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**F/YR24/0342/F**

**Applicant: Mr R Jan**

**Agent : Mr R Gooding  
Good-Design-ing Ltd**

**51 Market Place, Wisbech, Cambridgeshire, PE13 1DS**

**Formation of 2 x studio flats on the first and second floor including change of use of part of ground floor (for access to flats)**

**Officer recommendation: Refuse**

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

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**Government Planning Guarantee**

**Statutory Target Date for Determination: 13 June 2024**

**EOT in Place: Yes**

**EOT Expiry: 21 September 2024**

**Application Fee: £1156**

**Risk Statement:**

This application is out of time

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**1. EXECUTIVE SUMMARY**

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|---|
| <p>1.1 The application seeks planning permission to form two studio flats over two floors above a retail premises in the town centre of Wisbech.</p> <p>1.2 The premises benefit from an extant planning permission for a single flat over two floors, whereas this application seeks to sub-divide this into two separate units of accommodation.</p> <p>1.3 The principle of the development is acceptable given its sustainable location and the proposals raises no concerns in respect of character harm, heritage impacts, highways matters, flood risk or neighbouring amenity impacts.</p> <p>1.4 However, due to the significantly restricted floorspace of each unit, and having regard to the standards set out in national guidance, it is considered that the development would result in a cramped and oppressive environment for future occupiers, thereby failing to achieve high levels of amenity and a high-quality living environment, contrary to policies LP2, LP16 of the Fenland Local Plan and Chapter 12 of the NPPF in particular, paragraph 135(f).</p> <p>1.5 The recommendation is therefore to refuse the application.</p> |
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## 2. SITE DESCRIPTION

- 2.1. The application site consists of an established commercial property in the Town Centre of Wisbech.
- 2.2. The existing 3-storey building is formed with retail use at ground floor and the two upper floors current vacant but with an extant permission for a two-bedroom flat across the first and second floors.
- 2.3. The existing ground floor has a net floor area of 31.9m<sup>2</sup> which is used for retail use. The first floor has a floor area of 32.9m<sup>2</sup> and the second floor has a floor area 31.6m<sup>2</sup> both including the existing staircase.

## 3. PROPOSAL

- 3.1 The proposal is to form a single studio flat on each of the upper floors. Each flat would have access via the stairwell landings. The existing building front entrance facing onto Market Place will be used to serve the existing retail space. The existing rear door along Little Church Street would facilitate access to the flats and as a fire exit to the retail unit.
- 3.2 The proposed net floor area of the first-floor flat is approximately 22.2m<sup>2</sup>, comprising a living/kitchen/bedroom space of 19.4m<sup>2</sup> and shower room of 2.8m<sup>2</sup>. A single window of the western elevation would serve the flat.
- 3.3 The second-floor studio would be approximately 26.7m<sup>2</sup>, comprising a living/kitchen/bedroom space of 24.5m<sup>2</sup> and shower room of 2.2m<sup>2</sup>. A single window of the western elevation would serve the flat.
- 3.4 The ground floor retail area would be reduced by 6.5m<sup>2</sup>, to 25.4m<sup>2</sup>.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4. SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/0613/F	Formation of a 2-bed flat on first and second floor (retrospective)	Granted. 20.07.2022

## 5. CONSULTATIONS

### 5.1. Wisbech Town Council - 14 May 2024

That the application be supported.

### 5.2. Wisbech Society - 21 May 2024

*Although the Wisbech Society welcomes new residential properties in the town centre that use and enhance the historic buildings, concerns are raised over the number of studio flats being requested. This condensed habitation puts pressure on waste (refuse) services – communal bins and back-alley refuse is often overflowing, antiquated sewage systems, and parking. Unless guaranteed that*

*these issues have been properly addressed they have objections to more such dwellings.*

**5.3. CCC Archaeology - 1 May 2024**

*Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. We have reviewed the application and have no objections or recommendations on archaeological grounds.*

**5.4. FDC Environmental Health 16 May 2024**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.*

**5.5. FDC Conservation – 23 Aug 2024**

*The building is not listed but is located within the setting of a large number of listed buildings and the Wisbech Conservation Area. The proposals do not impact on the exterior of the building and therefore there are no particular impacts on the character and appearance of the streetscene, conservation or nearby listed buildings.*

