
F/YR19/0510/LB

**Applicant: Mr D Whitfield
Whitfield Property Investments Ltd**

**Agent : Miss Lianne Toothill
Wilby & Burnett**

11 - 12 High Street, Wisbech, Cambridgeshire,

Demolition of a Listed Building (existing derelict structures)

Recommendation: Grant

Reason for Committee: Fenland District Council are landowners

1 EXECUTIVE SUMMARY

- 1.1 This application seeks Listed Building Consent for the total demolition of two adjoining Listed Buildings being 11-12 High Street, Wisbech. The buildings are located in prominent locations within the heart of Wisbech Conservation Area. A planning application F/YR19/509/F has been submitted concurrently with this Listed Building Consent application covering the redevelopment of the site following demolition.
- 1.2 The site has been in a derelict condition for a number of years and a report in October 2006 from English Heritage (now Historic England) noted that the buildings were at risk and at high risk with the roof of 11 High Street being collapsed.
- 1.3 The buildings are now near total collapse with only part of the main front façade in place and only the masonry shells of both buildings remaining but not to their original height with the fourth floor already gone. There are no roofs, floors or joists, no windows and no other discernible internal features.
- 1.4 The state of the buildings has resulted from inactivity over a considerable number of years from past owners and in 2019 Fenland District Council bought the building in order to facilitate a successful outcome for the site.
- 1.5 A robust consultation exercise has been undertaken with the National Amenity Societies and other relevant consultees such as the Council's Conservation Officer and all have concluded that, whilst it is regrettable that the loss of the listed buildings is now being considered, their retention cannot be warranted and therefore the total demolition is acceptable.
- 1.6 The application is therefore recommended for approval having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2019 and Policy LP18 of the Fenland Local Plan 2014.

2 SITE DESCRIPTION

- 2.1 The site comprises of a pair of buildings, namely 11 and 12 High Street, Wisbech, which are both Listed Buildings located within the heart of the Wisbech Conservation Area and front High Street with rear access from Castle Mews. The buildings are currently derelict and in an advanced state of collapse with only part of the front façade still standing.
- 2.2 11 and 12 High Street date back to the 18th century and both were historically four storey two bay buildings with basements. Each building had ground floor retail space and upper floor residential space. Later rear extensions have been added accessed off Castle Mews. The site measures approximately 300 square metres.

3 PROPOSAL

- 3.1 This Listed Building Consent application seeks to demolish both 11 and 12 High Street, Wisbech.

Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

F/YR19/0509/F	Erect 5-storey mixed use development (1 x retail unit to ground floor and 11 x 1-bed and 4 x 2-bed flats to remaining floors) involving demolition of existing derelict structures in a Conservation Area	Pending
F/YR06/1354/F	Installation of new shop fronts and conversion of upper floors to form 2 x 1-bed and 2 x 2-bed flats	Granted 22/1/2007
F/YR06/1355/LB	Installation of new shop fronts and conversion of upper floors to form 2 x 1-bed and 2 x 2-bed flats	Granted 17/1/2007
F/93/0985/LB	Temporary propping and tying in of existing structure to maintain structural stability and installation of temporary shop front boarding	Granted 13/5/1994
F/92/0436/LB	Underground works to strengthen and support proposed reconstruction of carriageway	Granted 26/11/1992

5 CONSULTATIONS

5.1 Senior Archaeologist (CCC)

Our records indicate that the application for demolition concerns two adjoining properties, Nos 11 and 12 High Street, which both represent former town houses with associated commercial operations dating back to the 18th century, and are afforded statutory protection by virtue of their Grade II listed status (National Heritage List for England references 1331613 and 1279361, respectively). We would take issue with the assertion made in the non-technical summary and repeated at 4.15.16 of the 'Heritage Statement' accompanying this application that the significance of the impact of the proposals for total demolition of these structures would be 'low to negligible'. The National Planning Policy Framework is quite clear that total loss of Grade II listed structures should be exceptional (paragraph 194). Whilst the present parlous condition of these two buildings is accepted on the evidence of the submissions accompanying this application, (as is, arguably, the principle of their demolition when weighed against the relevant tests - para 195), there remains a requirement for an appropriate, publically accessible record to be made in mitigation of the development impact (para 199, and footnote 64). Policy LP18 of the Fenland Local Plan (2014) affords for the

conditioning of mitigation measures where development proposals impact on the significance of a heritage asset, in this case the proposed impact being total loss.

