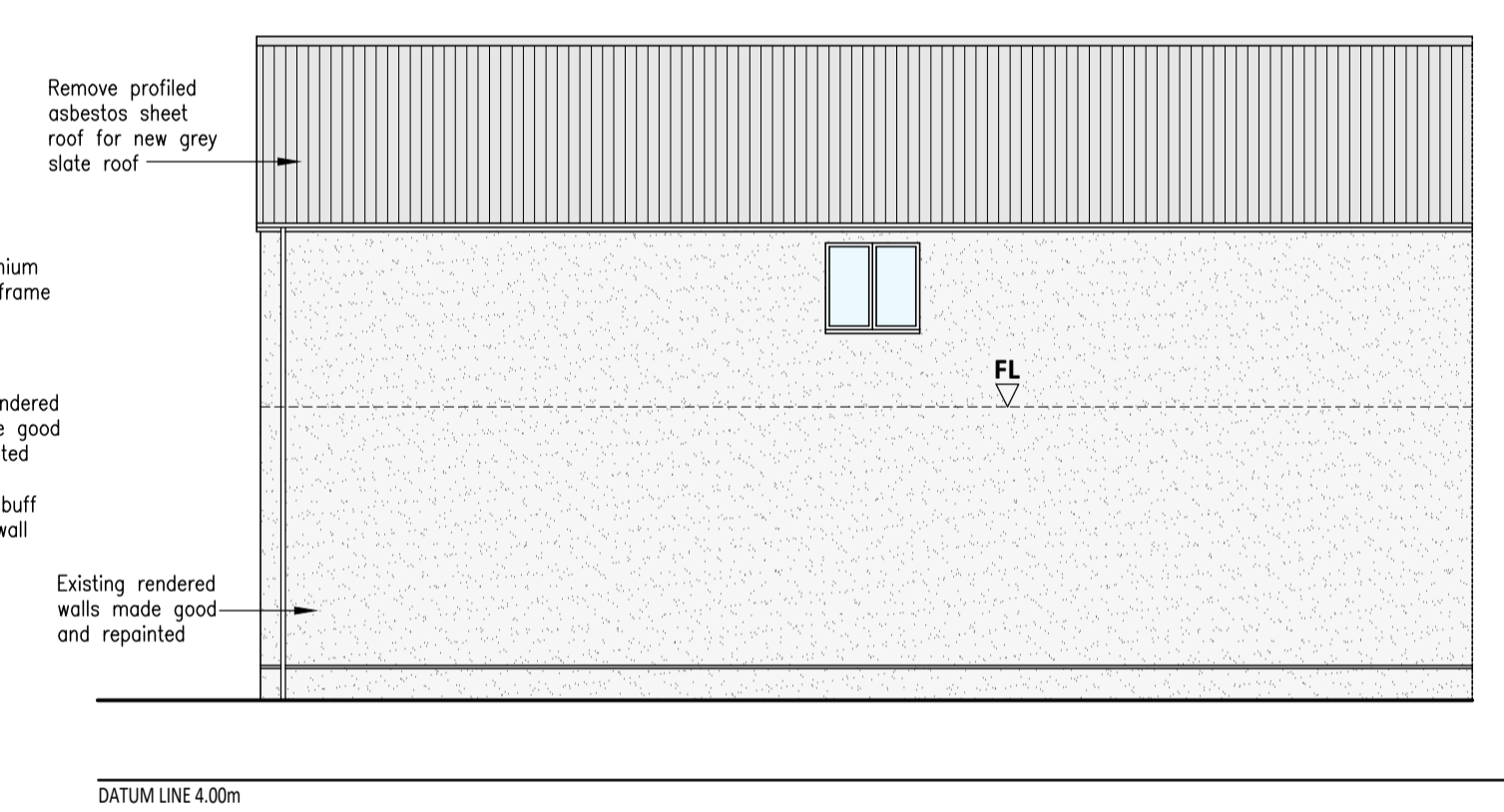
Existing Side Elevation 1:100