*There is no bin store provided on the plans. It would be entirely unacceptable for bins to be located on either the Market Place or Little Church Street pavements. Owing to this building having no private amenity space, a bin store should be provided inside the building.*

*No objection subject to bin store resolution.*

**5.6. Local Residents/Interested Parties:** No representations received.

**6. STATUTORY DUTY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

**7. POLICY FRAMEWORK**

**7.1 National Planning Policy Framework (NPPF)**

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed and beautiful places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 16 - Conserving and enhancing the historic environment

## **7.2 National Planning Practice Guidance (PPG)**

Determining a Planning Application

## **7.3 National Design Guide 2021**

H1 (Para 126) Well-designed homes

## **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP7 – Urban Extensions

LP8 – Wisbech

LP9 – March

LP10 – Chatteris

LP11 – Whittlesey

LP12 – Rural Areas Development Policy

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

LP18 – The Historic Environment

## **7.5 Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)**

Policy 14: Waste management needs arising from residential and commercial Development

## **7.6 Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP7: Design

LP8: Amenity Provision

LP16: Town Centres

## **8. KEY ISSUES**

- **Principle of Development**
- **Visual amenity and the historic environment**
- **Residential Amenity**
- **Retail impact**
- **Highways**
- **Flood Risk**

## **9. ASSESSMENT**

### **Principle of Development**

- 9.1 The site is located within the built settlement of Wisbech. Local Plan policy LP3 identifies Wisbech as one of the district's Market Towns, where the majority of the district's housing should be located. Moreover, the site benefits from an extant planning permission for a 2-bedroom flat over the two upper floors. Furthermore, Policy LP5 (Part C) promotes the need to deliver housing solutions which meet market expectations and the needs of all sectors of the community. The delivery of small units of residential accommodation within the sustainable location of Wisbech is therefore considered acceptable in principle.
- 9.2 This does not however override the need to ensure that the proposal complies with other relevant national and local policy. In this regard matters of visual amenity, residential amenity (both for existing and proposed residents), highway implications, servicing and flood risk all require further assessment, as follows.

### **Visual amenity and the historic environment**

- 9.3 The site lies in the town centre and Conservation Area of Wisbech. Local Plan policy LP16 seeks to deliver high quality environments which, amongst other things are acceptable in visual and character terms. Policy LP18 seeks to ensure that development preserves and where possible enhances the historic environment.
- 9.4 Given the lack of external changes as part of this application, the proposal is considered to have a neutral impact on the character and appearance of the local area and the historic environment in general.
- 9.5 The Council's Conservation officer has raised concerns however, that the development provides no clear strategy for storage and collection of waste, noting that storing waste bins on the pavements outside would be inappropriate in this location.
- 9.6 In this regard, it is noted that the flats are relatively small and therefore occupants are unlikely to generate significant volumes of waste. It is understood that weekly waste collections are undertaken in this location owing to the prevalence of flats and that occupiers present their bagged waste for collection outside their properties, i.e., in general, flatted developments over retail premises are not commonly served by multiple wheeled bins as is found with estate developments. Moreover, the access to the flats, via Little Church Street doesn't offer suitable space for wheeled bins to be permanently stored along here.
- 9.7 Notwithstanding, Policy 14 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) requires developments to provide details on how waste will be managed, stored and collected, using the toolkit under the associated RECAP waste management SPD. It is considered that a suitable solution could be

secured via planning condition in this regard, notwithstanding that the site already benefits from a residential use for a single flat.

- 9.8 It is considered therefore that the impact of the development in visual and character terms would comply with the aims of policies LP16 and LP18.

### **Residential amenity**

- 9.9 Policy LP2 and Policy LP16 seeks to protect and provide high levels of residential amenity. NPPF paragraph 135(f) sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

### *Neighbouring Amenity*

- 9.10 No external alterations are proposed as part of this application and the quantum of units proposed is unlikely to result in noise, light pollution, loss of privacy, or loss of light beyond the existing/ permitted use and therefore is considered acceptable in this regard.