We therefore do not object to development from proceeding in this location but consider that, should Fenland District Council be minded to grant permission for demolition, the site should be subject to a programme of historic building recording in mitigation of the loss of these structures, and that this should be secured through the inclusion of a negative condition, such as the example condition approved by DCLG:

Archaeology

No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological historic building recording in accordance with a written scheme of investigation (WSI) which 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 in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;*
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

5.2 Conservation Officer (FDC)

Fenland District Council Conservation Officer makes the following comments:

- 1. The proposal is for the total demolition of two adjoining listed buildings of 18th century origin namely 11 High Street, Wisbech (listed 19th November 1976) and 12 High Street, Wisbech (listed 31st October 1983). These buildings are located in prominent locations within the heart of the historic town of Wisbech and within the Wisbech Conservation Area. A planning application, F/YR19/0509/F, has been submitted concurrently with this listed building consent application which covers the demolition and redevelopment of the site.*
- 2. Due regard is given to the planning history associated with these listed buildings. With regard solely to 11 High Street its planning history shows the building had a new shop front circa 1967 under planning permission WB/67/6/U. In 1992 planning permission F/92/0436/LB was granted for road strengthening works specifically filling of its basement under High Street. With regard solely to 12 High Street its planning history shows a new shop front was installed in 1951. In 1952 alterations were undertaken to its roof and in 1962 alterations were undertaken to the space at the back of the shop. In 1993 under listed building consent F/93/0985/LB consent was granted for structural works, temporary propping and*

installation of temporary shop front boarding of 12 High Street as this building was cited as being in "dire structural condition". In 2006 planning permission F/YR06/1354/F and Listed Building Consent F/YR06/1355/LB were granted for a scheme concerning 11-12 High Street jointly and allowed for Installation of new shop fronts and conversion of upper floors to form 2 x 1- bed and 2 x 2-bed flats although this scheme was clearly not implemented.

3. *In October 2006 English Heritage (now Historic England) produced a Historic Buildings Report (Survey and Analysis) of 11 & 12 High Street. At that time the report notes the buildings were at risk and at high risk. The roof of 11 High Street had recently collapsed. The report noted both buildings had been unused for 10 years at that point in time. The report concludes **"the single most important element of these listed buildings is the façade of no 11 and every effort should be made to retain as much of this original structure as possible"**.*
4. *In November 2008 a structural report by Scott Wilson, was produced for Fenland District Council on the condition of the buildings. This stated **"The properties are in extremely poor condition and have been open to the elements for some considerable time following collapse of the roof and some floor areas"**.*
5. *It is evident that Fenland District Council has utilized its statutory powers in the past to seek to address the hazardous condition of these buildings and attempt to arrest their deterioration. In January 2003 a Repairs Notice was served under S48 Planning (Listed Buildings and Conservation Areas) Act 1990 but not complied with. In December 2006 a dangerous structures notice was served under S77/78 Buildings Act 1984. In February 2009 a dangerous structures notice was served under S77 Buildings Act 1984. In March 2009 Urgent Works Notices were served under S54 Planning (Listed Buildings and Conservation Areas) Act 1990 to seek to support the dilapidated structural envelopes. It would appear that multiple protracted attempts were made to work with the long-term owner of these listed buildings in the 2000's and 2010's but without achieving a successful conclusion. Fenland District Council acquired the building in 2019 in order to facilitate a successful outcome for this site.*
6. *High Street, Wisbech is currently the focus of a live Heritage Lottery funded Townscape Heritage project; in Summer 2016 the HLF awarded £1.9 million to the Wisbech High Street project, a project which will run until 2020/2021. The HLF project focuses on the regeneration of High Street which is an important street within the town, linking the prestigious Brinks to Market Place. This is to be achieved by a scheme to refurbish dilapidated property, and bring vacant buildings back into use as well as to facilitate building improvements including addressing poor quality shop fronts and signage. Addressing the dilapidated stated of 11 High Street and 12 High Street is a key focus of this regeneration project.*
7. *The applicant of this scheme had entered into pre-application discussions with planning and conservation prior to the submission of this formal application. It is welcomed that following advice they have provided a robust assessment of the interests of the buildings as they stand today supported by structural surveys and a comprehensive heritage statement.*

8. Consideration is given to the impact of this proposal with due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal to demolition 11 High Street and 12 High Street is supported, this being considered in conjunction with a scheme to redevelopment the site under planning application, F/YR19/0509/F.** The following comments are made:

- i) 11 High Street and 12 High Street both date back to the 18th century. They were historically four story two bay buildings (with basements), two rooms deep affording ground floor retail space and upper floor residential accommodation. At basement and ground floor level they had been extended back at later dates (many 20th century additions added to the back) to create additional retail space. While seemingly originally built together, due to the manner of the construction of the shared stack, it is evident that 12 High Street was refronted at a later date and they presented differing street fronting facades. Where 11 High Street maintained its brick aesthetic with banding detail the façade of 12 High Street was plainer and had been painted. Both buildings now stand in an extreme state of dilapidation having stood in this state for many years. Indeed only the masonry shells of both buildings remain but not to their original height, the upper fourth floor has already gone. They have no roofs, no floors or joists, no windows, barely any plasterwork left on internal walls and no discernible internal features. The architectural and historic merit of these two buildings has been brutally diminished by their extreme deterioration resulting in loss of their special qualities. The most identifiable architectural historic interest of the buildings is presented in what remains of the street fronting facades. It is with this understanding of the specific circumstances of these listed buildings that this case is considered.
- ii) Under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 the duty in law is to **“have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest it possesses”**. The severely dilapidated situation of this building has left it in a state where it is beyond possible to preserve what interest it may have possessed. That said it is reasonable to consider what of the structure could potentially be kept and if the remains of the facades could be retaining particularly with regard to the English Heritage statement made in their October 2006 report which stated **“the single most important element of these listed buildings is the façade of no 11 and every effort should be made to retain as much of this original structure as possible”**. There are two structural reports, accompanying this application which make the following key points in their assessments:
 - a) The first report dated June 2018 by The Morton Partnership (CARE Register Engineers) concluded that **“The condition of the larger part of the structure is such that most of the masonry walls will all need to be demolished once a plan is agreed for rebuilding of the properties. The rear walls are in particularly poor state and the remaining**

structure will cannot effectively be utilised to integrate within any new form of construction. The walls in this respect are the centre walls, between the front and rear sections of the main part of building, the furthest rear walls and the Party Wall between 11-12 High Street. The ground and basement areas of the main areas of the building could not be inspected. In the absence of any information available with regards to its condition it is not unreasonable to assume that these lower level walls are also likely to be in a poor state and needing to be demolished” It goes on to state “The front walls of the two buildings, at least in part, are the only really significant areas of structure which potentially could be retained.”. In respect of 11 High Street façade it states “As regards to the front wall of number 11 High Street, this wall is quite substantially out of plumb and additionally bowing, as described previously in item 3.1.4. Given the extent of the lateral displacement; the structure from just below second floor level would need to be demolished as the existing out of plumb wall cannot sustain any additional loads. Even just the dead load arising from new masonry extending up to incorporate the third-floor storey, which is largely missing at present, would be problematic. Any floors and roof loads supported off this wall, as part of future works, would make the structural condition of wall far worse and not sustainable”In respect of 12 High Street it states “The front wall of 12 High Street for it full remaining height is basically sound and intact and could be fully utilised to form part of any new re-development of the site.

- b. **The second report dated May 2019 by Andrew Firebrace Partnership Limited concluded that “In our opinion, in its current distorted condition, the front elevation to 11 High St really needs to be taken down and rebuilt as part of the development”. With regard to 12 High Street it is stated that “The front elevation to 12 High St is in a condition that could potentially be retained and re-supported off the new development structure” but “Retaining the façade would complicate construction works due to the restricted rear Castle Mews access meaning the High St is likely to be the principle access point for delivery of materials to site. The façade restraint system would further restrict the entrance and potentially result in further disruption to the High St. Whilst we are confident there are solutions to these issues that could be developed and managed during the works, considering the relatively small section of wall that would be retained which appear to be in average condition and quality and we suspect of limited architectural interest we would question if this would be the correct and practical solution to adopt. A full demolition option and rebuilding to match the original would be far more economically viable and I suspect result in a better end product.**

- iii) *As English Heritage cited in their October 2006 report “the single most important element of these listed buildings is the façade of No 11” yet both structural engineers have concluded that this cannot be saved. The only potential element of structure that could potentially be retained is part of the painted façade of 12 High Street and this would not be retained it is entirety as its original façade given that at ground floor (shop front level) is already breeze block and it has lost its upper floor. To try and retain a limited element of brickwork of the façade of 12 High Street would not preserve the architectural and historic interests of 12 High Street. It has been demonstrated that the structural condition of the listed buildings are such that demolition of the ruinous remains is in this circumstance justified and the visual assessment of the buildings does not contradict this.*
- iv) *In considering this case due regard is given the statutory guidance provided with the National Planning Policy Framework (February 2019). Paragraph 191 is noted. Due regard is given to the presumption that great weight should be given to the asset’s conservation under paragraph 193 acknowledging that the extreme ruinous state of the building’s leaves little to conserve. Under paragraph 194 a) it makes clear the loss of grade ii listed buildings should be exceptional and require clear and convincing justification. In this specific case it is felt that this justification has been provided due to the extreme ruinous state of both buildings, their lack of tangible architectural and historic interest and evidenced structural condition which results in so little being structural sound enough to be retained; the circumstance of these buildings are exceptional to warrant demolition. With due regard to paragraph 198, such matters are covered by the corresponding planning application, F/YR19/0509/F, and conditions will need to be put in place to ensure development proceeds immediately after loss. With due regard to paragraph 199 undertake necessary archaeological and architectural recording as per a Cambridgeshire County Archaeology recommended archaeology and building recording condition. It is requested that mortar samples from within the brickwork are obtained. The proposal complies with Policy LP18 Fenland Local Plan (May 2014) with regard to what is required from development proposals.*

No objection but seeks conditions to:

- i) cover securing new development immediately after loss;
- ii) CCC Archaeology recording condition with a request for mortar samples.