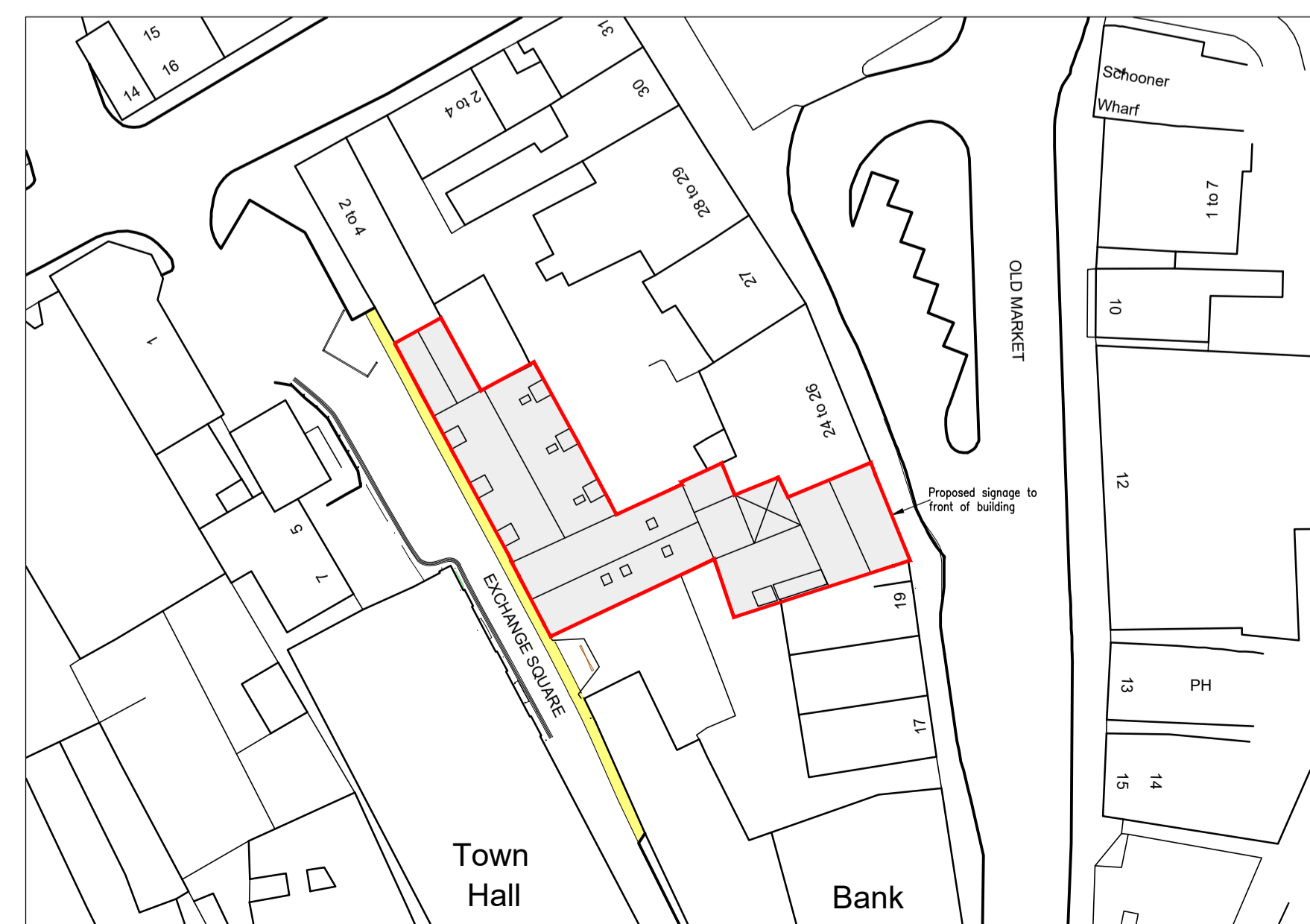
Proposed Front Elevation (Old Market) 1:100