### *Amenity of Future Occupiers*

- 9.11 The development proposes two units of accommodation at first and second floor. These units would each comprise in total; 22.2m<sup>2</sup> of first floor accommodation, and 26.7m<sup>2</sup> of second floor accommodation (including shower rooms to both).
- 9.12 Referring again to NPPF para 135, the footnote to (f) sets out that planning policies for housing may make use of the nationally described space standard (NDSS), where the need for an internal space standard can be justified. The current NDSS (*Technical housing standards – nationally described space standards, DCLG, updated 2016*) sets out that minimum gross internal floor areas for single occupancy dwellings should be at least 37m<sup>2</sup>. It is sometimes reasonable, having regard to benchmarks set out by Homes England used across the affordable housing sector, to relax this minimum to 85% of the standard, i.e., approx. 31.5m<sup>2</sup>. Certainly, the nature and scale of the development proposed may be considered to be a more affordable type of accommodation.
- 9.13 In respect of the proposal however, the largest unit (second floor) is only 72% of the NDSS, or rather 28% smaller than minimum standards suggest, with first-floor accommodation being around 40% smaller.
- 9.14 It is important to note that the Planning Practice Guidance (PPG) states that where a Local Planning Authority wishes to require an internal space standard is met, they should only do so through adopted policies in the Local Plan. The Development Plan does not contain a policy which details any specific requirement to comply with NDSS standards, or any other similar standard. Therefore, to assess proposals against strict requirements of the NDSS may be considered unreasonable in the absence of any policy to direct otherwise.
- 9.15 However, NDSS standards are a material consideration and clearly set out the Government's vision of what comprises acceptable standards for living accommodation, therefore setting out a useful benchmark for new housing. Furthermore, and as set out above, the affordable housing sector will have regard to this standard when designing units of accommodation. In addition, 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) also does not grant permission for, or authorise any development of, any new dwellinghouse (a)where the gross internal floor area is

less than 37 square metres in size; or (b) that does not comply with the NDSS. As such, it is considered that weight can be afforded to the Government's view of what comprises acceptable standards for living accommodation and can be reasonably referred to in applying planning judgement to residential schemes.

9.16 Having regard to the proposal and the above material considerations, whilst each unit of residential accommodation will benefit from natural light and independent facilities, it is considered that the limited floorspace will result in a cramped, oppressive living environment which would consequently fail to secure high standards of amenity as required under Local Plan policies LP2, LP16 and the NPPF.

9.17 Whilst it is acknowledged that the premises benefits from an extant planning permission for a 2-bedroom flat over the two floors, it is considered that further sub-division of the space into two self-contained flats would lead to an inappropriate intensification of the space and the resulting amenity harm and policy conflict.

### **Retail impact**

9.18 Local Plan policy LP6 seeks to retain retail uses at ground floor within town centres and primary shopping frontages. Whilst the development will result in a small loss of ground floor retail space, this is toward the rear of the shop and is not anticipated to undermine the viability of the ongoing running of the retail space and therefore would not compromise the vitality of the town centre.

### **Highways**

9.19 This scheme makes no provision for on-site car parking. Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links.

9.20 The 'special circumstances' in this case are deemed to be optimising the floorspace of the premises to provide small scale residential accommodation within a sustainable location within one of the Primary Market Towns of the District.

9.21 Notwithstanding the residential amenity concerns highlighted above the delivery of an additional residential unit in this location must be given significant weight and the proposal aligns with the aims of Chapter 11 of the NPPF which promotes the effective use of land, the need to 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively [..].

9.22 It is considered there is appropriate justification for delivering this scheme with a nil parking provision and as such there are no matters to reconcile with regard to car parking provision or accessibility; the scheme is therefore considered compliant with Local Plan policies LP15 and LP16.