Once demolition of these buildings has occurred the buildings will be put forward to be de-listed and their list entries removed from the National Heritage List for England. This course of action wasn’t encouraged prior to determination given the potential for facade retention needed to be considered and transparency of the case was required.

National Amenity Societies

5.3 Society for Protection of Ancient Buildings (SPAB)

The loss of these listed buildings is deeply regretted by the Society. From the information available we feel that they are now beyond the point of worthwhile repair. However, rather than approving an application for the demolition of a listed building, which would set an unfortunate precedent within your district, we feel it would be better for your authority to encourage an application to de-list, based on the fact that the structure's interest has largely been lost through decay.

This approach would also sit better against national guidance on determining listed building applications that 'where there is evidence of deliberate neglect, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision (National Planning Policy Framework, paragraph 191)'. Given that listed buildings are structures of national importance and of considerable consequence to the character and cultural history of any district, we feel that your authority must also examine how the building has fallen into its present state and whether alternative actions might have helped the situation to be avoided. This review should be of relevance to other listed buildings in the area for the future.

We would also expect that your authority attach a condition to any consent granted requiring a programme of historic building recording, in accordance with paragraph 199 of the NPPF 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part)'.

5.4 Georgian Group

Nos. 11 and 12 High Street are early eighteenth-century brick structures which were probably built as substantial town houses, but which were later converted into shops. No. 12 appears to have been refaced in the early nineteenth century. The two structures are now in an advanced state of decay and were partially dismantled c2006 for safety reasons; behind their partially dismantled façades very little now remains.

The proposed demolition of these two listed buildings will result in harm to the significance and character of the Conservation Area, as well as the complete loss of the two listed buildings themselves. The NPPF rightly insists that any proposal which would result in substantial harm to a listed building should be justified against strict criteria. In this case, The Group considers that these criteria have been met. The applicant's documentation demonstrates that there is a considerable conservation deficit for which no funding has been identified, and that even if repaired very little historic fabric would remain. We therefore do not wish to object to this proposal.

The Group has carefully read Andrew Martindale of Historic England's detailed comments regarding the design of the proposed replacement structure and wishes to register its support for this advice.

5.5 Historic England

Numbers 11 and 12 High Street are early-eighteenth century four storey over basement former townhouses, later adapted as shops on their ground floors. While number 11 retains part of its original brickwork façade, with raised storey-bands and rubbed brick window heads, number 12 was refaced at some point in the late eighteenth or early nineteenth centuries, with a plainer brick elevation, subsequently painted. They are individually listed at Grade II.

Since listing in 1976 the properties have suffered long neglect and partial dismantling for safety reasons. The principal surviving elements are the two storey brick elevations above the inserted shopfronts; this represents a partial survival as the upper floor and parapet has been lost to both buildings. Behind the front elevation even less remains, with only part of the rear elevation, and no floor plates or roof surviving.

Impact

The total demolition of the buildings at 11-12 High Street would completely remove their significance as listed buildings. Such a demolition would cause substantial harm as defined in the NPPF. The buildings would be lost, and the wider group of historic buildings in the centre of Wisbech would have a reduced significance as a result. The contribution that the buildings make to the Wisbech Conservation Area would also be lost, reducing the overall significance of the conservation area

It has, however, been shown that 11-12 High Street are beyond reasonable repair, and only radical reconstruction remains as an option to return the buildings to use. The buildings have been vacant and derelict for a number of years, leading to partial dismantling, and underused for a considerably longer period. Throughout that period no practicable and fundable solution has come forwards to reuse them, despite previous initiatives aimed at improving the wider conservation area.

Legislation and Policy

As the application affects listed buildings, the statutory requirement to have special regard to the desirability of preserving the buildings, their setting and any features of special interest (ss.16, 62, 1990 Planning (Listed Buildings and Conservation Areas) Act) must be taken into account by your authority when making its decision.

The NPPF's historic environment policies require local planning authorities to take account of the desirability of sustaining and enhancing heritage assets and notes the positive contribution conservation can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a listed building should be exceptional (paragraph 194), noting that substantial harm or loss to assets of the highest significance should be wholly exceptional.