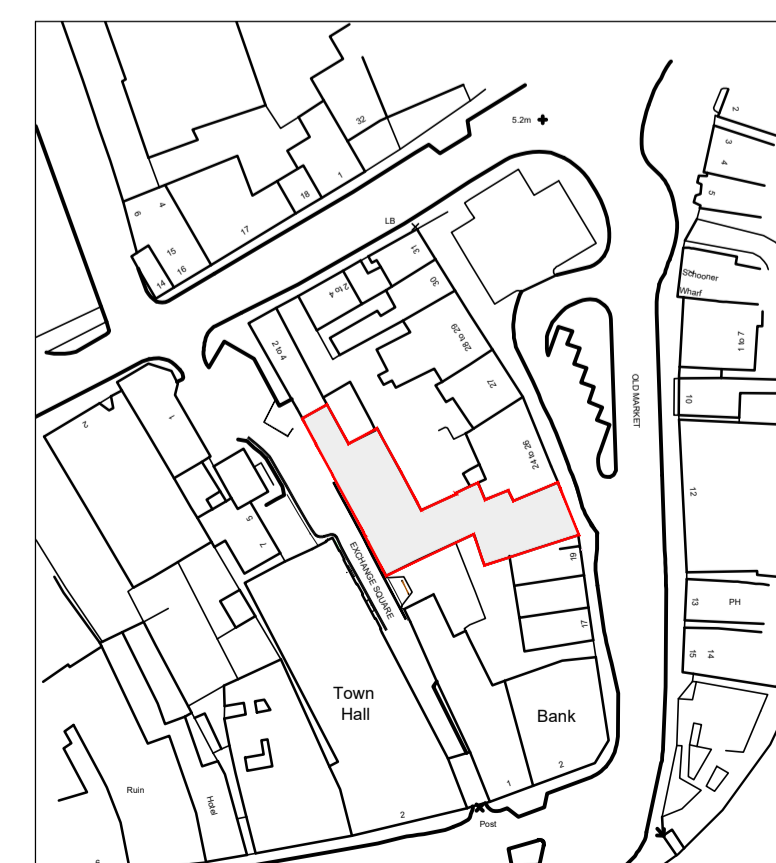
Proposed Side Elevation (Exchange Square) 1:100



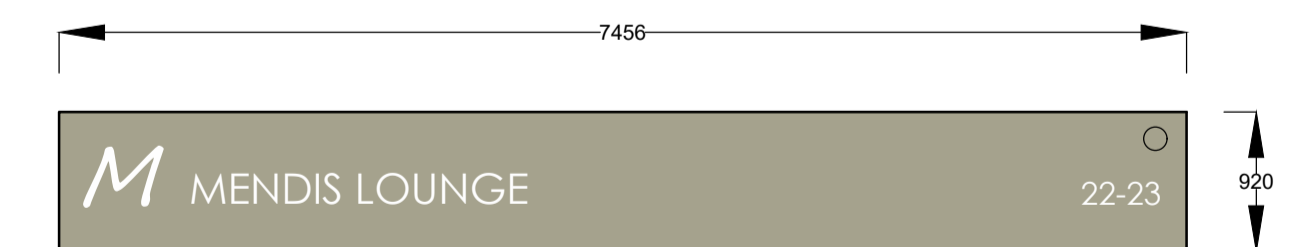
Proposed Side Elevation 1:100



Proposed Site Plan 1:500



Location Plan 1:1250



Proposed Signage 1:50

REVISIONS	PAPER SIZE	DATE
JOB NO. 6690/05F	A1	JAN 2023

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CLIENT
MR S NECKER
PROJECT
PROPOSED ALTERATIONS

SITE
MENDIS LOUNGE
21 OLD MARKET
WISBECH
CAMBS
PE13 1NB

DRAWING
PLANNING DRAWING 5

PETER HUMPHREY ASSOCIATES
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Proposed Ground Floor Plan 1:50

REVISIONS

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 PROPOSED ALTERATIONS

SITE
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6690/02F	A0	JAN 2023

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 the routine construction operations that would not already be apparent to a
 competent contractor.



Proposed First Floor Plan 1:50

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PROJECT
 PROPOSED ALTERATIONS

SITE
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 CAMBS
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DRAWING
 PLANNING DRAWING 4

JOB NO.	PAPER SIZE	DATE
6690/04H	A0	JAN 2023

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 design. Where the design is the responsibility of the contractor, the contractor
 is responsible for the safety during construction, occupation and maintenance of
 the project. No extraordinary hazards or risks were identified outside of
 the routine construction operations that would not already be apparent to a
 competent contractor.



Proposed Footway Plan 1:50

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PROJECT
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DRAWING
 PLANNING DRAWING 6

JOB NO	PAPER SIZE	SHEET
6590/06	A0	JAN 2023

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