### **Flood risk**

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

## 10 CONCLUSIONS

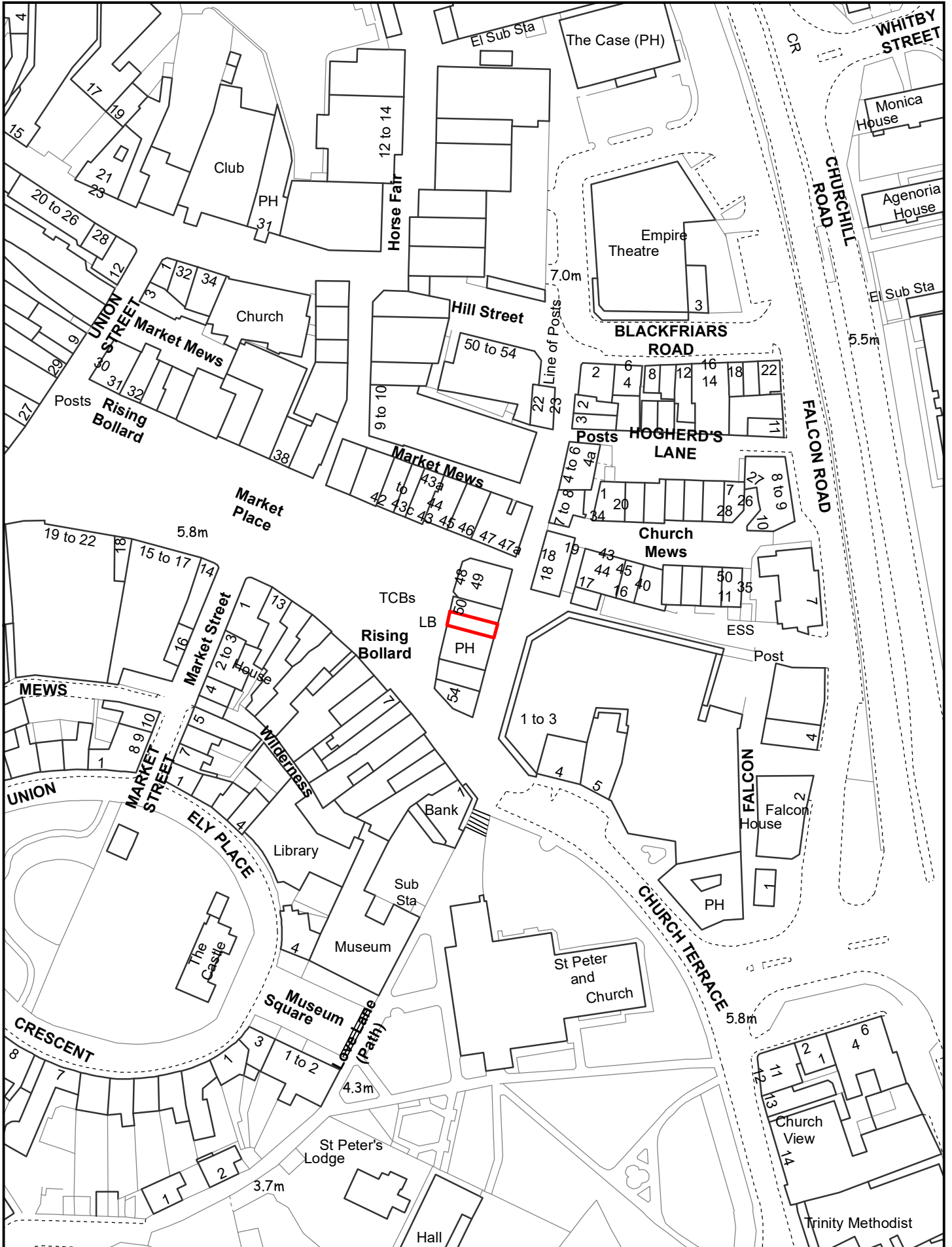
- 10.1 The proposal would provide an additional unit of accommodation, over and above the permitted use, in an accessible, established town-centre location and would reuse a current empty part of a building and make efficient use whilst providing additional housing choice. Due to the extant permission in place the proposal would result in the net gain of one residential unit which would make a negligible difference to housing supply.
- 10.2 The policies in the Development Plan and the NPPF seek to both deliver a sufficient supply of homes and achieve well-designed places. However, the creation of high-quality places is central to what the planning and development process should achieve. Even with a need for smaller units to meet the needs of particular housing groups, living accommodation should meet minimum standards to ensure acceptable living standards for all occupants, and a high standard of amenity is provided for existing and future users.
- 10.3 Whilst the LPA cannot insist that minimum NDSS standards are met, nonetheless these standards are a good starting point, indicating the Government's view of what constitutes acceptable standards and as identified, the proposal results in a significant shortfall of these standards, thereby leading to failure to secure a high-quality living environment and subsequent conflict with development plan policies.
- 10.4 As such, the limited benefits of the scheme are not considered to be sufficient to outweigh the conflict with local or national planning policy and in conclusion the development is considered to unsustainable having regard to the development plan when taken as a whole.