Paragraph 195 deals with proposals which will lead to substantial harm or total loss, stating that local planning authorities should refuse consent unless it can be demonstrated that:

The substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the loss or that all of the following apply:

- the nature of the heritage asset prevents all reasonable use; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- conservation by grant funding or some form of charitable or public trust ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefits of bringing the site back into use.

Historic England's position

Historic England consider that there does not appear an over-riding public benefit that would accrue from the demolition so as to fully address the first bullet point of paragraph 195.

In terms of the four tests set out in the second half of paragraph 195:

the nature of the heritage asset prevents all reasonable use

The current condition of the buildings, and resultant health and safety concerns, rule out reuse in their current state. The buildings do not have roofs, floor plates or even back walls. What fabric that does remain is noted as being in dangerous condition.

The remaining parts of the buildings, primarily the partially surviving front walls and the party wall between the two plots, would not be capable of any form of use in their current state, nor could they be readily repaired to usable state.

no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

The reports considering repair of the existing structure, particularly the front elevation, which accompany the current application, make it clear that a very considerable conservation deficit exists in bringing the structure back into repair. The deflexion that exists in the façade, and its relative settlement in relation to the party wall, would make repair both difficult and also potentially a health and safety hazard. Hence any medium term reuse would entail a level of demolition in line with the current proposals.

conservation by grant funding or some form of charitable or public trust ownership is demonstrably not possible

The application has demonstrated a considerable conservation deficit for which no funding has been identified. Even if repaired, the resulting building would only contain a relatively small proportion of historic fabric, given how much has already been lost, and this would have restricted historical significance.

the harm or loss is outweighed by the benefits of bringing the site back into use.

The site of the existing derelict buildings at 11-12 High Street would be brought back into beneficial use as mixed use development with a retail unit on the ground floor and eleven residential units on the upper floors. This sustainable economic use would be of wider public benefit to the Wisbech Conservation Area and High Street in particular, encouraging investment and retail activity.

Justification for substantial harm or complete loss, in line with the requirements of the Framework, has, in our opinion, been made. It is for your authority to weigh the benefits of the proposals against the harm that they will entail, in determining whether to grant consent for the demolition or not.

Redevelopment of the site

The proposed new development would be a substantially larger building than the listed buildings that it would replace. By accommodating an additional floor in a set-back, clearly modern extra floor viability is increased. This should not adversely impact on the historic appearance of the streetscape, or within the wider conservation area, as the set-back is generously scaled.

We have concerns that the proposed replica elevation to High Street is not a replication of what existed at point of listing, but rather a hybrid design, using some accurate details but not being consistent. To be acceptable, there is a need for revision to this design to ensure greater accuracy. Historic photographs in the Heritage Statement that accompanies the application makes it clear that while the upper floor windows of 11 High Street were narrower than those below, in the refronted 12 High Street the windows remained a consistent width on all floors. The upper floor of 12 High St appears to have retained its original windows, which were 3 over 6 sashes, while the majority of other windows were 1 over 1 replacements, presumably of mid-nineteenth century or later date. If it is decided to replicate an earlier glazing pattern, it is important that this is based on surviving evidence and an appropriate understanding of historic sash windows.

Recommendation

Historic England has concerns regarding the applications on heritage grounds, primarily in relation to the detailing of the proposed High Street elevation of the new building.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

5.6 The Wisbech Society

It is with some reluctance that the Wisbech Society supports the demolition of these grade 2 listed buildings. It is clear that the current condition shows the facades to be structurally unsound and the rear aspects are collapsed to an extent that restoration is impractical. Demolition will allow for a sympathetically designed structure to replace the existing derelict buildings and bring the site back into retail and accommodation use.

It is recommended that a publicly accessible record of the buildings fabric/heritage/archaeological findings be made as demolition progresses. It is also recommended that the existing buildings be formally 'delisted' to maintain an up to date record of Wisbech's listed buildings and prevent a precedence of future unauthorised demolition of listed buildings being set.

5.7 Wisbech Town Council

That the application be supported.

5.8 Environment & Health Services (FDC)

No adverse comments to make.

5.9 Business and Economy (FDC)

Supports the overall application and makes the following comments:

The proposals seeking to bring this long term and derelict site back into use is much welcomed. The site forms part of the centrepiece redevelopment of Wisbech High Street as part of the Heritage Lottery Funded Scheme. The extent of the development will avoid piecemeal development and ensure a comprehensive and sympathetic redevelopment of the overall site. The proposed construction of a single larger retail unit on the ground floor, with scope to sub-divide into two smaller units is a sensible decision. The use of the upper floors for residential will help to introduce further vibrancy and life into this area, providing much needed new homes for many people.

5.10 Local Residents/Interested Parties

No comments received

6 STATUTORY DUTY

- 6.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 10 - Presumption in favour of sustainable development.

Paragraph 189 – need to describe the significant of affected heritage assets

Paragraph 192 – LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability

Paragraph 193 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight

Paragraph 196 – where a development proposal causes less than substantial harm to a heritage asset this harm should be weighted against the public benefits, including securing its optimum viable use

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and wellbeing of Fenland residents

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

8 KEY ISSUES

- **Policy Considerations**
- **Heritage considerations**
- **Impact on character of area and conservation area**

9 BACKGROUND

- 9.1 These two High Street buildings have been unused for in excess of 20 years and over time have suffered from collapse of parts of the buildings to the rear including the roof structures and floors. Until recently the buildings have been in private ownership and whilst FDC has utilized its statutory powers in the past to seek to address the hazardous condition of these buildings and attempt to arrest their deterioration works were never undertaken to secure the future of the Listed Buildings.
- 9.2 FDC decided to acquire the buildings in 2019 in order to facilitate a successful outcome for the site. This application and the corresponding Full planning application to rebuild the site has resulted in interest from a developer to rebuild the site in a sympathetic manner whilst providing 2 retail units fronting the High Street and a further 4 storey development to provide a total of 15 flats.
- 9.3 There has been quite extensive pre-application discussions between the applicant, the case officer and the Conservation Officer which has resulted in the submission of this application to demolish the buildings.
- 9.4 High Street, Wisbech is currently the focus of a live Heritage Lottery funded Townscape Heritage project and in summer 2016 the HLF awarded £1.9 million to the Wisbech High Street project which runs until 2020/2021. The HLF project focuses on the regeneration of High Street which is an important street within the town. The scheme seeks to refurbish dilapidated buildings and bring vacant buildings back into use as well as to facilitate building improvements which is a key focus of this regeneration project.

10 ASSESSMENT

Policy Considerations

- 10.1 The total demolition of these buildings requires consideration is given to the impact of the proposal and due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Area) Act 1990. A Local Planning Authority has a duty to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In matters concerning the Conservation Area “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 10.2 In considering this demolition application due regard has to also be given to the statutory guidance provided within the National Planning Policy Framework 2019 and in particular paragraphs 189 to 202.
- 10.3 Policy LP18 of the Fenland Local Plan 2014 seeks to protect, conserve and seek opportunities to enhance the historic environment through consideration of

applications for planning permission and listed building consent setting out a list of criteria to be submitted.

Heritage considerations

- 10.4 This application seeks the total demolition of Nos. 11-12 High Street, Wisbech, both of which are Listed Buildings dating from the 18th century. The buildings are in an advanced stage of collapse with only part of the front façade remaining. An element of single-storey rear outbuildings, which are later additions, remain to the Castle Mews frontage. The application has been supported by a comprehensive Heritage Statement and a robust assessment of the interests of the buildings as they stand today supported by 2 structural reports.
- 10.5 The first structural report was undertaken in June 2018 and concluded that *“The condition of the larger part of the structure is such that most of the masonry walls will all need to be demolished once a plan is agreed for rebuilding of the properties. The rear walls are in particularly poor state and the remaining structure will not effectively be utilised to integrate within any new form of construction. The walls in this respect are the centre walls, between the front and rear sections of the main part of building, the furthest rear walls and the Party Wall between 11-12 High Street. The ground and basement areas of the main areas of the building could not be inspected. In the absence of any information available with regards to its condition it is not unreasonable to assume that these lower level walls are also likely to be in a poor state and needing to be demolished”* It goes on to state *“The front walls of the two buildings, at least in part, are the only really significant areas of structure which potentially could be retained.”*
- 10.6 In respect of 11 High Street façade it states *“As regards to the front wall of number 11 High Street, this wall is quite substantially out of plumb and additionally bowing, as described previously in item 3.1.4. Given the extent of the lateral displacement; the structure from just below second floor level would need to be demolished as the existing out of plumb wall cannot sustain any additional loads. Even just the dead load arising from new masonry extending up to incorporate the third-floor storey, which is largely missing at present, would be problematic. Any floors and roof loads supported off this wall, as part of future works, would make the structural condition of wall far worse and not sustainable”*.
- 10.7 In respect of 12 High Street it states *“The front wall of 12 High Street for its full remaining height is basically sound and intact and could be fully utilised to form part of any new re-development of the site.*
- 10.8 A second report was undertaken in May 2019 and concluded that *“In our opinion, in its current distorted condition, the front elevation to 11 High St really needs to be taken down and rebuilt as part of the development”*. With regard to 12 High Street it is stated that *“The front elevation to 12 High St is in a condition that could potentially be retained and re-supported off the new development structure”* but *“Retaining the façade would complicate construction works due to the restricted rear Castle Mews access meaning the High St is likely to be the principle access point for delivery of materials to site. The façade restraint system would further restrict the entrance and potentially result in further disruption to the High St. Whilst we are confident there are solutions to these issues that could be developed and managed during the works, considering the relatively small section of wall that would be retained which appear to be in average condition and quality and we suspect of limited architectural interest we would question if this would be the correct and practical solution to adopt. A full demolition option and rebuilding to*

match the original would be far more economically viable and I suspect result in a better end product.