## 11 RECOMMENDATION

**Refuse;** for the following reason:

1	<p>Policies LP2 and LP16 of the Fenland Local Plan (2014) require developments to provide high levels of residential amenity for both existing and future occupiers, with this being reinforced by the National Design Guide and the National Planning Policy Framework which seeks to ensure high-quality living environments.</p> <p>Having regard to the limited internal floor area of each unit, it is considered that the development would result in cramped and oppressive living conditions, thereby failing to achieve high levels of amenity or a high-quality living environment, contrary to policies LP2 and LP16 of the Fenland Local Plan (2014) and the aims of NPPF paragraph 135(f).</p>
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**F/YR24/0342/F**

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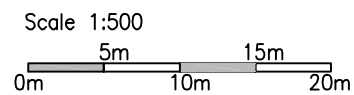
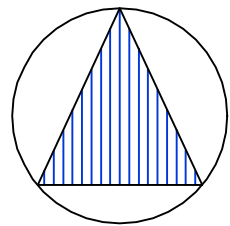


**EXISTING SITE PLAN 1:500**



**PROPOSED SITE PLAN 1:500**

**NORTH**



**DRAWING ISSUE**

- PLANNING
- BUILDING REGULATIONS
- CONSTRUCTION



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**PROJECT**

Proposed Development  
at  
51 Market Place  
Wisbech  
PE13 1DP  
Scale 1:500 @ A3 size