- 10.9 As can be seen from the statutory consultee comments set out in Section 5 of this report, no objections have been received to the demolition of the buildings. The National Amenity Societies, Heritage England, County Archaeology and the Conservation Officer (FDC) support the application for demolition following the submission of the Heritage Statement and justification regarding the viability of trying to retain the remaining part of the structure.
- 10.10 The consultee comments have been made with regard to S16 Planning (Listed Buildings and Conservation Areas) Act 1990 where the duty in law is to “*have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest it possesses*”. The severely dilapidated situation of this building has left it in a state where it is beyond possible to preserve what interest it may have once possessed.
- 10.11 The redevelopment of the site, subject to application reference F/YR19/0509/F, has been designed in line with the comments from the statutory consultees whose main concerns relate to the satisfactory design of the front façade. The design of the redevelopment of the site will be set out in a separate report under F/YR19/0509/F.

11 CONCLUSIONS

- 11.1 The demolition of listed buildings require a robust justification as set out in the NPPF 2019 and the presumption that great weight should be given to the asset’s conservation under para 193. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 11.2 Under para 194 a) it makes clear the loss of grade II Listed Buildings should be exceptional and require clear and convincing justification. In this specific case it is considered that this justification has been provided due to the state of both buildings, their lack of tangible architectural and historic interest and evidenced structural condition which results in so little being structurally sound enough to be retained. Therefore given the circumstances of these buildings the situation is exceptional enough to warrant demolition.
- 11.3 Para 195 states that “*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 11.4 As can be determined from the statutory consultee responses and the evidence provided within the application to demolish the buildings, the condition of this asset is such that its removal is the only feasible way forward to bring the site back into use. It has been proven through structural surveys and a robust cost exercise that even the retention of part of the building which remains, namely part of the front façade, to try to redevelop the site in-situ is not viable or feasible. This has been shown in attempts over the last 20 years to encourage previous owners of the site to repair and protect the buildings resulting unfortunately in the ultimate failure to preserve the buildings.
- 11.5 The site in its present condition i.e. boarded up ground floor, partial demolition of the front façade, almost total loss of the main fabric of the building and boarded up rear access into the site, is considered to have substantial harm on the character of the Wisbech Conservation Area.
- 11.6 The Local Planning Authority considers that there are significant and substantial public benefits to bringing this site back into use. The ground floor retail units will help to add to the retail offer in Wisbech and the introduction of flats will have an impact on the vibrancy of the town centre.
- 11.7 Para 198 states that *LPA's should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure that the new development will proceed after the loss has occurred.* These matters are covered by the corresponding planning application F/YR19/0509/F.
- 11.8 With regards to para 199 it will be necessary for the applicant to undertake necessary archaeological and architectural recording as set out by Cambridgeshire County Council Archaeology Team. A condition will be applied as appropriate.

12 RECOMMENDATION

- 12.1 It is recommended that the application is granted to allow the total demolition of Nos. 11-12 High Street, Wisbech, in accordance with the evidence set out above and suitable conditions.

1. The works/demolition shall be begun not later than 3 years from the date of this consent.

Reason – To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological historic building recording in accordance with a written scheme of investigation (WSI) which 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 in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

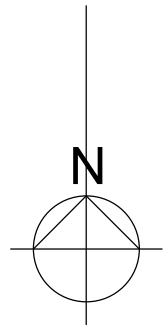
c) The programme for the analysis, publication & dissemination, and deposition of resulting material.

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

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan 2014.

ALL WORKING DIMENSIONS TO BE CHECKED ON SITE.
 FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.
 ANY DISCREPANCIES BETWEEN DRAWINGS OF DIFFERING SCALES AND BETWEEN DRAWINGS AND SPECIFICATION WHERE APPROPRIATE TO BE NOTIFIED TO SUPERVISING OFFICER FOR DECISION.
 COPYRIGHT RESERVED.