Feb 2024

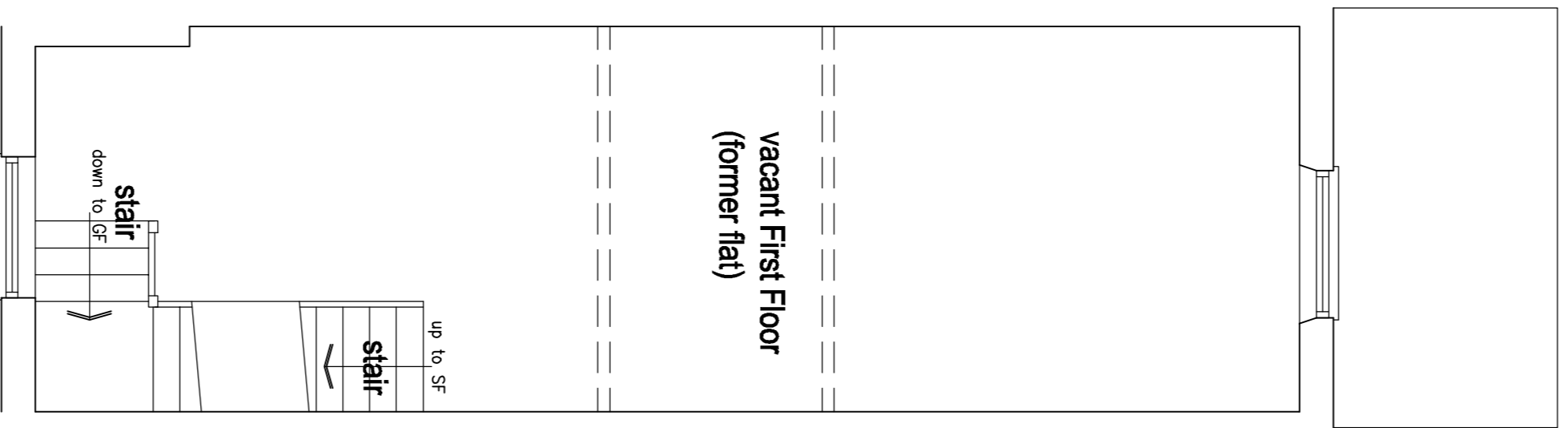
**DRAWING**

Existing and Proposed  
Site Plans

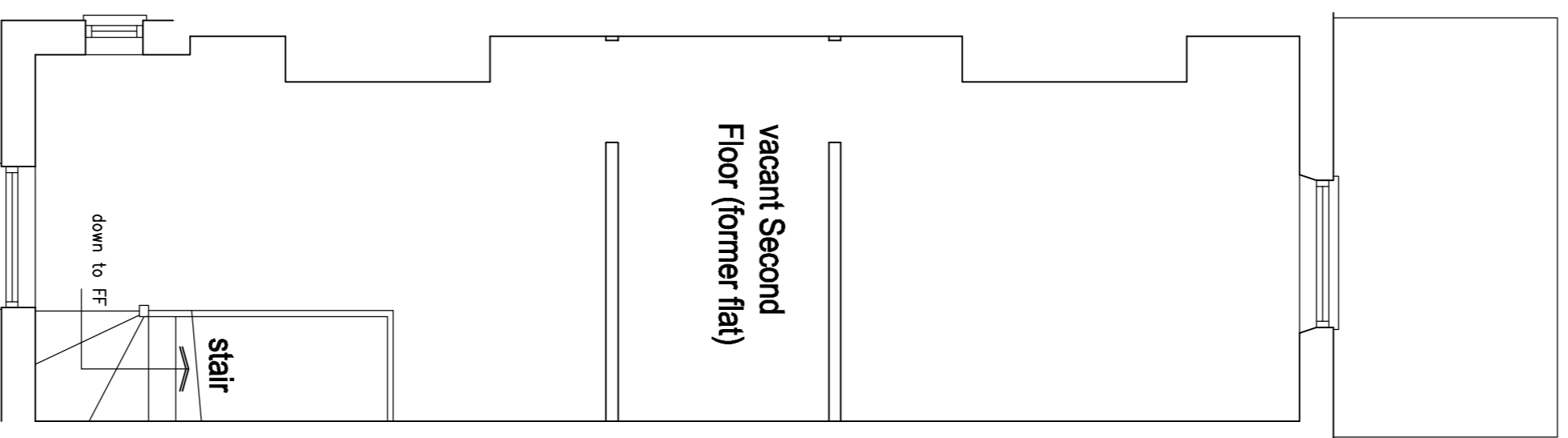
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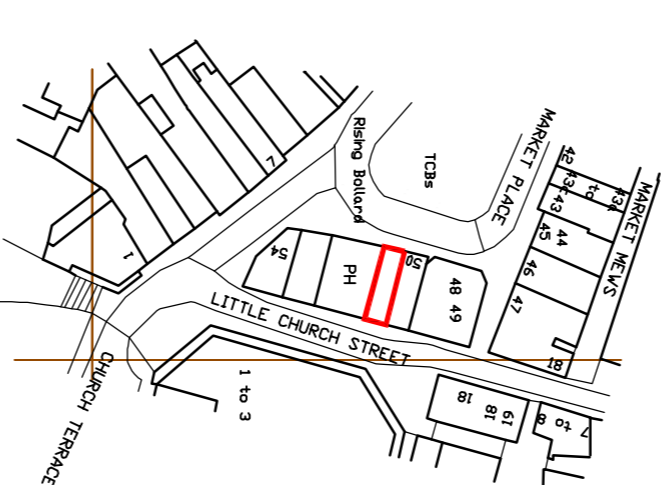
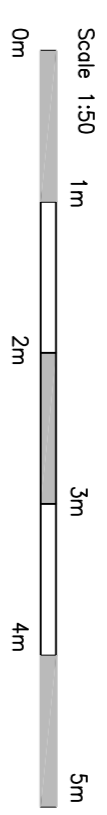
**EXISTING GROUND FLOOR PLAN 1:50**



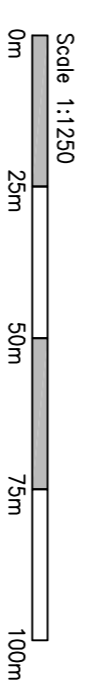
**EXISTING FIRST FLOOR PLAN 1:50**



**EXISTING SECOND FLOOR PLAN 1:50**



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**LOCATION PLAN 1:1250**

- DRAMING ISSUE
- PLANNING
- BUILDING REGULATIONS
- CONSTRUCTION

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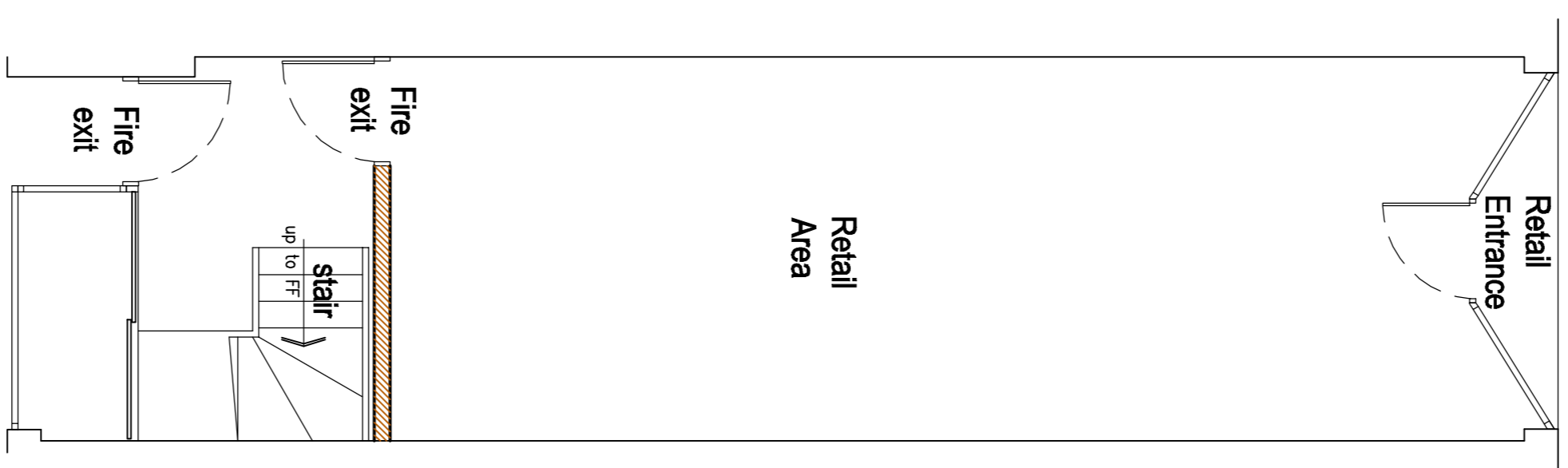
PROJECT  
Proposed Development  
at  
51 Market Place  
PE13 1DP