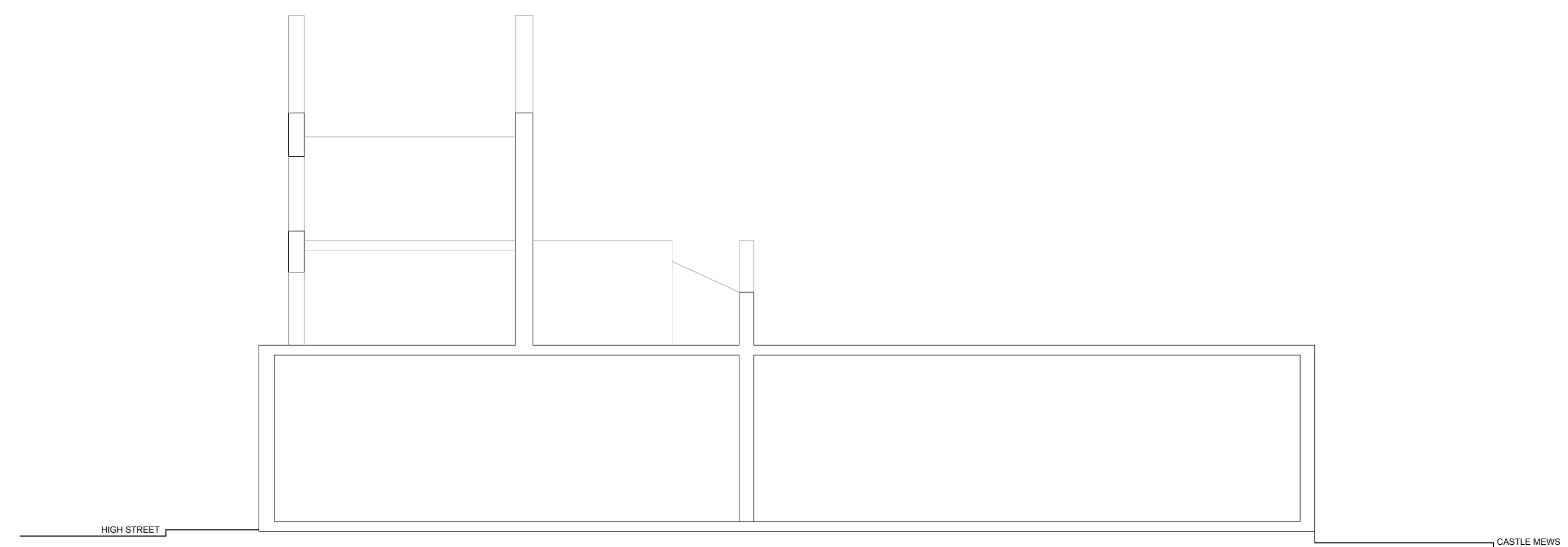


Notes:

1. Approximate site section based on aerial photographs taken of the site.



HIGH STREET ELEVATION



SITE SECTION AS EXISTING

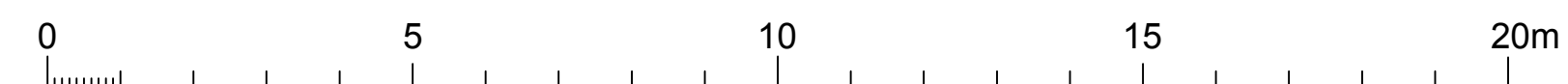
PLANNING

REDEVELOPMENT OF
 11-12 HIGH STREET
 WISBECH

WHITFIELD PROPERTY
 INVESTMENTS LIMITED

HIGH STREET ELEVATION &
 SITE SECTION AS EXISTING

1:100 @ A1



RIBA  Chartered Practice

 **wilby & burnett**

Provident House, 123 Ashdon Road, Saffron Walden, Essex CB10 2AJ
 T: 01799 513621 | info@wilbyburnett.co.uk | www.wilbyburnett.co.uk
 Wilby & Burnett LLP is a Limited Liability Partnership registered in England & Wales No. OC348570
 Regulated by RICS

MARCH 2019

EJ

1:100 @ A1

LT

3354/SD04

ALL WORKING DIMENSIONS TO BE CHECKED ON SITE.
FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.
ANY DISCREPANCIES BETWEEN DRAWINGS OF DIFFERING SCALES AND BETWEEN DRAWINGS AND SPECIFICATION WHERE APPROPRIATE TO BE NOTIFIED TO SUPERVISING OFFICER FOR DECISION.
COPYRIGHT RESERVED.

Notes:

1. Approximate elevation based on photographs taken on site.



PLANNING

REDEVELOPMENT OF
11-12 HIGH STREET
WISBECH

WHITFIELD PROPERTY
INVESTMENTS LIMITED

CASTLE MEWS ELEVATION
AS EXISTING



MARCH 2019

EJ

1:50 @ A1

LT

3354/SD05

1:50 @ A1