DRAWING  
Existing Plans  
Location Plan

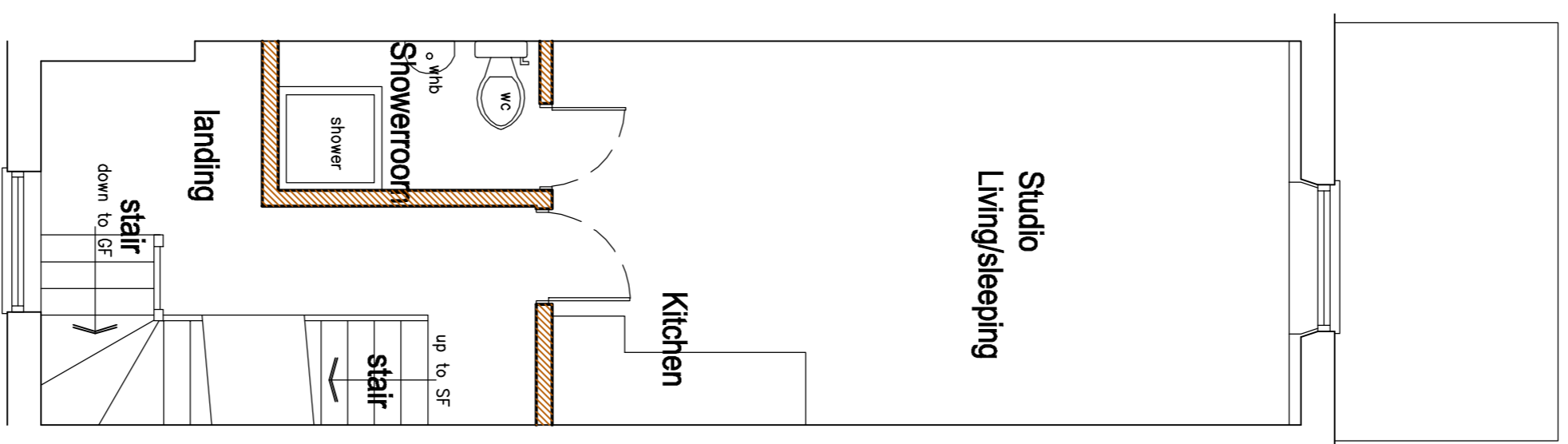
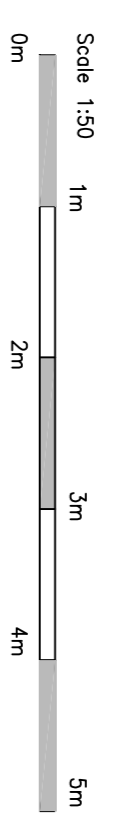
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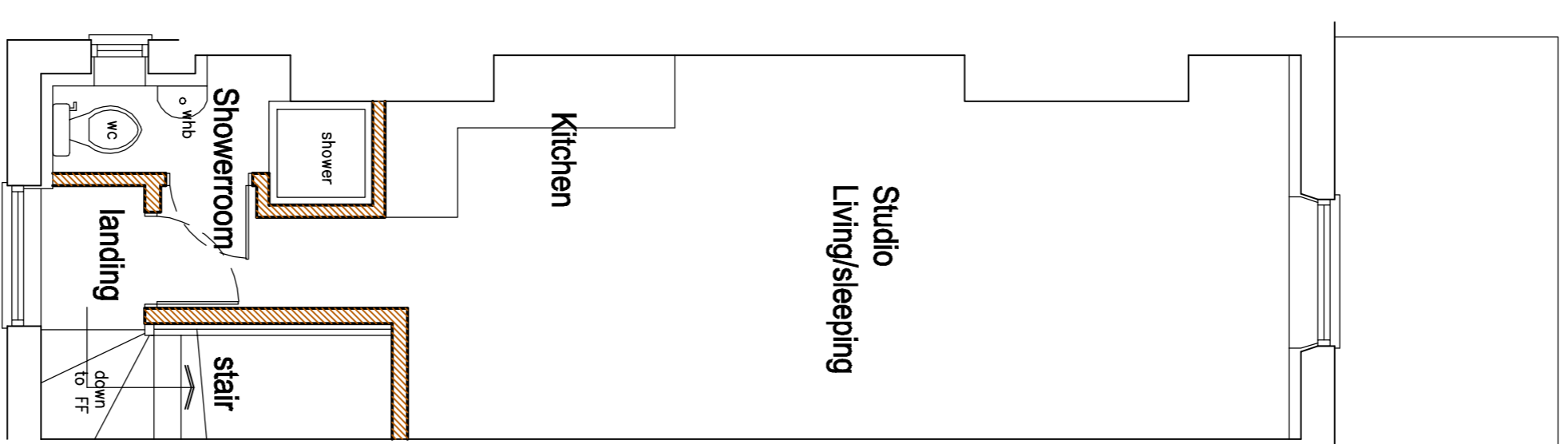
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**PROPOSED GROUND FLOOR PLAN 1:50**



**PROPOSED FIRST FLOOR PLAN 1:50**

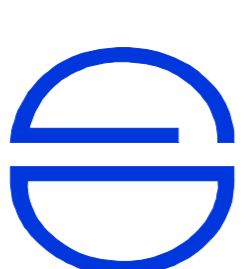


**PROPOSED SECOND FLOOR PLAN 1:50**

- DRAWING ISSUE
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DRAWING  
Proposed Plans

Scale 1:50 @ A1 size

Feb 2024

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